9-2017

Liberal Translations: Secular Concepts, Law, and Religion in Colonial Egypt

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LIBERAL TRANSLATIONS: SECULAR CONCEPTS, LAW, AND RELIGION IN
COLONIAL EGYPT

by

Jeffrey Culang

This manuscript has been read and accepted for the Graduate Faculty in History in satisfaction of the dissertation requirement for the degree of Doctor of Philosophy

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THE CITY UNIVERSITY OF NEW YORK
ABSTRACT

Liberal Translations: Secular Concepts, Law, and Religion in Colonial Egypt

by

Jeffrey Culang

Advisor: Beth Baron

This dissertation is a conceptual history of Egypt’s national formation between the 1880s and the 1930s. This period involved the convergence of nationalism, colonial rule, missionary activity, and new modes of governance at the national and international levels. Drawing on state and missionary archival material, periodicals, legal compendia, laws, and parliamentary transcripts, and adapting methods developed by Reinhart Koselleck, I trace shifts within Egypt’s socio-political lexicon through processes of translation and demonstrate their effects upon social experience and political aspiration. I focus on a set of liberal-secular concepts critical to national politics—religious freedom, public interest, nationality, and the minority—as they appeared in Egypt and were adapted by jurists, colonial officers, parliamentarians, and “ordinary” Egyptians in ways that advanced their respective interests. Following the fluid, contextual, and contingent process through which these concepts accumulated meanings, I show that each had a distinct genealogy linked to its conditions of translation and reinterpretation. This finding challenges understandings of the nation-state as a fixed form that, originating in Europe, was replicated across the globe.
As Egyptian legislators gradually entered the concepts under study into Egypt’s expanding modern legal system—top-down, rigid, and disciplinary—they fixed their meanings in text in ways that enhanced the regulatory capacities of the state. The Egyptian state’s articulation of religious freedom and public interest enabled it to wield increasing power over religion and to gradually dismantle Egypt’s Muslim, Christian, and Jewish communities, whose more flexible legal structures had sustained the common good through bottom-up cultivation of morality. Meanwhile, its definition and ascription of nationality and minority status linked religious groups to emergent national categories along a grid of loyalty and disloyalty to the Egyptian nation. Rather than opening space wherein religious divisions could be overcome through the convergence of equal citizens, these liberal-secular transitions established new forms of difference based on flattened notions of identity. Against automatic associations of secularism with tolerance and boundless possibility, I argue that the unfolding of liberal-secular law in Egypt introduced unprecedented discord and delimited the country’s religious and political horizons. As Egypt enhanced its sovereignty in the 1920s and 1930s, law proved an essential tool of the state to produce a homogenous and governable population. Muslims and Copts emerged as the two essential elements of the Egyptian nation, while other non-Muslim groups, including Armenians and Jews, were subjected to the gaze of suspicion and novel forms of exclusion.
ACKNOWLEDGEMENTS

This dissertation is at least eight years in the making. In this time I have accrued many debts. I am grateful to the American Research Center in Egypt, the CUNY Graduate Center, and the Center for Jewish History for supporting my research and writing. During my research trips in Egypt, the staff at the Egyptian National Library graciously and patiently facilitated my effort to access a long list of periodicals. The Khallaf family helped with logistics, kept me well fed, and generously put me up for stretches of time. I wish to thank Muhammad Afifi, Anny Bakalian, Ofer Dynes, Omnia El Shakry, Amer Essam, Kyle Francis, Jane Gerber, Will Hanley, Shady Helal, Daniel Hernandez, Dagmar Herzog, Paulo Hudson, Aleksandra Majstorac Kobiljski, Claire Panetta, Danielle Prager, Casey Primel, Sara Pursley, Aaron Rock-Singer, David Sclar, John Sigmund, David Sorkin, Volker Strähle, Christopher Stone, Gabriel Tuffs, and Secil Yilmaz for their advice, support, and, in some cases, comments on individual chapters. As members of my dissertation committee, Emily Greble, Mandana Limbert, and Eric Weitz provided critical input and encouragement. I could not have asked for mentors more brilliant, dedicated, and generous than Beth Baron and Samira Haj. With meticulous care, they guided my intellectual development toward different but complimentary ends. I hope this dissertation does justice to all they have invested in me, for which I will always be grateful.

My family has been a pillar of love and support throughout my life. I thank my sister and brother for being my best friends, my parents for raising me to have an open mind, trusting me in the paths I chose, and so much more, and my grandmother for her unwavering belief in me, even as she wondered when I’d have a “real job.”

At home, Cocoa and Looza made me laugh and provided purring affection when I needed it most, and even when I didn’t. My wife and partner in life Alzahraa K. Ahmed accompanied
me on each leg of my doctoral journey. Her intellectual curiosity, open spirit, and deep
sensitivity to the textures of Egyptian history enriched every page of this dissertation. I am
inspired by her strength, emboldened by her faith in me, and appreciative of her love.
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Chapter 1

Concepts and Historical Formations
This dissertation is a conceptual history of the secularization of Egyptian law and society during the colonial period (1882–1936). It focuses on four legal-political concepts that were critical to this process: religious freedom (hurriyyat al-‘itiqad), public interest (al-maslaha al-‘amma), nationality (al-jinsiyya), and the minority (al-aqalliyya). I trace these concepts from their translation into Arabic and Egypt, to their adaption by subjects in Egypt’s streets, courtrooms, parliamentary halls, and colonial offices, to their codification and activation within modern law as part of a regulatory secular state apparatus. The German historian Reinhart Koselleck, one of the main contributors to theorizing conceptual history, defined concepts through their differentiation from words. For Koselleck, concepts are a series of expressions that make up the sociopolitical terminology within a given historical context. Though they are associated with words, not all words are sociopolitical concepts, and whereas words can be unambiguous in meaning, concepts are characterized by their ambiguity, bundling together a range of meanings that often extend beyond the words that contain them.\(^1\) The concepts in which Koselleck was especially interested—so-called “basic concepts”—were those that are indispensable to a historical moment. They are concepts that subjects must work within and through, claim and articulate, as they act in the world. In line with the broader linguistic turn in which he fit uneasily, Koselleck presumed a relationship between basic concepts and “reality,” seeing them as “joints linking language and the extralinguistic world,” or as the conditions of possibility for social and political experience.\(^2\) As such, they can be seen as depositories of human experience

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continuously in the process of becoming, unfolding contingently, fluidly, and differently in particular historical contexts.

Koselleck made clear, however, that he was not interested in a merely positivistic recording of shifting sociopolitical concepts, a project that could continue without end. Instead, he sought to provide a theory of historical times, or the structure of historical process, that could serve as a much-needed object of enquiry for a discipline that lacked one (i.e., history as its own subject, or “history itself”). This depended on the development of a theory of periodization, “the temporal specifics of our political and social concepts.”

During periods of epochal change, the fields of meaning circumscribing sociopolitical concepts shift, reshaping social and political experience. Writing on modern Germany, Koselleck focused on what he termed the “saddle period,” when the premodern use of language transformed into modern usage. Roughly spanning the years 1750 to 1850, the saddle period involved the denaturalization of older experiences of time—natural, repeatable, static—and the emergence of new experiences of time where it continuously proceeds into a novel and unforeseeable future. As a split emerged between the “space of experience” and the “horizon of expectation,” old concepts such as “democracy,” “freedom,” and the “state” gained both anticipatory content and a sense of movement. “The entire linguistic space of sociopolitical terms has,” Koselleck noted, “moved from a quasi-static tradition that changed only over the long term to a conceptuality whose meaning can be inferred from a future to be newly experienced.”

Drawing on Koselleck, this study couples an attempt to trace the shifting significations of Egypt’s sociopolitical linguistic register during a

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4 Ibid., 5.
5 Ibid., 6.
transformational period with an anthropological investigation of social experience. It presumes that concepts form not in a linear or progressive fashion as the teleological “evolution” of ideals, but through historical contingency, acquiring new significations through time as locally embedded actors attempt to shape them to pursue their own interests.

Koselleck recognized a plurality of histories rather than a singular “History,” but his notion of the saddle period was specific to Western and Central Europe. In much of the colonial world, the reconfiguration of concepts along modern lines, and the emergence of new sociopolitical terms, occurred later and involved an added layer of translation linked to the colonial encounter. For Egypt, one could identify a saddle period lasting roughly from the 1830s, with Mehmet Ali’s establishment of a translation school and its founding director Rifa‘a Rafi‘ al-Tahtawi’s rearticulation of classical Islamic concepts such as adab (ethics) along modern lines,6 to the mid-twentieth century, with Jamal ‘Abd al-Nasir’s commitment to development through technocratic bureaucratic rule. I focus, however, on the period from the late nineteenth century to the 1930s. This starting point coincides with the rise of a new social category of the effendiyya, a middling elite of urban intellectuals and professionals who sought reform and inaugurated a broader engagement with liberal-secular ideas under colonial conditions.7 The ending point, roughly the mid-1930s, marks Egypt’s attainment of near-complete sovereignty (the last British


troops would not depart until 1956) through the Anglo-Egyptian Treaty of 1936 and the Montreux Convention of 1937. Between 1922 and the Free Officers’ Revolt of 1952, Egypt was a nominally independent state governed by a liberal constitutional monarchy, with power concentrated in the hands of the king, less allotted to parliament, a much-vaunted modern judiciary, and the British shaping politics from the background. Thus, the period covered by this study was one in which liberalism—defined here less in terms of a set of ideas articulated by its canonical thinkers than as a discursive space that offers a common political and moral language to identify problems and debate them—was widely engaged at the legal, political, and social levels. 8 I consider this engagement a form of translation: less a neutral, one-for-one transfer of a word from one language to another than an act of intervention invariably involving alterations in meaning mediated by one’s linguistic registers, culture, and tradition. 9

In colonial Egypt, translation also acted as a form of dislocation, as entering concepts linked to local variants to form novel meanings, or else erased these variants entirely. Integrated into the national-colonial legal apparatus, the new concepts began to disable old forms of life and oblige new forms to take their place. 10 Thus, as I will describe, religious freedom displaced the laws of blasphemy through which communal authorities had long regulated speech and averted its sometimes-harmful social consequences as part of upholding a morally sound community.

9 The literature on critical approaches to translation is broad. For an influential discussion, see Dipesh Chakrabarty, Provincializing Europe: Postcolonial Thought and Historical Difference (Princeton, NJ: Princeton University Press, 2000).
Public interest diverted the older notion of the public social good (also *al-maslaha al-‘amma*), a concept within Islamic law that had been used by jurists (‘ulama’) to promote the public’s social welfare and, as with blasphemy laws, sustain a moral community. Nationality displaced prior definitions of the Egyptian (al-*misri*), in the process creating a new category of the Egyptian national whose formation precipitated the politicization of religious groups and the reinscribing of them into racialized categories of national belonging. And the minority displaced the *ta’ifa* (community or group), enmeshing *ta’ifas* into new unequal relations of power part and parcel to nation-state politics. Thus, on a broader level, I describe the formation of a sovereign state which produces and regulates its population through top-down and fixed legal structures demanding discipline through the threat of punishment.\(^{11}\) This process gradually dismantled and replaced autonomous moral communities whose own legal structures—open and flexible—were intended to maintain the common good through the bottom-up cultivation of embodied ethical practices.\(^{12}\)

I have chosen to focus on religious freedom, public interest, nationality, and the minority because they were indispensable to Egypt’s national formation. The dissertation traces how these concepts, increasingly normative at the global level, came to be translated into Arabic and Egypt. As I will show, they materialized in unpredictable and contingent ways in a complex context characterized by the convergence of national formation, colonial intervention (including missionary work), and new modern modes of governance that were gradually displacing older forms of life and structures. Their significations continued to shift as they became integral to public discourse, offering Egyptians of all religions a new vocabulary with which to identify

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problems and debate them, and as they entered Egypt’s national legal system. As part of the overall secularization of law, these concepts contributed less to an open space wherein religious difference would be dissolved through the construction of an undifferentiated citizen, than to new forms of more hardened religious subjectivity, unprecedented manifestations of religious discord, and novel forms of exclusion. After its establishment in 1922, the Egyptian nation-state, defining itself in terms of the majority religion as “Islamic,” increasingly came to define Egypt’s moral and political vocabularies and imaginaries. In short, I argue that Egypt’s liberal period, and more specifically the expansion of liberal-secular law as part of the emergence of the nation-state, created the conditions of possibility for the homogenization of Egyptian society in the following decades.

**Interventions**

This project intervenes into several areas of scholarship in modern Egyptian history and in anthropology. In its description of the formation of the Egyptian nation-state, the study builds on a broad scholarship on Egyptian nationalism. Since the publication of Benedict Anderson’s *Imagined Communities*, a preponderance of historical literature on modern Egypt has undertaken the important task of delineating the material and intellectual processes through which the nation was constructed and reconstructed.\(^\text{13}\) This literature has sought to counter nationalist

historiography emanating out of Egyptian academic circles (and, to a lesser extent, by an older generation of scholars who wrote in English), in which the nation has been represented as eternal, unified, and coherent, awakening in the modern period from a long slumber to liberate itself from colonial domination. This dissertation also adopts a skeptical posture toward nationalist narratives, albeit more implicitly. However, as David Scott has observed in a more general manner, postcolonial critiques of the answers of anticolonial nationalists to their present predicaments have often left unaddressed whether the questions of nationalists are or should be the same as those animating the postcolonial present. While criticizing the essentialism of their nationalist peers, postcolonial historians have shared with them a desire to plot how the nation, now imagined rather than primordial, developed in search of redemptive futures. In other words, despite the addition of postcolonial modes of analysis, the structure of the plot has remained largely the same. In an attempt to address a different set of questions that stem from present


predicaments, this dissertation turns from the nation’s imagination to the formation of the sociopolitical concepts that conditioned it, the meanings of which are often taken for granted, as well as to their effects. As Talal Asad has argued, the unleashing of modernity around the globe conscripted non-Western societies to engage with and be managed by the categories that modernity ushered in. This process was complex and locally contingent, giving rise to novel meanings that, as we will see, are at the root of some of today’s major political fault lines in Egypt and globally. In sum, rather than describe a different way in which the nation was imagined, I attempt to trace the complex manners in which the basic sociopolitical concepts structuring the act of imagining in Egypt—globally available but locally configured—took form.

The dissertation also adds to an extensive literature on the colonial history of Egypt. This literature is primarily divided between social and intellectual history. Social historians have generally sought to recuperate the agency of subaltern colonial subjects—children, peasants, women, workers, and others—whether in “everyday life,” as resistance to colonial power, or enmeshed with the state in complicated and mutually constitutive relations of power. Though this scholarship is divided by methodological and analytical commitment, it implicitly shares the kind of anticolonial nationalist concern to expose the negative structure of colonialism and longing for anticolonial revolt identified by Scott. Influenced by recent theories of colonialism

put forth by Frederick Cooper, Ann Stoler, and others, intellectual historians of colonial Egypt have sought to move beyond analytical binaries between colonizer and colonized, metropole and colony, that were taken as axiomatic in earlier colonial histories of Egypt and elsewhere.\textsuperscript{18}

Theorizing translation and circulation, scholars have traced ideas, intellectual practices, and their human and textual vessels across oceans and borders to delineate the formation of colonial knowledge and attendant institutions within the colony as part of the fashioning of modern Egypt.\textsuperscript{19} Rather than simply transplanted from London, colonial knowledge was produced in Egypt, in some cases prior to the onset of formal colonial rule, and drew on local epistemological and ethical sources. On this basis, scholars have substantially revised how we conceive of the forging of modernity in Egypt, from a British imposition inherited by Egyptian nationalists, bureaucrats, and experts to a complex coalescence of desires, acts, and discourses.\textsuperscript{20} This approach to the study of colonialism strongly informs how I have approached the formation of

concepts in colonial Egypt. Meanwhile, I believe that this focus on concepts can help to bridge a divide between social and intellectual histories. The aim is not to approximate a more “total history” but to explore and highlight the powerful interplay between the articulation of concepts, thinking, and practices.

Recent historical scholarship on Egypt’s missionary encounter has described the various ways in which American and European Protestant missionaries shaped religion and politics in nineteenth- and twentieth-century Egypt. My research builds on this literature in three ways. First, it draws on sources from the Egypt General Mission (EGM), a British missionary group that has received less scholarly attention relative to other missions. Second, it adds a genealogical approach where social and institutional history have reigned. Third, it highlights the role of missionaries in the unfolding of secularism in Egypt.

In this latter respect, the dissertation also builds on recent work in anthropology on secularism and religion, much of it on Egypt. Following on the work of Talal Asad, over the last decade a range of scholars have revealed secularism to be a political process involving not the bifurcation of religion and politics but their close imbrication. These scholars have shown that secularism demands that the modern state intervene into religious life, transforming normative traditions and religious practices. In an influential recent work diverging somewhat from this

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literature, Hussein Agrama has argued that secularism should be analyzed less in terms of the state’s regulatory capacities than as a persistent question within the state’s legal and political arms over where to draw the line between religion and politics. This irresolvable question, he contends, authorizes the state to intervene time and again in the seemingly sacrosanct realm of the private when and wherever it deems such intervention necessary for preserving the public order, transforming religion in the process. Anthropologists have provided fruitful avenues for considering the trajectory of liberal-secular concepts such as public order in Egypt and elsewhere in the region, but their discerning historical claims are often thin on evidence from the historical record. Historians of the region have yet to fill this gap, arguably because excavating subaltern agency has seemed more pressing than the excavation of concepts. Pairing genealogy and historiography, and linking the legal, social, and political spheres, this dissertation pushes the analysis of secularism and religion in Egypt further. It shows how a set of liberal-secular concepts that had become normative within international law and the laws of states accumulated a particular set of meanings in colonial-national Egypt.

Finally, as a history of legal concepts, this dissertation makes two further contributions. First, it adds to intellectual histories of the transmission of ideas across geographical space. Whereas for the colonial world such transmission has often been described in terms of engagement or reception, which implies the coming together of two consenting parties in a kind

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of negotiation, this inquiry is framed in terms of what Talal Asad has described as conscription—the idea that, at a certain point, the concepts under study become indispensable to political thought and practice in Egypt, though the forms that they took were fluid and unpredictable rather than fixed and stable.26 Second, this study adds to recent literature on the imbrication of international law with colonialism. It emphasizes less the perpetuation of unequal relations of sovereign or quasi-sovereign formations than the contingent process of how concepts became locally intelligible and put into action in the colonial world.27 In an era in which reputedly universal ideas such as democracy and human rights have been rendered global ethical standards, and have authorized imperial intervention and violence, this research highlights the complications involved in their mapping onto local contexts.

Sources and Structure

To carry out this analysis, I have drawn on British state archival records, sources from the Egypt General Mission, and Egyptian periodicals, legal compendia, laws, and parliamentary transcripts. Though I conducted research in the Egyptian National Archives (Dar al-Watha’iq) and have incorporated Egyptian state material into the analysis, this portion of my research produced limited yields due to problems of accessibility during a period of dramatic political change in Egypt from 2012 to 2014. Collectively, the sources that I have gathered allowed me to analyze the messy and staggered process of constructing the law in Egypt, changes to the law over a span

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27 On the colonial origins of international law and their perpetuation of an unequal global system, see Antony Anghie, Imperialism, Sovereignty and the Making of International Law (Cambridge: Cambridge University Press, 2005).
of decades, and legal cases bearing on my areas of interest; diverse social encounters involving locals and foreigners in a range of public settings and from a variety of perspectives; and political discourse and process, both in and outside of parliament.

The dissertation is divided into two sections. The first section, comprising two chapters, discusses “Concepts of Expectation,” namely religious freedom and public interest. As described earlier, Koselleck observed that modern sociopolitical concepts often contain a sense of temporality and movement. Religious freedom and public interest, as ambiguous ideals, both establish an imperfect present space of experience and a horizon of expectation. As we will see, Egyptian articulations of religious freedom were grounded in experiences of moral injury at the hands of missionaries, a problem needing a solution, an expectation that conditions would improve, a movement toward greater freedom. By contrast, the notion of blasphemy in classical Islamic law which it displaced (or rearranged and incorporated into modern law) was premised on preserving a moral community in the present based on a past model.

Coming under the domain of criminal law and bound up with issues of national security, public interest in Egypt was intended to produce a society of obedient law-abiding subjects in the future through the threat of punishment. This secular notion of public interest, which entered the law in 1904, contrasts with an older notion of public interest, or the public social good. Rather than a secure future, this older notion was defined in terms of a model past, the perfect society inaugurated by the Prophet Muhammad to which the community continuously sought to return.

The second section, also made up of two chapters, focuses on the emergence of “Categories of Classification and Political Identification,” namely nationality and the minority. I show how these categories, part and parcel to the emergence of a homogenous nation-state, were critical to producing an Egyptian population that was identifiable and governable through the
regulative capacities of the law. Through dynamic interactions with subjects on the ground, these categories displaced older concepts and categories to reconstitute subjectivities and social worlds. To help us understand the complex relationships between legal-political categories and subjects, I draw on philosopher Ian Hacking’s discussion of the “looping effect” in articulating his notion of dynamic nominalism, a development of Michel Foucault’s concept of subjectification. Focused on the human and social sciences, Hacking shows how categories of people—the criminal, the homosexual, the psychopath, and others—which are dependent on spaces of possibility particular to given times and places, and the people they describe are mutually constitutive and transforming through time. Thus, for example, the proposed US census category “Middle Eastern” and “Middle Easterner” as a kind of person, or a primary site of identification, may appear simultaneously, rearranging prior identifications, followed by Middle Easterners resignifying the category, the formal definition being transformed in response, and so on and so forth.

The emergence of the Egyptian national as a political-legal category in Egypt in the late nineteenth century reconfigured historical definitions of the Egyptian (al-misri), just as those who became “Egyptian nationals” reconfigured what this category signified. The actualization of the national idea also transformed religious groups (e.g., Jews and Armenians) into racialized nations whose loyalty was in question and often believed to belong elsewhere. Similarly, the

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28 See Michel Foucault, “Governmentality,” in Graham Burchell, Colin Gordon, and Peter Miller, eds., The Foucault Effect: Studies in Governmentality with Two Lections by and an Interview with Michel Foucault (Chicago: The University of Chicago Press, 1991), 87-104.
category of the minority, first claimed in Egypt in 1910 as part of an attempt by Copts to claim rights based on their religious identification, displaced the ta'ifa (community), politicizing religious identification and placing non-Muslim groups along a grid of exclusion.

Together, the two sections describe the crafting of a national society in Egypt between the 1880s and the 1930s. In Chapter 2, “‘The Shari‘a Must Go’: Seduction, Moral Injury, and Religious Freedom,” I examine how religious freedom accumulated meaning in Egypt after World War I, when it became an international legal standard under the League of Nations minority rights protection regime. Foreign and local missionaries in Egypt advocated religious freedom as the right to proselytize and the right of Egyptians to convert to Protestantism. For many Egyptians, by contrast, it came to mean the right to protect one’s religion from a perceived missionary attack (ta’n). The chapter follows the contingent formation of this paradox in the legal, political, and social realms. Drawing on recent theorizations of seduction and moral injury, I show how Egyptians articulated notions of religious freedom through a local ethical vernacular around blasphemy that, while embedded within the Islamic tradition, crossed religious divides. The Egyptian state gradually translated these sensibilities into its expanding public law in the name of a majority-defined public order, thus making protection of religion a legal issue with punitive power rather than a moral issue.

Chapter 3, “Whose Public Interest? Translations of Libel and the Elders of Zion,” analyzes the concept “public interest.” Recent literature in anthropology and history of the Middle East has described the translation and actualization of the related, though significantly different, concept of public order within religious law in the colonial Middle East, particularly Egypt, beginning in the late nineteenth century. By contrast, public interest, a vague secular legal concept that manifests differently across liberal states but often authorizes judicial or executive
power to implement a “common good” when it conflicts with other laws, entered into Egypt’s public law in 1904 and was intimately linked to issues of national security. Focused on the translation of the blood libel accusation in Egypt, and the campaign by the Jewish reformer Murad Farag and his reformist colleagues to dismantle its logic, I trace how this secular notion of public interest displaced a prior Islamic notion of the public social good that extended across religious divides. As the Egyptian nation-state took form, and Arab and Jewish identifications came to be seen as incompatible, secular public interest was critical to transforming Jewishness in Egypt into a private interest detrimental to the good of the nation. This proved an important element in the exclusion of Egyptian Jewry during the 1940s–1960s.

Chapter 4, “Ordering the ‘Land of Paradox’: The Fashioning of Nationality, Religion, and Political Loyalty,” provides a genealogy of the “Egyptian national,” a definition of which was initially established and put into effect by Egypt’s 1929 Nationality Law. Although the word “Egyptian” long had complex and varied meanings in the social realm, the British-dominated colonial administration was the first to use it to designate a juridical category, which it drew on as part of ruling Egypt. This category was transformed within a colonial context, but also by new international modes of governance focused on populations as homogenous and sovereign, ethnic, religious, and/or national units. After tracing the emergence of Egyptian nationality, the chapter explores Egypt’s implementation of a nationality regime. I examine how nationality, with its many constituent categories, reinscribed religious groups into racialized national categories. Thus, this chapter charts the gradual homogenization of Egypt’s population through processes of regulation and classification, with Muslims emerging as a national majority, Copts a minority, and other Christian and Jewish groups potentially disloyal and suspicious outsiders.
In Chapter 5, “‘Between the Devil and the Deep Sea’: Constructing the ‘Minority,’” I focus on the concept of the minority in Egypt. Scholars have claimed that this category of political identification first appeared in Egypt and in the region with the establishment of nation-states after World War I. This timing would coincide with the appearance of the League of Nations and its rendering the minority a legal category. Analyzing a period of heightened sectarianism between Copts and Muslims from 1908 to 1911, as the Egyptian nationalist movement began to challenge colonial rule, I show that the category emerged approximately a decade earlier when Copts began to link their religious identification to this category, just as Muslims attached themselves to the majority label (akthariyya or aghlabiyya). However, the 1923 Egyptian Constitution did not mention minorities at all, let alone afford them rights, and Egypt did not fall under the League of Nations minority rights regime. While communal structures remained in place through personal status laws, newly constructed minority communities were left without avenues of collective political participation. I argue that the establishment of a constitutional monarchy was not the onset of minority politics in Egypt, but was its culmination, establishing the contours of minority–majority dynamics and the makeup of Egyptian society.
PART 1

CONCEPTS OF EXPECTATION

Chapter 2

“The Shari’a Must Go”: Seduction, Moral Injury, and Religious Freedom in Egypt’s Liberal Age
In January 2016, the Egyptian writer Fatima Na’ut was sentenced to three years in prison and fined LE20,000 for having remarked on her Facebook page that the tradition of slaughtering sheep during Eid al-Adha is the “greatest massacre committed by human beings.” The charge, based on a law dating to 1982 in Egypt’s penal code, was “contempt of religion” (izdira’ al-din), which the state has increasingly put to use since the 2011 uprising. Through Na’ut’s and similar cases, the state has regulated speech acts under the rubric of protecting religion. Whether and how to limit speech around religion are contested questions not only in Egypt but around the globe, including in Europe and North America where speech deriding Islam has sparked debate over where to draw the line between free speech and incitement. In the case of Egypt, the state’s use of izdira’ al-din, while sometimes assumed to be a medieval holdover signaling an incomplete or failed project of secularism, has a genealogy traceable to the secularization of Egyptian law in the liberal period, which stretched from 1922 until the 1952 Free Officers’ Revolt.

This chapter explores that genealogy. I begin by describing two related incidents that occurred in the second quarter of the twentieth century. In April 1928, an American Protestant missionary of Dutch descent, Samuel Zwemer, entered al-Azhar Mosque with a small group of visitors and distributed a missionary pamphlet. The pamphlet, titled “Return to the Old Qibla,” described Muhammad’s decision to redirect prayer from Jerusalem to Mecca, which Zwemer saw as an antagonistic break with Judaism and Christianity that set a path to enmity. It invited Muslims to return to the “original” qibla of Jerusalem and to seek Christ. After a shaykh

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2 The pamphlet, or a version of it, was later published in the journal he founded and long edited: Samuel Zwemer, “Return to the Old Qibla,” The Moslem World 27 (1) (1937): 13–19.
confronted Zwemer, one student in the shaykh’s entourage hollered “down with evangelism” and a stir ensued. Three thousand Azhar students soon initiated a strike, and protests spread to the parliament (majlis al-nuwwab) in Cairo where the incident was debated.³ “Did the foreign minister hear what the American missionary association did, igniting the fire of discord [fitna] all over the country by distributing books and pamphlets all of which are a loathsome attack [ta ’n⁴] on Islam?” one minister asked. Continuing, he exclaimed, “does he know how [Zwemer] arrived to such shamelessness and insolence to dare to insult Muslims and wound their honor by attacking Islam, and in the largest and most holy Islamic institution”? In reply, the interior minister claimed that the government was taking steps to ensure such an incident did not repeat itself, and applauded the Azhar students and the nation for their “composed and wise” stance against this “act that stirs one’s feelings”—a stance that exemplified the Egyptian people’s “desire for public security” (al-amn al-‘amm).⁵ The encounter caused outrage at missionaries and the Capitulations, a set of treaties dating to the Ottoman period that guaranteed fiscal and legal privileges to certain foreign nationals and protected subjects, missionaries often among them.⁶

The incident resembles another that occurred eleven years later, with one significant difference. In 1939, a Protestant-converted Copt missionary, Hakim Wasif, was likewise

⁴ Ta’n can mean “to attack with words,” “wound someone’s reputation,” or “divert from the right path,” but also “to pierce, thrust, or stab (someone).” The action of ta’n can thus induce what in a post-Cartesian world are often considered two separate sensations of pain—psychological and physical. Thus, I translate the word as “attack” rather than the more common “defamation,” which connotes harm to one’s reputation through the written or spoken word.
⁶ The Capitulations were a set of treaties dating to the Ottoman period that guaranteed fiscal and legal privileges to certain foreign nationals and protected subjects.
distributing Christian missionary material in public, though on the streets of Cairo rather than in a mosque, and a short story rather than a tract. Titled *La fleur de la forêt* (The Flower of the Forest), the story described a female prostitute who has been saved by Christianity. The publication sparked public outcry because many understood the protagonist’s name—Fatima Zohra—to refer to the Prophet Muhammad’s daughter Fatima al-Zahra’. The implication seemed to be that Islam led women to licentiousness from which Christianity offered salvation. Unlike Zwemer, who was a protected foreigner, Wasif, a local subject, was swiftly arrested.

In contrast to the Zwemer incident, the discord sparked by Wasif’s actions was quickly contained. By 1939, the Egyptian state, having gained greater sovereignty through the Anglo-Egyptian Treaty of 1936 and the Montreux Convention of 1937 phasing out the Capitulations, had written protection from moral injury into law, banning anyone from “damaging, violating, injuring, or desecrating religious practice” (*kull man kharrab au kassar au atla' au dannas ... sha’a’ir al-din*). Though neither the author nor the publisher of *La fleur de la forêt*, Wasif was sentenced to one year’s imprisonment with labor based on Article 161 of the 1937 penal code, which covered “misdemeanors related to religion.” By distributing this book, the court said, he had not only desecrated Islam through the figure of Fatima, but he had also “intentionally

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7 A. E. Theobald, *La fleur de la forêt* (Assiut and Cairo: Nile Mission Press, 1928). The version that I accessed was in French, but presumably the distributed version was in Arabic. An English-language version may have been published as well. FO 371/23365.

8 FO 371/23365, “Memorandum on the Case of Hakim Effendi Wasef.”

9 It is unclear whether Wasif was arrested in Cairo or Assuit, but he had been working at one of the main offices of the Nile Mission Press, which were located in these two cities.
alter[ed] part of this text [the Qur’an] from its intended meaning.” for *La fleur de la forêt* allegedly misquoted the Qur’an and cited invented Qur’anic passages.¹¹

This chapter traces how such perceived attacks (*ta’n*) on religion came to be banned as punishable crimes in modern Egyptian law. I show that this new legal proscription reputedly protecting religion emerged through a contingent process whereby local communities, missionaries, and the Egyptian state under the shadow of colonial rule claimed and articulated the concept of religious freedom in ways that advanced their respective interests. A product of sectarian conflict and the rise of the modern state in Western Europe, this secular concept came to accumulate particular meanings in Egyptian public discourse and law. Historians have observed that Protestant missionaries in Egypt long justified their attempts to convert local Muslims through religious freedom, and that Egyptian Muslims drew on it as the right to protect their religion.¹² This chapter historicizes this interpretive divide and explores its consequences for Egyptian society. Consistent with liberal doctrine in their home countries, Protestant missionaries in Egypt equated religious freedom with the right to proselytize and the right of autonomous individuals to change religion, for they felt that local law did not protect converts from Islam. In addition to their proselytization efforts, missionaries focused on transforming Egyptian law by reducing the jurisdiction of the shari‘a, perceived as the main obstacle to conversion, and shaping and empowering Egypt’s modern, rights-based legal system. After

¹¹ FO 371/23365, “Memorandus on the Case of Hakim Effendi Wasef.”
Egypt gained nominal independence in 1922, by which time religious freedom had become an international legal standard, missionaries pressured British authorities to ensure that religious freedom guarantees explicitly protecting conversion were introduced into Egypt’s first Constitution.

By contrast, the Egyptian legislators tasked with drafting this Constitution sought to avoid explicit guarantees of religious freedom (hurriyyat al-‘itiqad al-dini) because they saw it as a critical tool of missionary proselytism which in the past had repeatedly torn the social fabric. During the late 1920s and 1930s, as a series of conversion crises rocked Egypt, Egyptians widely came to articulate religious freedom not as the individual’s ability to choose her religion but as the right of protection from moral injury produced by a perceived missionary assault on the Egyptian nation, defined constitutionally as Islamic. Protection from such feelings had long been the preserve of communal authorities in their role as upholders of the communal moral order. However, I show that as part of the expansion of positivist law (i.e., “neutral,” or free of “subjective” moral judgment) in the 1920s and 1930s, part and parcel of the emergence of a sovereign state assuming regulative capacities over the population, the Egyptian state proscribed offense to religion within criminal law, transforming what was once a moral issue into a modern legal one carrying punitive consequences of the kind faced by Wasif and Na‘ut. Through the 1937 Penal Code and its successors, the Egyptian state authorized itself to define and police offense to religion as part of preserving public order, that “‘active principle’ of secular power” which authorizes the state to decide what counts as religious and what role it should play in social life.13

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To help us understand why Egyptians tended to consider proselytism so deeply threatening, I draw on the notion of seduction. Seduction refers to the manipulation of another’s desire, though not in the limited sexual sense with which the word is most often associated today. The verb “to seduce” (Fr. *séduire*), as Jean Baudrillard observed, has its etymological roots in Latin, with the word *se-ducere* meaning “to take aside, to divert from one’s path.” Thus, to seduce can mean “to lead the other from his/her truth,” and to be seduced “to be turned from one’s truth.” According to Baudrillard, seduction is coercive because the seducer captures the other without her consent by either performing as object of desire or letting the other believe herself to be the subject of desire. As an intersubjective relationship, seduction involves the play of power, with the seducer setting the trap and the seduced walking into it believing herself to be pursuing her own desires. The Latin understanding of seduction described by Baudrillard is strikingly different from the modern liberal version, which is associated with adept persuasion, consent, and choice. As Talal Asad has shown, in liberal societies, from which missionaries hailed, seduction is valued positively, especially in the marketplace, as a sign of individual freedom because it is seen to involve reasoned choice. By contrast, coercion is illegal because, rather than consent, it involves compulsion through the threat of or actual harm to another’s property (including the body).

In Islamic theology, seduction, glossed in Arabic with terms such as *fatana* (to subject to temptations, and the root of *fitna*, meaning captivation or, more often, disorder), *rawada* (to entice, tempt, lure away, in a sexual sense), and *gharra* (to mislead, beguile, or make desire what

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15 Ibid., 86.
16 Ibid., 91.
is false, and the root of the noun ighra’, or to attract someone, often in a way that undermines self-control), has been viewed with serious consternation due to how it combines coercive inducement of desire with disorder or social unrest. As Talal Asad points out, “Muslim theologians and jurists assumed that seduction in all its forms was necessarily dangerous, not only for the individual (because it indicated a loss of self-control) but for the social order too (it could lead to violence and civil discord).”¹⁷ Diverting one from the true path toward the pursuit of individual pleasures and desires beyond the limits of self-control could produce anxiety and peril seen to undermine the common social good (al-maslaḥa al-ʿamma), the basis for a righteous community.

As Egypt transitioned to the nation-state form, Egyptians across religious divides often experienced missionary seduction, attempts to divert one from her truth into Protestantism, as an attack (ta’n) on the collective body that, despite its limited success, caused moral injury on the communal level. Moral injury involves degrading the standing or status of an individual or community, not in the law but in terms of moral being, value, and dignity, which in its most radical form is actuated through bodily harm. Though moral injury is universal and transhistorical, its form is linked to socially and historically conditioned moral experience, as is the response to it.¹⁸ In the face of particularly aggressive forms of proselytism, Egyptians tended

¹⁸ Discussing the Danish Cartoon Controversy, Mahmood asserts that the cartoons caused some “devout Muslims” to experience moral injury due to their assimilative relationship to the Prophet Muhammad, best captured by Aristotle’s notion of schesis, in contrast to a Protestant, and later secular, semiotic ideology of a “distinction between object and subject, between substance and meaning, signifiers and signified, form and essence.” Saba Mahmood, “Religious Reason and Secular Affect: An Incommensurable Divide?,” in Is Critique Secular?, 66–67. This argument, while challenging essentialist readings of Muslim responses to the cartoons, may construct an
to express moral injury in a local ethical vernacular around blasphemy that, though embedded within the Islamic tradition, was broadly shared. The experience of moral injury propelled novel articulations of religious freedom as protection from moral injury (and thus protection of religion). Yet the eventual entry of religious freedom defined as such into Egyptian public law did not mean that moral injury became intelligible within Egypt’s legal system. Through religious freedom, the state has sought to regulate public order rather than maintain the common social good, ultimately producing rather than resolving religious divides.

This chapter intervenes in the historical scholarship on mission in Egypt and in recent literature in anthropology on secularism. In terms of the literature on missionaries, it makes three main contributions. First it focuses on the Egypt General Mission (EGM). Though it became the second largest mission active in Egypt after its founding in 1898, it has yet to receive a great deal of scholarly attention. I concentrate on the EGM due to its substantial influence, leading the International Missionary Council formed in 1921, and its focus on Egypt’s Muslim majority, making it an important participant in debates over religious freedom. However, the chapter’s findings are generalizable to many of the other Protestant missionary groups that

undifferentiated and timeless pious Muslim who has remained immune from Protestant semiotic ideology. In this chapter, I discuss moral injury less in terms of semiotic ideology—though this remains a feature of the analysis—than in terms of the violation of the social fabric through proselytization. For a recent discussion of moral injury from which my definition was adapted, see J. M. Bernstein, *Torture and Dignity: An Essay on Moral Injury* (Chicago: University of Chicago Press, 2015), esp. 3 and 123.


were active in Egypt. Though focused on different populations, Protestant missions in Egypt generally sought to convert who they could and worked in concert toward this end, each claiming a territory and careful not to step on another’s toes. Second, this is the first study on mission in Egypt to apply a genealogical approach. Third, the chapter shows the important role missionaries played in shaping secularism in Egypt. In this respect, and by offering a detailed account of religious freedom’s formation that ties together the legal, political, and social realms, the chapter also adds to recent anthropological literature on secularism that uses Egypt as a case study, which has provided important analytical frameworks that inform this discussion.

**Constituting Religious Freedom**

Prior to the emergence of the Egyptian nation-state, religious freedom (unlike other forms of freedom, including of the press) was far from the minds of most Egyptians, who tended to view as foreign the kind of sectarian discord and violence that gave rise to religious freedom as a feature of modern governance. This was true even as Protestant missionaries had been framing their proselytization efforts and conversion of locals in terms of religious freedom since the nineteenth century. As early as 1861, missionaries from the American United Presbyterian Church invoked religious liberty when one of their representatives in Egypt, a Syrian convert and

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22 Baron, *The Orphan Scandal*, 36.
25 Many Egyptian intellectuals and authors claimed that the sectarianism (*al-ta’assub al-dini*) that occurred between Copts and Muslims between 1908 and 1911 (see Chapter 5), for example, was unprecedented and incomparable to the kinds of religious discord witnessed in Europe. See, e.g., Tawfiq Habib, *Tidhkar al-Mu’tamar al-Qibti al-Awwal: Majmu’a Rasa’il Musawwira* (Matba’a al-Akhbar li-Misr, 1911).
lawyer by the name of Faris al-Hakim, was beaten in an Islamic court in Assiut and imprisoned. Al-Hakim had been defending a Coptic woman whom he had converted to Protestantism and attempted to marry to a Christian man some five years after she had converted to Islam, married a Muslim, and given birth to a baby girl. The qadi, concerned less with al-Hakim’s internal beliefs than with their effects, accused al-Hakim of having “deceived her, and enticed her from her religion,” and then of “attacking the Mohammeden religion” in court and “causing skepticism among the common people.” After coming under physical attack in the courtroom for allegedly cursing Islam as an “infidelity,” he was placed in a prison cell only to be released through the intervention of the US government and Abraham Lincoln himself who was concerned about Faris’ “religious liberty.” Throughout the case, neither al-Hakim nor the qadi, no less other locals involved, engaged with such language.26

This pattern would continue into the early twentieth century. In 1908, a missionary from the Protestant Church Mission Society named Miss Elverson returned to Jerusalem from “holiday” in Port Said to find out that the family of a missing young Muslim woman named ‘Ayisha sought to speak with her and had apparently threatened violence. It took the involvement of the British consul in Jerusalem, Edward C. Blech, for her to admit that she had taken the young woman to Port Said and deposited her at the Anglo-American orphanage. According to Miss Elverton, ‘Ayisha had apparently converted at age five and been ill-treated by her family. It is conceivable that, at least a decade later, her status as a Christian—assuming she did indeed convert—had been in jeopardy, and Miss Elverton, with or without the young woman’s

involvement, made plans to move her from Jerusalem. Hearing the news, ‘Ayisha’s brother traveled straight away to Port Said to retrieve her. Likely encountering resistance from the orphanage, and possibly ‘Ayisha, the brother appealed to the Port Said governorate, which served as arbiter. ‘Ayisha’s fate hinged on her age. The governorate consulted two doctors who determined she was seventeen—under the age of majority in civil law—and should be returned to her family. However, Miss Lyons, in whose care she was, consulted two different doctors who determined she was twenty-two or twenty-three, and thus an adult.27 The case eventually made its way to the shari‘a courts, where a qadi ruled, on the basis of Islamic law, that ‘Ayisha was not “of age” (musinna) and must return to her family in Jerusalem.28 Unlike very similar cases that occurred in the 1920s, what does not appear to have been raised, neither by the missionaries, the British authorities, ‘Ayisha, or the shari‘a court, is the issue of religious freedom.

In one last example from 1911, word spread that two Muslim boys living in an orphanage in Shibin al-Qanatir run by the EGM, had converted to Christianity. The ‘Urwa al-Wuthqa society, a branch of the masonic lodge originally established by the Muslim intellectual Jamal al-Din al-Afghani, was able to intervene and extract twenty-one students, including the two boys, from the orphanage.29 While outraged by the “forced” conversion of young children, the ‘Urwa al-Wuthqa society did not contest it through the idiom of religious freedom.

29 Majlis al-Nawwab: Majimu‘at Mudabit Dawr al-In‘iqad, Jalasa 69, 28 May 1928, 1153; al-Bishri, al-Muslimun wa-l-Aqbat, 574.
Like the social realm, religious freedom was absent from the political and intellectual realms as well. When a group of largely Protestant Egyptian Coptic elites organized a Coptic Congress in 1911 to make demands of the colonial state on behalf of the Coptic community, including several related to religious practice, they framed their claims not in terms of religious freedom but in terms of the liberal principle of equality.\textsuperscript{30} Similarly, in his writings on freedom prior to World War I, the intellectual giant of liberalism in Egypt, Ahmad Lutfi al-Sayyid, had little to say about this concept. In a 1912 article theorizing freedom, he addressed political freedom and personal freedom, but not religious freedom.\textsuperscript{31} Nor did he address it in other articles from the period.\textsuperscript{32}

Absence gave way to presence with the global extension of the nation-state system after World War I, which rendered religious freedom an essential component of the laws of states. Part of the broader notion of protection of (religious) minorities, religious freedom became an instrument with which the newly established League of Nations, dominated by the “Great Powers,” could regulate states and national societies through law. For these new states, religious freedom was perceived as an obstacle to full sovereignty, and thus an enticing terrain for attempting to expand state authority through the regulation of religion. The minority rights regime also enticed missionaries. With the specter of political independence threatening the continuation of their work, missionaries embraced the banner of religious rights. In religious


\textsuperscript{32} See, e.g., Ahmad Lutfi al-Sayyid, \textit{Mushkilat al-Hurriyyat fi al-'Alam al-'Arabi} (Beirut: Dar al-Rawa’i’, 1959), which is a collection of Lutfi al-Sayyid’s articles from different periods.
freedom, the interests of the League of Nations and missionary societies converged. Given this background, when Egyptian legislators drafted Egypt’s first Constitution in the early 1920s, the question was not whether but how to engage with religious freedom, answers to which were powerfully shaped by Egypt’s encounter with Protestant missionaries. It was precisely in the process of drafting Egypt’s first Constitution, introduced in 1923, that religious freedom first came to be contested.

In 1921, as Egypt’s Constitutional Committee debated the contours of a new constitutional order, the EGM petitioned the British High Commission to advance missionary objectives. The petition initiated the language of religious freedom, a concept that would be central to the EGM’s political program during the 1920s and early 1930s and become increasingly available to Egyptians to make their own claims to religious rights. Realizing that “the institutions of Egypt [were] being remodeled,” the EGM sought to expand the domain of civil law and confine that of shari‘a. In the view of missionaries, whereas the new Constitution would likely protect religious freedom, understood as the ability to proselytize and to convert from Islam, the shari‘a clearly violated it. Believing firmly in law’s power to transform human sensibilities, the missionaries insisted that empowering modern law, premised on the

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33 The volume Religious Liberty in the Near East (London: Harper and Brothers Publishers, 1938), by Helen Clarkson Miller Davis, is evidence of this convergence. Clarkson Miller Davis herself was involved over the course of her career in both the League of Nations and the Presbyterian Church in the USA Board of Foreign Missions.

autonomous citizen, would also defuse the perceived irrational responses that their proselytism inspired—what Egyptian Muslims understood as the expression of legitimate outrage.

Missionary objectives divided into three categories: the situation of Egypt’s Christians, matters of conversion, and the ability to continue missionary work unimpeded.\(^{35}\) We will focus on the first two. In regard to Christians in Egypt, the EGM demanded that “liberty be accorded to all men to rest and to worship on the day prescribed by their several faiths,” and that appointments and promotions in employment be based on merit rather than religious affiliation. These objectives were intended to open a space for Egyptian Christians to claim religious rights before the state. The EGM also demanded that legal procedures in which one or both sides were non-Muslims be barred from taking place in the shari’a courts. The parties involved, the EGM argued, should have the liberty of agreeing on a mutually acceptable communal court, and if they could not, their case should be settled not by a Muslim qadi (as had been common practice) but in the Mixed Courts. The purpose of this objective was clearly to undermine the authority of Islamic law.\(^{36}\) As William Paton, a British Presbyterian missionary who served as secretary of the International Missionary Council, bluntly put it, “it was said to me in the Near East, not only by missionaries but by foreign officials and other observers of different kinds, that ‘the Shariat must go.’”\(^{37}\)

In terms of conversion, the EGM demanded that “steps be taken in the new Constitution to secure to all Egyptian subjects freedom in regard to change of faith, so that one who desires to change from Islam to Christianity may not be liable to injury in person, family or estate.” The

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\(^{35}\) Archives and Special Collections, SOAS Library (hereafter SOAS) JCRL/ 09/03, “Bishop of Jerusalem and Missionary Societies to the High Commissioner of Egypt,” 1.

\(^{36}\) Ibid., 1–2.

EGM saw the ability to convert as the litmus test of religious freedom. While a 1913 law had established a state infrastructure for registering conversions, it assumed that conversions were unidirectional, into Islam. Conversion cases from the period show how conversion out of Islam was not illegal per se (as the EGM suggested) but unsustainable in an Islamic legal setting. Such cases, especially when involving girls and women, landed in the shari’a courts as the tribunal de droit commun (court of common law), with converts usually returned to their families and Islam. Thus, the EGM sought an “official and departmental method … by which a Mohammedian who becomes a Christian can have the fact noted and registered.” Put differently, this organization, whose members worked to convert souls often with legal impunity under the Capitulations, sought to empower a modern legal system to facilitate Muslim conversion to Christianity in a Muslim-majority and nominally sovereign country defining itself as Islamic. For this reason, some began to associate secular law with Christianization and the violation of the national body.

Yet the missionaries also sought more. The EGM demanded that Muslims be able to convert with security—and not only physical but also financial. “When the family property is in the normal course being divided,” they urged, “the change of faith of one member should not per se prevent him from inheriting his share, and … in signing he should not be forced to sign exclusively his former Moslem name, thus forcing on him a virtual profession of a return to Islam.” Exempting waqf inheritance, which they sought to eliminate, and a father’s own decision

38 For the law, see Clarkson Miller, Religious Liberty, 104. It was decree no. 2466 issued on 28 February 1913.
39 Thus, when the missionary lawyer Faris al-Hakim, discussed earlier, claimed in an Assiut shari’a court the ability to marry a recent convert from Islam to a Christian man according to Christian law, the qadi responded that this simply “‘could not be in the land of Islam, protected by the power of the Sultan of Islam and the most potent Viceroy, but that that [sic.] might take place in the land of infidelity.’” NYHS, “Religious Toleration in Egypt.”
to “cut off his son with or without a shilling,” Muslim converts to Christianity, they argued, should have the right to inherit as Christians. This right, they pointed out, had already been made available in India through the 1832 Bengal Code. Although the EGM acknowledged that granting inheritance rights to converts from Islam in Egypt would inspire Muslim opposition, in India, it claimed, such opposition had been overcome by the “patent justice of reform.”

The missionaries’ understanding of just reform, then, was an expansion of civil law that, deaf to moral injury of Egyptians, enabled “freedom,” or an individual’s ability to choose a religion. This understanding presumed both a normative understanding of religion based on the individual’s cognitive choice to believe, and an ideal human, the autonomous citizen whose inalienable property included not only his body, but also his belief, free speech (to profess), and material possessions. On this basis, the missionaries concluded that shari’a and the shari’a courts were impediments to freedom, forming a binary that, incidentally, has persisted until today. Their proposals for enshrining freedom in law represented a direct challenge to Egypt’s national majority.

Egypt’s 1923 Constitution promised religious freedom, but not quite in the ways the missionaries had advocated. Decided upon by a Constitutional Committee made up of Jewish, Christian, and Muslim Egyptian members with the “input” of British advisors, it included five clauses touching on religious freedom. We will discuss two that center on the regulation of religious practice: Article 12, stating that “freedom of conviction is absolute” (hurriyyat al-

41 Talal Asad questions the presumption of an autonomous individual free from all constraints undergirding this notion of freedom, which has a Christian lineage, while also conveying a different understanding of freedom and the individual within the Islamic tradition. Asad, “Free Speech, Blasphemy, and Secular Criticism.”
i’tiqad mutlaqa); and Article 13, declaring that the state protects the use of religious and creedal slogans “according to customary practice in Egypt so long as that does not disturb public order [al-nizam al-‘amm] or contradict morals [adab].”\(^{42}\) The first thing to note about these clauses is that they did not guarantee what the missionaries had sought, and what the British had thought the better of advocating—principally, the freedom to convert from Islam. In fact, they did not make explicit guarantees of religious freedom at all. Article 12 guaranteed the protection of what was vaguely termed “freedom of conviction” (\(hurriyyat\) al-i’tiqad). This formulation was the outcome of a debate within the Constitutional Committee. The clause’s original phrasing, based on George Curzon’s articulation and combined with what became Article 13,\(^{43}\) was slightly different:

> freedom of religious conviction [\(hurriyyat\) al-i’tiqad al-dini] is absolute [emphasis mine].
> All residents of Egypt have the right to use with complete freedom, in public or in private, the slogans of any community [\(milla\)], religion [\(din\)], or creed [‘aqida], so long as these slogans do not contradict public order or general morals [\(al-adab\) al-‘umumiyya].\(^{44}\)

The word “religious” was expunged because, as committee member Muhammad Khayrat Radi pointed out, otherwise “it would be permitted for every person to leave his religion and embrace another religion without bearing responsibility for that through civil or noncivil penalty, despite


\(^{43}\) British Foreign and State Papers (London: H.M. Stationary Office, 1924), 204.

\(^{44}\) Lajnat al-Dustur: Majmu’a Muhadir al-Lajna al-‘Amma (Cairo: al-Matba’a al-Amiriyya, 1924), 77.
that there is no dispute that important outcomes related to inheritance, etc., result from it.\textsuperscript{45} In other words, instituting religious freedom would have enabled the conversions sought by missionaries, which had proven so disruptive to the social fabric. The issue of religion was left to the second part of the clause—a version of which later became Article 13—which stated that the expression of religious slogans was protected but that the state could exclude religious speech that “contradicts public order or general morals.” Whereas religious communal authority had historically regulated the boundaries of acceptable speech acts as part of upholding a righteous community, that power now belonged to the state, guided by its own conception of public morality and the exigencies of public order.

Yet religious freedom was dangerous for other reasons too. For some, such as the Islamic reformer Muhammad Bakhyat al-Muti’i, the clause that would become Article 13 was too open in its definition of religion itself. “I request that the text be limited to recognized religions, whether heavenly or not heavenly,” the shaykh stated, “so as not to permit the creation of a new religion, such as a person claiming, for example, that he is the mahdi and bringing a new revelation.” Bishop Anba Yu’annis, the Coptic Church’s representative on the committee, shared Bakhyat al-Muti’i’s view, providing a specific example of what was at stake. A certain “Sirjiyus, well-known to you all [committee members], left religion and truth in establishing a new religion, and requested from the government authorization for that and was refused. This is evidence that it is not possible to authorize unrecognized religions.”\textsuperscript{46} The Sirjiyus to whom the bishop referred had not established a new religion; he was a Coptic Christian who had become an early adherent of Baha’ism in Egypt, a religion that claimed to succeed (or encompass)

\textsuperscript{45} Ibid., 115.
\textsuperscript{46} Ibid.
Christianity and Islam and still is not recognized by the Egyptian state. Due to such concerns, in
the final version of the Constitution, the freedom to express “slogans of any community, religion,
and creed” was modified to the freedom to express “slogans of religions and creeds according to
customary practice [my emphasis].”

This case conveys how boundaries of free speech tend to be drawn to accommodate
majoritarian populations within nation-states rather than minorities, who though they may draw
on the same legal instruments as majorities to prevent harmful speech acts, rarely meet with
success. With the formation of the Egyptian nation-state, Muslims became a majority
(akthariyya or aghlabiyya, though the latter term, connoting domination rather than numerical
superiority, eventually won out), with Islam the state religion, and Copts a minority (aqalliyya),
though some prominent Copts such as the Wafdist Wisa Wasif contested this label on the basis
that Copts were the “original Egyptians” rather than a separate group like Jews in Europe
deprived of national rights. However, majority and minority could easily coalesce into a
majoritarian front when it came to certain shared interests such as determining the legal
boundaries of religion, excluding other minorities (also aqalliyyas, though here “outsiders” to the
nation) such as Baha’is. The introduction of religious freedom into Egypt did not open space for
“free” religious thought, speech, and practice, which everywhere is no more than an ideal.
Rather, it propelled the legal codification of the boundaries of “legitimate” religious practice.

47 See “al-Dustur al-Misri li-Sanat 1923.” The omission of the word milla in the final version of
the text is also noteworthy, suggesting that the committee may have seen it as antiquated. They
used adyan and ‘aqa’id instead.
48 See Mahmood, “Religious Reason and Secular Affect.”
49 Seteney Shami, “Aqalliyya/Minority in Modern Egypt Discourse,” in Words in Motion:
Towards a Global Lexicon, ed. Carol Gluck and Anna Lowenhaupt Tsing (Durham, NC: Duke
University Press, 2009), 165.
“Strange Stories” of Converted Muslims

The complex and contingent translation of religious freedom into Egyptian law made this concept more readily available to Egyptians. Egyptians came to articulate religious freedom through a local ethical vernacular around moral injury, a statist project of public order, or both, as a defense against missionary proselytism and conversion of locals, which were seen to threaten the social fabric. Historians who have broached the subject of religious freedom in Egypt have shed light on at least four cases involving conversion and polemical speech acts about Islam that occurred in the early 1930s. While they are important, I focus on an earlier set of cases because they have yet to be analyzed in detail (and not at all in English) and because they provide important context for their successors.

In April 1926, a young woman named Zakiya Ahmad Salih from Alexandria entered the EGM hospital in the Nile Delta region of Shibin al-Qanatir “of her own free will and at the desire of her family” to be trained as a nurse. During the previous few years, Zakiya had attended an EGM missionary school in Anfushi. Her father had passed away in 1924 and perhaps she and her remaining family—her mother and two brothers—sought additional income. There are conflicting reports of what occurred at the hospital. According to Zakiya’s younger brother Yunus, about two years into Zakiya’s training, when she was about sixteen or seventeen years old, she wrote to her family begging them to take her home. Responding to her plea, Yunus arrived at the hospital to find that the staff would not permit her to leave. Worse still, “they [had]

50 For a description and discussion of these cases, see Sharkey, American Evangelicals, 116–33. On the most prominent of them, the Turkiyya Hasan Affair, see Baron, The Orphan Scandal.
51 FO 141/520, “Memoranda in the Case of Zakia Ahmed Salih,” n.d. The case is mentioned briefly in al-Bishri, al-Muslimun wa-l-Aqbat, 574.
52 FO 141/520, “Sir Austin Chamberlain to the High Commissioner Egypt, 2 June 1928. Zakiya’s precise age was unknown.
obliged her to change her religion to be a Christian.” The missionaries in charge, Yunus explained, “feared she may return to her original religion” if they allowed her to rejoin her family. By his account, when he insisted on taking his sister home to his mother, who was “suffering … sorrow,” they forcibly removed him from the school. In a letter in broken English to British authorities, Yunus pleaded for intervention, explaining that he had contacted the police but they lacked the power to help him. The EGM, a British Protestant mission, was allegedly hiding her under the cover of the Capitulations.

The EGM described matters differently. In its telling, Zakiya’s family was intimately familiar with the hospital, her cousin having already trained there and her mother having stayed as a guest. In 1926, Zakiya had supposedly had a fight with a female coworker and wrote a letter to her brother asking him to bring her home, which he did. On arriving, however, he admonished her for leaving “‘good employment’” in “‘a good place.’” Zakiya soon returned to the hospital. Then, in the spring of 1928, Zakiya is said to have written again to her brother, this time to inform him of her “preference for Christianity, especially for Christian home-life.” After receiving this letter, Yunus traveled to Shibin al-Qanatir intent on retrieving his sister, but Zakiya refused to leave.

According to an EGM memorandum, Yunus, frustrated by his sister’s intransigence, lodged a complaint with the Interior Ministry. He also opened a case in the shari‘a court. In the meantime, her other brother Muhammad and his mother reached out to the ma ’mur (provincial

54 Al-Balagh, 28 May and 3 June 1928.
55 FO 141/520, “Memoranda in the Case of Zakia Ahmed Salih,” n.d. It is unclear whether Zakiya actually underwent baptism. Whereas Yunus’ accounts suggests she may have, an article in the Egyptian Gazette, possibly written by a missionary, suggests she did not. Egyptian Gazette, “Correspondence. Strange Story of a Converted Muslim Girl,” 1 June 1928.
56 FO 141/520, “Memoranda in the Case of Zakia Ahmed Salih,” n.d.
subgovernor) for aid. The ma’mur, who was also contacted separately by Yunus, argued that Zakiya was old enough to decide for herself what to do. On 5 May, Zakiya received a visit at the hospital from the wakil al-nyaba (public prosecutor) who questioned the girl to ascertain her true wishes. The wakil also called in Muhammad and told him “to do what he could to persuade her to come with him.” With Zakiya still refusing to leave, the ma’mur concluded that his only option was to consent to her remaining at the hospital.57

Just when the matter seemed settled, on 14 May the shari’a court, where Yunus had opened a case, ordered Zakiya to be returned home. The EGM hospital, outraged by the ruling and arguing that it was based on false testimony, demanded postponement of its execution and an appeal, both of which were granted. As word of the delay spread, the Wafdist deputy, Mahjub Thabit, raised in the Chamber of Deputies the issue of Zakiya’s conversion and “the negligence committed by the ma’mur” to Interior Minister (and future prime minister) Mustafa al-Nahas, whose responsibility it was to execute judicial rulings.58 After communicating with British authorities, and with the approval of the Coptic minister of foreign affairs Wassif Ghali and Shaykh al-Azhar Mustafa al-Maraghi,59 al-Nahas ordered the shari’a court’s judgment to be implemented the following morning.60 Embracing the ruling, Mahjub Thabit explained that it was guided by religious freedom, particularly Article 13 of the Egyptian Constitution protecting religious slogans according to customary practice unless they disrupt public order or contradict morals.61 Thabit invoked painful memories of missionaries having violated the public order and

57 Ibid.
58 FO 141/520, “High Commissioner to the Residency, Cairo,” 2 June 1928.
60 Majlis al-Nuwwab: Majmu’at Mudabit Dawr al-In ’iqad, Jalasa 69, 28 May 1928, 1153.
61 Ibid.; FO 141/520, “Chambre des deputes: La Conversion d’une jeune musulmane au protestantisme.”
morality, including a particularly memorable case from 1911 mentioned earlier. “It is necessary that the missionaries know,” Thabit argued, “that Egypt’s Muslims, Christians, and Jews, are but different birds on the same one tree … they live in perfect harmony and do not take at all to that which puts this serenity into trouble.” Concluding his remarks with hope that such incidents would not repeat themselves, Mahjub Thabit received applause from the chamber.\footnote{Majlis al-Nuwwab: Majmu’at Mudabit Dawr al-In‘iqad, Jalasa 69, 28 May 1928, 1153.}

Al-Nahas and the Interior Ministry articulated a notion of religious freedom guided by the logic of public order and protecting the social fabric from the dangers of seduction. This notion contrasted with that expressed by the EGM in its memoranda “defending” Zakiya, which privileged individual choice (and thus consent) protected by the Constitution. EGM Secretary George Swan, in his own comments, recognized the legal indeterminacy of the case, where constitutional protection of the individual’s religious freedom contradicted shari‘a. However, he argued that it was constitutional law that should take precedence. “In the passage of a country from the mediaeval political conception to the modern democratic conception, which the Egyptians are now professing,” Swan suggested, “there will inevitably be difficulties, and that in the meeting of them it is precisely the Shariat which will always rise up in the path.” The shari‘a was an obstacle to be dismantled, not through its abrogation, “which is theoretically impossible,” but through “the quiet substitution of civil statutes for its canon laws on the part of the State, coupled with the staying of execution of such judgments as conflict with those civil statutes.”\footnote{FO 141/520, “Memoranda in the Case of Zakia Ahmed Salih,” n.d., 2. This approach was generally favored by British administrators as well.} Swan and the EGM toed a secularist line in embracing modern law and seeking to fold “religious” law into it, thus transforming religious law’s content—its conception of ethics.\footnote{Asad, Formations of the Secular, chap. 7, esp. 209.}
Yet in its memorandum the EGM also tried to defend Zakiya’s conversion in terms of shari’a in an effort to undermine the ruling. The EGM asserted that Abu Hanifa, the founder of the Hanafi branch of fiqh, taught that “a girl not having previously shown the ordinary signs of womanhood was to be declared [an] adult at the age of 17.” And Zakiya, as an adult (though her exact age at the time is unknown), was in charge of her own personhood with the full rights of an adult, and, by extension, could choose her religion.\(^{65}\) One writer (likely a missionary) who contributed an editorial on the issue to the *Egyptian Gazette* under the penname “Old Fashioned Liberal” added that, according to Article 499 of Egypt’s Muslim personal status code, if a female arrives at the age of adulthood and “is a virgin … and has both prudence and purity or is a non-virgin to be trusted with herself none of her governors can take her to himself.”\(^{66}\) If this were not enough, the Qur’an states clearly, the memorandum went on, that “‘there shall be no compulsion in religion,’” and it was clear that Yunus was guilty of the “crudest and cruelest compulsion” toward his sister.\(^{67}\) To this liberal, compulsion—though not seduction—clearly violated Islamic law.

This reading of Islamic law is indicative of what Islamic law had generally come to mean not only to missionaries, but also to the British administrators who shaped Egyptian law and politics. On the one hand, Islamic law, similar to Canon law, belonged to a dark era that had been superseded by rational enlightenment and, more particularly, liberalism, with the autonomous individual at its heart. The liberty of the individual was the “mark of true liberalism; it indicates

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\(^{66}\) “Correspondence. Strange Story of a Converted Muslim Girl,” *Egyptian Gazette*, 1 June 1928.

the highest degree of civilization and the triumph of moral ideas.” On the other hand, Islamic law could not be completely dissolved, for it represented the true character of “Mohammedans,” a mark of colonial difference. And it was the shari‘a courts that were tasked with upholding that character. In part for this reason, Egypt’s (British) Office of the Judicial Advisor, made up of legal positivists rather than evangelists, could push back against the EGM after the mission had reached out to it for clarification, advising that “there is no doubt whatever that under the Sharia Law a girl of the age of 17 can be made to reside with the person who exercises paternal power over her.”

Having ordered the execution of the shari‘a court’s judgment, parliament demanded that missionaries respect the Constitution and its protection of the “sanctity of religions.” On 30 May Yunus accompanied Zakiya to Alexandria, where the police were instructed to ensure that “no harm was done to her.” The EGM, though discouraged by British authorities who feared public outcry and disturbances, pursued an appeal, but the initial ruling was eventually upheld. Zakiya would remain in the custody of her family.

The EGM missionaries felt bewildered by this outcome, but they knew one thing for certain: Zakiya’s case had inspired others in Shibin al-Qanatir to act against the mission. Central to this effort was a shadowy figure—a leitmotif in missionary discourse concerning Egypt’s antimissionary movement—the “well-to-do” local merchant ‘Uthman Fakhir, who was

68 Ibid., 3.
69 FO 141/520, “George Swan to High Commissioner Egypt,” 2 June 1928, 2.
71 Majlis al-Nuwwab: Majmu‘at Mudabit Dawr al-In‘iqad, Jalasa 69, 28 May 1928, 1153.
72 FO 141/520, “Extract From Minutes of the Standing Committee of the Egypt Intermission Council Held at Cairo,” 9 November 1928, 1.
74 See the figure of Dr. Sulayman in Baron, Orphan Scandal.
outraged by conversion cases in Egypt and nearby Palestine. According to George Swan, when Zakiya “was handed over to her younger brother Othman Fakhir openly showed his triumph and had a great celebration in his house.” Swan maintained that he had helped to “stir up bad feelings” through the press, which followed Zakiya’s case closely. And now Fakhir refused to rest “until he has made it [the hospital] close its doors.”\(^7^5\) He was part of an emerging movement outraged by conversion cases that would lead to the establishment of the Muslim Brotherhood.\(^7^6\)

In July 1928, as Zakiya’s case waited appeal, ‘Aziza Taha ‘Abd al-Rahman ‘Abd al-Hadi, a twenty-one-year-old woman who had spent four years working in the hospital in Shibin al-Qanatir, apparently with her father’s consent, received notice that the shari‘a court had issued a judgment restoring her to his care. The qadi, possibly the same judge who was involved in Zakiya’s case, had determined that the hospital “is a morally dangerous place for a young girl.” About six months prior, ‘Aziza had been baptized—also with her father’s consent. She adopted the name Phoebe, under which she registered in the Egyptian Protestant community’s al-Majlis al-Milli (Millet Council). But now ‘Aziza’s father sought to remove her from the hospital, apparently at the prodding of ‘Uthman Fakhir, the “menace to public security.”\(^7^7\) The EGM, which oversaw the hospital, reacted by refusing to handover ‘Aziza to police authorities, and launched an appeal. As with the judgment in Zakiya’s case, this one had been carried out without prior notice to the young woman in question.\(^7^8\) The appeal was seen by some foreign legal

\(^7^5\) FO 141/520, “George Swan to High Commissioner Egypt,” 26 July 1928, 2.
\(^7^6\) See Baron, The Orphan Scandal.
\(^7^7\) FO 141/520, “George Swan to High Commissioner Egypt,” 26 July 1928, 3.
\(^7^8\) FO 141/520, “George Swan to Lomas, Esq.,” n.d.
onlookers as a test case pitting the Constitution’s apparent protection of conversion against the shari’a’s denial of it to Muslims.\(^79\)

In the meantime, the missionaries considered trying to transfer the girl’s custody to the “relations of another young girl,” but, given that before her baptism ‘Aziza had been married, divorced, and finally remarried (to a convert), the involved legal obstacles seemed insurmountable. Instead, they attempted to meet with the high commissioner to explore steps for securing “the liberties of the Constitution” to converts.\(^80\) For their part, British authorities tried to “defend” ‘Aziza as well. Searching for a legal rationale for reversing the judgment, they sought and received several adjournments of the appeal. They had considered challenging the case on the grounds that the twenty-one-year-old had legitimately converted and, as an adult, was subject not to Muslim personal status law (and thus the shari’a courts), but to that of the Egyptian Protestant community, which enjoyed state recognition since the nineteenth century. However, ‘Aziza’s father had based his case in the shari’a court on his daughter being a minor. Absent a birth certificate establishing her age, it was the father who had the advantage because any legal indeterminacy between religious courts meant deferral to the shari’a courts. Another option that the British explored was to interpret Muslim personal status laws in a way that paternal custody (\textit{puissance paternelle}) ceased at puberty or at latest when one is competent to handle property. But after the judicial advisor, who “very carefully” explored legal questions involved in the case, consulted Shaykh of al-Azhar al-Maraghi, he concluded that this argument would never stand in court.\(^81\) With all avenues blocked, the British agreed not to oppose the execution of the shari’a

\(^{79}\) See, e.g., \textit{The Times}, “Religious Law in Egypt. A Test Case. To the Editor of the Times,” 10 September 1928.  
\(^{80}\) FO 141/520, “Extract from Minutes of the Standing Committee of the Egypt Intermission Council Held at Cairo,” 9 November 1928.  
\(^{81}\) FO 141/520, “Judicial Advisor to Oriental Secretary,” 17 December 1928.
court’s judgment so long as arrangements were made for ‘Aziza to be placed in a government hospital or institution, “where she should have the best chance of being free from molestation or ill-treatment” by her family. In different ways, both the missionaries and British authorities had sought ‘Aziza’s freedom from coercion and pain, whether spiritual or physical, even as missionary attempts at seduction, often under the protective watch of British authorities, had been a cause of collective moral injury.

Another kind of pain was at work in late 1928, in a case that recalled the Zwemer affair. Rather than in Cairo, this case occurred in Isma‘iliyya where the Muslim Brotherhood was beginning to take form; but like the case in Cairo, it involved what the local community saw as the provocative distribution of missionary literature. As elsewhere, missionaries in Isma‘iliyya routinely distributed bibles and pamphlets. Lately, however, they had “started to attack the Mohammeden Religion openly and severely,” as Ahmad Muhammad Shakir, a judge in the Isma‘iliyya shari‘a court, pointed out. “They go about with pamphlets and books containing bitter criticism of the Moslem Faith,” he explained, “which no Mohammeden would tolerate.”

The sting of this bitter criticism was worsened by a recent incident involving sixteen-year-old Muhammad ‘Ali, who worked as a fireman with the Egyptian State Railways. For about a year, Muhammad had been considering conversion to Christianity, until it was arranged that he would be baptized publicly in the Church of Isma‘iliya. According to a complaint handed to the judge of the Isma‘iliyya shari‘a court, Muhammad had also fallen in love with a local girl, the daughter of an EGM preacher. The preacher was unwilling to allow him to marry his daughter unless he publicly embraced Christianity. The demand that the embrace be public, if true, was likely an

82 Ibid.
84 FO 141/520, “Keown-Boyd to the Residency,” 12 December 1928.
attempt to ensure that Muhammad’s conversion was genuine. With his baptism scheduled, Muhammad notified the Ismai‘iliyya government of his intention to convert, notification that was forwarded to the Ministry of Justice in Cairo.\textsuperscript{85}

As the conversion date approached, word spread and outrage grew, as did the anxiety of the local Isma‘iliyya government.\textsuperscript{86} In his complaint to the Shaykh of al-Azhar, the judge Ahmad Muhammad Shakir wrote that “they intended to celebrate the occasion in a manner which would have infuriated the peaceful Moslem population of Ismailia.”\textsuperscript{87} However, on the day of the conversion, Muhammad’s family “kept him in the house by force so the public baptism never took place.”\textsuperscript{88} According to the judge, Muslim notables and authorities had intervened.\textsuperscript{89} Though a public ceremony had been avoided, Muhammad was apparently baptized outside the city at a later date. Unlike Zakiya and ‘Aziza, this young man continued to live openly as a Christian, reflecting the different discursive, ideological, and material entanglements that Egyptian men and women experienced in their encounters with missionaries.\textsuperscript{90}

As with the other two cases, this affair involved and reproduced divergent visions of religious freedom. The missionaries advocated Muhammad’s “right” to change his religion based on the Constitution. Judge Ahmad Muhammad Shakir and the Shaykh of al-Azhar al-Maraghi felt differently. The judge emphasized not only the “indignation” and “infuriation” of local

\textsuperscript{85} FO 141/520, “Keown Boyd to the Residency,” 9 December 1928. It is unclear why notification was sent to the Ministry of Justice given that the latter does not seem to have had an infrastructure for registering conversions from Islam. Perhaps Muhammad sought protection.
\textsuperscript{86} Ibid.
\textsuperscript{87} FO 141/520, “Ahmad Mohammed Shaker to His Eminence Sheikh of El Azhar,” 21 November 1928.
\textsuperscript{88} FO 141/520, “Keown Boyd to the Residency,” 9 December 1928.
\textsuperscript{89} FO 141/520, “Sheikh El Azhar Mustafa El Maraghi to the President of the Council of Ministers,” 21 November 1928.
\textsuperscript{90} FO 141/520, “Keown Boyd to the Residency,” 12 December 1928.
Muslims at the notion of the public conversion, but also the missionaries’ “disregard of our feelings” and “attack on our religion and on the Koran.” The Shaykh of al-Azhar also complained of the attitude of the missionaries, which “enrages the masses and hurts their feelings.” Invoking the discourse of religious freedom directly, he argued that “it is not right, from the point of view of freedom of conviction, that persons who tempt simple-minded people and minors should be allowed to spread their teachings in a manner which offends the feelings of the public.”91 Freedom of religion meant freedom from the pain caused by seduction, which both the judge and the shaykh associated with coercion rather than consent. We now turn to how this notion of religious freedom was embedded within and expressed through a local ethical grammar around blasphemy.

**Attack and Injury**

The late 1920s and especially the early 1930s witnessed similar local-missionary encounters, largely in the Delta region, that expanded the debate over religious freedom. These cases also involved accusations of *ta’n* (attack, here on Islam). Appearing in the Qur’an, *ta’n* is one of several words in the Islamic textual tradition associated with blasphemy, including *sabb*, which also connotes injury.92 Without delving into that tradition, I would like to make two general observations. First, prior to the rise of the modern state, the role of legal proscriptions regarding blasphemy was less to maintain public order through the threat of punishment than to embody

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the ethics of a community and maintain the common social good. In other words, Islamic jurisprudence regulating blasphemy, which was fluid and complex across time and space, should not be confused with blasphemy laws of the modern state—even one that defines itself as Islamic. Second, the language around blasphemy, such as the word *taʿn*, though embedded within the Islamic textual tradition, was used widely in early twentieth-century Egypt (and elsewhere) to mean a serious accusation of attack on one’s religion. Thus, the Copts who organized a congress in 1911 to demand rights based on a Coptic identity, complained of an “attack [*taʿn*] on the Christian religion and its people [i.e., Copts]” by certain Muslim-run periodicals.

By the mid-1920s, it was increasingly the state that made this charge. However, the state linked *taʿn* not to violation of the common social good but to violation of the public order, thus transforming it from a *moral* offense into a *criminal* one punishable by law. The state’s target tended to be another threat to what had recently become Egypt’s state religion, namely positivist intellectuals. In 1926, with the encouragement of the palace, groups of ‘ulama’ associated with al-Azhar, an institution long in the process of incorporation under the state umbrella, famously charged the jurist ‘Ali ‘Abd al-Raziq and the intellectual Taha Husayn with blasphemy for their respective, recent publications. In his book *Fi al-Shiʿr al-Jahili* (On Pre-Islamic Poetry), for example, Husayn had questioned the authenticity of much of the pre-Islamic poetry from which the early Islamic tradition had differentiated itself, arguing it was fabricated by Muslims at a later

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94 Habib, *Tidhkar al-Muʿtamar*, 257. In Judaism, like in Islam, blasphemy could be associated with pain, offense, and even mourning. For an example, see Mishnah Sanhedrin 56a.
date, and analyzed the Qur’an as a literary work. In response, the ‘ulama’ claimed he had “seriously denied … the Qur’an, and attacked [ta’na] the Prophet … and his noble lineage, and in so doing incited the fury of the pious [al-mutadayyin] and perpetrated what violates public order and invites people to chaos [al-fawda], and it was requested to take successful effective legal means against this attack on the official state religion.”

Husayn’s alleged attempt to seduce the pious had caused injury and chaos that threatened public order and demanded criminal punishment.

Before long parliament chimed in. It debated not whether Husayn was in the wrong but rather the extent of parliament’s ability to punish him. The main advocate for punitive action was the ‘alim Mustafa al-Qayati, who put into question Husayn’s loyalty to the nation. Noting that Husayn, as dean of Cairo University, received his salary from the public treasury, al-Qayati exclaimed that “no one would have ever thought that the beneficence of the nation to him would be met with this recalcitrance to the extent that he struck it [the nation] with a blow to the religion of Islam, the religion of the majority.” Worse still, Husayn was disseminating his denial of the truth of the Qur’an, ascription to the prophet … of deceptiveness, and serious fabrication of history [among students]. I want to say to folks who … claim that … we cannot limit the freedom of people to their opinions—I say to them that we are not limiting their freedom to their convictions but we are limiting opinions dictated to our

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children and disseminated among members of the nation … [which are] inviting error and iniquity.\textsuperscript{97}

In other words, he took issue less with Husayn’s internal convictions than with the effects of their public expression, a position consistent with stipulations around disbelief in the classical law. Al-Qayati elaborated:

If I did not spend the night among you enumerating the statements contained in this book and recalling the heinous words that indicate nothing but disbelief, it is because I do not want to inject sadness into your hearts and because I do not wish to see your tears flow in anguish over your religion and the honor of your country.

We are not talking about anything here but the motive to uphold religion, and that is something important not to Muslims alone, for the honor of all of the religions should be upheld.\textsuperscript{98}

Moral injury expressed in parliament became an injunction for the state to define religion and limit speech seen to undermine it. Husayn was eventually stripped of his position as dean (he was later reinstated) and his book was censored. However, the chief prosecutor in his case, Muhammad Nur, eventually acquitted him of all charges. In a long decision in which he challenged substantively many of Husayn’s claims, Nur focused on intent rather than social

\textsuperscript{97} Ibid., 956. 
\textsuperscript{98} Ibid.
consequences, concluding that though Husayn’s methods and ideas were erroneous and misguided, his motive was not to attack Islam or divert Muslims to false ideas but rather to pursue scientific research.\textsuperscript{99} Nevertheless, in subsequent such cases, including the well-known 1995 trial of Nasr Hamid Abu Zayd, the state would draw on al-Qayati’s logic in determining apostasy, folding this Islamic notion into the regulation of public order.\textsuperscript{100}

Despite the many accusations of \textit{ta’n} during the 1920s and early 1930s, and in part due to their accumulation, bans on seduction and offense to religion entered into modern law only in 1937, when the Egyptian state expanded its sovereignty. As we will see, the Montreux Convention effectively proscribed missionary seduction and advanced efforts to prevent seduction between Egyptian Christians and Muslims. Meanwhile, translating offense to religion into the neutral language of modern law, Articles 160 and 161 of the 1937 penal code authorized the state to determine what constituted offense to religion, partly by discerning “the intended meaning” of the holy books, and to regulate it as part of preserving the public order.

**Sovereignty, the League of Nations, Sectarianism**

The Anglo-Egyptian negotiations of 1929–30 inaugurated the specter of complete Egyptian sovereignty. Though they failed in the short term, negotiations would eventually resume and lead to the political settlement of 1936 that increased Egyptian sovereignty.\textsuperscript{101} The International Mission Council, originally formed in 1921 to coordinate the efforts of Protestant missions in Egypt, saw the negotiations as an opportunity to achieve its long-standing objective of codifying

\textsuperscript{99} See Shalabi, \textit{Muhakimat Taha Husayn}.

\textsuperscript{100} Asad, “Free Speech, Blasphemy, and Secular Criticism,” 40–43.

\textsuperscript{101} For the negotiations of 1929-30, see, Muhammad Mahmud, \textit{Exposé des négociations de 1929 qui ont abouti au projet de traite anglo-égyptien} (Cairo: Government Press, 1929).
religious freedom, as the missionaries understood it, in Egyptian law. As the Council’s president, missionary Charles R. Watson, concisely put it, “religious liberty to become effective must be codified.” At the onset of negotiations, the council sought to persuade the Office of the High Commission that if the British were to cede sovereignty, particularly protection of minorities (one of the four reserved points in Britain’s 1922 unilateral declaration of Egyptian independence), the Egyptian government should make a legally binding guarantee to protect religious freedom (the aspect of minority protection of most interest to these missionaries).

When it became clear in late 1930 that negotiations would falter, the International Mission Council, understanding that these negotiations would serve as the basis for future talks, requested that British negotiators, who had already formally acknowledged that protection of minorities would in future be the exclusive concern of Egypt (as a sovereign state), put two points on the record: first, that Britain was ceding protection of minorities on the assumption that Egypt will ensure full religious freedom; and second, that the Egyptian government should provide “in its codified laws” a more “exact and effective safeguarding of religious liberty in the fullest sense of the word.” The “fullest sense” involved state protection of a converted Christian’s right to inheritance, state recognition of conversion from Islam, and the ability of Muslim women to “act as an independent and free personality in regard to her religious attachments.”

The council was not alone in its demand for codification and its plan for realizing it. In a widely cited letter to The Times of London, British lawyer and politician Robert Cecil, who had been a major figure in the formation of the League of Nations, pointed to the discrepancy

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102 On the Egypt International Mission Council, see Sharkey, American Evangelicals in Egypt, 126-27; and Baron, The Orphan Scandal, xix, 11.
between Egypt’s protection of “freedom of conscience” in the Constitution, “which all civilized States today regard as essential,” and how this guarantee was interpreted in Egypt. Like the missionaries, Robert Cecil found it particularly anomalous that religious freedom in Egypt did not protect conversion from Islam. “I understand,” he wrote, “that, by the law prevailing in Egypt at the present time, an unmarried [Muslim] woman who is converted to Christianity may be forcibly taken from any position she holds and restored to her Moslem parents, who may then practically insist on a Moslem husband for her.” Cecil contrasted this obstruction of agency with common practice in “Western nations.” “Is it too much to suggest to Egyptians,” he asked, “that political freedom does not accord with the denial of the liberty to individuals in so vital a matter as religion, and to hope that the Egyptian Government will, before Egypt takes her place in the community of nations, remove this archaic blot from her legal system?”106 Egypt’s attainment of sovereignty and acceptance into the community of nations (and, as I will show, the League of Nations) was to be partly contingent on its acceptance of a certain normative arrangement of public law and religion that was seen to threaten its majority religion and target in particular young Muslim women.

As we have seen, the International Mission Council and Robert Cecil were correct to suggest that Egyptians generally understood religious freedom differently than they did. Amid the conversion crises that rocked Egypt in the early 1930s, two representatives of the International Mission Council sat down with Egypt’s prime minister Isma‘il Sidqi, who was accompanied by Coptic politicians Tawfiq Duss and Kamil Bulus, to convince him that press

106 Robert Cecil, “Religious Liberty in Egypt,” *The Times* (weekly edition), 23 January 1930. The letter was reproduced in *al-Ahram*, 25 January 1930 and in other Egyptian periodicals. Ironically, Cecil made this statement only two years after Britain granted women suffrage on the same terms as men.
accusations directed at missionaries were unfounded. Isma’il Sidqi reportedly defended Egyptians for their outrage, pointing out that Egypt defined Islam as the state religion, was home to the leading Islamic institution of learning in al-Azhar, and for many centuries played a leading role in the Islamic world. “While evangelistic work might be in place in primitive countries like Tanganyika [now part of Tanzania],” he argued, “it was not suitable in a Moslem country like Egypt, especially as Egypt is firmly attached to a religion of its own, and is civilized.” Sidqi went on to differentiate between two conceptions of religious freedom: the right to attack another’s religion, which is unjustifiable, and the right of individuals to maintain and practice their own religion, which was “the true conception of religious liberty.” Whereas the missionaries extended this latter right to include the ability to change religion, Sidqi contended that such conversions in Egypt were invalid because they occurred only among the “lowest classes” and as a result of “ulterior motives.”

He thus combined the widely shared feeling that Islam was under attack, which he felt to be unjustified given Egypt’s place within a colonial civilizational hierarchy, with the challenge that missionary conversions of souls were based on coercion not consent.

But many felt that the conversion controversies of the early 1930s demanded more from the state than verbal critique. Egyptians already widely viewed the state to be sluggish in its response. To spur action, the League for the Defense of Islam (al-Lajna li-l-Difa‘a ‘an al-Islam), in which Muslim Brotherhood founder Hasan al-Banna participated, was formed in June 1933. The league’s founding document does not mention religious freedom, but its invocation of “defense” in its title, its desire to protect the “weak” and the young, and its stated purpose to “appeal to the government to prevent missionary attacks on Islam” were the products of a decade

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107 FO 141/565/1, “Resume of an Interview between Dr. R. S. McClenanahan and Mr. S. A. Morrison, and H.E. Ismail Sidky Pasha,” 20 February 1932.
108 See, e.g., al-Siyasa, 12 February 1932.
of the politics of religious freedom.\textsuperscript{109} Unable to ban missionaries from Egypt, in 1934 the Egyptian government, and particularly Interior Minister Mahmud Fahmy al-Nuqrashi, pursued legislative action by producing a “Draft Law on Religious Propaganda.” The proposed law—never itself implemented—would have banned “religious proselytization,” including the distribution of pamphlets and books and the hanging of posters, in “institutions assigned to humane purposes” if such institutions accepted persons of different “creeds or religion,” and in the homes, places, and institutions of people belonging to a different creed or religion. Propaganda of this kind would henceforth require Interior Ministry permission. Moreover, educational institutions in which there were students of various creeds and religions had to guarantee “freedom and respect of faith” to all. In part, this meant that in schools with religion in their curriculum, religious instruction could only be given to students in their own religion. “It is forbidden to cause students to take part in prayers or sermons contrary to their creed,” the draft law went on, “and it is likewise forbidden to distribute to them books or pamphlets containing religious controversies or any criticism of their religion or creed.” The draft law also forbade inducing with money, service, or “any other means of trickery,” including bribery and threats, a person to attend a prayer or sermon contrary to that person’s creed or religion or to induce one to renounce his faith. Contravention of the law could result in imprisonment.\textsuperscript{110}

\textsuperscript{109} The founding statement appeared in \textit{al-Siyasa}, 27 June 1933. For more on the League for the Defense of Islam, see Sharkey, \textit{American Evangelicals}, 128; and Baron, \textit{Orphan Scandal}, esp. 140–44.
\textsuperscript{110} FO 141/565/1, “Draft Law on Religious Propaganda.” This draft law is different from Law 40 passed in 1934 and concerning \textit{al-madaris al-hurra} (free schools, or foreign private schools). Heather Sharkey identifies Law 40 as the first step in reining in missions in the wake of the conversion crises, but this “law” never made it into the books and it did not include a provision making it illegal to teach a student a religion other than her own, even with permission of that student’s guardians. Sharkey, \textit{American Evangelicals}, 131–32.
In 1936 Anglo–Egyptian negotiations resumed. With Egyptian sovereignty seeming inevitable, Protestant missionary groups increasingly understood that Britain’s negotiating leverage was relatively weak and that it would be unable to gain the kinds of concessions they had sought earlier. The British administration was as unwilling as ever to entertain missionary policy schemes, which seemed unreasonable and potentially costly to its other military and geopolitical goals.\textsuperscript{111} The missionaries thus adapted in several ways. First, they began to emphasize minority rights and the supposedly worsening situation of Egyptian Christians (no longer just converts) since the conversion crises of 1932–33; second, and relatedly, they called for making Egypt’s entrance into the League of Nations contingent on it declaring on the international stage that it guaranteed protection of minorities and religious freedom. In a meeting with the British high commissioner Miles Lampson, Charles Watson of the Inter-Mission Council (and the American University in Cairo) advocated this strategy, citing the Mandate states of Palestine and Iraq as precedents. The high commissioner was “increasingly struck” by the possibilities these presented.\textsuperscript{112} While Egypt was not a Mandate, “under the four reserved points the United Kingdom arrogated to itself … an obligation to see to the protection of religious minorities in Egypt.” In doing so, Lampson suggested, “his Majesty’s Government have … virtually constituted themselves a mandatory.”\textsuperscript{113}

But what may have been possible only a year earlier seemed in vain in spring of 1936, by which time Italy had invaded Ethiopia and Germany had occupied the Rhineland. British administrators and the Inter-Mission Council both conceded this point. “The countries which

\textsuperscript{111} See, e.g., FO 141/613/9, “Minutes,” 17 February 1936; and FO 141/613/9, “Ronald Campbell to Miles Lampson,” 23 April 1936.
\textsuperscript{112} FO 141/613/9, “Record of a Meeting between the High Commissioner and a Deputation from the Egypt Inter-Mission Council at the Residency,” 26 February 1936.
\textsuperscript{113} FO 141/613/9, “Miles Lampson to Ronald Campbell,” 23 April 1936.
have [minority] treaty obligations … are becoming increasingly restless,” said Lampson. “The policy of imposing permanent servitudes on sovereign states is not proving conspicuously successful,” he went on, “and it seems wise … to avoid the creation of new ones [treaty obligations].”

Some in the Inter-Mission Council wondered, with good reason it turns out, whether the League of Nations would even continue to exist. This skepticism notwithstanding, the British opted to warn then-prime minister Mustafa al-Nahas that the issues of religious freedom and equality were likely to be raised when Egypt was elected into the League of Nations in Geneva. They hoped this warning would prompt him to guarantee publicly to uphold these principles, thus providing “a locus standi for the Council to take the matter up” should Egypt fall short of its promise. At the request of the high commissioner, the Inter-Missionary Council even drew up a draft statement declaring, among other things, that “the citizen will enjoy complete freedom in the choice of his religious affiliation.”

On 26 May 1937, Egypt became the last state to join the League of Nations. Although al-Nahas initially agreed to make a variation of the statement desired by the British administration and the Inter-Mission Council at Egypt’s League election, reportedly at the last minute he chose to reverse course because, as missionary William Paton explained it, “any such statement on their part would mean that they admitted the right of other bodies to enquire into what was for them a matter of purely domestic policy.” Moreover, al-Nahas felt that Egypt already upheld

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114 Ibid.
118 FO 141/613/9, “Memorandum,” 7 December 1936.
religious freedom, rendering the statement unnecessary.\footnote{FO 371/2365, “Memorandum on Proposed New Law Affecting Christian Missionary Schools in Egypt,” 5 July 1939.} With the Anglo-Egyptian Treaty already signed (1936) and the League of Nations increasingly powerless, al-Nahas likely felt little pressure to cow to Britain’s or the missionaries’ demands.

Quite the contrary, al-Nahas was positioned to strike a fatal blow to missionary institutions in the country and to concretize in law Egyptian conceptions of religious freedom. Heather Sharkey has suggested that the Montreux Convention of 1937, which promised to phase out the Capitulations over twelve years, was the death knell of missionizing in Egypt because it removed tax exemptions and placed obstacles in the path of missionizing. Just prior to the agreement, in January 1937, the liberal jurist ‘Abd al-Hamid Badawi made an exchange of notes (i.e., an agreement) with the British Foreign Office’s legal advisor, William Eric Beckett, concerning the future of missionary institutions, which was the basis for an additional exchange of notes at Montreaux. The two agreed that missionary institutions would be permitted to continue functioning in Egypt, subject to certain conditions, but that henceforth proselytization would be illegal. Several months later, an Egyptian delegation led by al-Nahas signed, as part of the Montreux Convention, multilateral agreements with several countries, including Britain, France, and the United States, stipulating that foreign “charitable institutions” existing in Egypt on the date of signing would be free to continue their activities subject to one qualification: “within the limits of the customs recognised in Egypt regarding religions other than the state religion, freedom of worship shall continue to be assured to all religious institutions … on condition that there is no offence against public order or morale.”\footnote{“Convention concernant l’abolition des capitulations en Égypte, signé à Montreux, le 8 Mai 1937,” Annales du Sénat: recueil des procès-verbaux des séances, 21 July 1937.} Interestingly, it was the
Coptic delegate Makram ‘Ubayd who was said to have most vociferously rejected any statement regarding minorities or religious freedom (as he had during the debates over the 1923 Constitution) and any notion that Egypt would allow proselytization.\textsuperscript{121} The British tended to dismiss his position as a way for him (and the Copts) to avoid appearing as if seeking foreign protection. Even if true, it is likely that he objected to this missionary practice, which was critical to the terms of the Montreux Convention.

The missionaries from the International Mission Council may have been caught off guard by this series of events in 1937. Though they tried to undermine the Egyptian position—at one point arguing that they and the Egyptians had very different understandings of what constituted proselytism\textsuperscript{122}—their protests were directed at a British administration increasingly guided by realpolitik and the prospect of dismantlement, even as it itself may not have realized it had agreed to render proselytization illegal. “We seem at Montreux to have accepted the position … that strictly speaking all proselytism in Egypt was illegal,” one legal advisor stated in response to a missionary complaint to the high commissioner. He concluded that “it is difficult to see what more precise instructions could be given on this point.”\textsuperscript{123}

**Conclusion**

The banning of proselytism through the Montreux Convention, and of attacks on and offense to religion in the 1937 penal code, established in law the state’s reading of religious freedom. As

\textsuperscript{121} FO 371/23365, “Egyptian Draft Law Prohibiting Teaching Liable to Influence Religious Beliefs,” 3 April 1939.

\textsuperscript{122} “Convention concernant l’abolition des capitulations en Egypte, signé a Montreux, le 8 Mai 1937,” Annales du Sénat: recueil des procès-verbaux des séances, 6 February 1939.

\textsuperscript{123} FO 371/23365, “Egyptian Draft Law Prohibiting Teaching Liable to Influence Religious Beliefs,” 19 June 1939.
positivist modern law expanded at the expense of shari’a, local notions of moral injury and offense were channeled toward a state effort to maintain public order from the top-down. The late 1930s and 1940s saw a slew of draft laws for expanding the state’s co-optation of these sentiments. Only two years after the Montreux Convention, in 1939, the Egyptian senate (Majlis al-Shuyukh) considered a new law drafted by ‘Abd al-Khalik Salim regulating “propaganda susceptible to influence the religious conviction of adolescents.” The draft law was aimed at “certain institutions having humanitarian and charitable appearances” that seek to divert the religious convictions of children and adolescents. Justified with reference to Article 13 of the Constitution, the law was deemed necessary for protecting not only Egypt’s youth, but also public order.\(^{124}\)

Though this draft law was shelved, the Egyptian senate discussed a new version in 1940 whose first article stipulated that religious proselytizing was permissible only in places intended for such proselytizing (e.g., a church). The second clause proscribed anyone from proselytizing to anyone other than the adherents of one’s own religion, including in schools and even with the permission of a student’s guardians.\(^{125}\) The International Mission Council, feeling threatened, proposed a “conscience clause” that would exempt students whose Muslim parents had chosen to allow their children to receive Christian instruction. Such a clause was said to have worked in India.\(^{126}\) But before this proposition went very far, the new draft law, like its predecessor, was blocked. As parliamentarian Tawfiq Duss pointed out, it would have rendered illegal the call to

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\(^{125}\) Al-Bishri, *al-Muslimun wa-l-Aqbāt*, 577.

prayer, not to mention the common practice of Muslims entering churches to visit or congratulate Christian friends. The law, he felt, would contribute to sectarianism (*al-ta‘assub al-dini*).  

Despite Duss’ reservations, eight years later, in 1948, law number 38, combining elements of each draft law, was passed and enacted, contributing to sectarianism in Egypt. Thus, in a sense, the trail to the charge of *izdira‘ al-din* discussed at the start of this chapter can be traced back to the conditions that gave rise to the 1937 penal code and the article used to convict Hakim Wasif for distributing *La fleur de la forêt*. It was this article that in 1982, soon after the assassination of Anwar al-Sadat by an Islamist militant, was slightly revised to introduce the notion of *izdara‘ al-din* that further expanded the Egyptian state’s ability to regulate religion under the rubric of public order. In the final analysis, Egypt cannot be said to have a deficit of religious freedom as much as a particular trajectory of it, forged through a contingent process involving missionaries, local communities, and the Egyptian state under the shadow of colonial rule. As in other postcolonial contexts, this concept’s entangled history has helped to define and delimit Egypt’s ethical and religious imaginaries. We will now turn from religious freedom, a tactic of public order, to a related concept of expectation with its own particular genealogy—public interest.

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Chapter 3

Whose Public Interest? Translations of Libel and the *Elders of Zion*
In 1890, an obscure Egyptian Christian named Habib Faris introduced his newly published translation of a European text titled *Les crimes rituels des Juifs* by “affirming publicly” that “the single purpose of the appearance of this book is to bring to light truths before the eyes not of a nation or government only but of all without respect to national or doctrinal difference or to class or rank distinction.” Faris had provided the first Arabic translation of this French work, which only recently had been published in France. The original work gathered in encyclopedic fashion the incidents of blood libel (*al-dhaba’ih al-bashariyya, or tuhmat al-dam*) claimed to have occurred in both East and West. These included the recent alleged slaughter in Damascus of a six-year-old boy named Henry ‘Abd al-Nur at the hands of a group of Jews said to have drained his blood to mix it in the dough they used to make ritual bread (matzoh) for the Jewish holiday of Passover. As Faris explained, “we clutched our hands on the only copy of this book in the world and decided to translate it into the Arabic language.” What called him to this task, he pointed out, was less an ancient form of fanaticism toward Jews, which many associated with the blood libel accusation, than the spirit of reform: “if there was discovered among the religious groups [*tawa’if*] and nations [*umam*] residing in the Ottoman Empire an evil commanding the elimination or incineration of [justice], in this glorious age we must bring it to light in any way possible.”¹ In Faris’ view, it was Jews—or some of them anyhow—who had refused to leave old habits behind.

Not coincidentally, about a decade later, in 1902, an actual blood libel accusation occurred in Port Said, Egypt. The blood libel charge had a long history in Christian Europe, but this incident was the most recent in a string of such charges in the Ottoman Empire that began

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only in the early nineteenth century. The accused, a twenty-six-year-old Jewish man named Hayyim Daud Kahana, was convicted in court and then acquitted in appeal, largely thanks to the skilled defense of his lawyer, the Egyptian Jewish reformer and intellectual Murad Farag. During and after the affair, Farag countered the charge against Kahana and ridiculed the blood libel in the press. Like Faris, he sought to reach a broad audience, and like Faris he made his case invoking a new age of enlightenment and justice. But Farag offered a vision of the common good that extended well beyond the boundaries of his community, encompassing even Kahana’s accusers: “we have bias toward nothing but the truth, so [bias] is not stamped in our hearts by religion and our vision is not clouded just to defend Jews [bani isra’il]—our … community gains no benefit without humanity, zeal for the truth, and rejection of falsehood, slander, and lethargy.”

This chapter deals with the emergence of the secular concept of public interest in colonial Egypt and its displacement of prior conceptions of the public good. Recent literature in anthropology and history of the Middle East has described the translation and actualization of the related, though significantly different, concept of public order within religious law in the colonial Middle East, particularly Egypt, beginning in the late nineteenth century. Public order has worked along the fissure between the public and the private, authorizing the state to intervene in the seemingly sacrosanct realm of the private when and wherever it deems such intervention necessary. One outcome was and continues to be the state’s increasing ability to regulate religion especially when particular practices seem to transgress the perceived sensibilities of an assumed

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2 Al-Tahdhib, “Tuhmat al-Dam – Bur Sa’id – 2,” 22 May 1903.
majority. As Hussein Agrama has observed, though “public order … is to apply equally to all citizens … it expresses the sentiments and the values of the majority, even if they are rooted in religion, so long as they have become integral to the cohesiveness of society.”

Premised on a unified national community whose features are defined in law, public order regulates and displaces older forms and structures to facilitate governance in the nation-state.

By contrast, public interest, a vague secular legal concept that manifests differently across liberal states but often authorizes judicial or executive power to implement a “common good” when it conflicts with other laws, entered into Egypt’s public law in such a way that it was intimately linked to issues of national security. This chapter explores public interest through a focus on Egyptian Jews, who represent a logical case for two reasons. First, during the colonial period Jews were the second largest non-Muslim religious group in Egypt numerically after the Copts. And unlike the latter group, which, as we saw in the previous chapter, were included among the nation’s elements (‘anasir), Egypt’s Jews were eventually excluded during the 1940s–1960s under the guise of national security. Second and relatedly, by the time Egypt approached sovereignty in 1936–37, and especially over the ensuing three decades, Jews were increasingly portrayed and identified as one of the main threats to public interest due to the perception that their loyalty was to foreign capital and foreign powers rather than the Egyptian nation.

To pursue this enquiry, the chapter traces in particular the translation of a set of texts and related accusations often bundled together under the umbrella of anti-Semitism. The texts include translations of western European works on the blood libel, which represent the tail end of a very old form of anti-Jewish Christian polemics, and the paradigmatic anti-Semitic text, the

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4 Agrama, *Questioning Secularism*, 94.
fabricated *The Protocols of the Elders of Zion*. The appearance of these works in Egypt and in the Arabic language for the first time coincided with and inspired, in the former case, a string of public accusations between the 1870s and 1920s that Jews murdered Christians for ritual purposes, and in the latter case, the notion that the Jews sought to take over the main organs of state to channel them toward their own interest (*maslaha*) and achieve world domination. Blood libel accusations, almost unheard of in the Ottoman world prior to imperial intervention and the expansion of Christian mission in the nineteenth-century, and almost exclusively leveled by authors identifying as Christian, contended that Jews (*al-ta'ifa al-isra'iliyya*), allegedly guided by Talmudic prescriptions, sought to drink Christian blood or to siphon it to make Passover matzoh. Though in Europe this charge was often leveled in terms of Christian doctrine especially in regard to Jews and Judaism, in fin-de-siècle Egypt it was lodged on the profane level in the name of enlightenment, truth, and progress. The charge was born of suspicion, but in its textual manifestation it tended to probe rather than state definitively, and did not impute essential characteristics as it did in Europe. In addition to its consequences for Jewish individuals, who could be imprisoned or worse, and for Jewish communities, the blood libel accusation often led to a breakdown of communal relations and the actual spilling of blood.

Given their grave consequences, blood libel accusations attracted scrutiny and ultimately scorn by some in Egypt. I focus on the efforts of the Jewish reformer Murad Farag to counter them in both the courtroom and the press. Standing within his Jewish tradition, Farag dismantled the logic of the blood libel by explaining Judaism and expounding moral Jewish subjecthood.\(^5\)

As a modern lawyer, he drew on secular logic and the cultivation of empathy to successfully

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defend an accused co-religionist in the National Courts, where he encountered like minds. And as a translator of modern legal knowledge, he presented a vision of public interest (al-maslaha al-‘amma) marked by inclusiveness and sincerity (ikhlas). His efforts on all these fronts coincided closely with the reform projects of many of his Jewish and non-Jewish peers, some of whom addressed the ritual murder charge directly. Yet I show how their intersecting vision of public interest, characterized by the cultivation of good morals through embodied practices, was jettisoned by the implementation of secular public interest beginning in 1904. This latter project sought to prevent mass violence and shedding of blood, but, through the logic of national security, helped to render the local Jew (al-isra’ili) an undifferentiated universal Jew (al-yahudi) whose interests were deemed suspicious and threatening to the national order. In conjunction with the expansion of the Zionist project in Palestine, this Jew, gendered male, could be viewed as a disease that was corrupting the national body and must be excluded. I use a translation of The Protocols into Arabic from the late liberal period, when Arab nationalism was on the rise, to illustrate the paradoxical operation of public interest and how it reconfigures modes of identification, with Jews coming to be defined in essentialist terms. Although taking us somewhat beyond the dissertation’s period of study, the work well encapsulates the distinction between the common social good as a bottom-up cultivation of the moral community and secular public interest as a top-down conception that is suspicious of the private and regulates it through law.

Thus, in addressing the introduction of public interest in Egypt, this chapter also addresses to some extent the contested issue of anti-Semitism in the Arab world. Broadly speaking, this subject has been discussed in one of two ways. The first has understood anti-Semitism as primordial to traditions of Islam, often channeling it toward a polemical defense of
Zionism and Israel. The second has viewed it as a modern European phenomenon that is transplanted to the Ottoman world and the Middle East. Though this chapter takes the latter perspective, it also contends that in both strands of literature anti-Semitism is presumed a stable universal concept that stands outside of history, precipitating a Kantian categorical imperative. In other words, anti-Semitism in Europe is anti-Semitism in the Middle East is anti-Semitism anywhere, demanding in all cases an equal moral response. Assuming a distinction between anti-Judaism and anti-Semitism, this chapter analyzes these concepts as objects of translation, similar to public interest and the other concepts that are the focus of this dissertation. My intention is not to dilute the seriousness of the forms of anti-Semitism we will encounter, for they had severe consequences, but rather to suggest that they are indelibly shaped by the contexts in which they accumulated meaning. If the emergence of anti-Semitism in Europe was inseparable from the rise of the nation-state, in the Middle East it was also inseparable from both colonial intervention, which enabled certain materialities of its translation, missionary discourse, as well as Zionist and Israeli politics.

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8 I define anti-Judaism here as hatred of Jews premised on religious difference, though often involving factors other than religion, and anti-Semitism as a secular ideology that, inseparable from the emergence of the nation-state, had no precedent prior to the 1870s. By adopting a distinction between them, I do not intend to trivialize anti-Judaism or its consequences. For more on this distinction, see, among many others, Hannah Arendt, The Origins of Totalitarianism (London: Harcourt Brace & Company, 1973 [1951]), vi–xvi.
Translating the Blood Libel

Habib Faris’ choice to translate an anti-Semitic French text into Arabic was perhaps not as serendipitous as he suggests. His recognition of the book and interest in it were likely conditioned by news he had recently heard of the blood libel accusation in Damascus. Even before he began curiously flipping through the pages of Les crimes rituels des Juifs, he had likely known that the 1890 affair was only the latest such case to have occurred within his Ottoman scale. The most well known of these is what has come to be known as the Damascus Affair of 1840. In February of that year, the monks of a Capuchin monastery in Damascus accused local Jews of kidnapping and murdering their friar Father Thomas, an Italian who had long lived in the city, and his local aid Ibrahim ‘Ammara when the pair went missing. According to the monks, the Jews had killed the father in order to siphon his blood for use in the making of matzoh. The French consul Ratti-Menton led a joint investigation with the Ottoman governor-general Sharif Badi‘a that, through the forced “confession” of a local Jewish barber, produced a group of unsuspecting Jewish culprits. Though their fate of imprisonment and in a few cases death had already been decided, the discovery of bones in a sewer in the Jewish quarter of Damascus that the monks believed to belong to the friar, and then of more bones thought to belong to the aid, did not help their cause, even as a local Italian doctor who conducted a forensic examination refused to identify the bones as human. Ultimately, however, those accused who had survived imprisonment and torture were released (without formal exoneration), in part through the intervention of prominent British and French Jewish figures such as the banker and philanthropist Moses Montefiore and the lawyer and statesman Adolphe Crémieux. Seeing in the affair the haunting specter of a medieval European past, they traveled as a delegation to Egypt to
plead with its viceroy Mehmet Ali to transfer the investigation to Alexandria or to the jurisdiction of European judges.\textsuperscript{9} When Mehmet Ali agreed only to free the accused without an acknowledgement of innocence, the delegation embarked for Istanbul to request of Sultan Abdülmecid I a firman declaring blood libels spurious and banning them as a basis of accusations. This he did shortly thereafter through the Tanzimat rubric of protection, though the firman did not prevent the accusation from resurfacing.\textsuperscript{10}

In what is often considered the most authoritative historical account of the affair, Jonathan Frankel highlights its consequences for late nineteenth-century European and Jewish politics. On the one hand, the incident revealed the persistence of anti-Jewish sentiment in two of Europe’s most liberal states, Britain and France, where belief in the veracity of the accusation was widespread. It was Klemens von Metternich of Austria and Nicholas I of Russia rather than their Western European counterparts who expressed doubt that Jews in Damascus had a role in the disappearance of the father and his aid. On the other hand, Frankel sees the affair, particularly the intervention of Montefiore and Cremieux, as precipitating Jewish cross-communal connectivity and solidarity that, in turn, made possible the Alliance Israélite Universelle (AIU) and, later, perhaps even Zionism.\textsuperscript{11}

What Frankel does not address is the consequences of the affair for Damascus, Egypt, or the Ottoman Empire generally. One way to view this incident is as an act of translation, with European Christian anti-Judaism being encoded into local intercommunal politics and

\textsuperscript{9} That they would wish the case to come under the judicial authority of European judges is curious given that it was Western Europeans who made the accusation in the first place and who tended to believe it was truthful.


\textsuperscript{11} Frankel, \textit{The Damascus Affair}, 1–16.
vernaculars at a time when these were being reconfigured along modern lines. It was Western European Catholic monks who launched the accusation against Damascus’ Jews, stoking fear of Jews throughout a city that was already experiencing heightened intercommunal rivalry due to the Egyptian occupation and the prospect of religious equality’s implementation throughout the empire. It was also the Catholics who, in response to the investigation, unshelved a text by the eighteenth-century canonist of the Franciscan Order Lucius Ferraris titled *La prompta bibliotheca*, which described Jews’ supposed murderous hatred of Christians, and shared it with the French consul in Damascus. According to the Austrian consul Merlato, a witness to the events in Damascus, the French consul in turn “made public an Arabic translation of some execrable doctrines imputed to the Jews and drawn from a Latin book, entitled *Prompta Bibliotheca,*” which was “furnished through the zeal of our Christian missionaries of the Holy Land.” A copy of the text, perhaps the first translation of what might be called the “blood libel genre” into a language of the empire, was also forwarded to Syria’s Egyptian governor Ibrahim Pasha.

The Damascus Affair was in many respects a local, small-scale event, but one that attracted a global audience. Occurring about one year after the announcement of the Gülhane Hatt-ı Şerif (Noble Rescript of the Rose Chamber, 1839), and almost simultaneous to another blood libel accusation directed at Jews in Rhodes, it produced a sense of crisis in a moment of expectation in the Ottoman Empire and in Western Europe—and in both over the dismantling of religious communities and the binding of subjects to the sovereign state as equals. Damascus and

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12 *Chambers’s Editor Journal* 9, 1841, 191.
Rhodes produced an explanatory logic that, due to the attention they received in the new age of print, was quickly adopted elsewhere.

The first ritual murder accusation to occur in Egypt happened roughly three decades after Father Thomas’ death. In 1870, an elderly Jew was arrested in Alexandria and rumors spread, particularly within the Maltese community, that he had intended to kill a young Christian boy and use his blood to make matzoh. In response, the Jewish community appealed to the then British consul-general. This was followed by another accusation in Damanhur in 1878 involving an Italian child, and then yet another in Alexandria in 1881 involving a young Greek boy, both activating local police, state authorities, and foreign consulates. In 1882, a “Greek” woman in Port Said witnessed her daughter wander into the home of an “Ottoman Jewish family” (i.e., Ottoman subjects), and the door shut behind her. The mother notified passers-by and riots broke out among “Greeks and Arabs.” The father of the house, an elderly man, was allegedly dragged from his home and trampled to death. Sixty Jews in Port Said, who were “citizens of various countries,” signed a petition addressed to Khedive ‘Abbas Hilmi and British Consul-General Evelyn Baring in which they demanded, among other things, that the consul-general ensure those responsible be punished. And, in 1902, a Greek family in Port Said accused Hayyim Kahana of the attempted kidnapping and ritual murder of a young daughter in their household. In contrast to the prior cases, however, the Jewish community involved in this one appealed not to Baring, who was still Egypt’s consul-general, but to an emerging star of Egypt’s legal profession, Murad Farag. The case conveys how by the turn of the twentieth

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15 On these cases, see Archives of the Alliance Israélite Universelle (hereafter AIU), Egypte I C 01; and AIU Egypte I C 03.
century many Jews had been absorbed into Egypt’s nascent National Courts and, by extension, into Egypt as a polity in formation under colonial rule. The ritual murder case, rather than sunder Jews from Egypt, was part of the process of binding them to the colonial state. And Murad Farag, in his role as a producer and disseminator of legal knowledge and an employee of the courts, was critical to this process.

Murad Farag and Colonial Law

Born in Egypt in 1866, Murad Farag lived a life that spanned ninety years during which his natal Ottoman province became British-occupied territory, a British protectorate, and finally a semi-sovereign and—just before his death in 1956—a sovereign nation-state. Farag’s intellectual and professional trajectory bears the marks of Egypt’s shifting cultural, political, and social terrain. Having graduated from the Khedival Law School in 1889—the first Jew to do so—he served as a lawyer in the National Court of Appeals and wrote a series of manuals on Egyptian law. Farag was thus the product of a key colonial legal institution and in the state’s employ, disseminating legal knowledge. In fact, after gaining notoriety as a lawyer, he worked directly for Khedive ‘Abbas Hilmi as a legal advisor. By the early 1900s, Farag had been drawn to the linguistic, literary, and cultural revival of the nahda, and in its spirit established the Karaite reform journal al-Tahdhib (Edification). Farag was a dayan on the Karaite bayt din in Cairo, and helped codify

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17 The Arabic phrase for these courts is al-mahakim al-ahliyya, which is often translated as “National Courts.” The British referred to these courts as “native” or “indigenous” courts.
18 A list of graduates categorized by religion is printed in al-Mu’tamar al-Misri al-Awwal: Majmu’a A’mal al-Mu’tamar al-Misri al-Awwal al-Mun’aqid bi-Hiliubulis (min Dawahi al-Qahira) (Cairo: al-Matba’a al-Amiriyya bi-Misr, 1911), 12. Farag appears to have been the only Jewish (isra’ili) graduate until 1912.
Egyptian Jewry’s personal status laws as part of the overall secularization of law. By 1908, he began to advocate patriotic ideals and constitutionalism in Egypt’s nationalist press, considering himself part of an emerging Egyptian nation.

After World War I Farag encountered the emergence of an Egyptian nation-state and the growing acceptance of a powerful European discourse coupling Jewishness with nationality, which raised suspicion about the loyalty of Jews to Egypt. In contrast, Farag saw Egypt’s Jews as an ethnic group (ta’ifa) within the Egyptian nation. In the 1920s and 1930s, he sought to bring Karaites and Rabbanites together and to highlight commonalities between Hebrew and Arabic and Jews’ place within Arab and Islamic culture and history. He also served on the committee that wrote Egypt’s first Constitution. In the 1940s and 1950s, Farag watched as the subjectivity and politics he had forged over a lifetime became increasingly foreclosed due to contingent circumstances and events in Egypt, in Palestine/Israel, and globally. Farag died several years after the Free Officers’ Revolution of 1952 that ended the monarchy. He was largely forgotten.

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20 He published a series of articles in al-Jarida and al-Mu’ayyad, which was republished in collection of articles entitled Maqalat Murad (Murad’s Oeuvre) (Cairo: Matba‘at Kuhayn wa-Ibrahim Ruzintal, 1912).

21 See Murad Farag, Multaqal Lughatayn al-’Ibriyya wa-l-’Arabiyya (Cairo: al-Matba‘a al-Rahmaniyya, 1930-37); and Farag, al-Shu‘ara’ al-Yahud al-’Arab (Cairo: al-Matba‘a al-Rahmaniyya, 1929). Karaites are a group within Judaism that rejects the authority of the Talmud and later rabbinic works, relying solely on the Hebrew Bible as a source of law, doctrine, and practice. In Egypt, Karaites were an Arabic-speaking autochthonous community claiming ancient presence, whereas the much larger and more diverse Sephardic community had arrived in Egypt from the eighteenth century.

thereafter, for he fit into neither the logic nor the telos of Arab and Egyptian nationalism and Zionism.

Farag approached adulthood at the time of Egypt’s colonization. In 1882, Britain established control over Egypt militarily; by 1883, the legal colonization of Egypt was underway, with British and Egyptian administrators and lawyers devising and implementing reforms to expand and empower positivist law, a codified set of abstract rules with no necessary relationship to morality that applied to all cases publicly and equally.\(^{23}\) The spread of positivist law vis-à-vis the newly established National Courts confined the shari’a and the milli legal systems to the private domain (i.e., family law), transforming their content and, arguably, their conceptions of morality.\(^{24}\) Moreover, detaching subjects from these legal structures and subjecting them to colonial law meant refashioning their historical memories and temporal sensibilities to produce loyalty to the state over the religious community. The ideology of legal reform presupposed a past characterized by chaos and despotism, and a civilized present that progressed toward a future of justice and “rule of law” (always in the offing).\(^{25}\) Established soon after the National Courts, the Khedival Law School in which Farag was trained produced the first generation of lawyers who, equipped with fluency in the national codes, filled the National Courts. Embodiments of a new kind of legal expertise, these lawyers competed with legal practitioners of displaced traditions.\(^{26}\) It is no wonder that many of Egypt’s future nationalist


\(^{24}\) Asad, “Thinking about Law.”


leaders, including Mustafa Kamil and Sa’d Zaghlul, were among those to attend the Khedival Law School.

Three of Murad Farag’s works published between 1893 and 1901, or from his last days in law school until he established his communal journal *al-Tahdhib*, illustrate his entanglement with colonial law—an entanglement that his Christian and Muslim colleagues shared. These works were a drop in the bucket of a massive corpus of typeset and easily reproducible legal manuals published starting in 1883, the purpose of which was to explain the law—its origins, its *raison d’etre*, its content, its workings. In their structure and language, and in their endless repetition, they helped to produce the authority of the law and, by extension, the state.  

The three works—*Risala fi Sharh al-Amwal ‘ala al-Qanun al-Madani al-Ahli* (Commentary on Property in National Civil Law), *Kitab al-Majmu‘ fi Sharh al-Shuru‘ ‘ala al-Qanun al-Misri al-Ahli* (Collected Work on Explaining the Inception of Egyptian National Law), and *Da‘awa Wada‘ al-Yad* (Possessory Actions)—deal with various aspects of Egyptian law and engage with a legal corpus. 28 The first two, as Farag points out, are based upon the works of jurists and legal theorists—largely French—to whom he had been exposed in law school. In the earlier work, Farag explains that he “drew upon among the most well-known French commentators.” The book, he goes on, “will be succeeded, God willing, by the publication of

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For Farag, Egyptian law is an open field of knowledge in need of explication. In his third book, by contrast, he suggests that a tradition of positivist law in Egypt had formed, for he engages not foreign works alone but also texts by jurists from Egypt’s National and Mixed Courts. Revealing his attachment to Egyptian law and to an emerging notion of the Egyptian nation, Farag refers to “our national law” when providing a genealogy of possessory actions (a proceeding to recover lost property), which he connects to the heavenly holy books.

Farag contributed to the hegemony of Egypt’s legal system in other ways too. On their introduction in 1883, Egypt’s National Courts claimed jurisdiction over all commercial and criminal cases, confining the shari’a and milli courts to family law. In the early twentieth century, Egyptian nationalists saw the National Courts as a medium through which to forge a sovereign and unified Egypt. This involved abolishing the Mixed Courts (and the Capitulations), which were obstacles to Egyptian sovereignty, and, for some, integrating the hitherto autonomous “religious” courts into the National Courts. The shari’a and milli courts survived until 1955, three years after the 1952 Free Officers’ Revolution (though communal personal status codes persisted within national law), but heated debates continued throughout the first half of the twentieth century over whether to regulate or abrogate them. Legal thinkers, intellectuals,

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29 Farag, *Risala fi Sharh al-Amwal*, 2. The “commentators,” Boudreit (?), Désiré Dalloz, and Jean Charles Florent Demolomb, were 19th-century French jurists, whose works were part of the curriculum at the Khedival Law School.
30 Establish in 1875, the Mixed Courts had jurisdiction over cases involving foreign nationals or a foreign national and an Ottoman or local subject.
31 Farag, *Da’awa Wada’ al-Yad*, 2.
32 For reading of the transformation of shari’a during this period, particularly in terms of the question of religion and secularism, see Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford University Press, 2003), chap. 7.
and the state, which had the power to approve non-Muslim communal codes, developed a keen interest in personal status law.

In this context, Farag helped to found and participated on the Karaite communal council established in 1901, whose purpose was in part to organize and manage the community’s personal status affairs. In 1912, he translated Rabbi Mas‘ud Hay Bin Shim‘un’s compilation of the Rabanites’ personal status codes from Hebrew into Arabic. In 1917, Farag translated and commented upon personal status statutes in Elijah Bashyatchi’s fifteenth-/sixteenth-century codification of Karaite law, Aderet Eliyahu (The Mantle of Elijah). After the passing of the 1923 Egyptian Constitution, as personal status law was again a focal point of debate, the Karaite rabbi Ibrahim Kuhayn commissioned Farag to codify the Karaites’ laws. The manuscript he produced could not be approved by the communal council due to some community members’ opposition to his reformist rendering of statutes on lineage and intermarriage between Jews of different sects. However, in 1935, the council reached out to Farag after Egypt’s Ministry of Justice requested the community’s still unpublished codes. Farag provided a copy, which was eventually approved by both the council and the Egyptian state. In this way, Farag played a critical role in the legal formation of the modern Egyptian nation. It is Farag’s location within

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37 See Murad Farag: Bi-Munasibat Dhawk Murur Khamis ‘Aman.
both Jewish tradition and Egypt’s secularizing society that we will now explore through a
dramatic court case from the early twentieth century.

**Blood and Resolve**

In December 1902, as Farag was hard at work in Cairo editing his communal reform journal *al-Tahdhib*, he learned of the indictment of Hayyim Daud Kahana, a Rabbanite Jew living in Port Said, for attempted kidnapping. The family of a six-year-old Italian Catholic girl named Pépina Papassi had accused Kahana of trying to abduct her from the family home in order to use her blood to make Passover matzoh. According to the ruling of the Zaqaziq National Court where the case was assigned, on the afternoon of 2 October 1901 Kahana had appeared at the apartment of the child in the European district. He was already familiar with her due to his frequent visits to the shop of a Jewish watchmaker named Pinhas Albert that neighbored her father’s own shop. At the time of Kahana’s arrival, young Pépina was playing on the outside steps with other children her age. He approached the girl and attempted to lure her to his home by offering her sweets. Falling for the ruse, the girl began descending the stairwell toward him when a certain dame Marula, the family’s Greek governess (*khadima*) who lived in the same building and had been observing the scene from behind the front door window, opened the door abruptly and called the girl’s name. Frightened, Kahana quickly fled. Marula then told the mother about the incident, who screamed in horror.

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38 Sources describe her as “Italian”; she must have been a local subject, however, because the case was litigated in the Egyptian National Courts, which had jurisdiction over locals but not foreign nationals.
40 *Al-Tahdhib*, 31 December 1902, “Hadithat Bur Sa‘id – Tuhmat al-Dam – Tab i’a.”
On 31 October, the Port Said Parquet, after recording depositions from Pépina and Marula, as well as the bawab (doorman) ‘Abduh Sulayman who confirmed their accounts, asked the Zaqaqiq court to convict the accused based on articles of the Egyptian Penal Code covering attempted kidnapping. Meanwhile, the Baghdad-born Jew Samuel Somekh, founder of an AIU school in Alexandria, was following events closely and kept the AIU abreast of developments. According to Somekh, Cairo’s chief rabbi had left for vacation in Lebanon amid the affair—an act that angered Somekh.\textsuperscript{41} In his absence, the community’s leaders sent Kahana to a son of the influential Mosseri family. The son could do no more than provide a lawyer, whom Somekh accused of neglecting the case.\textsuperscript{42} Though the court was supposed to convene a criminal hearing that November, it was delayed until September of 1902. When the hearing date arrived, the judges, ‘Abd al-Shahid and Muhammad Zaki, heard the testimony of the girl, her father, the Greek governess, and the bawab. They also heard the testimony of the watchmaker Pinhas Albert, though discounted his statements because he was Jewish (“relations d’amitie [lisez sa qualité de Juif]”) and sought “without hesitation” and with “what ingenuity” to exonerate his coreligionist. The judges reasoned that because Kahana had persisted in offering Pépina sweets, he had a premeditated plan, and because he had her descend the stairwell, he intended to take her with him and perhaps to kill her for her blood. Only causes “independent of his will,” namely Marula, had prevented him from carrying out the act. The court declared Kahana guilty of


attempted kidnapping, sentencing him to one year of hard labor and charging him for the cost of
the court proceeding.\textsuperscript{43} Though an innocent person would have found the sentence harsh, the
court seemed to be taking a middle position by not charging Kahana with attempted murder.

Stunned by the ruling, Somekh decided to contact Murad Farag, the well-known Karaite
lawyer. Farag took the case and the very next day brought it to the National Court of Appeals in
Cairo where he was confident he could win an acquittal “so long as foreign pressure did not
weigh on [the judge’s] judgment.”\textsuperscript{44} His confidence may signify, on the one hand, his familiarity
with and investment in the National Courts—an institution critical to his vision of Egypt’s
future—and on the other, his trust in relationships he had forged with fellow nahda reformers in
Egypt. Farag had surely been aware that it was the influential Muslim social reformer Qasim
Amin who headed (ra’is) the appeals court in Cairo. The two had likely met at the Khedival Law
School from which they graduated at roughly the same time; in any case, they were aware of
each other’s writings and saw each other as partners in reform.\textsuperscript{45} On 15 December 1902, only
three months after the initial verdict, Qasim Amin and two judges, including eventual prime
minister Ahmad Ziwar (r. 1924–26), would hear Farag’s defense of Kahana.

The hearing underway, Farag dismantled the testimony of the three witnesses by
exposing gaps in their stories. How was it, he asked, that on witnessing the incident Marula
could call out indignantly to the bawab, as he had testified, that “a Jew was trying to take the
girl,” when she had only had a quick look at him and couldn’t have determined his Jewishness
(jinsiyyatuh)? Likewise, how could the servant of a neighbor to the Papassi’s, who had just

\textsuperscript{43} AIU, Egypte XE 182, “Jugement du Tribunal indigéne de Zaqqaziq.”
\textsuperscript{44} AIU, Egypt, X.E.182.e., “S. Somekh to the President of the AIU in Paris,” 17 October 1902.
\textsuperscript{45} Thus, for example, after Amin’s death in 1908, Farag wrote a powerful eulogy mourning the
loss of this national hero. \textit{Diwan Murad}, 182–84. Connections of this kind between reformers
from different religions were ubiquitous in Egypt during this period.
witnessed the incident and rushed to the father’s store, have told Mr. Papassi, as the latter testified, that “a Jew wanted to take your daughter,” when he did not know this man no less his religion (dinuh)? And how could the governess claim that Kahana was foolish enough to return to the scene of the incident the next day and ask her whether there was an Italian (rumiyya) woman living in the house with young children, thus implying that he had sought the blood of Christians and especially Italians? It was this latter allegation that most offended Farag’s sensibilities, and the governess had backed it up in her initial testimony in Zaqaziq by pointing out that Kahana had married the rabbi’s daughter, suggesting he was pious, and that it is “a custom of Jews to take a Christian girl every year.” Thus, much of Farag’s defense of Kahana in appeal was to explain Judaism, the content of its sacred books, and the meaning of moral Jewish subjecthood within the secular space of an Egyptian courtroom that, it turns out, was receptive to his message.

Indeed, the court’s judgment—signed by Qasim Amin himself—reflects Amin’s sympathy with Farag’s reasoning and representation of his tradition. To begin with, it found inadmissible the accounts of all witness testimony other than that of the bawab, the girl, and the governess. It concluded that the bawab had been playing backgammon nearby the family home and was unaware that anything was happening until Péppina’s mother screamed and he went to the house. The mother had raised her voice only when the governess had told her what happened to her daughter, by which time Kahana had long fled. In other words, the bawab’s testimony that he encountered Kahana on the stairs was inconceivable. Turning to Marula, the court, echoing Farag’s logic, concluded that her testimony was not dependable because the glimpse she had of

46 *Al-Tahdhib*, 31 December 1902, “Hadithat Bur Saʿid – Tuhmat al-Dam – Tab i’a.”
Kahana was insufficient for her to commit his features to memory and recognize him. And the young girl was probably seen to have been unduly influenced by her family and the governess.

Attempting to reconstruct the likely course of events, the court suggested that a man other than Kahana had approached the girl to abduct her. The bawab, wanting to absolve himself of responsibility for not being on guard at the time and influenced by the ideas and opinions of the Papassi household (Marula in particular) and the neighbors, decided to declare that the person who approached the house was a Jew who wanted to kidnap Péppina and kill her as part of a “religious ceremony [hafla diniyya], as is rumored about the Jews.” Then the bawab “went on his way searching for a Jew, encountered the accused, and identified him.” When the bawab showed Kahana to Marula, “she thought that this is who she saw and she must have been influenced by the words of the bawab and was sure that he truly saw the accused just as the bawab had been influenced by her words, and it would not be surprising if this mutual influence happened without knowledge … and with good intentions.” On this basis, the court acquitted Kahana and ordered the state to reimburse him for his legal fees.47 Farag praised the decision, stating, “we can almost imagine a definitive general ruling against the lie of the [blood] accusation as [this decision] fills people with infallible and elevated understanding.”48

Yet, rather than a conclusion, Kahana’s acquittal only opened a new chapter. Three months later, when Judah Aron Mecha, the son of a Jewish merchant from Aden, disembarked in Port Said to conduct business, a group of Greeks in the city reportedly sparked a rumor that he had come “with the sole aim of abducting a Greek child for the ritual needs of the Jews.”

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47 Ibid. Farag reproduced the Court of Appeals’ decision in al-Tahdhib. See also Murad Farag: Bi-Munasibat Dhiakra Murur Khamsin ’Aman ’ala Wifatihi. For the French translation, see AIU, Égypte XE 182, “Jugement de la Cour d’Appel indigène du Caire.”
48 Al-Tahdhib, 31 December 1902, “Hadithat Bur Sa’id – Tuhmat al-Dam – Tab i’ā.”
word spread “like wildfire,” according to an AIU report, Mecha was attacked, “first by Greek children and then by grown-ups, and put in a sad state.” Only through police intervention was he able to escape the onslaught. Meanwhile, as the afternoon went on, a crowd of over 3,000 “natives and Greeks” gathered, forming themselves into bands to attack Jews in the streets. Some of these went to the Port Said synagogue to vandalize it, and several valuable Yemini Hebrew manuscripts went missing. As local and state government as well as the British and Greek consulates got involved, the police again intervened to disperse the rioters. A subsequent investigation turned up four culprits. The main perpetrator, a Greek subject named Poriazi, was tried in the Greek consulate and given a slap on the hand of twenty days in prison. The three other perpetrators were all local subjects, however, and like Kahana their fate was determined by the National Courts, which sentenced them to three months in prison. Meanwhile, the incident forced the Governor-General of the Suez Canal, Husayn Wassif, to resign. The accusation against Mecha and attack on the Port Said Jewish community, which preceded the much more well-known Kishnev pogrom in the Russian Empire by weeks, propelled Farag to level further critique of the blood libel in his journal. What he could not have known is that this would probably be the last such incident in Egypt’s history. Through the establishment of a new secular legal regime, the colonial state may have stopped the flow of blood—both imagined and real—associated with ritual murder accusations. But as we will see, this same regime would enable new and more pernicious danger to Egyptian Jewry in the decades ahead.

49 Bulletin l’Alliance israélite universelle, no. 28, 1903, 162–64.

50 The insinuation that Jews drink blood or used it to make matzoh did resurface, but it does not seem to have been directed at an individual, except for a 1908 incident that proved relatively minor. On this, see Journal du Caire, 2 and 3 April 1908. For invocations of the blood libel, see, for example, the 1925 case of a teacher at Saint Catherine’s College in Alexandria described in l’Egypte Nouvelle, 16 May 1925.
Like Minds against the Libel

Seeing the blood libel accusation as a “contagion” that had spread from “ancestors to descendants,” and that suddenly had become so widespread that even Jews had begun to wonder whether they were true, Farag, though exacerbated, decided to take action. While “difficult to write letter after letter with [his] pen shaking so intensely,” he composed a series of editorials for his journal al-Tahdhib rejecting the blood libel and defending Jews and Judaism.\(^5\) Observing that it was almost always Greeks who leveled such accusations, Farag called them the “most hateful” because they “think they are the intended target in particular and that their blood is more suitable for the Jews than the blood of other Christians.” He attributed this hatred to an old form of Christian anti-Judaism. On the most general level, “it is sufficient for me to say one word by way of an answer to the first reason [for the accusation], which is that the Jews did not say that the messiah came … and that they are still not Christian.” More particularly, it was believed that Jews had been the ones to kill Christ. As for the accusation itself, Farag protested that “there is nothing uglier, more abominable, more repugnant, more far from reason, the imagination, and humanity generally than what’s been said [about us].” “What we are seeing,” he went on, “is old religious thinking inherited from some five thousand years ago.”\(^5\)

To correct the misinformation, Farag wrote from within his tradition, explaining Jewish law and practice. For example, in one article he played role reversal by adopting a Christian persona and turning his accusers into Jews so that he could instruct them morally on how to speak about his tradition respectfully while educating his readers: “if they were Jews they would

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\(^5\) Al-Tahdhib, “Tuhmat al-Dam – Tabi’a,” 26 February 1903.
\(^5\) Ibid.
follow their Torah, pray to God for it, pray to our Master Moses who descended from heaven with the revelation in his hand … celebrate the holidays, circumcise, marry, divorce without sin … and in none of this is there murder or shedding blood.” Counteracting the logic of the libel, he went on to explain that the Torah is the mother of the Christian Bible, and according to the Bible one shouldn’t even kill a mosquito no less a child. Farag also clarified Jewish legal prescriptions around consumption of blood and the slaughter of animals, revealing the accusation to have no basis in Jewish law or custom. Yet in countering the rumors, Farag also sought to make the point that it was not just Jews who were their victims; the blood libel accusation caused damage to the moral society—characterized by enlightenment, decency, and refinement—that he and other reformers were working so hard to create and sustain.

Some of these reformers joined him in publicly rejecting the blood accusation. The journal *al-Hilal* (The Crescent), edited by the reformer and intellectual Jurji Zaydan, had a history of denouncing it in its pages, with an editorial on the subject appearing in 1895 and another in 1896. Soon after the 1902–3 accusations, *al-Hilal* published a question and answer on the subject. In a letter to the editor, an individual from Alexandria by the name of Salim Effendi As‘ad—perhaps a penname of the editor—asked:

The chatter has increased lately on the issue of the Greek child whom a Jewish man was accused of kidnapping, and I heard some say that the Jews kidnap Christian children and withdraw their blood in order to use it in bread for a religious purpose, so what do you say?

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The editor sought to dispel such rumors:

> It’s not appropriate for us when we are in the age of enlightenment to believe something like this accusation. [This is] not because the Jews don’t kill anyone, for they do so just like people from other [religious] groups [tawa‘if]. They kill a Christian or Muslim child just like some Christians and Muslims do, whether on purpose or out of ignorance or for other reasons that propel people to commit crimes.

What Zaydan rejected was not the premise that Jews can commit the crime of murder, but that “Jews carry out that act as a religious injunction recorded in their books or spread among them through indoctrination [emphasis mine].” He suggested that, instead of textual or doctrinal injunctions, the blood libel accusation could be attributed to the writings of Jews who converted to Christianity and, wanting to ingratiate themselves among their new co-religionists and take revenge on their old tradition, invented scandalous stories. The effect of these stories, he suggested, was aggravated by people’s tendency to believe oddities and to gossip about them, made worse by “remaining grudges from the dark ages and ignorance that does not befit folks of this age.”

*Al-Hilal*’s dismantlement of the blood libel accusation and defense of Jews elicited some readers to respond with disapproval and to accuse the journal of apology, causing Zaydan to take up the issue again. In a 1905 editorial titled “al-Talmud wa-Tarjamatu ila al-‘Arabiyya” (The Talmud and Its Translation into Arabic) that again responded to a question from the same Salim Effendi As‘ad, the journal, observing that over the past ten years people in Egypt had been

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54 *Al-Hilal*, vol. 11, 15 April 1903, 435–36.
chattering about “blood atrocities” (al-faza’i al-damawiyya) attributed to the Jews and their attempts to hide their legal prescriptions, reiterated its earlier position. But it also went further. “It came to our mind … to transfer the Talmud into Arabic and abridge it, and its pages [would take up] not less than one thousand pages [published in sections in al-Hilal].” The project was still in waiting when Zaydan met in the home of one of Egypt’s rabbis with the Moroccan Jewish author Shim‘un Moyal, who was in Egypt with his wife Esther al-Azhari Moyal—herself an author and editor of the women’s journal al-‘A’ila (The Family) in Egypt—studying medicine.55 In the rabbi’s home Zaydan caught a glimpse of a copy of the Talmud in Hebrew in his book collection. Reminded of his translation project, he mentioned the idea to Moyal and proposed pursuing it together. Moyal eventually accepted the invitation and involved the rabbi as well. However, several days later Moyal informed Zaydan that he and the rabbi preferred to translate a complete rather than abridged Talmud, with side-by-side Arabic translation and Hebrew original. Zaydan was hardly disappointed, for “our original goal [was] the appearance of this book in Arabic after the Arabs remained aloof from it for 1,300 years.”56 The rabbi later backed out entirely for uncited reasons, but Moyal eventually published his translation from Palestine in 1909, making it accessible to a public of modern subjects who he felt would read it and find it edifying.57 Zaydan’s idea to publish the first translation of the Talmud in Arabic to counter blood

libel rumors had come to fruition, and contrasts sharply with the impetus behind later translations of the Talmud into Arabic that we will encounter.

In retrospect, Zaydan’s response to the blood libel charge proved ironic. Soon after the publication of Moyal’s translation, Zaydan found himself at the center of a contentious Christian–Muslim public dispute. The 1908 Coptic Congress, in which a group of elite Copts had demanded collective rights from the colonial state on behalf of their Coptic identity (see Chapter 5), and the Muslim Congress organized in response to it, had inaugurated a period of volatile sectarianism that lasted through 1911. In 1910, the newly established Cairo University, whose development Zaydan contributed to, had invited Zaydan to teach a class on Islamic history and civilization, which he excitedly accepted. But, given the simmering tensions, Cairo University quickly began to reconsider its decision. The university council feared that the idea of a Greek Orthodox Christian, who though well-versed in the Islamic literary tradition was deeply influenced by Orientalist approaches to the Islamic past, teaching such a course might offend Muslims and cause unrest. His status as a member of a minority and link to colonial knowledge made him suspicious at best and disloyal at worst in the eyes of the majority. When the periodical al-Mu’ayyad (The Supported) reported on the story, it gave rise to widespread heated debate in the press over whether a Christian could teach the religion of a majority community. Taken by surprise, Zaydan withdrew from the role, and the university replaced him with the Dar al-‘Ulum graduate Muhammad al-Khudari.  

Public Interest

Underlying Farag’s critique of the blood libel, his reform project generally, and Zaydan and other reformers’ defense of Jews was, I contend, a shared notion of public interest (al-maslaha al-‘amma, al-nafa’ al-‘amm, and similar expressions) that persisted into the colonial period. Public interest is a concept within Islamic law intended to promote the common social welfare and, relatedly, the sustenance of a moral community. Modern Muslim reformists have found it a particularly useful tool because it is determined through reasoned judgment and not always directly from the revealed texts. In other words, deeds in the public interest, made in context, did not necessarily require legal justification. In her reinterpretation of Muhammad ‘Abduh’s project of reform, Samira Haj has shown how ‘Abduh, embedded within Islamic tradition rather than traditions of liberalism, sought to promote a modern Muslim subject “capable of being incorporated into the fabric of modern structures of power and governance,” but also, through habituated ritual and disciplinary practices, “fundamentally moral with a concern for the public good.”59 In this spirit, ‘Abduh sought to extend the individual obligation (fard ‘ayn) to determine public interest—previously the domain of the ulama’—to every educated member of the community, a possibility made available by the spread of modern education. The notion of public interest that he advanced was fundamentally different from utilitarian public interest, which he rejected.60 This utilitarian notion is premised on the happiness of self-possessing individuals as individuals, rather than the human as a moral subject within a communal setting, and the formation of national sensibilities rather than the cultivation of a moral community. The extension of fard ‘ayn, Haj points out, was “meant to promote and benefit the community as a collective, rather than advance the selfish interests of its individual members.” “As members of

60 Ibid., 125.
the community,” she goes on, “individuals are accountable not only to themselves for their beliefs and actions … [but also] to others, while … putting others’ beliefs and actions into question.”

In his journal, published during the years 1902 and 1903, Farag does not invoke *maslaha* per se, but his notion of reform was similarly centered on the construction of moral subjects, in his case Jewish, toward the achievement of a moral community and a moral society to which he and other Jews felt connected. In other words, in Farag’s writing the promotion of the moral subject is indivisible from that of the moral community, which is indivisible from that of the moral society. Some of Farag’s articles published half a decade later do contain the term *maslaha* and related terms. For example, in a 1908 essay titled “Harb al-Watan” (The Nation’s Struggle), written amid the Copt–Muslim sectarian crisis described earlier (see also Chapter 5), Farag describes the public interest of the Egyptian nation not in secular terms, but as prevention of moral injury (*al-idhaʾ al-maʾnawi*) toward a sound national collective. Concerned about relations between Egypt’s religious groups, he advocates acts of sincerity (*ikhlas*) that will unravel coiled feelings. In 1909, in response to growing sectarianism and nationalist activity, Consul-General Eldon Gorst reinstated the 1881 Press Law restricting freedom of the press. In response Farag wrote a series of articles evaluating the role of the journalist and journalism in society. In one Article titled “Fi al-Hurriyya Ma Hiyya” (On Defining Freedom), Farag articulates a notion of freedom that is bound to the moral subject as part of a community rather than the self-owning

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61 Ibid., 138.

62 I have accessed a version of the essay reprinted in a collection of Farag’s writings published four years after the essay’s original publication date. Murad Farag, *Maqalat Murad* (Cairo: Matbaʿat Ibrahim Ruzintal, 1912), 200–23. Much of the essay has been translated, though unreliably, in Moshe Behar and Zvi Ben-Dor Benite, eds., *Modern Middle Eastern Jewish Thoughts: Writings on Identity, Politics, and Cultures, 1893–1958* (Waltham, Mass.: Brandeis University Press, 2013), 49–61. See the conclusion for further discussion of this article.
individual: “the human’s freedom is confined if the diamond of excellent morals, upright conduct, and general rights, or mutual rights, are confined ... [this] damages the prisoner and others aside from him.”

The role of the journalist was to cultivate such morals and conduct in society by speaking truth with equanimity, or in other words by focusing on the “public interest of the country” (al-maslaha al-‘amma li-l-balad).

Yet alongside this shared effort to sustain al-maslaha al-‘amma, another vision of public interest (also al-maslaha al-‘amma) rooted in the liberal tradition was being effectuated and would gradually displace it. As I eluded to in the introduction, Hussein Agrama has recently described how the notion of public order, which intersects with but is substantively different from public interest, was first introduced in Egypt in 1897 through sweeping reforms of shari‘a. In order to make space for the National Courts, these reforms restricted shari‘a to what was now defined as “family” issues. Thus, “religion” and “the family,” increasingly understood as a nuclear group tied together by intimate relationships, came to constitute a new private sphere. But since these reforms also required that shari‘a court hearings be public, they introduced a contradiction that the state was authorized to resolve. Through its definition of public order, the state possessed the power to regulate the boundary between public and private, and thus what constituted religious practice.

By contrast, in 1904 public interest was introduced for the first time as a separate branch of public law, part of a broader reorganization of the National Courts. In Egypt, public interest law was folded into criminal law (qanun al-‘uqubat) and tied to issues of security. Thus, in the

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63 Murad Farag, “Fi al-Huriyya Ma Hiyya,” in Maqalat Murad (Cairo: Matba‘at Ruzintal, 1912), 249–51.
65 Agrama, Questioning Secularism, 98–100.
1904 penal code, public interest law was divided into two parts: offenses and crimes harmful to the security of the state from outside, and those harmful to the security of the government from inside (al-jinayat wa-l-janh al-mudarra bi-amn al-hukuma). The law authorized the state to determine what constituted harm to its security. Through the new code, public interest came to be associated with loyalty to the nation-state, while its opposite, al.maslaha al-khassa (private interest), became a cause for suspicion. This arrangement remained remarkably consistent over the course of Egypt’s twentieth-century legal reform. In sum, whereas the Islamic concept of al.maslaha al-'amma, uncodified and open, was intended to cultivate practices generative of a moral society from the bottom-up, secular public interest, set down in law, was intended to cultivate obedience to the laws of the nation through the top-down threat of punishment. And whereas the former presumed no division between public and private, the latter was yet another component to that divide’s realization, with the private realm subject to the gaze of suspicion for the threat it posed to the common social good.

As this legal architecture of the nation-state was put into place and modified over the first half of the twentieth century, Farag and his autochthonous Karaite community as well as some rabbanite Jews largely remained within a communitarian frame. As discussed in Chapter 3, Egyptian Jews, unlike Coptic Christians, never firmly associated themselves or were associated with the category of the minority after it was translated into Arabic in the early twentieth century. Instead, forces beyond their control worked to transform their communitarian identifications as isra’ilis into the undifferentiated and universal Jew (yahud), and local Jewish

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68 Beinin, The Dispersion of Egyptian Jewry, 41.
ta’ifas into a homogenous enemy nation. In stark contrast to Farag’s vision of the relationship between Jewish moral reform and the moral society in Egypt, Jewishness was gradually constructed as a private interest that, especially after the 1948 war, was presumed to be threatening to public interest and particularly national security. This transformation was contingent, fluid, and gradual. We will thus analyze it in its starkest “late” form through the story of the 1951 translation of the paradigmatic anti-Semitic text, the fabricated The Protocols of the Elders of Zion. This will convey the stark difference between the notion of the common social good and that of secular public interest.

The Elders in Egypt

The first translation of The Protocols of the Elders of Zion as a published volume in Arabic was Taymur Muhammad Khalifat al-Tunsi’s 1951 al-Khatar al-Yahudi: Brutukulat Hukama’ Sahyun (The Jewish Peril: Protocols of the Elders of Zion). The translator, al-Tunsi, was born in the village of Tunis in the muhafiza of Sohag in 1915. After completing his primary education in a religious institute in Asyut and his secondary education in a Dar al-‘Ulum preparatory school, he enrolled in Dar al-‘Ulum college in Cairo from which he graduated in 1939 and earned his graduate diploma in 1955, soon after completing al-Khatar al-Yahudi. Al-Tunsi was a disciple of the eminent Egyptian intellectual ‘Abbas Mahmud al-‘Aqqad, who embraced his translation project. In addition to this work, al-Tunsi composed books on philosophy and language, poetry, and short stories. He sustained an interest in Jews and Judaism throughout his intellectual career. In 1985, three years before his death in Kuwait, where he had been employed, he translated an

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obscure 1925 work titled *Treasures of the Talmud* by British Jew Solomon Levy, describing the Talmud as a “holy book for the Jews” that occupies a “significant place in their hearts and minds.”

His focus on the Talmud as a driver of nefarious Jewish acts reflected the persisting effects of the Christian anti-Jewish translation described earlier, though viewed in a wholly different context and serviced toward different ends.

The story of al-Tunsi’s translation of *The Protocols*, as told by al-Tunsi himself in his introduction to the work, is one of a Muslim lay scholar of Judaism refashioning an anti-Semitic idiom that had traveled to Egypt via pathways of British colonization. As the category of “the Jew” (*al-isra’ili*) was transformed from a marker of communal identification (*al-ta’ifa al-isra’iliyya*) into a homogenizing national identification (*al-yahud* or *al-sahyuniyun*)—the result of both Zionist politics as well as the legal and conceptual shifts described in this dissertation—al-Tunsi and other Egyptian intellectuals, needing to frame and explain a new enemy, found and adapted a European discourse on the Jew steeped in Christian eschatology but undoubtedly the product of processes of modernization across nineteenth-century Europe. Whereas it was largely Greek Orthodox Christians who thought to pursue blood libel accusations, this new profane secular discourse was available to both Christian and Muslim Egyptians.

Al-Tunsi describes the shadowy origins of *The Protocols* in the vague terms typical of the genre: a French woman meets with a secret masonic cell in France, records some of their stated goals (the so-called protocols), and shares them with a large landowner in Russia named Alex Nikolai Niftish. Then, Niftish, “realizing their danger,” hands them over to the “revered Russian scholar” Sergei Nilus who he knew was positioned to publish them. In fact, Nilus, the Moscow-

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born son of a minor noble landowner, had been trained in law at the University of Moscow and
had worked in the Russian judicial system, but he withdrew from this track well before working
on *The Protocols*. Toward the end of the nineteenth century, saturated with the apocalyptic
fervor that had set in across Russia especially among those left behind by state modernization
schemes, Nilus forged his own brand of Orthodox mysticism, inspiring him to publish the
teachings and apocalyptic prophecies of the popular saint Serafim of Sarov (1754–1830) in 1903.
In the second edition of the work, published in 1905, Nilus included *The Protocols*. He framed
this fabrication in terms of a cosmic struggle between the forces of Satan—Jews and
freemasons—and those of the divine—the Russian Orthodox Church—that would culminate
imminently in the second coming of Christ.\(^\text{72}\) Nilus’ belief in his own prophetic vision,
embedded in Christian eschatology, was adapted by al-Tunsi, who saw him as presaging some of
the “dangerous events” that would occur in the years ahead. These included the fall of the
Islamic caliphate “at the hands of the Jews,” the fall of monarchies across Europe as a result of
World War I, whose “spoils were seized only by the Jews,” and the return of the Jews to
Palestine and the creation of Israel.\(^\text{73}\)

Al-Tunsi goes on to describe how in August 1906 a copy of the 1905 edition of Nilus’
work arrived in the British Museum in London, where it remained untouched until 1917. During
that year, he explains, the book was accessed by a Russian reporter for the politically
conservative *London Morning Post*. This reporter, Victor Marsden, also “realizing its danger,”

\(^{72}\) Michael Hagemeister, “‘The Antichrist as an Imminent Political Possibility’: Sergei Nilus and
the Apocalyptic Reading of *The Protocols of the Elders of Zion,*” in *The Paranoid Apocalypse: A
Hundred-Year Retrospective on The Protocols of the Elders of Zion*, ed. Richard Landes and

decided to translate it into English.\footnote{Ibid.} It is no coincidence that Marsden made this decision on the heels of the 1917 Russian Revolution, which was widely attributed in England to Jewish machinations and inspired frenzied belief in an international Jewish conspiracy to control the world. In 1920, the Britons, an English nationalist anti-Semitic group that had stirred this fervor and supported the creation of a national homeland for Jews largely to rid England of its Jewish minority, published his text, which became the standard English-language version.\footnote{Sergei Nilus, \textit{The Protocols of the Elders of Zion}, trans. Victor Marsden (London: The Britons Publishing Society, 1923).} Copies of a subsequent edition of Marsden’s book published in 1921 made their way to Cairo, likely in the hands of colonial officials.\footnote{Al-Tunsi claims that this was the fifth edition. He likely meant that it was the fifth edition in general of \textit{The Protocols} in English, as Marsden was in fact the second translator of this text, after George Shanks, who is said to have distanced himself from the work. See Colin Holmes, \textit{Anti-Semitism in British Society, 1876–1939} (New York: Routledge, 2016 [1979]), 147–48, 280n72.} Because India was a main target of Bolshevik propaganda, which encouraged Indians to rise up against British colonial rule, many British politicians, journalists, and officials came to believe that a network of Jewish plotters was actively seeking to dismantle the British Empire. Thus, \textit{The Protocols}, newly available in English, proved a popular read among British colonial officials, including in Egypt. For example, Zionist leader Chaim Weitzmann, who spent time in Egypt during World War I, reports that Wyndham Deedes, a Christian Zionist who served as brigadier general in Cairo during the war and later chief secretary of the high commissioner in Palestine, showed him a copy of the text and reported it was a common sight among British personnel in Egypt.\footnote{Chaim Weitzmann, \textit{Trial and Error: The Autobiography of Chaim Weizmann} (New York: Harper & Brothers, 2015 [1949]), 218.}
Yet *The Protocols* did not appear in Arabic translation in Egypt until 1951, decades after the first copies had arrived in the country. According to al-Tunsi writing in the early 1950s, copies of the book at the time were “few, nay rare, nay rarer than rare.” The notion that *The Protocols* was scarcely available and nearly impossible to find tied into a trope paralleling the alleged secretive nature of the protocols themselves. In explaining the text’s history, al-Tunsi repeats time and again that the copies of each new edition, regardless of language or country, went missing under mysterious circumstances. He accused “the Jews” (*al-yahud*) of undertaking a campaign to buy up as many copies as possible and burn or otherwise destroy them, to kill their translators, and to shut down their publishers. Al-Tunsi’s narrative is contradicted, however, by Abbas al-‘Aqqad’s comments in his acknowledgment of the publication of the translation. In addition to al-Tunsi’s book, al-‘Aqqad had seen three versions with his own eyes. The first he had borrowed from “one of our military officers who pursue rare books on topics of war and strategies of invasion and conquest and the like.” The second he had bought secondhand and all cut up (*marju’ wa-maqtu’*), the seller having no knowledge of its title no less its meaning. He claims the copy was stolen from him along with other books and papers by employees in the National Library. The third, a copy of the 1921 Marsden version inscribed with the word *souvenir* [*sic*] (*gift*), he found among the items left behind (*mukhallifat*) by a prominent doctor (*tabib kabir*).\(^78\) Clearly old copies of the text, brought to Egypt initially by British officials, were lying around in neglect among Egypt’s elite.

According to al-Tunsi, initial attempts in Egypt at translation into Arabic began in 1947, about the time when the UN Partition Plan for Palestine was announced. He reports that the

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Egyptian daily newspaper *al-Asas* (The Foundation) came across a copy of *The Protocols* and commissioned one of its editors, Anis Mansur, to translate it, but Mansur, after much consideration, declined out of fear of the potential consequences. As Mansur describes it,

> I began reading the book, and I discovered that those who translated it into English, French, Spanish, [or] Italian were killed, and the newspapers that published it were blown up … I hesitated a little … and then a lot … and I asked al-‘Aqqad about the veracity of these words, and he affirmed them laughing.

Between 1949 and 1950, al-Tunsi himself published translations of a number of the individual protocols in the newspaper *al-Risala* (The Message), and later in 1950 and in 1951 others of them in the newspaper *Manbar al-Sharq* (Pulpit of the East). Al-Tunsi reports that independently an Egyptian diplomat in one of the “Eastern regions” whom he knew informed him that he had purchased a used French copy of *The Protocols* in France “after much searching.” The popular periodical *Ruz al-Yusuf* reported of another Egyptian official who purchased a copy somewhere in “the East” for an extraordinarily hefty price: “he paid 500 Egyptian pounds … and the copy that this Egyptian official obtained is perhaps the only in the East and one of three copies in the world.” Later in 1951, al-Tunsi’s book was published, and over the next decade three editions would follow. While, as I have described, groups of

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83 I have accessed the first and last edition, cited previously.
protocols had already been published in and outside Egypt, this was “the first complete, trustworthy Arabic translation” of the original.\(^{84}\)

The majority of al-Tunsi’s text is a translation of an English translation of a Russian anti-Semitic text. In this respect alone it is ripe for analysis, particularly for what it tells us about anti-Semitism. Here I will address the portion of the text that diverges from and frames the project of translation, al-Tunsi’s introduction. In somewhat generic terms, al-Tunsi describes the alleged danger of *The Protocols*, the elements of the “Zionist plot,” the meetings of the elders, the protocols that emerged from them, the story of how they spread, and Jewish attempts to prevent that spread—some of which we have already covered. But this conventional narrative builds to a crescendo when al-Tunsi, writing as an Egyptian Arab to an Arab audience, defines the Jew, explains the danger he poses, and appeals to readers to meet that threat.

In contrast to the texts discussed earlier, including those that adapted Christian anti-Judaism, al-Tunsi represents Jewish identity in unmistakably essentialist terms: “The Jew [*al-yahudi*] is a Jew before everything else, regardless of his nationality or whether he adopted certain creeds or principles on the surface.”\(^{85}\) And what distinguishes the Jew, above and beyond his doctrinal commitments, is his exclusive claim to chosen status and superiority: “In ancient times, the Romans divided the world into two parts: Romans and barbarians, and the Arabs divided [the world] into two parts: Arabs and non-Arabs [*‘ajm*], and thirty-five centuries ago the Jews [*al-yahud*] divided [the world] into two parts: Jews and *guyim* or nations [*umam*], meaning non-Jews, and the meaning of *guyim* for them is pagans, infidels, beasts, and the impure.” As the


Torah and Talmud make clear, he goes on, “God gave them the human image in honor of them, whereas he created the non-Jew guyim from devilish or impure animal clay, and the guyim were created for nothing but to serve the Jews…. understanding between the ruling chosen group and the scorned slave group is not possible.” Yet the Jews are different from the Romans and Arabs in one important respect. These latter groups “preferred themselves over others in some mental and physical aspects, but they considered humanity to be of one origin and saw others as having rights that morally they must give them.” The Jews, by contrast, took the more radical step of “excluding [the guyim] from inclusion in the origins of creation and general human characteristics.”

This mentality has persisted until the present. Al-Tunsi points out that “their conscience is the conscience of the Bedouin—it does not develop over the ages—and despite their contact with different civilizations their life is the life of the nomadic Bedouin tribe … and their clannish (milli) soul is the tribal Bedouin soul [that is] not able to relate to others and does not want to.”

Though this Bedouin soul was rightly praised in Jahili poetry, he goes on, “the Jews lack the honor of the Arabs [i.e., the Bedouin], their courage, their fulfillment of promises, their good neighborliness, and their hospitality to their neighbor and guest.”

Having set out this essentialist and all-encompassing category of the Jew centered on the notions of internal unity and chosenness, al-Tunsi segues to the related and more pressing claim that the insular Jew invariably pursues Jewish interests (al-maslaha al-yahudiyya) exclusively rather than the interests of the society (al-maslaha al-‘amm) or humanity (al-insaniyya). Thus, in the national context, the Jew necessarily lacks the characteristic of loyalty to the nation essential to membership in the national body. As al-Tunsi puts it, “he may adopt any nationality and will

86 Ibid., 15–16.
87 Ibid., 21–22.
88 Ibid., 22n1.
even serve the nation but only as long as doing so is in Jewish interests [al-maslaha al-yahudiyya]. Otherwise, the Jew will revert to some other nationality.” Moreover, against the universal ideals of brotherhood, freedom, and equality stands the Jew who puts his private interests above these aims, even attempting to sabotage them. In both cases, the Jew is cast as suspicious and a threat to public interest. Presenting Jews as a disease within the Arab body, he states: “the disease does not kill the strong body but weakens it … I advise [Arabs] to realize the danger they are living in … with speed and resolution … [and] to remove the danger from themselves before the passing of time.”

Rather than spill the blood of the individual Christian, now the Jew enters into the blood stream of the nation as a disease that threatens the integrity of its collective body.

Conclusion

Al-Tunsi did not complete his translation in a bubble. As mentioned earlier, the work was supported and warmly embraced by the prominent Egyptian intellectual ‘Abbas al-‘Aqqad. It also enjoyed the support of Esther Fahmi Wisa, whom al-Tunsi thanked in his introduction to the fourth edition for assisting in the book’s production and dissemination. Wisa was the daughter of Akhnukh Fanus, a prominent Protestant-converted Copt who organized the Coptic Congress of 1911 (see Chapter 5), and herself a longtime supporter of the Wafd and women’s rights. Having made it through the censors, al-Tunsi’s translation likely had the tacit approval of the state as well. Yet even if it never reached the censor’s desk, we know that sometime during or after the 1948 war the Egyptian state began to sponsor anti-Semitic texts. In 1961, for example, a

89 Ibid., 23.
new edition of Habib Faris’ *al-Dhaba`ih al-Bashariyya al-Talmudiyya*, originally published in 1890, boasted the state seal on its inside flap. Finally, we can assume that al-Tunsi’s book had the support of a readership, for it was reissued three times.

If the translation of Christian anti-Judaism had largely been limited to Greek Orthodox Christians, the translation of anti-Semitism, made available by pathways of British colonization and inseparable from the emergence of Zionism and Zionist/Israeli politics, was a more general phenomenon. Once war broke out in 1948, it proved a powerful tool for transforming local Jews into a homogenized universal Jew whose private interests, casted as suspicious, could only be seen to conflict with the public interest of the Egyptian nation. Secular and profane public interest, intended to police sites of disloyalty to the nation, authorized the state to exclude such identifiable private interests through the law.

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PART 2: CATEGORIES OF CLASSIFICATION AND POLITICAL IDENTIFICATION

Chapter 4

Ordering the “Land of Paradox”: The Fashioning of Nationality, Religion, and Political Loyalty
Reflecting on his rule and the art of governance in colonial Egypt, former consul-general Lord Cromer posed ethnic, racial, and/or national difference as a problem:

It might naturally be supposed that, as we are dealing with the country called Egypt, the inhabitants…would be Egyptians. Any one who is inclined to rush to this conclusion should remember that Egypt…is the Land of Paradox. If any one walks down one of the principal streets of London, Paris, or Berlin, nine out of ten of the people with whom he meets bear on their faces evidence…that they are Englishmen, Frenchmen, or Germans. But let any one who has a general acquaintance with the appearance and physiognomy of the principal Eastern races try if he can give a fair ethnological description of the first ten people he meets in one of the streets of Cairo…He will find it no easy matter.¹

Cromer’s remarks reflect the centrality of population to the political rationalities of what David Scott, expanding upon Michel Foucault’s Europe-centered theorization, calls “colonial governmentality,” a modern form of power “concerned above all with disabling old forms of life by systematically breaking down their conditions, and with constructing in their place new conditions so as to enable—indeed, so as to oblige—new forms of life to come into being.”² In nineteenth- and twentieth-century Egypt and elsewhere, the colonial refashioning of subjects and construction of political community involved the flattening of heterogeneous identifications and

¹ Evelyn Baring, Modern Egypt, Volume II (New York: Macmillan, 1908), 126.
affiliations toward a homogenous polity that, in a national context, demanded loyalty to the
country. For Cromer, Egypt is a “Land of Paradox,” with its different kinds of and differently
affiliated people living in one bounded territory, only in contrast to Europe’s then-homogenizing
and unitary nation-states. Egyptian subjects would adapt this normative view of political
community, viewing nationality as, in one jurist’s words, having “simple, singular meanings that
do not tolerate mixing or overlapping.”

This chapter provides a genealogy of the “Egyptian national.” Drawing on periodicals,
legal compendia, and British and Egyptian state records, I show how the “Egyptian” as a
juridical category was initially established by the British-dominated colonial state as part of
governing Egypt, and took form within the vestibule of colonial politics. I also show how the
Egyptian national, first articulated in the 1920s, inherited prior definitions of Egyptian
subjecthood. However, I argue that this category was also shaped by what Eric Weitz, referring
to the Paris peace settlement of 1919–23, calls the “Paris System,” in which populations,
conceived as racially, ethnically, and/or nationally homogenous units, became central to

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3 *Al-Muhama’,* 1935–36, issue 1, 11.
4 For prior studies of Egyptian nationality, see Shimon Shamir, “The Evolution of the Egyptian
Nationality Laws and Their Application to the Jews in the Monarchy Period,” in *The Jews of
Egypt: A Mediterranean Society in Modern Times*, ed. Shimon Shamir (Boulder, CO: Westview
Abecassis and Anne Le Gall-Kazazian, “L’identite au miroir du droit, le statut des personnes en
Egypte (fin XIXe-debut XXE siècle),” *Egypte – Monde Arabe* 11 (1992): 11–38; and Will
Hanley, *Identifying with Nationality: Europeans, Ottomans, and Egyptians in Alexandria* (New
York: Columbia University Press, 2017). For the period prior to World War I, I adopt Hanley’s
use of the term “locals” for people from Egypt, which better captures Egypt’s location within an
Ottoman orbit than the anachronistic national category “Egyptians.” See also Zainab Saleh, “On
Iraqi Nationality: Law, Citizenship, and Exclusion,” *Arab Studies Journal* 21 (2013): 48–78; and
Lale Can, “The Protection Question: Central Asians and Extraterritoriality in the Late Ottoman
governance and were linked to sovereignty.\(^5\) After the British unilaterally granted Egypt limited independence in 1922, Egyptian legislators and British advisers, needing to devise nationality codes, adapted earlier colonial definitions of the Egyptian to an emergent global system of bounded national territories. Through the case of Egypt, a country that was not beholden to the settlement’s treaties but whose laws and public discourse reflected a translation and interiorization of their central concepts, this chapter points to the global scope of Paris’ capillaries.

In telling this story, my focus is on religion as a category of identification, for the Paris System lent religion particular salience in the “Middle East,” a region that was just being consolidated in the minds of international policymakers. Scholars have traced the politicization of religion in Ottoman and post-Ottoman contexts, with outside Christian powers, missionaries, and Ottoman state reform efforts exacerbating religious difference by making religion the basis of politics.\(^6\) They have also shown how secularism as a political process less confined religion to a presumptive private sphere than rendered it a site of state intervention and control.\(^7\) But scholars have only begun to consider how religion was also shaped by modes of international governance that emerged after World War I and whose role was in part to transform colonies into “sovereign” (as we will see, the word struck upon different registers in colonial contexts than it did in Western Europe) states, which, managed by mandate regimes, might join the community


\(^6\) See, for example, works by Bruce Masters, including *Christians and Jews in the Arab Ottoman World: The Roots of Sectarianism* (Cambridge: Cambridge University Press, 2001).

of “civilized” nations.\textsuperscript{8} The creation of an international legal system coincided with the invention by European scholars of a new taxonomy of religion, a term increasingly used to refer to what they viewed as the world’s “great traditions”—Buddhism, Christianity, Judaism, Islam, etc.—all understood to be fundamentally alike but also dissimilar in important ways. This taxonomy, part of a broader transformation of European identity in the nineteenth century, extolled the superiority of Christianity, with its supposed Aryan and Greek Hellenic origins, as the universal religion of freedom, in contrast to parochial, tribal, and static Islam, with its semitic origins.\textsuperscript{9} The postwar treaties could only have proceeded from these epistemic foundations.\textsuperscript{10} In Egypt, the treaties and Paris System thinking generally, grafted categories inherent to nation-state politics (i.e., majority and minority) onto religious groups and, in many cases, affixed these groups to outside, racialized nations.

This reconfiguration of religion, its flattening out through a linkage to national categories, both entered Egyptian law and became meaningful to subjects. Thus, the chapter maps how the ascription of nationality in the postwar Middle East was, to use Michel Foucault’s phrasing, a process of subjectification, refracting prior religious identifications.\textsuperscript{11} Scholars have shown how nationality, as an “instrument and object of social closure” critical to the rise and sustenance of bounded nation-states, allowed for legal and social distinctions to be made between “insiders,”

\begin{itemize}
  \item \textsuperscript{8} On colonialism and international law, see Antony Anghie, \textit{Imperialism, Sovereignty and the Making of International Law} (Cambridge: Cambridge University Press, 2005).
  \item \textsuperscript{9} Tomoko Masuzawa, \textit{The Invention of World Religions} (Chicago: University of Chicago Press, 2005), xii.
  \item \textsuperscript{11} On subjectification and governmentality, see Foucault, “Governmentality,” in \textit{The Foucault Effect: Studies in Governmentality with Two Sections by and an Interview with Michel Foucault}, ed. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: The University of Chicago Press, 1991), 87–104.
\end{itemize}
“outsiders,” and those in between. Yet it also reordered individual and collective pasts, as well as the horizon of the future. In defining national subjecthood, nationality laws constructed the past of the nation and state, often before historians did so, in codified form, establishing a juridical-historical narrative that served as a basis and impetus for future nationality law and subjective practices. These subjective practices, never bound to the code, shaped, in turn, how the national was defined, a looping effect that helps to explain how the boundaries of national subjecthood, insider and outsider, remain always in flux.

**The Ottoman Imperial Citizen**

Egyptian nationalism saw itself as a repudiation of Egypt’s Ottoman past. Yet the country’s first effectuated nationality law of 1929 laid overttop the Ottoman Nationality Law of 1869, applied in Ottoman Egypt. The two laws involved complex processes of translation and reflect uneven linguistic transformation, shedding light on the manifestation of nationality in Ottoman and post-Ottoman contexts. For the French term *nationalité*, the 1869 Ottoman nationality law used the Arabic/Ottoman Turkish word *tabi‘ya/tabiiyet*, related to the noun *tabi‘/tabii*, which means “follower,” and in an imperial legal context referred to a subject of the sultan or state. Use of this word, which coexisted with the term *ra‘aya/raya*, meaning “subjects” (again, of the sultan or state), particularly non-Muslims, arguably reflected a transfiguration of Ottoman political

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community defined in part by the vertical relationship between sultan and subject into a form of citizenship. The 1869 law was one of a number of Ottoman reforms concerned with state centralization and bureaucratization in the face of the interconnected problems of incipient nationalism and imperial encroachment. Reformers promoted a new ideology of Ottoman constitutionalism in which an undifferentiated Ottoman imperial citizen would supersede religious and/or ethnic difference, even as Islam continued to be the basis of state identity and a factor in naturalization after implementation of the law.

Among the Ottoman state’s aims in pronouncing the law was preventing loss of subjects to foreign powers, which could offer them privileges sanctioned by long-standing Capitulatory agreements (e.g., exemption from local courts, taxes, or conscription). Going forward, Ottoman men who married foreign women were unable to adopt foreign nationality, instead retaining Ottoman nationality. However, as part of fitting the empire into a world system of nationality, the 1869 law followed the idea upheld universally at the time that women follow the nationality of their husbands. This was a shift in the Ottoman province of Egypt as elsewhere, where women had always been legally referred to as daughters of fathers or mothers of sons (e.g., “Umm Muhammad,” or mother of Muhammad).

17 Amira El Azhary Sonbol, The New Mamluks: Egyptian Society and Modern Feudalism (Syracuse, NY: Syracuse University Press, 2000), 76. For an exception to this rule, see Kern, Imperial Citizen.
Thus, when Princess Saliha (later Diana) of the Egyptian royal family married Vladimir Yourkevitch, a Catholic-turned-Lutheran Russian who became a well-known shipbuilder, at a church in St. Petersburg in 1909, she became a Russian national. In fact, nationality law seems to have trumped personal status law in cases such as hers where a marriage violated Islamic law. Yourkevitch himself had originally been an Orthodox Christian but converted to Protestantism due to the Orthodox Church’s proscription of marriage between Christians and non-Christians. After the Grand Mufti of Egypt issued a fatwa nullifying the marriage, Yourkevitch converted to Islam and took the name ‘Abd al-Rahman Shaykh Jalal al-Din Muhammad. He then remarried the princess in an Islamic marriage in London. The couple had likely needed their marriage to be legally recognized in Egypt, perhaps for social reasons or to secure an inheritance.\(^\text{18}\) Princess Saliha was one of many Ottoman women who lost Ottoman nationality and gained foreign nationality through marriage.

The articulation of nationality laws across nineteenth-century Europe was influenced by French nationality as defined in the 1804 Civil Code, which combined *jus soli* (rights by birth or residence on national territory) and *jus sanguinis* (rights by bloodline or filiation) but emphasized the latter.\(^\text{19}\) In the 1869 Ottoman law, the first article stipulated that individuals born to an Ottoman father and mother, or to an Ottoman father and foreign mother, were Ottoman subjects. Unlike in later Egyptian nationality laws, both father and mother were seen to confer

\(^{18}\) *Journal du droit inernational privé* (1914): 643–49. Yourkevitch eventually became a British subject. Although the marriage did not last, the couple bore several children in England, one of whom changed the family’s last name, going by Isma‘il Vladimir de York.

\(^{19}\) Patrick Weil has shown that Rogers Brubaker’s contrast between an open French model of citizenship based on *jus soli* and an exclusive German model based on *jus sanguinis* is misleading. French nationality law actually favored *jus sanguinis* from 1804 to 1889, when it shifted to *jus soli* to naturalize large numbers of immigrants. Prussian and then German legislation followed the French example. Weil, *How to Be French: Nationality in the Making since 1789* (Durham, NC: Duke University Press, 2008).
nationality on children, even though the law’s privileging of the father strengthened notions of
the patriarchal family in a context where, historically, women enjoyed relatively broad property
rights. The 1869 law presumed everyone on its territory to be Ottoman unless demonstrated
otherwise and was relatively liberal in terms of naturalization. Every individual born on Ottoman
territory to foreign parents could acquire Ottoman nationality within three years of reaching
majority. Further, foreign adults who resided five consecutive years in the empire could obtain
nationality by applying to the Ottoman Ministry of Foreign Affairs, and in exceptional cases the
latter could confer nationality sooner. While rendering acquisition of Ottoman nationality
relatively easy, the law required Ottoman subjects wishing to naturalize abroad to first obtain
Ottoman state permission, a caveat that later proved significant in Egypt.

Thus, while it produced a new category of governance—the Ottoman imperial citizen—this category’s terms of
inclusion/exclusion had less to do with perceived characteristics of populations than with
geopolitics.

The Arabic term for “nationality” used in later Egyptian codes and common today,
jinsiyya, has a very different connotation than tab‘iya/tabiyet. This word was likely a neologism
of the nineteenth century deriving from the word jins, itself an Arabization of the Greek genus
that eventually became the Arabic trilateral root janasa, meaning “to make homogenous” or
“classify.” Over time, jins has taken numerous meanings such as “kind,” “species,” “category,”
“sex” (male, female), “gender” (in grammar), and, more recently, “race” and “nation.” In the

20 On this point in the context of Egypt, see Judith Tucker, Women in Nineteenth-Century Egypt

21 Dar al-Watha‘iq al-Qawmiyya (Egyptian National Archives) (DW), Majlis al-Wuzara‘
(Council of Ministers) 0075-018651, “Loi Sur La Nationalité Ottomane,” Le Caire Imprimerie
Nationale, 1887.

mid-nineteenth century, jinsiyya referred to “common origin,” a meaning with flexibility to absorb various associations. Thus, in an 1879 speech in Alexandria, the Muslim intellectual Jamal al-Din al-Afghani could refer to the jinsiyya of “Eastern peoples” as a shared civilizational origin that was being attenuated by the imperial division of Eastern lands into territorial units and by “backwardness.” In 1884, however, al-Afghani refers to jinsiyya in the sense of national origin and in contrast to cross-territorial Islamic unity. By the turn of the twentieth century, it still carried this meaning, sometimes in a national sense, but was overlaid with race, as racial theory was popularized in Egypt through scientific journals such as al-Muqtataf and its competitor al-Hilal (The Crescent). When the Egyptian colonial state sought to articulate a distinct political category of “Egyptian local subjects” in 1900 (see below) in order to more effectively govern, the word jinsiyya, rather than tab‘iya, was perhaps seen to best capture the political community it sought to produce.

An “Internationalist Nationality”: The Egyptian Local Subject

Mehrez’s discussion of the word in Egypt’s Culture Wars: Politics and Practice (Cairo: American University in Cairo Press, 2008), 109.

23 The speech was transcribed in the journal Misr under the title “Hakim al-Sharq” (Sage of the East), 24 May 1879. I draw on Nikki Keddie’s discussion of it in Sayyid Jamāl ad-Dīn “al-Afghānī”: A Political Biography (Berkeley: University of California Press, 1972), 108–9.


The shift from Ottoman *tab‘iya* to Egyptian *jinsiyya* was precipitated in part by the British occupation of Egypt in 1882, which brought a shift of suzerainty over the province even as a veneer of Ottoman control and links between Egypt and the empire remained. Colonial governance in Egypt involved in part the reconstruction of Egypt’s legal system through the establishment of the National Courts in 1883.\(^{26}\) This new institution was accompanied by new governing structures and associated legal codes that first produced the legal category of the Egyptian local subject.\(^{27}\) Announced in the Egyptian government’s official journal, the 1883 Organic Law replaced what had been the Council of Notables, established under Khedive Isma‘il, with a new, quasi-representative Legislative Council and General Assembly based on models from India.\(^{28}\) These bodies had a largely advisory role and little authority. According to then-British ambassador Lord Dufferin, who first proposed them, their purpose was to “erect some sort of barrier, however feeble, against the intolerable tyranny of the Turks.”\(^ {29}\) The British also viewed them as pedagogical tools for self-governance, though they refrained from conferring real authority on them until politically expedient.

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\(^{27}\) It has been suggested that it was Khedive Isma‘il who, in forming a new Council of Ministers in 1879 under Sharif Pasha, first distinguished between the Ottoman and the Egyptian in the official political domain. Resisting increased European control over Egypt, the khedive had called for this cabinet to be made up of “truly Egyptian elements.” Abecassis and Le Gall-Kazazian, “L’identite au miroir du droit,” 5. However, the khedive did not see “Egyptian elements” as exclusive of Ottomans, for he filled the cabinet with Turko-Circassian officials in Egypt long close to the Muhammad ‘Ali family. F. Robert Hunter, *Egypt under the Khedives 1805–1879: From Household Government to Modern Bureaucracy* (Cairo: American University in Cairo Press, 1999), 219–20.


\(^{29}\) Quoted by Evelyn Baring in *Modern Egypt, Volume II*, 274.
The deputies who were to fill these new governing structures would be elected according to the Electoral Law, which, announced on the same day as the Organic Law, stated that eligible voters were limited to “Egyptian local subjects.” This new category included male Ottoman subjects in Egypt at least twenty years of age, certain “undesirables” aside. The articulation of the Egyptian local subject was part of a colonial effort to render Egypt governable by defining and categorizing its territory and population, though without explicitly threatening Ottoman suzerainty, Capitulatory powers, or the international balance of power. The inclusiveness of the category—excepting gender—is indicative of the modus operandi of the colonial state, which was intent on appending all subjects to itself. Lord Cromer echoed this purpose when he asserted repeatedly that Egypt contained an assortment of peoples who should be fused into what he paradoxically termed an “internationalist nationality.”

In the 1890s, this first articulation of the Egyptian local subject would be followed by others delineating eligibility for service in government posts and the national courts. These decrees introduced a new condition excluding any male Ottoman subjects who had lived in Egypt for less than fifteen years. The exclusion of newcomers was intended to assuage local outrage over British favoritism toward “Syrians,” who received a disproportionate number of

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31 On the inclusiveness of the colonial project in Egypt, see Esmeir, *Juridical Humanity*.


high government positions. This largely Christian group from Ottoman Syria was one of many
Ottoman and non-Ottoman groups to arrive in Egypt in the second half of the nineteenth century
seeking economic opportunities and/or refuge from state repression, and some Syrians came to
play important roles in Egyptian society.

As the category of the Egyptian local subject expanded from the electoral to other
domains of eligibility, subjects began to claim and adapt it, widening the new divisions it had
introduced. One example involves a group of six Syrian Effendis (middle-class professionals)
residing in Egypt who in 1898 applied to the Cairo Governorate (muḥafizat misr) to register their
names on the electoral roll to vote. On 2 June 1898, the head of the National Court of Appeals in
Cairo, Ahmad ‘Afifi, and two judges, considered their application in court. The Syrians based
their claim to Egyptian local subjecthood not only on their continued residence in Egypt, but also
on their payment of taxes to the Egyptian government and their subjection to local Egyptian law
and courts. Further, it was clear to them that the Egyptian government defined the term (lafza)
“Egyptian local subject” in the Electoral Law so as to include all Ottomans residing in Egypt (a
definition that, conveniently, had been adopted in the 1886 Conscription Law). If they reside in
Egypt, pay taxes, are subject to Egyptian law and courts (unlike many Europeans), and can be

34 Locals in Egypt referred to this largely Christian population of Greek Catholics, Greek
Orthodox, and Maronites originating from Ottoman Syria as a composite whole, whether with
the descriptor “Syrians” or, in the case of the nationalist Mustafa Kamil, with pejorative terms
such as dukhala’ (intruders). Neither of these descriptors need be understood in a territorial
nationalist sense. These groups remained largely within their respective communal frames, and
the unity they may have come to feel was an outcome of their interactions with locals. For
simplicity, I refer to them as “Syrians.” Thomas Philipp, The Syrians in Egypt, 1725–1975
conscripted, this groups of Syrians reasoned, how could they be excluded from Egyptian local subjeethood?35

‘Afifi, who seems to have been a liberal Egyptian protonationalist, refuted the Syrians’ claims by arguing that residence, taxes, and subjection to law and courts each represents its own legal domain and has little to do with Egyptian local subjeethood, a legal category he viewed as a nationality and critical to public law. Further, he maintained that Egypt, though still under the suzerainty of the Ottoman Empire to which it pays tribute, is independent in its internal affairs (he did not mention the British occupation). In his view, this independence was initially achieved in 1841 by Egypt’s rebellious viceroy Mehmet Ali, who extracted a firman from the Ottoman sultan granting him and his male bloodline right of rule over Egypt. Because any independent nation must have its own nationality, ‘Afifi reasoned, Egyptian nationality, even if unrealized in law, existed and was distinct from Ottoman nationality. In the context of local–“nonlocal” competition under colonial governance, ‘Afifi defined Egyptian nationality by adapting earlier definitions of the Egyptian local subject, now including only residents of Egypt since 1841.36 Thus, he established an origin point for the birth of the modern Egyptian nation and inscribed Muhammad ‘Ali as its “father,” well before Egyptian royalist historians did so in the 1920s.37 This early “nationalist” reading of Egyptian nationality would be repackaged by later jurists.

35 The ruling appeared in Al-Ahram, 16 June 1898 in the voice of ‘Afifi. Interestingly, he uses the word lafza rather than kalima (both meaning “word”) in association with misri (Egyptian), implying that it still had more of a spoken than a textual connotation. I thank Will Hanley for sharing this source. Reference to the case is also made in Pierre Arminjon, Étrangers et Protégés dans l’Empire Ottoman (Paris: A. Chevalier-Marescq, 1926), 181–82.
36 Al-Ahram, 16 June 1898.
Further, within the category of the Egyptian, ‘Afifi Bek distinguished between natives (al-ahali al-asliyyin) and those who arrived in Egypt with the “late resident of paradise Muhammad ‘Ali Pasha” (i.e., prior to 1841). In his words, the Egyptian includes the bishop, the archbishop, the saint, the priest, the rabbi, and the legislator … and [included] among the Egyptians is the Orthodox, the Jew [isra’ilî], the Catholic, and the Protestant, and these religions [adyan] and denominations [madhahib] are not particular to non-Egyptian Ottomans … because the Egyptian is not confined to the native Egyptian but includes others who … became attached to [the Egyptians] in the period of the late Muhammad ‘Ali Pasha.38

This divide between “native” and “non-native” Egyptians would become increasingly operative in the social realm during the years ahead.

The colonial administration issued a new Electoral Law on 29 June 1900 that seems to have been a response to lack of clarity and confusion over how to define the Egyptian local subject. The new law’s preamble stated that it was concerned with attribution of “Egyptian nationality” to diverse categories of persons. Although this was the first law to invoke Egyptian nationality, its clauses were confined to voter eligibility and it in no way replaced Ottoman nationality. Egyptian voters now included Ottoman subjects settled and habitually residing in Egypt since 1848 (chosen because it was the year of the first country-wide census, illustrating the importance of the census to nation-building even in the minds of nation builders themselves39);

38 Al-Ahram, 16 June 1898.
those born in Egypt whose parents settled and resided there, as well as those who performed
military service or paid the exemption tax; and orphans with unknown parents. Male Ottoman
subjects having resided in Egypt for at least fifteen years now had to declare their desire to be
Egyptian local subjects to local officials and to have completed military service to be eligible. This decree law was followed by a myriad of others—e.g., a civil employment law in 1901, a
conscription law in 1902, and the 1904 Penal Code—each defining the “Egyptian local subject”
according to the needs of its issuing office. In short, this category had no singular definition, and
related to eligibility rather than nationality.

In a final installment of the Egyptian local subject, Herbert Kitchener, a successor to Lord
Cromer as consul-general, issued a new Organic Law and Electoral Law in July 1913 in attempt
to enhance the authority of Egypt’s legislative bodies to appease Egyptian nationalists and check
the power of then-khedive ‘Abbas Hilmi II. The Organic Law replaced the Legislative Council
and General Assembly with a Legislative Assembly comprising the Council of Ministers (itself
part of the executive branch), sixty-six elected members, and seventeen government-nominated
members. The Electoral Law determined election procedures and voter eligibility, this time
making no mention of Egyptian nationality. Voters were limited to male Egyptian local subjects
as defined by the 1900 decree law (according to British officials, this amounted to roughly one
million potential voters out of a population of seven million), a tiny minority of whom would
actually vote. Meanwhile, the seventeen government-nominated members had to be, according

the census and the nation-state, see Benedict Anderson, *Imagined Communities*, 2nd ed.

For the 1900 law, see al-*Waqa’i’ al-Misriyya*, 4 July 1900.

The law also used the term *misriyin* (Egyptians), but one jurist of the 1920s explains that its
authors understood this term as commensurate with “Egyptian local subjects.” For the laws, see
J.-A. Wathelet and R.-G. Brunton, *Codes égyptiens et lois usuelles en vigueur en Égypte*
to the Organic Law, from underrepresented social and professional groups, including Bedouin, doctors, engineers, as well as educational and municipal employees, along with one religious community, the Copts.\textsuperscript{42}

The inclusion of Copts, but no other religious group, partially relates to the emergence of Coptic minority politics several years earlier.\textsuperscript{43} Often considered by the British and themselves to be “original Egyptians,” the Copts were Egypt’s only potential minority that could not be associated with a nation/ethnicity elsewhere. In Europe, this association was the best protection minorities had from majority-ruled nation-states when the League of Nations proved inept at enforcing minority protection treaties, and thus groups such as Armenians and Jews, which nowhere formed a majority, were vulnerable to becoming refugees and/or stateless.\textsuperscript{44} In Egypt, where the nation-state took form under the shadow of colonial rule, the opposite was true. As we will see, during and after World War I, Christians from Ottoman Syria and others became linked

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\textsuperscript{42} Landau, \textit{Parliaments and Parties}, 55–57. The inclusion of Bedouin is notable, but beyond the scope of this chapter.

\textsuperscript{43} Seteney Shami and Saba Mahmood have argued that the Arabic word for “minority,” \textit{aqalliyya}, was not used in the Egyptian press until the early 1920s, in the context of debates over whether the 1923 Constitution should guarantee minority rights (which it did not). However, as I point out in Chapter 5, the term actually appeared much earlier. Seteney Shami, “\textit{Aqalliyya/Minority in Modern Egypt Discourse},” in \textit{Words in Motion: Towards a Global Lexicon}, ed. Carol Gluck and Anna Lowenhaupt Tsing (Durham, NC: Duke University Press, 2009), 153; Mahmood, \textit{Religious Difference}. For the conference, see \textit{Tidhkar al-Mu’tamir al-Qibti al-Awwal: Majmu’at Risa’il Musawwira} (Cairo: Matba’at al-Akhbar bi-Misr, 1911). See also C.A. Bayly, “Representing Copts and Muhammadans: Empire, Nation, and Community in Egypt and India, 1880–1914,” in \textit{Modernity & Culture: From the Mediterranean to the Indian Ocean}, ed. Leila Tarazi Fawaz and C.A. Bayly (New York: Columbia University Press, 2002), 158–203; and Tariq al-Bishri, \textit{al-Muslimun wa-l-Aqbat fi Atar al-Jama’a al-Watanniyya} (Cairo: Dar al-Shuruq, 1982).

\textsuperscript{44} Hanna Arendt, \textit{The Origins of Totalitarianism} (Orlando: Harcourt Brace, 1979), 289.
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to new racialized nation-states that the British and French carved out of the Ottoman Empire, largely writing them out of Egyptian nationality, whereas the status of Armenians (whose numbers were small) and Jews would remain as nebulous as that of the Armenian and Jewish national projects.\textsuperscript{45}

\textbf{Protected Nationals, Foreign Ottomans}

Britain’s announcement of a Protectorate over Egypt in November 1914, after the Ottoman entrance into World War I, formalized Egypt’s separation from the Ottoman Empire, raising thorny legal questions around sovereignty, jurisdiction, and nationality. Egypt became an independent, nonsovereign state, a shift that required “Egyptian local subjects” to become “Egyptians.” The Protectorate state considered all inhabitants—men, women, and children—of what was now a distinct national territory to be Egyptian nationals unless demonstrated otherwise, though while abroad they were British-protected persons. Ironically, however, until Egyptian nationality laws could be written and effectuated, the 1869 Ottoman law remained in use, as reflected in a range of Mixed Courts cases.\textsuperscript{46} The split between “Egyptians” and “Ottomans” in the political-legal realm would soon become axiomatic, shaping subjectivities and conceptions of national community.

In theory, Egypt’s national formation meant that “Ottomans” could be classified as foreigners, or, given the war’s battle lines, enemy foreigners. The question of who was an

\textsuperscript{45} According to the 1917 census, there were 12,854 Armenians and 59,581 Jews in Egypt at the time. See Ministry of Finance, \textit{The Census of Egypt Taken in 1917} (Cairo: Government Press, 1920–21).

Ottoman remained unclear and complex, and the category became available to subjects to claim or disclaim. Legal debates during the war focused on whether the Mixed Courts, historically reserved for disputes between litigants of different nationalities, were now competent in cases between Egyptians and Ottomans. In a 22 February 1916 Mixed Courts case, a judge ruled in the affirmative because, “Egypt, being independent now, is no longer part of Turkey, and, in consequence, there is a difference in nationality between an Ottoman subject and a local subject.” In 1917, a different judge ruled oppositely when a certain Georges Farah demanded a sum of money from Wahid al-Fahakni, who denied the Mixed Courts were competent in the case because, “my adversary, like my humble self, has the honor of being a local subject.” According to reports, Farah responded indignantly that he was a Greek subject and could prove it. Moreover, he claimed that if his evidence should be deemed insufficient, he had originally been an Ottoman subject, making him a foreigner in Egypt since the announcement of the Protectorate. The court rejected his evidence and refused to classify him or other “Ottomans” as foreigners. Ultimately such subjects would remain under the jurisdiction of the National Courts but became foreigners by law. A conceptual wedge had been inserted between the Ottoman and the Egyptian. This wedge reverberated in the social realm when, for example, a group of Syrian Jews in Egypt petitioned the British to treat them as “friendly aliens,” a new category to appear in wartime Egypt.  

47 Gazette de Tribunaux Mixtes d’Egypte, 10 November 1916, 3.
48 La Bourse Egyptienne, “Chronique Judiciare: de la Situation Juridique des Sujets Ottomans,” 30 May 1917. A number of similar cases occurred between 1914 and 1926, when Egypt pronounced its first nationality law, with most concluding there was no legal distinction between local subjects and Ottomans.
49 The National Archives in Britain (TNA), FO 141/530/2, “Treatment of Syrians, Ottoman Greeks, Armenians, etc., in Allied Countries and in Egypt (During the War).” The British never declared Ottomans to be enemies under martial law, as they had Austro-Hungarians and
With the start of the Protectorate, the British Office of the Judicial Advisor in Egypt’s Ministry of Justice set out to draft a law establishing the Egyptian subject/national as an internationally recognized legal subject, producing at least four draft decrees during the war. The task was critical not only to confirming Egypt’s independent status and thus forcing foreign powers to recognize the Protectorate, but also to ordering a nationally heterogeneous population along a grid of “friend” and “foe.” In fact, the two drafts on which I focus reflect a gradual shift toward a concern with loyalty, a concept that would be central to the postwar Paris project to expand the nation-state system globally. The first, stamped 25 November 1914, was by British Judicial Advisor William E. Brunyate, a trained lawyer who would have a major hand in postwar Egyptian legal transformation. Although the draft was titled “Draft Law Defining Those Who Are Entitled to Egyptian Status” (rather than Egyptian nationality), it acknowledged in its first line the end of Ottoman suzerainty. On a copy of it in the British National Archives, the last two words of the title are crossed out in pencil and replaced with “Egyptian Nationality.” British legal experts and administrators were hesitant to call this a “nationality law,” exposing the paradox of establishing a nation-state under a Protectorate.

In a similar vein, Brunyate’s draft preserved the language of subjection used in prewar decrees, invoking the “Egyptian subject” rather than the “Egyptian national.” Brunyate’s definition of this subject mirrored earlier definitions of the Egyptian local subject in its inclusivity. For him, “Egyptian subjects” included Ottomans previously recognized as Egyptian local subjects or domiciled in Egypt and maintaining residency. However, for the first time

Germans, for whom special courts were set up. They instead saw them as “harmless subjects of a technically enemy state.”

50 TNA FO 141/552/3, “Projet du Loi définissant les personnes qui ont droit aux status d’Egyptien,” c. 25 November 1914.
Egyptian status now implied “allegiance to the khedive” (and soon, the British-installed sultan Husayn Kamil). Unlike the Ottoman Nationality Law, Brunyate’s proposal also explicitly limited the transmission of nationality to men, contributing to a shift toward the notion that national belonging, though it could be represented as a woman, was essentially bequeathed by men. The draft was eventually sent to the Egyptian Council of Ministers, which despite the Protectorate still had to review new legislation. On receiving the proposal, the council, made up of Egyptian nationalists, lawyers, and landowners, rejected it, reportedly because its members opposed granting Egyptian nationality to “Syrians and other Ottomans” in Egypt, whom they viewed as competitors. Colonial politics had again shaped the boundaries of the Egyptian as a legal category.

The second draft was released by the Office of the Judicial Advisor on 29 December 1918. After the Sykes-Picot Agreement, the British felt new urgency to define Egyptian nationality so as to mitigate ambiguities over national status after the pending breakup of the Ottoman Empire into new states. Based on suggestions by Albert Balfour, best known for the 1917 Balfour Declaration, the draft was the first to refer to the “Egyptian” in a national sense, opposite to the “alien.” It regarded all Ottoman subjects residing in Egypt on 5 December 1914, the date when the Protectorate was declared, as Egyptians. But unlike prior decrees and draft laws, this one stipulated that Ottoman subjects who repudiated Egyptian nationality would have to leave Egyptian territory within an unspecified period of time. This innovation was consistent with the logic of collective plebiscites and individual options emerging out of the concurrent negotiations at Versailles, which would reorder the populations of Central and Eastern Europe.

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51 Ibid.; Baron, *Egypt as a Woman.*
along lines of national loyalty. According to then-high commissioner Edmund Allenby, who would later be involved in drafting the Egyptian Constitution, the new provision was directed at those in Egypt with strong Ottoman sympathies, “whose presence … might be politically embarrassing.”\(^{54}\) These included members of the family of ‘Abbas Hilmi II, the former khedive whom the British deposed and banned from returning to Egypt.\(^ {55}\)

Aiming for homogeneity, the British also wished to avoid the presence of permanent foreign residents, particularly Syrians and Armenians, on Egyptian soil. As George Lloyd, Allenby’s eventual successor as high commissioner, pointed out: “Our object is to set up an independent Syria and Armenia and not independent Syrians or Armenians elsewhere. If Syrians or Armenians in Egypt want to adopt the nationality of their mother country, should they not be required to leave and qualify by residence?”\(^ {56}\) Lloyd’s use of the phrase “mother country” is reflective of how, given that a Syrian nation-state had yet to be formally established and the Armenian nation-state had only just emerged, religion in the region had come to be linked to sovereignty and territory. Hence, Brunyate, the author of the 1914 draft law, would state in 1919 that,

My impression … is that an Armenian will always regard himself as an Armenian, although habitually resident in Egypt, and that if an Armenian state is erected he would desire Armenian subjection. So, too, to a certain extent with the Syrian—and I should

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\(^{54}\) TNA FO 608/212/12, “Decypher of Telegram from Field-Marshal Allenby, Bacoaramreh, Addressed to Astoria and Repeated to Foreign Office, No. 1239,” 15 August 1919.

\(^{55}\) ‘Abbas Hilmi II lived the rest of his life abroad, dying in Switzerland. However, the Egyptian government never allowed him to naturalize elsewhere, so he remained an Egyptian until his death. DW, ‘Abdin Files (0069-025328), “Nationality of the Ex-Khedive.”

\(^{56}\) TNA FO 608/246/5, “Copy of Minutes from Paper No. 1555/W/16: Nationality of Ottoman Subjects Resident in Egypt,” 4 January 1919.
suppose with the Hedjaz Arab. To a considerable extent the feeling is the same as our own when we live in a foreign country, and, to adopt legal terminology, I believe that there is often a much realer animus revertendi than one would at first sight suppose.\textsuperscript{57}

By the end of 1918, British administrators saw Armenians and Syrians not as part of a patchwork that would congeal into modern Egypt, as prior British administrators had, but rather as tied to outside, sovereign, and racialized nations. This shift of perception was reflected in the 1917 census, the first to introduce national/racial categories, all of which were deemed “foreign.”\textsuperscript{58}

It should thus come as no surprise, then, that the 1918 draft was also the first to emphasize \textit{jus sanguinis} through the father’s line in defining Egyptian nationality, even as the basis of the British Nationality and Status of Aliens Act of 1914 was \textit{jus soli}. Given the preponderance of British nationals and subjects in Egypt, and of “Europeans” generally whom the British sought to protect, defining the Egyptian this way allowed control over the attribution of Egyptian nationality. The idea was seconded by Alfred Milner’s Special Mission of 1920, which London had dispatched to Egypt to report on the situation there after the 1919 revolt.\textsuperscript{59}

The definition would reappear in the eventual Egyptian nationality law.

Paradoxically, the understanding of peoples as sovereign and racialized did not preclude “non-Egyptians” from becoming Egyptian. After all, the 1918 draft presumed Ottomans to be Egyptians in the first instance. This was partly attributable to the endurance of an old colonial strategy of sponsorship in a new age. Thus, one British official suggested that Christian Syrians

\textsuperscript{57} TNA FO 141/552/II, “Brunyate to Hurst,” 15 June 1919.
\textsuperscript{58} See Ministry of Finance, \textit{The Census of Egypt Taken in 1917}.
who became Egyptians could “exercise a moderating influence, and as they will be able to continue to enter Government Service as at present, they will by their superior intelligence and hard work play a very important role and will … secretly favour Great Britain as against the more extreme and antiforeign Egyptian Moslems with whom they can never really coalesce.” Similar ideas were held about “semi-European” Jews.⁶⁰ But some viewed assimilation as possible. Despite his assertions about the national sympathies of Armenians and Syrians in Egypt, Brunyate maintained his earlier position that Ottomans residing in Egypt should be Egyptian, for “in any case, a change will come in the next generation.”⁶¹ At issue was not whether homogeneity was desirable, but rather how it should be achieved.

British officials suspected that, as with the 1915 proposal, Egyptian ministers would likely view the 1918 draft, or a slightly revised version of it that was produced in 1919, as “too liberal to Syrians and other Ottoman Christians whose immigration and competition is feared.”⁶² In frustration, George Lloyd wrote, “We cannot create Egyptian subjects and then refuse to admit bona fide residents of non-Egyptian birth.”⁶³ To allay these fears, Allenby suggested inclusion of a caveat that attribution of Egyptian nationality to Ottomans did not confer political rights absent certain conditions, an idea which reappeared in the eventual Egyptian nationality law.⁶⁴ Other Ottomans could be subject to a different kind of exception. A different Allenby proposal was to

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⁶⁰ TNA FO 141/552, “Greg to Furness,” 24 February 1921.
⁶¹ On Syrians, see TNA FO 141/552/2, “Brunyate to Hurst,” 15 June 1919. In terms of Jews, the idea was to grant them British nationality but have them form a colony in Egypt through which the British could continue to exert influence. TNA FO 141/552/2, “Note to High Commissioner,” 21 January 1921.
⁶² TNA FO 608/212/12, “Decypher of telegram from Field-Marshal Allenby, Bacoaramreh, addressed to Astoria and repeated to Foreign Office, No. 1239,” 15 August 1919.
⁶⁴ TNA FO 608/212/12, “Decypher of telegram from Field-Marshal Allenby, Bacoaramreh, addressed to Astoria and repeated to Foreign Office, No. 1239,” 15 August 1919.
afford special authority to certain Ottomans, such as Nubar Pasha, the influential Armenian statesman who played a major role in the founding of the Mixed Courts, or Faris Nimr, the Syrian editor of the pro-British daily *al-Muqattam*—both of whom, it was thought, could potentially opt for Egyptian nationality, the nationality of the new states of Armenia and Syria, respectively, or even British nationality—to remain in the country.65

A final innovation of the 1918 draft was the idea that children of “illegitimate birth” followed the nationality of the mother, unless the child became legitimate during his or her minority, in which case the child would follow the father’s nationality. If, as we saw previously, defining the Egyptian national could be productive of certain hierarchies within the family, this draft differentiated between “pure” and “impure” Egyptian families, depending on “licit” or “illicit” relations. Further, if the authors of the draft meant to produce Egyptians who were loyal to the state (we saw how “disloyal” Ottomans were to be excluded), the draft law granted the state the ability to deny some “Egyptians” nationality: those born in Egypt but living abroad on the law’s date of publication would have a year to return and acquire nationality, but the Egyptian government reserved the ability to rescind that right.66 In short, the state would have the power to include or exclude based on loyalty to its nation.

The revised draft was put to the Consultative Committee for Legislation made up of British administrators in Egypt, which reviewed the text in April 1920. This committee made further revisions, some incorporating principles that were emerging out of the concurrent Allied–Ottoman settlement negotiations in Sevres, France, including the notion that anyone who

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65 TNA FO 608/212/12, “Decypher of Telegram from Field-Marshal Allenby, Bacoaramreh, Addressed to Astoria and Repeated to Foreign Office, No. 1239,” 15 August 1919.
renounces the nationality of a new state must leave it within six months.\textsuperscript{67} Swept aside temporarily by postwar treaties and events as well as the specter of Egyptian independence, the draft never became law, but it foreshadowed how international postwar treaties, law, and institutions would shape Egyptian nationality.

\textbf{Sovereignty, Imperial Politics, and the Paris System}

The British unilaterally declared Egypt independent in 1922, initiating a struggle over the boundary between British control and Egyptian sovereignty, one site of which was nationality.\textsuperscript{68} The British retained authority over, among other domains, “foreign interests” and “protection of minorities” at about the time when the minority was rendered a legal subject by the new, postwar international legal order. Locals in Egypt had long associated “foreigners” (\textit{ajanib})—correctly or incorrectly—with imperial politics, and groups that now could be identified as minorities shared this dubious distinction, only they did not necessarily enjoy access to privileges such as legal immunity that had often come with British protection. Thus, in Egypt no group would uniformly embrace this fraught category of inclusion/exclusion in the nation-state, and, due to its implications for national sovereignty, neither was it imposed on any group. In fact, in the name of unity Egyptian legislators eschewed it altogether in drafting the 1923 Constitution (see Chapter 5). Interiorizing the logic of Paris, such legislators saw the cultivation of a loyal nation as their overriding aim, and the establishment of a nationality regime as the primary means of achieving it.

\begin{itemize}
\item \textsuperscript{67} TNA FO 141/552, “Projet de Loi sur la nationalité,” April or May, 1920.
\item \textsuperscript{68} For a nationality dispute in which sovereignty and loyalty were at stake, see TNA FO 141/502 “Urquhart to British Consulate, Cairo,” 6 October 1924.
\end{itemize}
A significant and lengthy nationality dispute arose in August of 1922, when the vice governor of Cairo, Mahmud Fahmy al-Nuqrashi, approached the British Consulate about the status of two “military recruits,” sons of a certain David Abraham Khoury, who was born an Ottoman subject in Bilad al-Sham in 1864. Khoury served as an interpreter for the British army in Egypt between 1882 and 1922—his whole adult life—and by 1908 he was able to naturalize as a British subject along with his children, who had been born in Egypt and were now four and six years old (no information is available on their mother). As with most Ottomans who naturalized, however, Khoury did not first obtain permission of the Ottoman state, required by the 1869 Ottoman nationality law. The Ottoman government had therefore never formally recognized Khoury or his sons as British subjects, and Egypt, as the inheritor of this law, could not do so either. In its view, the Khourys had remained Ottoman and then become Egyptian. The British Consulate replied to al-Nuqrashi’s inquest by confirming the family’s British status. There the matter lied until September 1924, when the consulate received another note from the vice governor threatening arrest of the Khoury children as “deserters” of the army, a message they forwarded to David Khoury advising him to keep his children at home until the matter was settled. As al-Nuqrashi explained, “The laws in force in Egypt, and especially the recruiting laws of 1902, insist that every Ottoman subject born in Egypt from parents of Ottoman subjects and residing in Egypt is dealt with as an Egyptian and has the right to election and is subject to military service.” The father Khoury denied this claim, producing naturalization papers as evidence.

69 TNA FO 141/502 “Urquhart to British Consulate, Cairo,” 6 October 1924.
70 TNA FO 141/502 “Mohamed Fahmy El Nakrashi to H.B.M. Consul,” 9 September 1924.
As the affair escalated, the Egyptian government renounced its claim to the father in what it said was a gesture of “compromise,” though the British perceived that because he was “a person who was Syrian born, [Egypt] did not take any special interest in him.”\textsuperscript{71} Egypt did claim the children, however, because, unlike the father, it viewed them as assimilable. For this claim, the law was on its side, a point on which the British Judicial Advisor Maurice Amos could only agree.\textsuperscript{72} The children were born in Egypt, making them Egyptian by the terms of the Ottoman Nationality Law (of Egypt), and while they may have naturalized as British subjects, they had not obtained required permission of the Egyptian or Ottoman state for change of nationality. This conclusion did not nullify their earlier naturalization. Rather, it made them dual nationals, with their primary nationality, according to recent international legislation, being that of the territory on which they resided.

As for the British, their concern was to not set a precedent whereby Egypt could claim British subjects and “foreigners” more generally. Being the first of its kind, the Khoury case was seen to be determinative of similar cases, many centering on Egyptian-born and British-naturalized children and young adults. Advised by the Judicial Office of the legality of Egypt’s claim, the Foreign Office sought a diplomatic solution to the crisis through the creation of a list of subjects whose status would be mutually agreed upon by British and Egyptian authorities. Although the British produced this list, which contained the names of some thirty individuals along with their family members living in Cairo alone, the two sides did not come to terms before the pronouncement of an Egyptian nationality law in 1926, which reshuffled nationality politics. By that time, the youngest Khoury had decided to retain Egyptian nationality so as not

\textsuperscript{71} TNA FO 141/502 “Minute on Residency Paper No. 17491/9,” (n.d.) c. February 1925.
\textsuperscript{72} TNA FO 141/502, “British Consulate to High Commissioner,” 15 December 1925. In subsequent years, the British would produce lists that included even more subjects.
to lose a position in one of the Egyptian ministries, which was closed to foreign nationals, while the older child still sought to preserve his British nationality. It is unclear what came of the Khourys because their archival trail ends, but their story illuminates the relationship between nationality and questions of sovereignty during the 1920s. As one parliamentarian put it, defining the Egyptian national was important to “show to other countries that we are an independent country and have our own sovereignty (siyada).” Egypt’s path to sovereignty involved excluding subjects with Capitulatory privileges and access to the Mixed Courts, leaving a more loyal and governable population. During the 1920s, the Egyptian state and Egyptian nationalists increasingly called for disbanding the Capitulations and integrating the Mixed Courts into the National Courts, though both persisted until 1949.

Through its extension of the nation-state system across the globe, the Paris System helped render sovereignty a universal aspiration of “peoples” that did not yet possess it. But, as with nationality, the translation of sovereignty into various languages and contexts was a contingent process that gave rise to a multitude of meanings. In Egypt, nationalists did not associate sovereignty with, for instance, the overthrow of absolute monarchy, as in revolutionary France. In fact, Article 1 of Egypt’s first Constitution of 1923 emphasized that Egypt’s celebrated new government was a hereditary monarchy with a parliamentary form. Rather, nationalists associated sovereignty with the stripping away of colonial and imperial control over Egypt’s affairs, a process that Egyptians often saw as perpetually incomplete.

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At the level of language, Egyptian officials needed to find a word relatively equivalent to “sovereignty” in Arabic and ascribe it new meaning. This was the task of the Egyptian Constitutional Committee, which, in writing an early draft of the Constitution, defined Egypt as “an independent, free, and sovereign country,” with the adjective sayyida used for the French souverain. However, one committee member, drawing on a fourteenth-century Arabic dictionary, objected to this translation because sayyida’s historical meaning was “one who exercises authority over the great majority” (alladhi yamlak tadbir al-sawwad al-‘azm), which in his view inadequately expressed the collective active will and capacity (qidra) associated with the French original. Another committee member, al-Shaykh Bakhit, agreed, adding that the word sayyida also means honorable (sharif), and this second meaning may sow confusion. Incidentally, sayyida is also an honorific title for women (i.e., lady, Mrs.), and whereas Egypt was often represented as a women during this period, the nation’s natural, indispensable companion—sovereignty—likely had to be expressed in masculine terms.  

Al-Shaykh Bakhit preferred the phrasing tamat al-qidra, as in, Egypt has “complete capacity” or “complete ability.” But not all on the committee agreed. “We spent much time searching for a word that indicates the meaning Souvrainté and we did not find its equivalent. Perhaps the word is unfamiliar [to us Egyptians],” argued al-Shaykh Bakhit’s colleague Mahmud Abu al-Nasr. Favoring the original term sayyida, he contended that “there is adequate time to mitigate its peculiarity to the mind” and that its other meanings (e.g., honorable) would not interfere.

Uneasy about sayyida’s multiple meanings, al-Shaykh Bakhit countered that the committee seeks a word that “bears no resemblance” to any other word, that is entirely clear and

76 See Baron, Egypt as a Woman.
decisive in meaning. He proposed al-siyada, from the same trilateral root as sayyida but with two meanings that could not be confused: su’dud (dominion, rule) and nifadh al-qawl (effective in speech). “For this reason,” he concluded, “I request its adoption because we want to write a Constitution [whose meaning] every person understands.” This emphasis on clarity, that the Constitution be legible to all national subjects, was reiterated later in the debate when another member suggested that the word al-siyada needed to be modified by the word tama (complete)—tamat al-siyada (complete of sovereignty). The added noun may have signified Egyptian administrators’ desire to challenge Egypt’s limited independence. But perhaps because Egypt could hardly be described as completely sovereign, the phrasing that won out was more ambiguous: misr dawla dhat siyada (Egypt is a country possessing sovereignty). The word al-siyada became the common Arabic translation of sovereignty.78

In addition to maximizing sovereignty, Egypt’s nationality project had to adapt to a new world spanned by contiguous, bounded nation-states regulated by emergent, international modes of governmentality. On 10 August 1920, the Allies and the defeated Ottoman Empire signed the Treaty of Sevres, which partitioned large parts of the empire into separate states. Although the Turkish nationalist leader Mustafa Kemal later rejected the treaty, forcing the Allies back to the negotiating table, it had important effects on nationality in Egypt (and Ottoman successor states). For one, the Ottoman Empire formally recognized the Protectorate and renounced all rights over Egypt effective retroactively to 5 November 1914. It also abandoned claims to Ottoman subjects habitually residing in Egypt on 18 December 1914, while those who came to habitually reside in Egypt after that date and remained there until the signing of the treaty could opt for Egyptian

78 Ibid. Indicatively, nineteenth-century Arabic–English dictionaries defined siyada not as sovereignty but rather as “chieftain,” “lordship,” “mastery,” etc. See, for example, Lane, An Arabic-English Lexicon, 1461.
nationality—an option Egypt could lawfully reject presumably based on the question of loyalty. European “experts” of international law viewed the right of option as complimentary to the plebiscite that granted individual subjects the ability to choose between nationalities. But in making this available, it adhered to the Paris ideal of homogeneity by discouraging the constitution of minority populations. Thus, the Treaty of Sevres stated that only former Ottoman subjects not belonging to the “majority race” where they lived could opt for another Ottoman successor state, but on the condition that they were part of that state’s “majority race.” As we shall see, this clause would soon be adapted by Egyptian legislators.

The Treaty of Lausanne replaced the Treaty of Sevres in 1923, establishing the Republic of Turkey, but it dealt with the nationality question similarly to its predecessor. The treaty did not apply to Egypt, which was already independent, but as one legal observer noted, Egypt could not ignore it. The right of option forced Ottoman successor states to settle the status of some subjects on their territories cooperatively. Already by the start of World War I, Egypt had come to terms with France and Greece over the national status of subjects from French Tunisia and Greece. Between 1923 and 1927, Egypt reached a settlement with Italy over subjects from Cyrenaica and Tripolitania, and with France over subjects from Morocco and Mandate Syria and Lebanon (though Syrians and Lebanese established in Egypt prior to the treaty’s signing were left out). It also negotiated with the British over “Iraqis,” “Palestinians,” and “Transjordanians.” While each settlement was different, foreign consulates in Egypt were generally expected to create lists of subjects to claim, which the Egyptian government and subjects themselves could

approve or challenge based on claims about the subject’s past. Egypt fought, and generally succeeded, in preventing subjects appearing on these lists from enjoying Capitulatory privileges.

The status of now former Ottomans not covered in these arrangements could not be determined until Egypt pronounced a nationality law. In the meantime, subjects began to adapt new national categories operative in international legal treaties. On 22 February 1924, the satirical weekly al-Kashkul (Scrapbook) ran two articles describing separately the nationality status of “Syrians” and “Lebanese” in Egypt. In the first article, the author divided Syrians in Egypt into four categories: merchants and capitalists who want to be French for Capitulatory privileges; bank and shop employees who generally want to be Egyptian, except for some who seek “status as well as moral and material benefits” linked to French nationality; government employees, who generally wish to be Egyptian, except for a minority who desire French nationality if afforded the “rights of foreigners”; and youth, who “refuse everything but to be Egyptian.” The second article, written by a self-identified “Egyptianized Lebanese” (lubnani mutamassari) named Farid Hubayshi, suggested that most like him— “Lebanese” born or having long lived in Egypt— desire Egyptian nationality “if the Egyptian nation makes up its mind to absorb the Egyptianized [Lebanese] mutamassarin and to treat them as brothers.”

Egypt’s nominal independence rendered the passing of an Egyptian nationality law more urgent. However, when the Constitution was passed in 1923, it stated only that “the law defines Egyptian nationality.” On 31 July 1925, the Egyptian government formed a committee under the leadership of Minister of Justice Sa’id Dhu al-Fiqar to draft a law. This committee was

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81 See Assabghy, La Nationalite Egyptienne, 9–24.
composed largely of a generation of French-educated jurists and legislators who generally shared an inclusive view of citizenship articulated by the likes of the liberal Egyptian intellectual Ahmad Lutfi al-Sayyid. It also included a British “advisor” who communicated British interests. In fact, a copy of a draft of the law in the British National Archives is replete with cross outs and revisions for the committee’s attention, though in many cases this “advice” was unheeded. The new law was pronounced by royal decree on 26 May 1926.

The Egyptian National

Based largely on the 1920 British draft, the 1926 law was the first legislation to define the Egyptian national. However, as the jurist Paul Ghali pointed out, the law’s priority, reflected in the order of its articles, was to determine the status of Ottomans whose loyalties were thought to lie outside Egypt. In this sense it was a product of Paris thinking. Different from prior British draft laws, whose purpose was to create Egyptian nationals out of a population presumed to be Ottoman, this law assumed a priori the existence of “original Egyptians,” while producing the new category “Ottoman nationals” which it subjected to special legislation.

The law’s first article defined “Ottoman nationals” as all (non-Egyptian) nationals of the former Ottoman Empire before the Treaty of Lausanne came into effect, meaning that only Tunisians, Libyans, and others subject to bilateral nationality agreements concluded prior to 24 July 1923 were excluded. Among the rest, those habitually residing in Egypt on 5 November 1914 who maintained their residency until the date of the decree law were deemed Egyptian.

85 See, for example, TNA FO 141/552/368/104, “Judicial Advisor to Hartopp,” 25 May 1926.
87 Al-Waqa’i’ al-Misriyya, 26 May 1926.
88 Ghali, Les Nationalités Détachées, 126–27.
while those who did not could apply to the Interior Ministry within a year. Those who came to habitually reside in Egypt after 5 November 1914 and preserved their residency until the date of the decree law were also Egyptian. Meanwhile, any Ottoman born, or whose father was born, in territory that had been incorporated into an Ottoman successor state could opt for that state’s nationality within one year, after which he or she would be required to leave Egypt within six months. If that person failed to leave Egypt or returned within five years, the option would be canceled and he or she would automatically become Egyptian. Ottoman nationals filling none of these conditions had a year to make Egypt their place of habitual residence, and could then apply for Egyptian nationality after five years. In general, the law presumed everyone on Egyptian territory to be Egyptian until his or her nationality was established. Yet absent the latter, political rights were disallowed, leaving many as neither full citizens nor foreigners with access to the Mixed Courts.89

Similar to the 1920 British draft, the 1926 law’s definition of the Egyptian favored *jus sanguinis* through the father’s line. The Egyptian included anyone born in Egypt or abroad to an Egyptian father, unknown parents, or a foreign father also born in Egypt. Importantly, however, this law specified that the foreign father had to belong “in his ethnicity” (*bi-jinsihi*) to a country with an Arabic-speaking or Muslim majority.90 In fact, echoing the logic of the Treaty of Sevres and other Paris treaties, the 1926 law’s main innovation was the insertion of Arabic and Islam as terms of inclusion. Thus, for example, it stipulated that those wanting to naturalize needed not only ten years of residency in Egypt, good behavior, and the ability to earn a living, but also

89 *Al-Waqa‘i’ al-Misriyya*, 26 May 1926.
90 The term *jins* used in the Arabic version of the law can mean “race,” but here more likely refers to an ethnic/national affiliation. In English versions of the law, and in the English-language literature on Egyptian nationality, the word is translated as “race,” a word that itself had fluid meanings in the English language.
knowledge of Arabic. The category “Egyptian” also included those born in Egypt who established habitual residence there prior to reaching “majority,” at which point he or she could opt for Egyptian nationality.

The 1926 law was only partially enacted. After Sa‘d Zaghlul’s Wafd Party dominated the 1924 parliamentary elections and British Governor-General of the Sudan Lee Stack was assassinated, King Fu’ad disbanded parliament. Having no opportunity to review the law, it deemed it unconstitutional. In consequence, the Interior Ministry, which now handled issues of nationality, never systematized naturalization. Still, the law was referred to in the courts and used as a basis for resolving interstate disputes over nationality. It also elicited a range of reactions among former Ottomans. Al-Kashkul reported on one case involving Princess Na’mat Mukhtar, daughter of the former khedive Isma‘il, sister of King Fu’ad, and aunt of the future king Faruq. The princess’ lawyer appeared before the National Courts to declare that she had become Turkish based on her marriage to Mahmud Muhtar Pasha, son of the former Ottoman High Commissioner in Egypt, Gazi Ahmed Muhtar Pasha, and himself a former commander in the Ottoman army. The princess was presumably Egyptian, but the 1926 law stated that Egyptian women follow the nationality of their husbands, which caused her to become Turkish on the consummation of her marriage. On this basis, Princess Na’mat’s lawyer sought to clear the way for her to access the Mixed Courts because in his view, “the National Courts are not competent in the affairs of the princess.” The matter drew great surprise from the public, with many feeling that, given the princess’ status, it was her husband who should naturalize. But these were new times, when the authority of the law of the nation was increasingly paramount. The case shows

91 Al-Waqa’i‘ al-Misriyya, 26 May 1926.
how the new law opened space for some locals to bypass the national courts and access the Mixed Courts, a move widely seen as a violation of Egyptian sovereignty.

Other reactions emanated from outside the courts. In the pages of *Le Revéil*, a Lebanese lawyer in Egypt named Bishara Tabbah, who had recently opted for French protection, expressed dismay at being forced to leave Egypt. He made a passionate plea for Egypt to allow optants of other countries to remain in its territory. Others sought Egyptian nationality. Likely unaware that applications were not being processed, Egypt’s Chief Rabbi Haim Nahum, who hailed from Manisa in the Aegean region, tried to convince his Sephardic Jewish community to submit applications to the Interior Ministry, part of an effort to emphasize his and his community’s loyalty to the Egyptian nation. Unlike many of his coreligionists, the chief rabbi was able to naturalize immediately after the 1926 law was replaced by its successor law.

This successor law appeared in 1929 as the brainchild of ‘Abd al-Hamid Badawi, a graduate of the Khedival Law School who later studied in France and had a long career in Egyptian and international law. Though generally following the previous law’s logic, this one introduced several changes to address parliament’s concerns. Most notably, it prioritized the definition of the “Egyptian,” which the committee felt should be explicated in the first clause (instead of the status of “Ottomans”). The “Egyptian” included first and foremost members of the royal family, a new insertion that likely allayed King Fu’ad’s fear that some in his family

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95 TNA FO 371/13149, “Memorandum,” 7 June 1928. See also Gudrun Krämer, *The Jews in Modern Egypt, 1914-1952* (London: I.B.Tauris, 1989), 170. The rabbi gained Egyptian nationality in 1929 via Article 11 of the 1929 Nationality Law according to which foreign heads of Egyptian religious groups were automatically eligible for Egyptian nationality. His naturalization was announced in *al-Waqâ’i’ al-Misriyya*, 2 December 1929.
96 *Gazette de Tribunaux Mixtes d’Égypte*, March 1929, 113.
would not qualify for Egyptian nationality. It also included Egyptian local subjects according to Article 1 of the 1900 decree law (though not the more lenient Article 2), meaning residents of Egypt since 1 January 1848, their offspring, and those with military recruitment certificates. Legislators chose the 1900 decree as a basis for Egyptian nationality rather than prior Ottoman law out of national pride. Despite the decree’s colonial origins, they saw it as a national past for Egyptian nationality, even as the committee head, Salama Mikha’il, understood that the 1900 law was not a nationality law. Members of the committee who supported an exclusive definition of Egyptian nationality even saw those meeting the first article’s criteria as “pure Egyptians” (al-misriyin al-saminin), a new concept that, as we will see, would make its way into the popular imagination. While not all committee members shared this view, they did all believe that defining the Egyptian national was critical to achieving a purified national body.

Parliament was split over how to deal with “Ottomans” and “foreigners.” The committee had a relatively inclusive view of Egyptian nationality based generally on the French model. It favored including those for whom assimilation (indimaj) was possible, and thus sought to preserve the 1926 law’s clause rendering naturalization of former Ottomans available only to those from a country with an Arabic-speaking or Muslim majority. As the parliamentarian ‘Abd al-Salam Fahmy Muhammad put it, “there is no debate that we complain about the large number of groups (tawa’if) that are minorities (aqa’l liyyat), but there are groups that are not minorities, so why don’t we permit the integration of those into the Egyptian nation so it is not said in the

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97ِ Majlis al-Nuwwab: Majmu’a Mudabitat al-In’iqad al-’Adi al-Thalith (Cairo: al-Matba’a al-Amiriyya, 1924), 1138. See also p. 1156.
future that they are minorities that require protection.”\(^99\) (Notice how the minority is outsider.) Opposing the committee’s recommendation was another group of parliamentarians led by, among others, future prime minister Isma‘il Sidqi. In this group’s view, such an approach would “open the flood gates to naturalization” in a country with an already large and growing population. Moreover, it would render it too easy for those who “live a sectarian life” to naturalize, and their inability to integrate would cause them to become “another Balkans.”

Decrying Egypt’s openness in prior centuries, one parliamentarian argued: “Enough of what was inflicted upon us due to the generosity that we are known for and that makes us proud—that generosity which was the reason for granting the Capitulations that we are still unable to get rid of.”\(^100\)

Ultimately the 1929 law accepted the principle of assimilation, maintaining its predecessor’s preference for \emph{jus sanguinis} and its construction of a “majority ethnicity.” The law considered former Ottoman nationals habitually residing in Egypt on 5 November 1914 who then maintained residency until the publication of the 1929 law to be Egyptian. Perhaps due to outside pressure, it dropped the requirement that optants for Ottoman successor states had to depart Egypt, though the Interior Ministry maintained the ability to lawfully expel them and, in any case, opting periods for most subjects had already expired. For former Ottomans wishing to become Egyptian, conditions became more difficult. Those who fixed their habitual residence in Egypt after 5 November 1914, or who had done so prior to that date but did not maintain it, were no longer automatically Egyptian; they had to request nationality within one year from the Interior Ministry.\(^101\) Despite such restrictions, some considered the law too lenient. In \textit{al-Siyasa}

\(^100\) Ibid., 1155.
\(^101\) \textit{Al-Waqa‘i‘ al-Misriyya}, 27 February 1929.
(Politics), one writer with the penname “pure Egyptian” (misri samim)—which echoed the discourse of the committee that drafted the 1926 nationality law—complained that the new law rendered Egyptian nationality wide open. In his view, its effect would be to create new minorities out of subjects of the old Ottoman Empire who, unlike the “pure minority” (aqalliyya samima) of the Copts, have no allegiance to Egypt—and this at a time when minorities in general have become a complicated international problem. In this writer’s view, the Copts were unquestionably Egyptian, but other minorities should depart to their majority states, for their loyalty was questionable and their ability to claim “minority rights” would sow division. The “pure Egyptian” had interiorized the equation of difference with disloyalty.

By the time the 1936 Anglo–Egyptian Treaty afforded greater sovereignty to Egypt (as mentioned earlier, the last British soldiers left Egypt only in 1956), inspiring attempts to gradually “Egyptianize” (tamsir) Egypt’s public and private sectors, the “pure Egyptian” had become synonymous with the “Egyptian,” ironically excluding already “Egyptianized” (mutamassir) subjects. Thus, when in 1937 the Suez Canal Company and the Egyptian government agreed to gradually Egyptianize the company’s staff, it was “pure Egyptians” (as understood by some of the committee members who wrote the 1929 nationality law) who were the intended beneficiaries. When it was discovered that a certain employee of the Suez Canal Company was born in Egypt to a father born in Lebanon, he was forced out of his position and was unable to regain it through legal avenues. His father, while having worked for the Egyptian government since 1915, having been confirmed as a local subject by the Egyptian government after demonstrating more than fifteen years of residence in Egypt, having been excused from

103 The agreement was confirmed by parliament and became law. Mahkamat al-Qada’ al-Idari, 10 November 1956, 46.
army service due to his employment with the state, having been issued an Egyptian passport to travel to France to study law, having been eligible to vote and served as head of the election council in the mudiriyaa (governorate) of Aswan, and even having been appointed by the Ministry of Justice to the Mixed Courts in attempt to increase Egyptian representation in its halls, was Egyptian by residence rather than blood. The 1929 legal construction of the Egyptian national had come to shape definitions of the Egyptian in other domains.

The 1929 law remained in place until 1950, when a more restrictive nationality law was passed that rendered obsolete the earlier, automatic conferral of Egyptian nationality on many Ottoman subjects. Unlike its predecessor of 1926, the 1929 version was put into effect by the Interior Ministry, but the latter processed few naturalizations during the 1930s and 1940s. According to al-Ahram, by late August 1929 the Interior Ministry still had not explained to the public how to resolve nationality issues. By 1930, the names of those who managed to naturalize were being published in the official state periodical al-Waq'a‘i‘a al-Misriyya (Egyptian Gazette) each month, but their numbers gradually decreased. In a context of emergent leftist politics, the state was arguably more concerned with denaturalizing nationals, a new power it granted itself in Article 13 of the 1929 law and later enhanced in a 1931 revision of this article. As late as 1951, the United Nations could report that “a considerable number of former Ottoman subjects, through neglect, ignorance or for other reasons, lost their opportunity of becoming Egyptian nationals through option, and many of them are to-day still legally stateless and can

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104 Mahkamat al-Qada’ al-Idari, 10 November 1956, 44, 46.
105 Al-Ahram, 24 August 1929.
106 Compare issues of al-Waq'a‘i‘a al-Misriyya in the early 1930s to issues in subsequent years.
become Egyptian only through the more difficult, time-consuming and costly process of naturalization.” Neither was the Egyptian state very eager to process applications.108

I have argued that such conditions, which created conditions of possibility for the mass dislocations of the late 1940s through 1960s, were the outcome of the emergence of the “Egyptian national” as a legal subject. By the 1920s, the boundaries of Egyptian national community were largely drawn, encompassing a Muslim majority and a Coptic minority, even if some Copts and the 1923 Constitution resisted this category. The rest, mostly non-Coptic Christians and Jews, were constructed as semi-foreign “Ottoman nationals” and then, through a global Paris episteme, tied to racialized nations emerging after World War I, making them minorities with questionable loyalty to Egypt. After Lausanne, they were classified as “former Ottomans” and became a new type of human produced and managed by the Egyptian state and a postwar international legal system: the stateless person. If, as Hannah Arendt argued long ago, the nation-state is inherently exclusionary, the conceptual architecture for exclusion in Egypt was established in the colonial and liberal periods, and proceeded through a looping effect involving heterogeneous subjects and colonial, national, and international regimes of governance.109 As we will see, a very similar dynamic was at play in the emergence and transformation of one of nationality’s constituent categories—the minority.

109 Arendt, The Origins of Totalitarianism.
Chapter 5

Elusive Minorities: “Between the Devil and the Deep Sea”
In the spring of 1908, the Coptic lawyer and reformer Akhnukh Fanus announced the establishment of the General Coptic Egyptian Reform Society (Mujtamaʿ al-Islah al-Misri al-Qibti al-ʿAmm) whose aim was to “search for the causes of the backwardness [taʿakhur] of the Copts and methods of treatment to facilitate for them a path toward modern progress [al-taqaddum al-ʿasiri].”1 Fanus was both a likely and curious messenger of “Coptic awakening.”

Born in Anbub in 1854 to a Coptic Orthodox family, while in his twenties he earned a law degree from the Syrian Protestant College in Beirut (later the American University of Beirut).2 During his studies in Beirut, he also converted to Protestantism and later became a leading figure in Egypt’s Anglican community, maintaining close ties to American and British missionaries. With the rise of Egyptian nationalism in the early twentieth century, Fanus would join Mustafa Kamil’s National Party which called for Egyptian independence from the British within an Ottoman framework. However, like many other Copts, Fanus left the party after Kamil’s death in 1908 citing its shift toward pro-Ottoman and pan-Islamic politics in the context of the Young Turk Revolution in Istanbul. It was at this point that Fanus set out to establish his new reform society. While he was careful to emphasize that his movement sought “to strengthen the love and unity between the two elements [Copt and Muslim] of the Egyptian nation,” Fanus’ Protestant faith made him suspicious to many Copts, and proximity to British power a potential traitor to nationalists.3

Soon after its establishment, Fanus’ society morphed into a new organ called al-Ahrar al-Aqbat (the Free Copts), the first political party in Egypt claiming to represent Copts.

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1 “Qanun: Mujtamaʿ al-Islah al-Misri al-Qibti al-ʿAmm,” Misr, 12 March 1908.
3 “Qanun: Mujtamaʿ al-Islah.”
Historically, Catholic, Orthodox, and Protestant denominations in Egypt had existed within a communal frame, but recently there had emerged a notion, heavily informed by new European understandings of civilization and approaches to antiquity, of “the Copts” as an “originally Egyptian” nation whose Pharaonic roots could be scientifically proven. Although Egyptian nationalist in orientation, Akhnukh’s new party, which he would rename the Independent Egyptian Party to allay accusations of sectarianism, aimed to “defend the general rights of the Copts.” By asserting “Coptic rights” at a time of Egyptian nationalist ascendance and British attempts to sow division, Fanus unfurled a backlash that even this known provocateur may not have anticipated. What began as a squabble between the Coptic communal and the nationalist presses turned into a three-year sectarian war of words that would culminate in competing Coptic and Muslim Congresses and the birth of the “minority” as a contested category of political identification in Egypt.

This chapter analyzes the translation of the category “minority” during this weighty historical moment in Egypt, and traces how individuals and groups in Egypt claimed it and transformed it into the national period. Recent historical literature on minorities and minority politics has begun to chart the breakdown of what European Orientalists came to term the Ottoman “millet system” and its replacement by the minority rights regime during the interwar period. They have shown how minorities and minority politics represented a significant break

4 “Qanun: Mujtama‘ al-Islah.”
with prior group formations and political practices. Millets were non-Muslim communities (e.g., Armenians, Greek Orthodox, Jews) that the state recognized and granted a large degree of autonomy in exchange for payment of a special tax called the *jizya*. As millets, they could practice their religion, collect communal and state taxes, manage their own affairs (e.g., education and welfare), and administer their own courts (though they could and often did access shari‘a courts). Moreover, members of millets were not conscripted into the army, instead paying an exemption tax (*bedel askari*) that later became optional and after the 1908 Young Turk Revolution unavailable. More significantly, religious difference did not form the basis of state politics until the nineteenth century—and then only gradually. State politics was the domain of a Muslim Ottoman elite that, as Ottoman censuses reveal, was concerned less with regulating religious difference than with property, taxation, and conscription, evaluated through the male head of each household. The only operative religious distinction in Ottoman state censuses was that between Muslim and non-Muslim, which determined whether the state could tax and conscript particular households. For their part, millets pursued political objectives, mainly through the intercession of religious elites, but, unlike the minority, the millet itself was not a category of political identification and was not associated with rights. The nineteenth century witnessed the gradual politicization of religion due to European imperialism and Ottoman reform, which rendered subjects equal before the law *regardless of religion*.

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Scholarship on the concept of the minority in Egypt has suggested that this category first appeared in the context of the postwar emergence of a semi-independent Egyptian nation-state. Extending that genealogy into the colonial period, this chapter argues that the consolidation of the nation-state was not the start of minority politics in Egypt but rather its culmination, setting the contours of minority–majority relations going forward. To carry out this analysis, the chapter traces the myriad understandings of the minority after its translation into Egypt, when its meaning was still opaque and unsecured, and how its significations shifted over time through the contingent looping effect described in the last chapter involving the colonial state and Coptic and Muslim elites. Egypt’s other numerically substantial religious group, the Jews, does not seem to have embraced the category of the minority. The autochthonous Karaites largely remained within a communitarian frame (ta’ifa), while the belonging of rabbinate Jews—most of them Ottoman Sephardim who did not speak Egyptian Arabic fluently—within the nation remained tentative throughout the period under study. Nevertheless, I explore how, unbeknownst to themselves, Jews played a role in debates over minority rights at the level of discourse.

Likely the first to attach the “minority” to non-Muslims in Egypt, British officials tended to associate the category with religion and to see minority status as a condition of permanent disempowerment that necessitated colonial intervention. Egyptians had a very different, if not unified, view. The Arabic equivalent of “minority,” aqalliyya, was used for the first time to describe Copts and other non-Muslims in relations of unequal political power with a new Muslim

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7 Seteney Shami and Saba Mahmood both date it to debates during the early 1920s over whether Egypt’s new Constitution should protect minorities, and whether representative bodies should have systems in place to ensure such protection. Shami, “Aqalliyya/Minority in Modern Egyptian Discourse,” 153; Mahmood, Religious Difference, chap. 2.
majority during the sectarian crisis introduced earlier. During this initial period, Copts tended to see it as a neutral avenue of nationalist participation and political empowerment toward equality. Muslim Egyptian nationalists, by contrast, likened it to a cleaver that bifurcated the nation and threatened its future existence. Copts and Muslims alike distinguished between political and religious minorities, though they tended to agree that Copts, unlike other groups, were a “pure” or “original” minority that belonged in the nation. Nevertheless, inclusion was contingent upon the acceptance of a normative secular understanding of the relationship between religion and politics, public and private. In other words, the act of becoming a minority would have transformative effects on religion and religious subjectivity. After the minority was transformed into an international legal concept following World War I, the British made “protection of minorities” a condition of Egyptian semi-independence. Analyzing debates over whether protection of minorities should be included in the Egyptian Constitution, I show how associations between the minority and the violation of sovereignty shaped conditions of possibility for the minority’s legal manifestation in Egypt. This association grew only stronger when missionaries adopted the banner of minority rights in the 1930s.

The birth of the nation-state heralded an era of homogenous ethnic, national, and religious political communities defined by citizens’ rights, with individuals having a direct relationship to the state. National communities were and remain anathema to difference within the public sphere. Yet the post-World War I minority rights regime demanded that certain states (excluding the “Great Powers,” which often had their own problems with minorities) grant special privileges to officially recognized minority groups. In other words, minority rights swam against the current of the nation-state by differentiating certain groups within national communities desiring homogeneity. As the last state to join the League of Nations (in 1937),
Egypt was affected by the minority rights regime only indirectly. Associating the minority with national fissure, Egyptian legislators excluded minority rights from the Constitution. Undefined in law, the term remained vague, opaque, and available to be deployed in a range of contexts. Most significantly, while a communal frame remained in place in Egypt principally through its configuration of personal status laws, newly constructed minority communities were left without avenues of collective political participation.

**Minority in Translation**

The English word “minority” comes from the middle French *minorité* and the post-classical Latin *minoritat-*, *minoritas*. Until the mid to late nineteenth century, its noun form referred to the period of one’s life prior to attaining adulthood (as in, “being a minor,” or in one’s youth); “the condition or fact of being smaller, inferior, or subordinate in relation to something else”; or a “group or subdivision whose views or actions distinguish it from the main body of people” (i.e., a political party), or more generally, the smaller number or part. The third meaning (a group or subdivision), according to the Oxford English Dictionary, dates to about the mid-eighteenth century and its appearance likely relates to the then-increasing power of parliaments in the Anglo world. Portions of all three meanings seem to have converged into a new one by around the 1850s, when “minority” could also refer to a group whose religion was different from that of the rest of a society—a “religious minority.” Not until the World War I period was the word “minority” connected explicitly to groups constructed as ethnicities and/or nations as well.⁹ After

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the war and the establishment of the League of Nations, such groups could also claim legal rights within international law.

A similar definitional shift centered on one word does not appear to have occurred in Arabic. The contemporary Arabic equivalent of “minority”—aqalliyya—does not appear in pre-twentieth-century Arabic dictionaries, even if it may have been in use during the latter part of the nineteenth century. To my knowledge, the word aqalliyya was used in the Egyptian press to refer to a minority for the first time in the context of the Coptic and Muslim Congresses of 1911, to be discussed shortly. However, in staggered fashion the term displaced, though in some cases never fully, prior terms used to refer to non-Muslims, including dhimma, milla, ta’ifa, and umma. Whereas after the collapse of the Ottoman Empire dhimma and milla faded, the word ta’ifa continued to refer to “group” or “sect” and umma to “nation,” while aqalliyya made explicit reference to a minority—in the context of Egypt, a politically disempowered non-Muslim or perhaps non-Arab group.10 At one point, a group could have been a ta’ifa, umma, and aqalliyya at once, but the meanings of these terms diverged with the establishment of the nation-state system in the region.

Despite this seemingly direct definition, the meaning of aqalliyya has been unstable in Egypt since it first appeared. As in English, the word often takes adjectival modifiers, such as “political” (siyasiyya), “national” (wataniyya), or “religious” (diniyya) that add meaning. During the Egyptian Congress of 1911, for example, participants took great pains to clarify that not all minorities were the same. Whereas political minorities (aqalliyyat siyasiyya) could pursue

10 Another related word is jaliyya, which also refers to a group, but one that has in-migrated to escape persecution or in search of protection. See Shami, “Aqalliyya/Minority in Modern Egyptian Discourse,” 154. Incidentally, the word ta’ifa comes from the trilateral root t-w-f, one meaning of which is “to circumambulate” or “to roam.”
politics in the public sphere, religious minorities (*aqalliyyat diniyya*) had no public role. Their religious identifications and practices had to remain confined to the private sphere lest they violate public interest (*al-maslaha al-‘amma*). More significantly, as we saw in Chapter 4, debates over the meaning of the term *aqalliyya* itself, and questions over to whom it applied, continued well into the 1920s, especially because no legal definition of it was ever established. In consequence, *aqalliyya* ultimately took on a range of meanings specific to Egypt’s history, and different from the minority’s significations within European languages. Thus, some groups, while perhaps fitting the definition of a minority or the category of *ta’ifa*, are never associated with this vocabulary. Nubians, for example, are referred to as *ahl al-nuba* (the people of Nubia) and almost never in other glosses.

Relatively, the Arabic term in use today to designate a majority, *aghlabiyya*, appears to have emerged around the same time as *aqalliyya*, but in early twentieth-century Egyptian texts the counterpart to *aqalliyya* is more often, and logically, another neologism—*akthariyya*. This term comes from the trilateral root verb *kathara*, meaning “to outnumber, to exceed in number.” Its use reflects an increasing awareness of the science of population and demography. However, the term *akthariyya*, with its quantitative quality, may have proven inadequate in the long term for conveying the political dynamics associated with majority identification. The word *aghlabiyya*, by contrast, whose trilateral root *ghalaba* means “to

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predominate” or “to conquer,” implied not numerical superiority but rather political domination in the nation-state. As Talal Asad has pointed out, that minorities are typically smaller in number than equally historically constituted majorities is accidental: minorities are defined as minorities less in terms of their relative quantity than in terms of structures of dominant power. By the 1920s, when Egyptians began to debate the contours of a new Egyptian national polity independent of the Ottoman Empire (though not yet of British control), *aghlabiyya* began to displace *akthariyya*. However, the word *aqalliyya* persisted. Normativizing majority dominance was logical where highlighting relative powerlessness would not have been, particularly in an anticolonial national context where colonial and imperial powers portrayed themselves as protectors of *aqalliyyat*.

**Sectarianism, Equality, and the Birth of the *aqalliyya***

The word *aqalliyya* made its initial appearance in Egypt during the sectarian discord that would give rise to the Coptic Congress of 1911. While it may be impossible trace the immediate circumstances around the act of translation that produced it, this act was clearly prefigured by use of the English term “minority” by British officials in Egypt to describe Egyptian Copts in unequal relations of power to a Muslim majority. Lord Cromer did not use the term in his many annual reports as Egypt’s consul-general, but he did use it in his political memoir *Modern Egypt* published in 1908 after he stepped down. Explaining that Copts are stagnant because of their Islamic cultural milieu rather than any qualities inherent to themselves, Cromer asserted that

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14 Ibid., 796.
the Copt has been arrested by barriers very similar to those which have applied in the case of the Moslem. It is, indeed, natural that such have been the case. The minority must of necessity submit to the influence of the majority.¹⁶

Cromer’s Coptic minority is characterized by submission, whether cultural or political, to Muslim-majority sovereignty. This characteristic, perhaps reflecting an English or a Western European concept of the minority with which he was familiar, justified British claims to be the natural protector of non-Muslim groups and the only available conduit to awakening and progress.

Whether British discourse shaped Egyptian discourse is an open question. But by 1910, some Copts began to demand political rights based on a minority status. To chart the emergence of such demands, I draw on a description of events leading to the Congress that appeared in its published proceedings. Immediately after the Congress, the proceedings were printed in Arabic, English, and French for dissemination in Egypt and Europe.¹⁷ The author of the description, Tawfiq Hunin, was a Copt who had been commissioned to write it by Tawfiq Habib, the then editor of the Coptic newspaper al-Akhbar who also had a role in the Congress.¹⁸

Hunin attributed the emergence of these demands to two factors. The first factor was the political revolts (al-inqilabat) that had occurred in Egypt since the late nineteenth century that “defined the public obligations of individuals and made clear their rights.” Through these revolts,

¹⁷ I have accessed the Arabic version: Tawfiq Habib, Tidhkar al-Mu’tamar al-Qibtī: Majmu’at Risa’il Musawwira (n.p.: Matba’a al-Akhbar bi-Misr, 1911).
¹⁸ Ibid., ba and jim. Habib had also been the founder of the journal al-Fira’un (1902) and an active member of the Coptic majlis al-milli. Vivian Ibrahim, The Copts of Egypt: The Challenges of Modernisation and Identity (New York: I.B.Tauris, 2011), 124.
the “enlightened class [al-tabaga al-mutanawwira] realized its rights in the face of the ruling group.” Hunin pointed out that whereas in an earlier era Egypt’s various groups (fi’at) had been assigned their roles in society, recently they began to demand equal access of opportunity.¹⁹

Most significantly, in 1879–82 Colonel Ahmad ‘Urabi had led a group of Egyptian Muslim officers to challenge the Turko-Circassian elite officer class that had dominated the army since its founding under Mehmet Ali. However, according to Hunin this revolt, which eventually spread well beyond army ranks, had benefited only Muslims, and the Copts “did not enjoy any of its seeds.”²⁰ Following on Muslim gains, Copts felt a need to assert their own rights: “the silence of the Egyptian in [such a] situation—regardless of his creed [madhhab]—from protest and complaint becomes lethargy that renders him unworthy of national life.”²¹ Copts’ assertion of rights was thus an act of nationalism rather than disloyalty to the nation that sowed division.

According to Hunin, the second factor that led Copts to demand rights was the British occupation that had put down the ‘Urabi revolt. Hunin claimed that the occupation introduced “religious distinctions [al-tamiz al-dini] between the Muslim and the Copt in public affairs as a principle.” Specifically, the British had opened positions in the state bureaucracy historically monopolized by Copts, such as in accounting, while restricting high administrative and military positions to Muslims.²² After the start of the occupation in 1882, the Coptic awakening (istayqaz) occurred gradually. Hunin cites two critical events. The first occurred in 1897 when a group of Coptic lay leaders including Akhnukh Fanus and Tadrus Shanudah, an Orthodox Copt who founded the Coptic daily Misr (Egypt), delivered a formal petition to the government on behalf

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²⁰ Ibid., 7.
²¹ Ibid., 2–4.
²² Ibid., 5.
of Copts. The delegates made a set of demands centered on equality. These included improved access to government employment, the closure of courts on the Christian day of rest, the appointment of an additional Coptic member to the Council of Ministers and to the judicial supervisory committee, and Christian instruction for Coptic students in state schools, which until then had only included Islamic instruction. The petition led to a meeting with Lord Cromer in which he assented to some of these demands, though the gains were rolled back soon after.\(^\text{23}\)

The second event occurred in 1908 when the only Coptic governor general of police (\textit{hikmidar al-bulis}), who until then had worked in the \textit{mudiriyya} (governorate) of Minya, was demoted to the role of inspector (\textit{mufattish}) in Cairo where he would “spend the rest of his service in the ‘storeroom’ [\textit{al-makhzin}].” Hunin points out this was not the first such incident, but it had a “negative influence upon the souls of the Copts.” In response, Tadrus Shanudah published an article in \textit{Misr} containing a series of letters from Copts residing in different areas of Egypt in which they described the religious discrimination they had experienced around employment. Directed to Khedive ‘Abbas Hilmi II, the articled repeated the largely unfulfilled demands made years earlier to Lord Cromer and added a new one: that he open employment in the state bureaucracy to all Egyptians based on merit, and “without restriction of creed and religion.”\(^\text{24}\) Shanudah followed up the article with a formal petition that he and Fanus had penned.\(^\text{25}\)

The petitions from 1897 and 1908 both produced a vociferous response in the Muslim nationalist press. In 1897, for example, the periodical \textit{al-Ahali} accused the Copts in question of

\(^{23}\) Ibid., 8–12.  
undermining ancient Coptic–Muslim brotherhood by directing their complaints to the British.\textsuperscript{26}

The petitions were also harshly denounced by certain Copts, revealing new political divisions among Copts themselves even as the category of the Copt was becoming more unified and coherent. Writing in the \textit{Egyptian Times} in 1908, a certain Salim Sidhum Tadrus accused Fanus of betrayal (\textit{al-khiyana}), saying that “he became the person who if he passed on the street we would say this is an agent of the British in Egypt and a tool operated by \textit{al-Muqattam} [a pro-British daily]. Fear God oh you who strives for falsehood [\textit{al-mujtahid fi al-batil}].”\textsuperscript{27} The war of words in the press, which played a major role in amplifying sectarian tension, continued through the Egyptian Congress of 1911. This three-year period is still recalled in Egyptian national memory as an extreme point of fissure to which a united nation should never return.\textsuperscript{28}

Over the course of the crisis, many harsh attacks were delivered by all sides. However, Hunin cites as particularly “painful [\textit{mu’allim}] to the souls of the Copts,” what quickly became a well-known article titled “al-Islam Gharib fi Biladihi” (Islam Is Strange in Its Own Country). The article was written by the Egyptian-born, Oxford-educated Islamic reformer of Tunisian origin al-Shaykh ‘Abd al-‘Aziz Jawish and published in the National Party organ \textit{al-Liwa’} (The Banner).\textsuperscript{29} Responding to a different article by a Coptic author named Farid Kamil in the Coptic daily \textit{al-Watan} (The Nation) likening Islamic history to the “torture of humanity,” al-Jawish defended the Islamic tradition against the accusation of intolerance and suggested that, through their recent demands for equality, Copts had attempted to take the reins of power in Egypt. He

\textsuperscript{26} See ibid., 11.
\textsuperscript{27} Salim Sidhum Tadrus, “Kayf Yukhawwinun?,” \textit{al-Tayms al-Misri}, September 1908.
\textsuperscript{28} See Tariq al-Bishri, \textit{al-Muslimun wa-l-Aqbat fi Itar al-Jama’a al-Wataniyya} (Cairo: Dar al-Shuruq, 2004), 74. Al-Bishri’s account of this episode, and the relationship between Copts and Muslims in general in this period, is the most comprehensive, but he interprets events through a nationalist lens.
\textsuperscript{29} Habib, \textit{Tidhkar al-Mu’tamar al-Qibti}, 20.
also harshly attacked both Kamil and *al-Watan*, and implicitly threatened them by suggesting 
that Egypt’s “eleven million Muslims will never let this go.”\(^{30}\) Jawish cursed them so severely 
that Akhnoukh, in his reply to al-Jawish in *al-Watan* published several days later, claimed that 
“no matter how far we veer from politeness [*adab*], and no matter how much we search in the 
dictionaries of vulgarity and abomination we would not find a drop in the sea of he who came 
from the college of ‘Oxford,’ professor in lampoonery and slander [*ta’n*], and shaykh in abuse 
and cursing.”\(^{31}\) Sectarian discourse had reached unprecedented heights. According to Hunin, al-
Jawish’s article opened “the eyes of the Copts, ‘as a nation [*umma*] or group [*ta’ifa*],’ to their 
true political position and caus[ed] them to realize that they are treated differently than other 
[i.e., Muslim] Egyptians [*wataniyyin*] in some of the public sectors, requiring them to have a 
distinct public opinion that reflects their particular status and works toward their particular 
benefit [*khayrhum al-khass*].”\(^{32}\)

As the sectarian crisis deepened, calls for action spread beyond the Coptic lay leadership. 

Sometime in 1909, an obscure Coptic youth movement, wishing to push matters ahead, 
petitioned the then British consul-general Eldon Gorst to demand access for Copts to Christian 
education in state schools and subsidies to support communal projects where Copts saw the state 
as falling short (as in education).\(^{33}\) Gorst responded by promising to undertake a fact-finding 
mission, though the demands touched on issues of which he had long been aware. As the colonial 
state slowly expanded its public education system, which had its roots in Egypt’s nineteenth-
century state reforms, it had to manage the problem of accommodating a religiously diverse


\(^{33}\) Ibid., 23–24.
According to Gorst, in 1907 the Egyptian government announced, likely in response to a prior petition, that it would provide non-Muslim pupils in public schools access to a teacher from their own religion—whether a local or someone from another area of Egypt—to provide religious instruction, so long as the pupils numbered at least fifteen. If the non-Muslim pupils numbered less than fifteen, they would be permitted to leave school prior to the last lesson of the day devoted to Islamic instruction. Some Copts reportedly complained that due to a shortage of government teachers, they invariably had to pay for their children’s religious instruction, whereas Muslim pupils received religious instruction for free. The state responded by producing more teachers with the ability to provide a Christian education through the Khedival Training College, a salient example of the Egyptian state’s increasing power to shape religion.35

Yet on 1 January 1909 the Egyptian state shifted control over Egypt’s schools to the Provincial Councils, a set of partially elected local bodies initially established in 1883 with the Legislative Council and General Assembly (see Chapter 4). On succeeding Lord Cromer, Gorst had sought to strengthen these councils to appease Egyptian nationalists who demanded to see tangible steps toward autonomy as well as the Liberal Party back home. He also sought to counterbalance the Legislative Council and General Assembly. These institutions, though having a strictly advisory role and essentially powerless, had become bastions of nationalist agitation. In 1908, for instance, members of the Legislative Council petitioned the British to establish real

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parliamentary rule in Egypt rather than the empty shell they had created and maintained.\textsuperscript{36} Once empowered, the Provincial Councils set up a special education tax to fund local schools, which had been severely neglected by the British. Feeling that their communities were contributing to local coffers but not reaping rewards, some Coptic community leaders demanded state subsidies from the tax amounts paid by their communities to set up their own local schools.\textsuperscript{37} Though this demand seems to have been brushed aside, the Copts came to realize the importance of Coptic representation on the Provincial Councils. As a result, in June 1909 the Coptic notable, founder of the Coptic Museum, and palace-appointed parliamentarian Murqus Sumayka suggested in parliament the idea of instituting Coptic representation on the Provincial Councils. When this request was swiftly rejected, the Coptic leadership began to consider the problem of Coptic representation in all governing institutions.

According to Hunin, it was at this point that “‘representation of minorities [\textit{aqalliyyat}]’” in parliamentary bodies first appeared within Copts’ standard list of demands. Before this innovation could be acted upon, however, on 2 February 1910 the Coptic prime minister Butrus Ghali, the first Copt to hold so high an office in Egypt, was murdered. The assassin, twenty-three-year-old Ibrahim al-Wardani, was a member of the National Party. Though he was a Muslim and Ghali a Copt in a time of heightened sectarianism, al-Wardani claimed to have taken Ghali’s life solely due to nationalist considerations. In 1906 Ghali had presided as judge in the infamous Dinshawai trial in which four Egyptian villagers were sentenced to die by hanging for alleged involvement in the death of a British soldier. Locally garrisoned British troops had often

\textsuperscript{36} Ibid., 2.
\textsuperscript{37} See ibid., 36-39; and Kyriakos Mikhail (or Qiriyaqus Mikha’il), \textit{Copts and Moslems under British Control: A Collection of Facts and a Résumé or Authoritative Opinions on the Coptic Question} (London: Smith, Elder & Co., 1911), 60–61.
hunted pigeons in the area to the great dismay of locals, who relied on pigeon manure for fertilizer. On that fateful day, the British soldier had turned up dead, probably due to heat stroke, after a series of scuffles between villagers and soldiers in which a female villager was shot and injured. The British sought to use the soldier’s death as a rationale for punishing and disciplining the nationalists, but the outcome of the case only galvanized Egyptians to the national cause. Al-Wardani himself was deemed by some a national hero. Given Ghali’s prominent leadership role within the Coptic community and representation of Copts within the state, many Copts viewed his death as a major blow. It propelled a heightened sense of anxiety among Copts and the feeling that their interests were not represented at the state level.  

Making matters worse, on 26 January 1911 a telegram was dispatched to London through the Reuter’s agency that became public knowledge. It included a summary of Gorst’s promised fact-finding mission: “Sir Eldon Gorst … found that outside Cairo there were no serious complaints. Moslems and Copts, he declares, generally live together quietly if they are left along, and the worst possible service to the Copts would be to treat them as a separate community.” With Ghali lost and their appeals to parliament and Gorst deflected, Coptic activists began to devise new strategies.

The Coptic Congress: Activating the aqalliyya

In February 1911 a group of Coptic landowners (a’yan) in Assiout, including the head of the reform committee of Coptic internal affairs Bishri Hanna, Akhnukh Fanus, and others, called for a General Assembly (later dubbed the Coptic Congress) to be held on 6 March to more formally

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38 Ibid., 29–30.
39 As reprinted in Mikhail, Copts and Moslems under British Control, 21.
establish a set of demands of the state and to elect a permanent committee to pursue them. In the lead up to the meeting, Misr published the demands that the assembly intended to make.40 These were largely equivalent to their precursors, though with a few changes. Most significantly for our purposes, the Coptic leadership was now demanding “representation of the minority [al-aqalliyya] in parliamentary bodies.”41 This was the first time that a non-Muslim group in Egypt made a political demand based on minority status, and it specifically referred to parliamentary representation.

The Coptic Congress was held in Assiout between 6 and 8 March and attracted upwards of one thousand supporters. While the organizers may have been satisfied with this turnout, the Congress did not enjoy the support of the Coptic Orthodox Church, with political fissures among Copts persisting.42 Moreover, both the nationalist press and the palace vehemently opposed it.43 The palace had even taken steps to prevent its occurrence or, short of this, to force the organizers to hold it in Cairo where Copts were fewer in number. But the organizers won out. The Congress formally lodged five demands: equality of all Egyptians in taking the day off required by their religion, and, relatedly, excusal of Christian government workers and students from working on Sunday; dependence on merit in appointing government positions to Egyptians, with no other factor playing a role, especially religion-based rations; representation of all of the Egyptian elements (‘anasir) in each of Egypt’s parliamentary bodies that guarantee to all defense of their rights and preservation of them; all the rights of national education and a portion of tax revenue to be used for the community’s expenses; and, finally, that government grants aid all

40 See Misr, 27 January and 1, 2, 3, 6, 14, 18, 28 February 1911.
41 Habib, Tidhkar al-Mu’tamar al-Qibti, 40.
42 Ibid., 78–79.
43 See, e.g., ibid., 243–52.
communities rather than just Muslims. Significantly, in the third demand, the word *aqalliyya*, which had appeared in the same demand included in the earlier list published by *Misr*, had been replaced with the word *‘anasir* (elements), for reasons we will address shortly.⁴⁴

Nevertheless, the word *aqalliyya* featured prominently when this demand was discussed during a session at the Congress. Its meaning was still open and opaque, and the Coptic delegates sought to shape it in a way that served their own aims at this historical juncture. The discussion opened with a speech by the nationalist lawyer and later Wafdist politician Murqus Hanna on the issue of parliamentary representation. Hanna made a nuanced argument rejecting sectarian categories in favor of what seemed to him the more neutral category *aqalliyya*. “I detest *abghad* with all hate and resist with all my power, feelings, and sensibilities out of consideration for the great nation that no one can deny I love deeply,” he urged, “that method which is raised sometimes to appoint by law a specific number of Copts [to parliament], because I detest that the words Copt and Muslim would be mentioned in the law.” Hanna instead proposed a constitutional system of proportional representation where “each rules himself,” meaning that *aqalliyyas*, rather than having a representative appointed for them, would vote for the representatives they desired—the “most beautiful meaning” of a constitution. He took as his model the Belgian system, “which all of the experts praise … [and] was adopted in many countries such as Sweden, Denmark, Spain, parts of the United States, and even France which just legislated the enactment of something like this law.” Accordingly, Hanna suggested that each citizen vote as an individual, rather than as a minority or majority, for the delegate he preferred (women did not gain the franchise until 1956), showing that he thought it possible to split the undifferentiated citizen from the minority. He also suggested that members of minority

groups be able to vote separately for a certain number of additional delegates to represent them as *aqalliyas*. The number of delegates for each *aqalliyya* would depend on its size, financial importance, social status, and scientific ability. This way, Hanna argued, “the parliament or senate are constitutional bodies in the true meaning … a real representation of the nation.”

Hanna’s construction of the *aqalliyya*, then, was an attempt to ensure that the specific interests of his community were represented at the level of state but in a way that reinforced national unity rather than reinscribe sectarian division. Fair representation of all elements of the nation, he argued, enabled the nation to reach its maximum potential. His proposal was met with applause and the chant “long live the Constitution!” at the Congress. However, one delegate, the lawyer Mikha’il Fanus, urged that the speech contained “concepts” (*alfadh*) that perhaps some would misunderstand (*fahamha al-ba‘d maqluba*) and therefore requested that they be removed before ratification of Hanna’s proposal.

The meaning of *aqalliyya* had yet to congeal: it was still too open to interpretation, too likely to contain unintended significations that could reverberate in unexpected and hazardous ways. Akhnukh Fanus, whose relation to Mikha’il Fanus is unclear, agreed. For this reason, the word *aqalliyya* did not appear in the official demands of the Congress.

After the conclusion of the Congress, the British consul-general Gorst released the full report of his fact-finding mission. Leveraging statistical evidence, the report undercut each of the Copts’ claims of discrimination and demands for equality. What interests us here is the contrast between Fanus’ notion of *aqalliyya* and Gorst’s minority. Whereas for Fanus and other Copts the category *aqalliyya*, always addressed in the context of parliamentary representation, was a

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46 Ibid., 178–79.
politically empowering antisectarian expression of national unity, for Gorst the minority was a
general state of disempowerment necessitating colonial rescue from majority sovereignty. While
Gorst acknowledged slight underrepresentation of Copts in Egypt’s parliamentary bodies, he
claimed that Copts would never be represented in exact proportion to their numbers. The Copts,
he insisted, “must … be a minority on [these bodies] and they should be ready to trust the British
control to see that no substantial injustice is done to them.”47 Evaluating the relationship between
majorities and minorities in general, Gorst concluded that “Majorities can afford to be just, and
minorities cannot expect wholly to escape from the inherent inconvenience of being a minority
and should not be unreasonable.”48

Rather than put out the fire sparked by the Coptic Congress, Gorst’s report fed the
flames. The Coptic press vigorously challenged both his data and the logic of his argumentation.
The Coptic journalist Qiriyaqus Mikha’il, for example, whom the Coptic press had dispatched to
London in 1910 to gain support of the British public for the Copts’ demands, wrote his own
“Collection of Facts and a Résumé of Authoritative Opinions on the Coptic Question.”49 The
text, published in English just prior to the Egyptian Congress, provided a summary of events,
Gorst’s full report, a response to the report, and a list of quotations from the Coptic Congress and
the Egyptian and British press. What is fascinating about it for our purposes is that it was
prefaced, introduced, and opened by three British writers: the Assyriologist and Egyptologist
Archibald Sayce, the Orientalist historian of Egypt and the Coptic Church Alfred J. Butler, and
the amateur historian and enthusiast of the Copts Edith Louisa Butcher (a.k.a. Mrs. Butcher).

47 Gorst to Grey, “Reports by His Majesty’s Agent and Consul-General on the Finances,
Administration, and Condition of Egypt and the Soudan in 1910,” 9.
48 Ibid., 37.
49 Mikhail, Copts and Moslems under British Control.
Two of the essays provide a historical account of the Copts in Egypt stretching back to antiquity to emphasize the Copts’ authenticity as “real Egyptians” based on scientific evidence of racial lineages. A pair of the essays also refers to Copts as an aggrieved “minority” that possesses “natural” rights.\(^{50}\) Together, the writings link the notion of a coherent category “Copt” as an expression of authentic and original Egyptianness to deservedness of rights. Such narratives were often interpolated within the Coptic press or adapted by Coptic authors, especially those with strong links to European institutions in Egypt or overseas. Qiriyaqus’ own discussion focuses on the details of the Coptic grievances rather than the Coptic past, and he uses the word “minority” only once when quoting verbatim the list of demands put forth by the Coptic Congress.\(^{51}\) But this European discourse clearly shaped notions of Coptic community and history.

Rather than the ideal notion of Copt as an undifferentiated \emph{aqalliyya}, it was the Copt as original, different, and set apart that entered into law after the Congress. In 1913, Gorst’s replacement as consul-general, Herbert Kitchener, in many ways a throwback to Cromer, pronounced the Organic Law discussed in the last chapter, which combined the Legislative Council and General Assembly into a large Legislative Assembly. This assembly, which included prominent figures such as the future nationalist hero Sa‘d Zaghlul and Murqus Sumayka, possessed expanded power. However, it also incorporated two features that members of the Congress had explicitly wished to avoid: the use of quotas identifying Copts as a category apart and government-appointed rather than elected delegates. The Legislative Assembly included the Council of Ministers (itself part of the executive branch), sixty-six elected members,

\(^{50}\) See, for example, Mrs. Butcher’s account in Ibid., esp. p. 13.
\(^{51}\) Ibid., 29.
as well as seventeen government-appointed members, Copts among them.\textsuperscript{52} Lord Dufferin’s conception of the Legislative Council and General Assembly, and Cromer’s implementation of these chambers, had never involved the managing of religious difference. If anything, they managed a presumed difference between “Egyptians” and “Turko-Egyptians” in the wake of the ‘Urabi revolt.\textsuperscript{53} In this sense, the 1913 Organic Law was an important innovation of governmentality.

The Egyptian Congress: \textit{aqalliyya as Cleaver to the Nation}

Planned in the run-up to the Coptic Congress, the Egyptian Congress was held between 29 April and 4 May 1911.\textsuperscript{54} The Congress was organized by landowners and intellectuals associated largely with the liberal nationalist Umma Party, which had a more elite constituency compared to the Watani Party. Presided over by the Egyptian statesman Riyad Pasha, it included significant Egyptian national figures such as Ahmed Lutfi al-Sayyid, Ali Sha‘rawi, and ‘Abd al-‘Aziz Fahmy who advocated the creation of a liberal Egyptian polity independent of Britain. Each day attracted “members and sympathizers” numbering in the several thousands. The organizers of the Congress initially titled it the “Muslim Congress,” seeing it as an attempt to defend the interests of Egypt’s Muslim majority in the face of a perceived assault by a disloyal Coptic minority. However, prior to the conference they changed the name to the “Egyptian Congress” because,

\textsuperscript{52} The Organic Law of 1913 is reprinted in, J.-A. Wathelet and R.-G. Brunton, \textit{Codes égyptiens et lois usuelles en vigueur en Égypte} (Bruxelles: Veuve F. Larcier, 1919–20), 379–89. The inclusion of the Bedouin into an emerging Egyptian body politic is also fascinating, but the subject is beyond the scope of this project.
\textsuperscript{53} For Lord Dufferin’s conception of the Assemblies, see TNA FO 78/3454, “Dufferin to Granville,” 18 November 1882.
\textsuperscript{54} A transcript of the proceedings was published in both Arabic and English in 1911, with the latter version likely intended for British and perhaps other foreign audiences.
even if it involved few if any Christians and Jews, “Muslims constitute the absolute majority in the country.”\textsuperscript{55} In addition to the demands of the Coptic Congress, the Egyptian Congress addressed broad economic and social issues impacting all in Egypt. For our purposes, its importance lies in the way it establishes both the \textit{aqalliyya} and the \textit{akthariyya} as categories of political subjecthood. The \textit{aqalliyya}, rather than anonymous and neutral, becomes a cleaver that bisects the nation.

The Congress opened with a report by its organizing committee, read aloud by its likely chair, Ahmad Lutfi al-Sayyid (with the aid of Ahmad ‘Abd al-Latif and ‘Abd al-‘Aziz Fahmy). This report laid out the objective of the Congress to secure the cohesion of the Egyptian nation, “the structure of which was almost cracked by the Coptic Congress.” The national body, rather than in formation, is here presumed to already exist and to be threatened from the inside. Lutfi al-Sayyid announced that the aim of the Congress was, “to look into the action of the Copts in order to assess it, to analyze the claims of the Copts, to weigh their demands on the scale of justice, to distinguish between the beneficial and the damaging, and the possible and the impossible, and to grant the Copts their due so as to remove any and all reasons for complaint.” These proceedings, he assured the audience, were completely impartial and free of all political objectives. Emphasizing again the Congress’ fairness and tolerance, characteristics central to a unified national community, Lutfi al-Sayid read, “Indeed, Egyptians are first in dealing justly with Egyptians.”\textsuperscript{56}

In the eyes of the speakers at the Egyptian Congress, tolerance was the mark of civilization, an ideal to which all in the new Egypt should aspire. Yet tolerance, as Wendy

\textsuperscript{55} As quoted in Shami, “‘Aqaliyya/Minority,” 163.
\textsuperscript{56} \textit{Al-Mu’tamir al-Misri al-Awwal}, 4.
Brown has shown, is not only a political discourse that is protean (rather than universal) in meaning across time and space. It is also exemplary of Foucault’s notion of governmentality in so far as it organizes “the conduct of conduct” well beyond the formal domain of politics.

“Absent the precise dictates, articulations, and prohibitions associated with the force of law,” Brown points out, “tolerance nevertheless produces and positions subjects, orchestrates meanings and practices of identity, marks bodies, and conditions political subjectivities.”

In Egypt, tolerance became the idea of civility, the mark of the ideal Egyptian citizen. Like the minority, it was deposited within national memory to gain salience in the national present, and it was invested with power to authorize certain religious sensibilities and practices while disabling others. For the conveners of the Egyptian Congress, the Coptic Congress and its political demands violated the limits of tolerance. In asserting rights as Copts, this group of Copts was not behaving in the way a religious minority should.

Revealing its significance to the proceedings, the first matter of substance taken up in the report was that of “al-Aqalliyya wa-l-Akthariyya” (The Minority and the Majority). The authors sought to clarify the meaning of these two terms in order to frame their disagreement with the Copts. In their view, the minority and the majority were wholly political organisms that act in the public sphere to pursue their interests. As Lutfi al-Sayyid said,

A nation [umma] in its expression as a political organism or system is composed of political elements. The political doctrine that enlists individuals of greatest number and influence is the majority [akthariyya] and the other is a minority [aqalliyya]. On this

basis it is possible to understand the majority and the minority in every nation, and
religion has nothing to do with it.\textsuperscript{58}

In other words, nation-state politics divides into majority and minority elements that exist in unequal relations of power. Because these elements are inherently public, they can have no relation to religion, which in secular doctrine should be confined to the private sphere. When that relation does exist, when religion creeps into the public sphere, serious consequences can follow. In the words of the organizing committee:

\begin{quote}
Nothing is more harmful to the country than the consequences of that error which has implanted itself into the minds of some Egyptians in general, and many Copts in particular. This gross error is the splitting the Egyptian Nation, as far as it constitutes a political organism, into two religious elements—a Muslim majority and a Coptic minority.\textsuperscript{59}
\end{quote}

For the committee, the coupling of the political categories “majority” or “minority” with religion, as many Copts had done, constitutes a dangerous error that can cause fissures in the nation’s unity and threaten the country’s future. The marriage of politics and religion causes the type of sectarianism (\textit{al-ta’assub al-dini}) that the British had so long sought to sow.

The speakers at the Congress understood the Coptic Congress’ insertion of religion into politics as exemplary of “medieval fanaticism.” Many speakers drew analogies to the fifteenth-

\textsuperscript{58} \textit{Al-Mu’tamar al-Misri al-Awwal}, 5.
\textsuperscript{59} Ibid., 5.
and sixteenth-century wars of religion in Europe pitting Protestants against Catholics. These often-violent sectarian conflicts, they argued, were only resolved through the emergence of civilization, characterized primarily by the practice of tolerance. The Copts, by organizing themselves as a political minority, threatened to return Egypt to the past, always in “Europe,” when religion—unconstrained by state power—was the only available category of identification. The speech by Egyptian nationalist Ahmad ‘Abd al-Latif, for example, described a transhistorical competition between national and religious identification in which the ascendance of the former is characterized by peace and calm and that of the latter by violence and persecution. It was the Christians, he argues, who first introduced religious division to a Europe that had been united during the Roman period. Religious division then persisted over many eras until “the day that people grew tired of war and resolved to put an end to it.” 60 That day arrived in 1789 with the start of the French Revolution. In the wake of the Revolution, “political parties arose on the remains of the religious factions which Europe had come to regard with horror.” ‘Abd al-Latif had to wonder whether Copts really sought to “return” to the distant past by building “religious parties on the remains of political parties.” 61

This secularist historical narrative, expressed by many of the speakers at the Congress, makes two moves that are crucial to understanding the formation of the minority and majority as categories and changing conceptions of religion in Egypt. First, ‘Abd al-Latif projects the neologisms aqalliyya and akthariyya back into history, overlaying prior categories of identification and politics and activating new forms. 62 Thus, for ‘Abd al-Latif a Protestant

60 Ibid, 50–51.
62 Samera Esmeir makes a similar point about the colonial construction of Egypt’s National Courts, which entailed the creation of new memories of prior legal systems as despotic, unruly,
“majority” had subjected the Catholic “minority” to torture in Elizabethan England for its beliefs and practices.\textsuperscript{63} Similarly, for Shaykh ‘Ali Yusuf a Coptic “minority” had endured persecution under Roman and Byzantine overlords until the emergence of Islam and the later Arab takeover of Egypt.\textsuperscript{64} In this way, \textit{aqalliyya} and \textit{aktharriyya} come to stand in for prior categories such as \textit{ta’ifa} and \textit{milla}, the systems of political organization in which they held meaning, and the kinds of subjects they produced. Second, he casts religion in the public sphere as dangerous, atavistic, violent, and fanatic. Politics can be pursued solely for the good of the nation, not for one’s private interest.

Yet, even as the organizing committee shunned the notion of religion in the public sphere, and more particularly the marriage of religion and politics, it advocated an Islamic identity for the state. In the opening address, Lutfi al-Sayyid, then the leader of the territorial nationalist Umma party, stated that,

for every nation there is an official religion … and the religion of the nation [\textit{umma}] is the religion of its government or the religion of the majority [\textit{akthariyya}] in it … It is unthinkable that there be more than one official religion in the nation. The religion of the Egyptian people is Islam alone because [Islam] is the religion of the government and of the majority at the same time.\textsuperscript{65}

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\textsuperscript{63} Al-Mu’tamar al-Misri al-Awwal, 51.
\textsuperscript{64} Ibid., 78.
\textsuperscript{65} Al-Mu’tamar al-Misri al-Awwal, 5.
Lutfi al-Sayyid and his party have been understood in Egyptian historiography as an elite vanguard that forged a liberal secular strand of Egyptian nationalism. While this characterization may be correct, less attention has been paid to the ways in which this vanguard shaped what was meant by religion in an emerging national polity.

The attempt to assert the Islamic character of Egypt at the Congress was a reply to the Coptic demand to make Sunday an official day of rest. The Congress members’ manner of refuting this demand shows both the connection between the nascent notion of Egyptian sovereignty (and, by extension, anticolonial politics) and religion, and the way in which secular power authorized certain formations of religion while inhibiting others. Many of the speakers pointed to practical problems associated with acknowledging Sunday as a Christian holiday. For example, as Lutfi al-Sayyid pointed out, the Copts now want,

two days off per week, Friday for Muslims and Sunday for Christians. But this leaves the Jews without a day [off] despite the fact that their observance of Shabbat [al-sibt] is stronger than the Christian’s observance of Sunday. Thus the days [off] are divided between the religious elements and they are required three days per week!\(^{67}\)

For Lutfi al-Sayyid, three days off per week was less inconceivable than it was complicated. But the matter at hand went beyond practicalities. Lutfi al-Sayyid went on to say that,

the Islamic governments designated Friday the official day off, so having that as a day

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\(^{67}\) *Al-Mu’tamar al-Misri al-Awwal*, 7.
off became a custom for the Islamic governments and one of its ancient traditions that distinguish it from other governments. It is thus not possible for it to make any day of the week other than Friday a vacation day if it was possible … For that reason, and because taking off Friday constitutes part of sovereignty, the government of Lebanon, which is a Christian government and the majority of its people is Christian, enacted Friday as a vacation day, preserving the traditions of the Ottoman Empire [al-dawla al-‘uliya] that has sovereignty over it.  

For Lutfi al-Sayyid, a cultural definition of Islam divested of its sacral quality becomes central to the construction of Egyptian sovereignty.

The Muslims Congress’ refutation of the Coptic Congress’ demand for Sunday as a state-recognized day off betrays the power that the secular came to have over religion in early twentieth-century Egypt. Challenging the view that the secular is a successor to a distinct and stable category of the religious which it contains within the private sphere, Talal Asad has shown secularism to be a political doctrine initially formed in early modern Europe with power to construct the religious and the life worlds it contains. During the debate over the Coptic Congress’ demand for state recognition of Sunday as an official day off, for example, Lutfi al-Sayyid observed, probably accurately, that this demand represented a completely new and unprecedented phenomenon. The politicization of the Christian Sabbath in turn precipitated new discursive knowledge about Coptic Christian tradition and practice. Mahmud Bey ‘Abd al-Nasir, in his speech, argued that while the Christian scriptures do make reference to a day of rest, they

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68 Ibid.
69 See Asad, Formations of the Secular, introduction.
do not specify the day on which Christians should rest, which calls the validity of the Coptic
demand into question. Another speaker, Ibrahim Ghazali, went further. Invoking a Christian
sect that holds there is no Gospel ordaining the observance of Sunday as a Christian day of rest,
he implied that Christian doctrine contradicts itself over whether a Christian day of rest exists at
all.

In addition to dismantling the association between the Christian Sabbath and Sunday—or
the very notion of the Christian Sabbath itself—the speakers pursued other tacks to bolster their
argument. Even if the Christian day of rest were admitted to fall on Sunday, ‘Abd al-Nasir
argued, he had “consult[ed] a number of the most respected works and ecclesiastic authorities on
this subject” and found that “prohibitions that are attached to Sunday observance apply in
principle only to manual labor, cases of extreme urgency being excepted.” Hence, even if the
legitimacy of Sunday as a day of rest was recognized, Christian doctrine actually permits the
work from which Christian government employees wish to be exempted. Ibrahim Ghazali took
this point up in his speech as well. Dismayed by the Coptic Congress’ demand, he asserted that,

the majority of Copts do not hesitate to work every day of the week. They did not even
follow Lent during the conference—banqueting sumptuously on the fat of the land! What
about their ancestors, all of whom worked on Sunday? Were they less intelligent? Or did
they with reason prefer to respect the feelings of their compatriots and the character of
the government?

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70 *Al-Mu’tamar al-Misri al-Awwal*, 27
72 Ibid, 28.
73 Ibid., 40
Coptic demands for a day off on Sunday, he suggested, have nothing at all to do with “real” Christianity. Instead, they are a ploy by the minority Copts to dispossess and disempower the majority, rendering their loyalty to the nation suspect.

Until now, my discussion has focused on Copts because it was they who made demands as a minority and upon whom this label was applied. The one other non-Muslim group mentioned at the Egyptian Congress with some regularity is Jews. For the speakers at the Egyptian Congress, and for authors in the press who joined the debate, the Jews played the role of a foil whose inclusion in the national body was uncertain. Ahmad Lutfi al-Sayyid’s dismissal of the Coptic demand for Sunday as a day off for Coptic government employees, for example, was based in part on the notion that honoring the demand would logically require recognition of Saturday as a day off for the Jewish Sabbath, and it was impractical to have three recognized days off per week. This point was echoed in speeches by ‘Abd al-‘Aziz, the reformist writer Salih Hamdi Hammad, and ‘Abd al-‘Aziz Jawish, whom we met earlier. For his part, Jawish also invoked Jews in countering the Coptic Congress’s demand for the establishment and state support of Coptic courts equivalent to shari‘a courts. He argued that this demand was impractical not only because Coptic marriage and divorce were matters for the clergy rather than the courts, but also because the Copts are divided into sects, each of which could conceivably demand its own courts. Worse still, there are “other elements among the Egyptians like the Jews for example,” who are also divided into sects (Rabbinate and Karaite) that may desire their own courts. “Was this forgotten,” Jawish asked, or were these other Egyptian elements considered as negligible quantities compared with Copts?\footnote{\textit{Al-Mu’tamar al-Misri al-Awwal}, 58.} Jawish, clever as always in his argumentation, turned the
Coptic critique of majority Muslims back onto the Copts. In contrast to many speakers at the Congress who represented Egypt as composed of two elements, Muslim and Copt, here Jawish considered the Jews to be an “Egyptian element.”

The Syrian-born Muslim reformer Rashid Rida, who reported on the Coptic and Egyptian Congresses in his journal *al-Manar*, also used this rhetorical device to echo Muslim critiques of the Coptic Congress. In an article entitled “The Jews are More Honorable than the Copts,” for example, Rida opposed the Congress’ demand that the Egyptian government introduce Christian teaching in public schools by undermining Coptic claims to distinction based on ancient Egyptian lineage:

> The Jews are more honorable than them [the Copts] in terms of descent because they descend from the prophets of God, glorified be He. And the Copts descend from the idolater pharaohs [who are] enemies of God, glorified be He. If they [the Copts] do not have a trait that demands their distinction from other Egyptians then the basis upon which they built their demand for the teaching of their religion in government schools is destroyed.\(^7^5\)

Having demoted the Copts relative to other groups in Egypt, Rida goes on to say that when it is impossible to teach all of the religions and doctrines present in Egypt, the government is justified to offer only the “religion of the ruler, which is the religion of the most numerous group [*akthar sha’b*].”\(^7^6\) For Rida, a “Syrian” and “outsider” who nonetheless saw himself as belonging to a


\(^{7^6}\) Ibid.
newly constituted Egyptian majority, invoking the Jews allows him to face the threat posed by a perceived disloyal minority challenge to the sovereignty of the majority.

**Constituting the Minority**

If nothing else, the two Congresses achieved the insertion and normativization of the minority within the Egyptian lexicon. The swirl of press reports published in their aftermath is filled with references to the debate over *aqalliyyas*. On the eve of World War I, some Coptic journalists began to articulate demands on behalf of the Coptic community explicitly in terms of minority rights (*huquq al-aqalliyyat*), reflecting a new vocabulary that would become common after the war. However, its meaning and connection to particular groups continued to be slippery and unclear.

Two events occurred between the Congresses and the establishment of a semi-independent Egyptian nation-state with its own Constitution in 1923 that have particular relevance to our story. The first event was the 1919 nationalist revolt, which reunified Egyptians against the British. The second was the emergence of the minority as an international legal subject by the nascent League of Nations after the war. And yet what differentiated Egypt from many other new nation-states carved out of the Ottoman Empire and in Eastern Europe was that it did not come under the League of Nations minority protection regime. Still legally a British Protectorate at the time of the League of Nation’s establishment, Egypt was beyond the League’s jurisdiction. Even when the Protectorate ended in February 1922, “the special relations existing

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77 Excerpts of these reports are reprinted in Habib, *al-Mu’tamar al-Qibti al-Awwal*, 236–52.
78 See, for example, an article entitled, “Hawl Majalis al-Mudiriyyat: Huquq al-Aqaliyyat fi al-A’anat,” *Misr*, 28 July 1914. Incidentally, this was the day of the murder of Archduke Franz Ferdinand.
between Great Britain and Egypt were notified to all the Powers represented on the Council of
the League. ⁷⁹ Egypt, as far as the British were concerned, was the property of the British
Empire. Yet the legal concept of minority protection, which first appeared in the 1919 Polish
Minority Treaty, still found its way into Egypt. One of Britain’s infamous “reserved points,” or
the areas that Britain would continue to control after it granted Egypt semi-independence, was
the “protection” of “foreign interests” and “minorities.” Minority protection had only been
included in the reserved points because it had been part of Lord Curzon’s original draft of the
1921 “agreement” between Great Britain and Egypt which was based on the Treaty of Sevres.
Although British officials and judicial advisors disagreed over the utility of it in advancing
British interests in Egypt,⁸⁰ the connection between minority rights and colonial violation of
Egyptian sovereignty was the frame for its “legal life” in Egypt. The adoption of the banner of
minority rights by Protestant missionary groups in the 1930s only strengthened that link.

In March 1922, the Council of Ministers under King Fu’ad appointed a committee of
thirty members to draft a Constitution. These members were partly representative of the complex
make up of Egyptian society, including the three major religious groups—Muslims, Christians,
and Jews. Eighteen of the members were appointed to a subcommittee to discuss the principles to
be included in the Constitution.⁸¹ Over the course of their meetings, the question of whether the
Constitution should guarantee the representation of minorities in the new parliament was among
the most divisive. The subcommittee essentially broke into two camps. The first, represented by
the Copt Tawfiq Duss, who had earlier been a participant in the Coptic Congress, was to support

⁷⁹ TNA FO 141/452/10, “Memorandum on the Locus Standi of the League of Nations to
Intervene in the Dispute between His Majesty’s Government and Egypt,” 2 December 1924.
⁸⁰ See TNA FO 141/452/5, “High Commissioner Egypt,” 28 July 1924.
⁸¹ Abdeslam Maghraoui, Liberalism without Democracy: Nationhood and Citizenship in Egypt,
the inclusion of minority representation. As the 1914 elections to Egypt’s representative bodies showed, without legally mandated measures of inclusion in national politics, non-Muslim groups risked being left out of decision-making processes. Moreover, codifying minority rights would resolve the open-ended question of who was responsible for protecting minorities—the Egyptian state—rather than leaving it unresolved and inviting continued British interference.  

The second camp, led by the chief legal advisor of the subcommittee ‘Abd al-Hamid Badawi (whom we met in Chapter 4) and supported by the Wafdists, argued against the proposition. After the events of 1919, this camp argued, Egyptians would vote on the basis of merit rather than religion, a position echoing the demand for merit-based employment at the Coptic Congress. Moreover, constitutionally mandating minority representation would deepen religious division. This would prevent the gradual unification of the Egyptian nation and benefit the British, who had tried to divide Egypt by religion in the first place. ‘Abd al-Hamid Badawi and others asserted that Copts and other religious groups in Egypt were not political minorities, like some of the minorities in Europe, but rather religious minorities with no role (as a group) in the political sphere. While Duss enjoyed some support on the committee, particularly among its Coptic and one Jewish member (Yusuf Qattawi), ‘Abd al-Hamid Badawi’s side proved the victor. Neither the representation of minorities, nor the very existence of minorities, was recognized by the Constitution. Nevertheless, even as the two sides disagreed over the representation of minorities, both proceeded on the basis that the Copts, and to some extent other religious groups, were religious minorities. They differed only over the place of religious

minorities within the realm of politics. As such, the proceedings of the Constitutional Committee reveal the completion of a process of linguistic transformation wherein *tawai'f*, *millal*, and other categories became *aqallyyat* in relations of power with the majority.

**Conclusion**

As I have attempted to show, Egypt’s establishment of a semi-independent constitutional order, rather than the onset of minority politics, was the culmination of a contingent process of defining the minority that began amid sectarian conflict in the early twentieth century. As scholars have observed, the 1923 Constitution did not acknowledge minorities, and Egypt remained outside of the jurisdiction of the League of Nations until 1937, by which time this international governing institution had already lost its credibility. Nevertheless, as part of the law of states and due to British claims to be the protector of minorities in Egypt, the category of the minority haunted the new national order after semi-independence. Part of a new global order of nation-states established at Versailles, Egyptians were conscripted to a new language structuring political communities the world over. The question, heavily conditioned by both colonial politics and missionary activity, was not whether but how that language should be translated and activated.

With minority rights excluded from law, the question of how to define the minority and to whom the term applied remained open. The word *aqalliyya*, opaque and unclear, remained available for subjects to claim and disclaim to achieve their own interests. It struck on a multitude of registers, allowing for complex categorizations of Egypt’s population along a grid of loyalty with the aim of producing homogeneity. Some minorities were excluded on the basis of suspicion, while the belonging of Copts, often considered “original Egyptians” who cannot be tied to any outside nation, was never in question. However, the price paid by Copts for inclusion
in the nation was, following a secular logic, the confinement of religious minority identification to the private sphere. While the persistence of communal structures in Egypt, even if no longer autonomous from the state, has reinforced communal boundaries and identifications, few avenues have been made available for collective communal politics. This has left already politicized religious groups feeling wedged, as one British judicial advisor put it, “between the devil and the deep sea.” 84

84 TNA FO 141/452/5, “Rights of Minorities,” 25 May 1922.
CONCLUSION
By way of conclusion, I would like to return to Murad Farag, the Jewish intellectual, lawyer, and reformer whom we met in Chapter 2. I described how Farag, embedded within his tradition, encountered modern colonial conditions to articulate a notion of the common good that was open and inclusive but ultimately displaced by the secular notion of public interest. In this section, I would like to briefly analyze a lengthy essay he wrote in 1908 titled “Harb al-Watan” (The Nation’s Struggle) that was serialized in the journal *al-Jarida* (The Newspaper), edited by the prolific Egyptian liberal thinker Ahmad Lutfi al-Sayyid, amid the sectarian crisis described in the last chapter. In the essay, Farag offered a vision of society wherein no contradiction exists between the moral subject/community and the citizen of the nation-state. His vision represents an ephemeral ripple, a moment of anticipation and aspiration, that I contrast with the secular legal formations described over the last four chapters.

Adapting new ideas of Egyptian nationhood, Farag’s essay represents a break from his prior writings on social and political themes that have come down to us, most of which derive from his community reform journal *al-Tahdhib* (Edification) published in 1902–3.1 Whereas in his journal Farag had written as a Jew, in this essay, published one year after the founding of the Watani Party, Farag foregrounded a new Egyptian national identification. Likewise, whereas *al-Tahdhib* had been addressed to Farag’s Karaite Jewish community while obliquely contributing to a broader, intercommunal project of reform, the 1908 essay addressed the Egyptian nation, the virtues of which Farag extolled. Confronting the challenges faced by the Egyptian nation, Farag engaged, in a partial way or directly, with the four concepts under study in this dissertation: religious freedom, public interest, nationality, and the minority. He did so not to advocate and

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1 Farag, *Maqalat Murad*, 200–23. All translations are my own.
disseminate the binaries of secular ideology, but as part of his long-standing effort to contribute to the construction of a *moral* society in modern Egypt.

In this way, Farag’s essay is a sign along the road of the secularization of Egyptian society. Against the growing sectarianism around him, he called for dissolving perceived obstacles presented by religion to the unification of the nation, which “knows for itself one homeland” and whose “Egyptian nationality” (*al-jinsiyya al-wataniyya*), a phrase that had only recently entered Egypt’s lexicon, prevails over every other affiliation, national or otherwise.² As Farag put it, “In order for the national community [*al-jam‘iya al-wataniyya*] to be a sound national community [*jama‘iya wataniyya sahiha*], it is necessary that in its life it remain distant from all that damages it from the direction of religion.”³ However, in contrast to secular political ideology, Farag did not seek to confine religion to the private sphere. Rather, he argued that unifying the national spirit (*nafs*) required equity in what he termed “public morality” (*al-adab al-‘amma*), maintained through the practice of sincerity (*al-ikhlas*), or continuously identifying and untangling “unfavorable mutual feelings.”⁴ Drawing on his own personal experience to convey his point, Farag invoked the many occasions when a Muslim would greet him in public with the common Islamic salutation *al-salam ‘alaykum* (peace be upon you) only to stop mid-utterance on realizing that Farag was a Jew and switch to the more neutral though less warm “good afternoon” (*naharak sa‘id*).⁵ Similarly, he described how whereas the Muslim press would note the passing of a Muslim with the prefix *al-marhum* (“the late,” denoting mercy and expressing grief), it would note the passing of a non-Muslim with the less elegant *al-mu‘sif* (the

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² Farag, *Maqalat Murad*, 200–201, 204.  
³ Ibid., 200.  
⁴ Ibid., 202, 219.  
⁵ Ibid., 207.
regrettable). Such distinctions, he asserted, while often premised on doctrine, violated religion because they caused humiliation and pain (idha’) where religion “preserves its strength in noninjury [‘adam idha’] to others,” exemplified in his view by the Qur’anic injunction “there is no compulsion in religion” (la ikrah fi al-din). Citing postrevolution Ottoman society as a paragon of the practice of sincerity between religious groups, with Muslims agreeing to join non-Muslims in commitment to “public morals” (al-adab al-‘amma), Farag contended that Egypt ought to develop (tataqaddum) along similar lines. While “nothing is greater than people from all religions and doctrines coming together in friendship to become Egyptians in the true national sense of the word,” he remarked, “nothing hurts more than moral injury [al-idha’ al-ma’nawi].”

For Farag, the main difference between the Ottoman Empire and Egypt was that the empire enjoyed constitutional rule that Egypt lacked. A constitution, he argued, would serve Egypt as “a contract of sound partnership between all of us,” overcoming any “estrangement, hatred, or inequality” in terms of public morality. With a constitution, Egyptians would “take responsibility on our shoulders and be forced to truly serve the nation by virtue of serving public interest [al-maslaha] and preventing it from all [moral] injury.” Just as Farag criticized Muslims for not extending the dictates of public morality to non-Muslims, he criticized Christians and Jews who rejected a constitution out of fear that Muslims, “greater in number and stronger,” would use it to degrade their status. This stance, he argued, was to put one’s private interest, the security of one’s “minority” community, ahead of the public interest. Private and public interest converged in the prevention of harm: “the nation should not hear with its ears or see with its eyes

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6 Ibid., 216.
7 Ibid., 204–5.
8 Ibid., 211.
anything harmful from the direction of religion.”⁹ “My words are not directed to one group without the other,” Farag concluded, “they are directed to all Egyptians, and I am one of them.”

Although Farag embraces liberal-secular concepts in his essay, his articulation of them is characterized by confluence between inside and outside, individual and collective, morality and law, public and private. In other words, Farag articulates key secular concepts as an extension of his long-standing project of moral reform on the individual, communal, and societal levels. His program was one of radical openness and inclusion, crossing religious divides. It was also one that, as a participant in the late nineteenth- and early twentieth-century Arab cultural and social reform movement called the nahda, he shared with other reformers in Egypt of this period. Farag could not have known that the very concepts he expounded, as they entered the modern legal system for which he worked and in which he had tremendous faith, would contribute to the emergence of new forms of exclusion that would mark him and his community as outsiders, even traitors, to an increasingly sovereign nation.

This dissertation traced how these concepts were initially translated into Arabic and Egypt during the colonial period, and their shifting significations through the national-colonial period. Chapter 2 described how religious freedom, initially articulated through a local ethical vernacular as defense of one’s religion in a context of perceived missionary attacks, was inserted into Egypt’s expanding public law in the name of a majority-defined public order, rendering protection of religion a legal issue punishable by law. Unlike prior laws of blasphemy intended to maintain, bottom-up, a moral community (not unrelated to Farag’s notion of moral injury), religious freedom was a technology of public order intended to produce and reproduce, top-down, a governable population through the regulation of religion. In Chapter 3, I described how

⁹ Ibid., 223.
a secular notion of public interest, which entered Egypt’s criminal law and was linked to national security, displaced a prior Islamic notion of the public social good focused on conditions for sustaining a righteous society modeled on an ideal past. Focused on Egyptian Jewry, I showed how as the Egyptian nation-state took form, secular public interest proved critical to transforming Jewishness into a private interest that was inherently suspicious, contributing to the exclusion of Jews from the nation. Chapter 4 described the emergence of the category of the Egyptian national as part of colonial governance, how local subjects, Egyptian legislators, and colonial officials deployed it to suit their interests in a complex historical moment, and Egypt’s implementation of a nationality regime. I focused on how nationality, with its many constituent categories, politicized religious communities in unprecedented ways, rendering Muslims a national majority, Copts a minority, and other Christian and Jewish groups part of racialized nations whose loyalty was not to be trusted. In Chapter 5, I traced how the category of the minority emerged in Egypt not with semi-independence in 1922, as has been asserted by other scholars, but amid an earlier sectarian crisis that itself was an outcome of the politicization of Coptic communities and their demand for collective rights from the state in a time of emergent nationalism under colonial rule. While in other ways preserving a communal framework for society, Egyptian legislators decided to exclude minority rights from the 1923 Egyptian Constitution due to the association of these rights with the colonial violation of sovereignty. As a result, newly constructed minorities were left without protection and avenues of collective political participation.

As a whole, the dissertation has argued that, translated into Arabic and Egypt, these secular-liberal concepts accumulated new significations over time as locally embedded actors—whether in the courtroom, in colonial offices, in the halls of parliament, or on the streets—
claimed them to meet an ever-evolving contingent set of needs and desires. Rather than a teleological story of the “evolution” of concepts into a generic final form, the dissertation has highlighted ephemeral possibilities overtaken by larger forces, and critical moments that affected conceptual pathways. As the concepts under study entered into law in the liberal period in often surprising ways, part and parcel to the construction of the nation-state, they served as critical technologies of governmentality in the Egyptian state’s effort to produce a governable population loyal to the nation and obedient to its laws. Increasingly, the Egyptian state came to define Egypt’s moral and political vocabularies and imaginaries, creating the conditions of possibility for the homogenization of Egyptian society in the subsequent decades.
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