

## Chapter 5

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# When Did Egyptians Stop Being Ottomans? An Imperial Citizenship Case Study

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Historians of the Ottoman Empire are dramatically recasting our understanding of the empire in its provinces, demonstrating the flexible, locally conditioned, and often ephemeral nature of the imperial presence in each provincial setting.<sup>1</sup> Although it was one of the empire's most important provinces, Egypt has not figured very significantly in this revision. There are some good reasons for this omission:<sup>2</sup> although Egypt remained part of the Ottoman Empire until World War I, Istanbul's direct influence over its province waned dramatically over the course of the nineteenth century. By the time Britain invaded and occupied Egypt in 1882, few remnants of direct control remained. Historians agree that Egypt was, for all intents and purposes, independent of the Ottoman Empire by the last quarter of the century.<sup>3</sup>

This conventional narrative deserves reexamination, on both theoretical and empirical grounds. Theoretically, the new literature on Ottoman provincialism is only part of a broader reconceptualization of empire that aims to confront the normative position of the European experience.<sup>4</sup> This reconceptualization has drawn on new empirical data concerning the varieties of forms of membership, political and otherwise, occasioned by empire.<sup>5</sup> Meanwhile, a different kind of empirical experience—of globalized, variegated polities in contemporary Western democracies—elicits new thinking about the nature of belonging and citizenship.<sup>6</sup> Studies of multi-level citizenship have thus far concentrated largely on formal membership in the context of the European Union, but extra-European and extra-political contexts also offer intriguing analytical possibilities. Europe's

recent citizenship troubles, especially those touching Islam, suggest that its citizenship models demand elaboration.<sup>7</sup> Ottoman history, for its part (and despite the pioneering work of Ariel Salzmann and Engin Isin), lacks a theoretical framework for talking about the complexities of its membership regimes.<sup>8</sup>

This chapter demonstrates the persistence of Egyptians' Ottoman status well into the twentieth century, something that has been neglected because the nature of Ottoman citizen/subjects' membership in their state differs from European and American archetypes of citizenship. The triumph of a system of modular, exclusive, universal, commensurate national citizenships is incomplete and its advent is recent. Occluded variant systems of state affiliation (such as that practiced by turn-of-the-century Egyptian Ottomans) need to be recovered and compared, not least because they reveal much about the general phenomenon of citizenship. This chapter suggests that conventional genealogies of national citizenship, largely derived from a small set of early adopters (especially France, Britain, and the United States), might fruitfully be revised in light of evidence of alloyed imperial citizenships.

The most illuminating comparative historical studies of citizenship—works such as Rogers Brubaker's study of citizenship in France and German—sample only a fraction of the vast range of human experience.<sup>9</sup> Meanwhile, scholarship on multilevel citizenship, constitutional pluralism, and imperial citizenships labors under the need to justify its validity in terms of the small set of normative Western examples.<sup>10</sup> The weight of history and of demography shows that the citizenships at the center of mainstream theory are marginal experiences. In that light, the absence of either/or citizenship in late Ottoman Egypt resembles certain quite common twenty-first century forms of citizenship. This imperial genealogy of dual citizenship, statelessness, multilevel citizenship, and the like may help to normalize these often abhorred statuses. In each case, sovereignty is divided.

Multiple, overlapping sovereignties, the defining feature of multilevel citizenship, are as common in history as they are rare in political theory. To efforts (such as this book) that address this imbalance, the Ottoman-Egyptian evidence offers two lessons. First, conventional descriptive vocabularies founder in the face of multiple sovereignties. Actors and institutions in such systems often employ singular identities to present themselves in

imperial administrations, social science research, and litigation. This self-representation is performative, however, and analysts who adopt its terms soon discover its incoherence.<sup>11</sup> Citizenship practices provide an analytical basis that is more certain than identity labels. Second, the centrality of political rights in conventional reckonings of citizenship hinders analysis of membership under multiple sovereigns. In these settings, legal, economic, and even cultural practices must be given weight equal to that given to political participation.

This chapter consists of five sections. The first considers the idea that Egypt was independent of the Ottoman Empire before the turn of the twentieth century. The second examines citizenship laws and practices of nationality in order to qualify that sense of independence. The third and fourth take up two bodies of evidence (from censuses and law courts, respectively) seeking signs of enduring Ottoman citizenship in Egypt. The concluding section argues for the analytical merits of the apolitical model of Ottoman citizenship found in British Egypt.

### Post-Ottoman Egypt?

Egypt's historiography is overwhelmingly nationalist. The territorial configuration of the modern nation-state sets the boundaries for almost every inquiry into the region's pre-twentieth century history.<sup>12</sup> The compact and isolated physical geography of the lower Nile valley and its delta enhances the sense of historical distinctiveness, as does the fact that Egypt was a separate Ottoman province from the time of its conquest in the early sixteenth century. The Ottomans referred to provinces by the name of the city that ruled them; only in the late nineteenth century did the name for Cairo (*Misr*) begin to provide the rhetoric of Egyptianness, as its adjectival form came to be applied to all the residents of the capitol's hinterland.<sup>13</sup>

The traditional historiography takes 1798 (the year of Napoleon's invasion) and 1805 (the rise of Mehmet Ali Pasha, the "founder of modern Egypt") as the start dates of the modern nation's independent story.<sup>14</sup> These moments signal a break with the Ottoman Empire that was both intellectual (the advent of Western thought) and political (Mehmet Ali's establishment of hereditary, largely autonomous dynastic rule). Although we now know a good deal about the royalist historiographical contrivances that lie behind

this chronology, as well as the exclusively Turkish character of the ruling household even in the mid-nineteenth century, the presumption of Egyptian independence endures.<sup>15</sup> It is enhanced by researchers' sociology: most historians working on nineteenth-century Egypt use Arabic-language "provincial" sources and do not read the "imperial" documents, which are in Ottoman Turkish.

Ironically, the British occupation of Egypt in 1882 and the Veiled Protectorate that followed did much to bolster notions of Egypt's national independence. During the early years of the occupation, the situation of Egypt vis-à-vis the British and Ottoman Empires was characterized by two fictions. Public discourse pretended that the Ottomans retained a measure of control over Egypt and that Egypt retained a measure of independence from Britain. In official correspondence, Egypt was carefully and consistently referred to as *al-quṭr al-misri*, the "Egyptian region." It was also referred to with safe synonyms for "region," such as *taraf* and *diyar*.<sup>16</sup> In the interests of pragmatism, oppositional political strategy was structured around opposition to British imperial control. The nationalist discourse that emerged in the 1890s appeared to instrumentalize (or even marginalize) Ottomanism in order to address the British.<sup>17</sup> Nevertheless, it seems that the Veiled Protectorate instilled its narrative of light, almost imperceptible rule successfully: Britain's influence over Egypt's citizens is obscured in historical memory.

Although Britain drew most nationalist political fire, the Ottoman Empire remained *the* key referent for Egypt's elite political and intellectual culture, even as late as the turn of the century. Egyptians were active observers of, and indeed participants in, the Ottoman reform movements of the early twentieth century. Egypt is often portrayed as a site of exile for Young Turks, but it was not merely an inert foreign land.<sup>18</sup> Just as the United States of America remained (and remains) in the cultural, economic, and indeed political sphere of the British empire long after independence, so too did Egypt remain part of the Ottoman commonwealth. This commonwealth was most visible in the writings of a small intelligentsia. The Ottoman Empire experienced a brief episode of constitutionalism and limited representative government in 1876 and another starting in 1908. Egypt, meanwhile, had no constitution or elections until the 1920s. Government was for bureaucrats, not citizens, and political discourse was the realm of journalists and a handful of elite activists.

A whole literature endeavors to define Ottomanism, and it is by no means unusual that this elusive label should fail to fit Egyptians exactly.<sup>19</sup> Ottoman citizenship, the central concern of this chapter, had its first legal articulation in 1869.<sup>20</sup> The idea of citizenship was foreign to the nineteenth-century Ottoman Empire; the great Egyptian chronicler of Napoleon's 1798 invasion merely transliterated the term: *sitwayan*. The Arabic *jinsiya* (related to "genus") came to designate "nationality." Even the neologism for national citizen (*muwatin*) does not designate the rights-bearing liberal subject of a certain vision of Western citizenship. Subjecthood, on the other hand, has a more stable Arabic and Ottoman vocabulary, in common usage during the nineteenth century. The Arabic/Ottoman term *tab'iyat/tabiiyet* derives from *tabi'/tabii*, meaning subject (of a state or sovereign). But the truly stable term is the eighth-century *reaya*, for "flock" or "subjects."<sup>21</sup>

The relationship of shepherd (the Ottoman sultan) and flock (his subjects) was based on protection and loyalty rather than sovereignty and allegiance. This tie was bolstered by the sultan's role as caliph, or earthly head of the Islamic community.<sup>22</sup> Even when his secular powers were limited, the Ottoman sultan maintained spiritual dominion, to which Egypt signaled its symbolic loyalty. The province was given the right to mint its own currency in 1834 (a mark of monetary autonomy), but this token of independence bore the sultan-caliph's name (his *tugra*) until 1914. The same name was invoked at Friday prayers throughout this period. On this basis, more recent scholarship argues that as late as 1905, "in the final analysis, the majority of Egyptians considered themselves to be Ottoman subjects," and those interested in forging an independent Egypt pursued a policy of de-Ottomanization as a result.<sup>23</sup> Ottoman wars were increasingly defined as Islamic, and enthusiastic moral and material support from Egyptians during the Italo-Turkish war over Libya (1911–1912) were the last great sign of Egypt's Ottoman affiliation. The fact remains, however, that the sultan's direct control over his Egyptian flock was definitively supplanted by his own governor during the 1830s. After that point, Ottoman sovereignty was reduced to suzerainty and symbolic payment of tribute; no more Egyptian troops fought Ottoman wars.

If the sultan retained only spiritual and symbolic authority over his Egyptian subjects, his nominal subalterns enhanced direct sovereignty at the provincial level. The upstart governor Mehmet Ali and his descendants used the techniques of modern control to extract ever more military,

agricultural, and public works labor from Egyptians. The debt crisis of the 1870s and British occupation of the 1880s transferred much of this dominion to the European comptrollers who directed the Egyptian economy. The Egyptian state, figuratively controlled by the Ottomans and literally controlled by the British, communicated with its subjects through its officials. These agents of the “local government”—tax collectors, police, and local headmen—articulated economic, legal, and military subjecthood at the local level.

### Citizenship Laws and Nationality Practices

It should now be clear that political participation played no significant role in turn-of-the-century Egyptian citizenship. Western archetypes of citizenship are therefore ill fitting. French and American visions of membership in the nation-state find no counterpart.<sup>24</sup> None of the terms of Marshall’s classic civil-political-social citizenship typology fully apply, either.<sup>25</sup> Instead, liberal imperialism’s ugly underbelly was on display: for most Egyptians, membership meant only labor in the planned national cash-crop economy, an economy focused on foreign debt payments. The state made much of its authority through law, however. Although few Egyptians could be considered rights-bearing subjects in the conventional Western sense, the law offered them new possibilities of civil standing. In order to understand this variety of citizenship, then, this chapter focuses on a little-studied set of evidence concerning legal rather than political citizenship.

Gianluca Parolin’s survey of citizenship in the Arab world employs a purely textual sense of Egyptian nationality.<sup>26</sup> According to this understanding, Ottoman nationality began with the first code of nationality in 1869. Parolin describes this legislation as a reaction to the capitulations, extraterritorial exemptions to Ottoman prosecution, taxation, search, and conscription enjoyed by subjects of Western nations since the sixteenth century.<sup>27</sup> In order to curb abuse of this foreign privilege (including by Ottoman-born subjects exploiting loopholes), the Ottoman sultan finally asserted his right to approve all changes of nationality. The Ottoman nationality law functioned as a code of naturalization rather than citizenship: it granted no intrinsic rights. Its articles concerned only questions of acquisition of nationality (in which context *jus sanguinis* reigned).<sup>28</sup> The 1900 Egyptian nationality law, which fits on a single page of the state’s

official journal, is also exclusively focused on acquisition.<sup>29</sup> Clearly, then, membership was about jurisdiction rather than rights.

It seems that the 1900 nationality law was forgotten. When a comprehensive nationality law was enacted in 1926, this earlier law went unmentioned. In the mid-1920s, the only citizenship law Egypt had was the 1869 law of the Ottoman Empire, a political entity that had by then disappeared. But whether Egyptian nationality law began in 1900 or 1926, it is clear that during the 1890s, a heyday of Egyptian nationalism, Egyptians who traveled abroad, used the law courts, or responded to census questions could represent themselves only as Ottoman citizens. Egyptian passports of the 1890s and the 1900s were printed not in Arabic, but in Ottoman Turkish and French.<sup>30</sup> Evidence of nationality practice poses two problems for the traditional narratives of Egyptian independence from Ottoman control. First (according to census and legal sources), Ottomans were consistently identified as locals rather than foreigners. Second (according to census and noncensus evidence, such as law court practice, passports, and political agitation), Egyptians were persistently identified as Ottoman.

This incoherence poses serious difficulties for any doctrinal study, and Parolin seems compelled to tell a story that goes beyond statute.<sup>31</sup> He offers assertions about Egyptian nationality that depart from the evidence he presents: at some indeterminate point after 1869, a sense of “indigenous nationality” (*ra‘awiyah mahalliyah*) emerged in the Ottoman provinces, including Egypt. “By the end of the 19th century, the Egyptian indigenous nationality was fully shaped,” he argues.<sup>32</sup> “By the turn of the 20th century, Arab lands—where religious affiliation was the only known form of membership beyond the kin group—suddenly witnessed the rise of two new forms of secular membership, an overarching Ottoman nationality and a local indigenous one.”<sup>33</sup> And again: “Indigenous nationality only complemented Ottoman nationality, the latter being conditional to the former . . . , and the Egyptian was treated internationally as an Ottoman subject.”<sup>34</sup>

This tangle of assertions, emerging in the context of an otherwise well-ordered study, points to a breakdown in categories: archetypes of Western citizenship fail to account for certain varieties of non-Western experience. I will return to this theme in the conclusion, but permit me to emphasize several problematics here. The “full shape” of nineteenth-century “indigenous nationality” that Parolin invokes cannot have been essentially legal (there was no Egyptian nationality law) or political (there were no political rights to be had). Nor did “indigenous nationality” reside in the domain of

civil citizenship rights—in the Ottoman context, these had been articulated much earlier, in the 1839 *Gülhane* rescript and its Tanzimat cousins.<sup>35</sup> Nor were Egyptians, who traveled on their “own” passports by the turn of the century, simply treated internationally as Ottoman subjects. Religious and kin-group memberships, meanwhile, were not the “only known forms” of membership: professional and neighborhood associationalism was extensive in Egypt.

During this period, Egyptian citizenship was a performative entity that dodged rigorous legal scrutiny. There are no ready solutions to this puzzle, but citizenship as practiced seems a good place to start to sharpen our categories of analysis. Ottoman and Egyptian citizenship legislation were in both cases acts of translation, performed for Western diplomatic audiences. For ordinary subjects, both Egyptian and Ottoman, what mattered was application of the law through mobility control, identity documents, the census, taxation, military service, arrest and search, legal standing at law courts, and so on. Yet in all studies of Egyptian nationalism and de-Ottomanization, many of the most basic questions about the civil affairs of Ottoman-Egyptian subjects remain obscure. The position of Gazi Ahmed Muhtar Pasha, the “extraordinary commissar” (*mısır fevkalade komiseri*) who represented the Ottoman state in Egypt from 1885 to 1908, was no more contrived than that of the British “agent and consul-general” Baring Cromer, who held ultimate power in Egypt between 1883 and 1907.<sup>36</sup> Cromer’s veiled power was of a familiar type, however, and a large historiography makes him an easy figure to digest.<sup>37</sup> The Ottoman administration of multilevel membership, on the other hand, because it does not so readily fit available imperial forms, awaits further research.<sup>38</sup>

For the time being, other kinds of clues offer insight into the workings of citizenship. For instance, government employment was one sphere of domestic control for the Egyptian administration. At some point a decade or so after 1900, the local government began to insist that its employees be Egyptian and Egyptian only. This group of foreign aspirants to Egyptian-ness, who became known as the *Mutamassirun* in the interwar years, initially sought to retain the material advantages associated with nationality.<sup>39</sup> In 1913, for example, two Tunisian public employees, both lawyers with the native court system, were informed by the Egyptian Ministry of the Justice that they would lose their positions if they did not confirm Egyptian nationality by renouncing their French protection.<sup>40</sup> One of these men had previously paid the *badaliya*, a special tax to exempt his son from serving



in the Egyptian army. Payment of this tax was taken as a sign of subjecthood. Indeed, Ottoman subject formation had traditionally circulated around the question of taxation. *Reaya* were, quite simply, those who paid taxes, and the *askeri* elite were those who received that surplus.<sup>41</sup> Tax exemption was the “most important marker of legal status in the Ottoman Empire.”<sup>42</sup> Thus it is entirely consistent that taxation status would be a central marker of the new national citizenship. Nation-state citizenship of the archetypal variety does not originate in employment or “taxation without representation.” Still, in a global sense, these experiences of citizenship are more common than experience of citizenship as political participation.<sup>43</sup> Gaps in description of Ottoman-Egyptian citizenship arise not from the shortcomings of that historical example but from the assumptions of conventional conceptual vocabulary.

### Census Taxonomies

The citizenship law category consternation just described echoes the confusion of European-trained census takers who worked to measure the Egyptian population in the late nineteenth century. In this section, I examine nationality categories used in the Egyptian censuses of 1882, 1897, 1907, and 1917. In a sense, the malleable landscape of nationalities reflected in these censuses appears a category game, in which the population was reclassified by different criteria each decade. As we will see in the next section, however, nationality was anything but an abstraction: in the complex legal landscape of turn-of-the-century Egypt, nationality determined jurisdiction over the bodies of the territory’s subjects.<sup>44</sup> The confounding incoherence of nationality categories in the Egyptian census shows that in a system of overlapping sovereignty, identification is performative. Egyptians and Ottomans were labeled not for their own needs—the labels entailed no access to rights—but for presentation to their imperial administrators. Like nationality law, the census provides only unsteady ground for the study of Ottoman-Egyptian citizenship.

The 1882 census was hardly the first to categorize Egypt’s population by national type. The 1800 *Description de l’Egypte* described eight groups: Egyptians, Turks, Arabs, Moors (specifically, Maghrabis), Greeks, Syrians, Jews, and Europeans.<sup>45</sup> The 1840 census divided the population between

those under local authority (*dakhil al-hukuma*) and those beyond government authority (*kharij al-hukuma*).<sup>46</sup> A contemporary study of the 1855 cholera epidemic differentiated between eleven categories: Europeans, Greeks, Armenians, Syrians, Copts, Israelites, Natives, Turks, Maghrabis, Barbaris, and Blacks.<sup>47</sup>

The 1882 census employed a new hierarchy of three major categories (settled native, nomad, and foreigner), each of which was subdivided into minor categories. The decennial censuses of 1897, 1907, and 1917 reduced the decisive split to foreign and local. Local subjects (as opposed to foreigners) were subdivided in the four censuses in question, as shown in Table 5.1.

This table shows four main groups adulterating a vision of a purely Egyptian local population: Ottomans, Bedouins, Sudanese, and local subjects of European origin (such as Greeks). The 1897 census divided the local population much as the one in 1882, but Sudanese were dropped, and the divide between settled and nomadic Egyptians was set aside. Sedentary, Bedouin, and Ottoman were all clearly labeled as “real” Egyptians. In 1907, Sudanese reappeared, and certain Ottomans were divided into four “local” nations. The 1907 census was the first since the inchoate Egyptian nationality law of 1900. Perhaps as a result, Ottomans appeared for the first time as foreigners.<sup>48</sup> Subdivision was extended ten years later: Egyptians were distinguished according to sect, and four new miscellaneous population categories were added. But only now, once it was divided in a dozen ways, did “local” emerge as a distinct, collective category given a cumulative population figure of its own. In previous years, census makers offered an aggregate total of foreigners but never of local subjects.

From the time of the 1882 census, settlement was the hallmark of a national population; Bedouins and foreigners were anomalous because they were mobile. Although the desert and sea hinterlands of the Nile valley were sites of problematic flux, “real” Egyptians were suitable for counting because they were tied to the land and isolated from other nations. Turkish and Syrian immigration had slowed, and Europeans were now the principal immigrant group. Their “distinct social and political behaviour (*al-mukhtalifiyin mashraban/situation sociale et politique à part*) prevent[ed] them being confused with the native population (*zumrat al-wataniyin*),” which was agrarian and sedentary.<sup>49</sup> The census makers claimed that this distinction was “social and political”; in reality, it was jurisdictional. Bedouins and foreigners were considered separately because they were exempt

Table 5.1. Census Taxonomy Table

1882	1897	1907	1917
"Real" Egyptians	Egyptians: settled natives	Egyptian sedentary	Egyptian: • Muslim • non-Muslim
Bedouins:	Egyptians: Bedouins	Egyptian Bedawi	Bedouin
• Semisedentary			
• Nomadic			
Those from other parts of the Ottoman Empire	Egyptians from other parts of the Ottoman Empire	Turkish	Turkish
		Syrian	Syrian
		Arabian	Arabian
		Armenian	Armenian
		Sudanese	Sudanese
Sudanese			Berberi
			Greeks
			Jews
			Other races

Source: Census taxonomy of locals, 1882-1917

from the laws that governed other subjects.<sup>50</sup> The distinction between real Egyptians and all others made operative sense in terms of 1880s domestic policy, according to which dangerous Bedouins were to be taken under government control, foreigners were to be protected, and settled natives were to be taxed.

Nonstandard subjects were deficient subjects, and they tarnished the census project. In an opening apologia, the authors of the 1882 census distinguished their work, which only measured *de facto* population, from the study of resident population that a proper European state required. Only the systematization of civil status would make such a project possible in Egypt.<sup>51</sup> In other words, something like “indigenous nationality” had to be clearly defined if Egypt was to join the community of nations. Subsequent censuses track the progress of this project. By 1917, a full range of local nationalities joined the foreign diversity previously on display. It is no surprise that census counts of national groups in Alexandria were as inconsistent as the categories themselves. Although the overall population of the city increased steadily from census to census to census, the share assigned to each group fell and rose and rose and fell.

Faced with these unwieldy categories, social historians are as off balance as the legal scholars cited in the previous section. Daniel Panzac has produced several studies of the population of nineteenth-century Egypt in which he displays careful critical faculties. His suspicion of uneven growth rates, for instance, leads him to a radical departure from census figures of Egypt’s aggregate population.<sup>52</sup> But where nationality is concerned, his work is in the thrall of the census and its categories and content to trace a smooth growth rate for the foreign population, ignoring the fact that Ottomans appear and disappear from the census figures.<sup>53</sup> Other studies of the censuses avoid this trap, but their critical approach toward statistics rarely extends to the categories employed.<sup>54</sup> This remarkable omission manifests the allure of dividing population into singular nationalities that seem to possess some inherent validity discouraging critical probing.

Three pieces of evidence call into question the national categories of identity used by census takers: the changing stock of categories used; the inconsistent statistics that they produced; and the calculated, nuanced performances that court documents (discussed in the next section) demonstrate lay behind most black-and-white claims to nationality. Census makers certainly witnessed the same genre of performance on polling day. Little is known of the details of their data collection.<sup>55</sup> In theory, aggregate

Table 5.2. Census Returns for Alexandria

	1882		1897		1907		1917	
	Count	%	Count	%	Count	%	Count	%
<b>Total population</b>	231,396	100	319,766	100	332,246	100	444,617	100
<b>Total foreigners<sup>a</sup></b>	49,693	21.5	46,118	14.4	59,368	17.9	84,722	19.1
Sedentary Egyptians	171,854	74.3	254,358	79.5	245,136	73.8	321,367	72.3
Bedouins	503	0.2	4,984	1.6	714	0.2	2,503	0.6
Ottoman <sup>b</sup>	5,169	2.2	14,306	4.5	21,827	6.6	28,912	6.5
Sudanese <sup>c</sup>	4,367	1.9	—	—	5,201	1.6	7,130	1.6
<b>Total locals</b>	<b>181,893</b>	<b>78.6</b>	<b>273,648</b>	<b>85.6</b>	<b>245,850</b>	<b>74<sup>d</sup></b>	<b>359,912</b>	<b>80.9</b>

Source: Census returns for Alexandria, 1882-1917.

Note: Not all of these categories appear in the censuses themselves. Foreign and local totals are, for the most part, my own aggregates. Note that in the 1917 census figures, the sum of foreign and local exceeds the city population by 17.

<sup>a</sup> This group consisted principally of Greeks, Italians, French, British, with other nationalities making up a fifth of the total.

<sup>b</sup> 1917 figure is an aggregate of all "local" categories except Egyptian, Bedouin, Sudanese, and Berberi.

<sup>c</sup> 1917 figure includes Berberi.

<sup>d</sup> In 1907, this figure excludes Ottomans and Sudanese. Ottoman and Sudanese figures are not added to the foreign total, either.

counts and individual attribution of nationality depend on the same evidence. In the Ottoman Empire, a single administrative division (the *nüfus müdiriyyet*) handled both tasks.<sup>56</sup> But when nationality meant more than a trivial label for census day performance, as it did in law courts, a more complex picture of membership emerged.

### Ottoman and Egyptian in Court

In Ottoman-Egyptian practice, citizenship was the aggregate of many minor claims or assertions. The census was one field on which these assertions were exercised, and the law courts were another. Tracking these assertions is difficult, precisely because each is relatively unimportant (and certainly apolitical) in its moment. Yet, occasionally, the records reveal acts of self-identification that ring strange, and these merit our attention. Thus in September 1908, we find Hussein ‘Abd al-Latif, a Muslim “commission agent” (wheeler-dealer) in the delta town of Dessouk, identifying himself in an affidavit as an “Ottoman subject” and elsewhere (in an earlier letter) as a “local subject.”<sup>57</sup> By 1908, the categories were (legally speaking) incommensurate, as shown in statute and census. So is this self-identification deliberate or careless? Hussein disappears from the record after this trial, and no definite answer is possible, but the “error” suggests that even in legal documents submitted before a court, the distinction between Ottoman and Egyptian did not always obtain.<sup>58</sup>

If for some litigants these technicalities were of minor importance, for others they were determinative. This was especially true of the wealthy. When Antun Yussuf ‘Abd al-Masih died in Cairo in February of 1885, his will assigned his immense fortune of half a million pounds to his wife Ellen. A Chaldean Catholic, Antun was born in Baghdad. He was thus an Ottoman subject by birth. For the last decades of his life, however, he lived in Egypt. There, he registered as a British protégé, and his widow took his probate to the British consular court, his usual tribunal, in October 1885. Five years of high-powered and high-priced litigation ensued, as Antun’s sisters Angela and Cecilia challenged their brother’s will and the jurisdiction of the probate court.

At the core of this litigation was a debate over the proper jurisdiction over the estate of the deceased. The widow argued that Antun was a British subject, and his estate should be disposed according to the formulation of

his will; that is, accorded to his wife. The sisters argued that Antun was an Ottoman subject, and jurisdiction belonged to the Ottoman state, which applied Islamic law of the Hanafi school to personal status cases. This law stipulated that the testator could not leave more than a third of his or her estate to "strangers" (such as a widow) without the consent of blood heirs (such as the sisters).

The case proceeded from the Cairo and Alexandria British Consular Courts (February 24, 1886)<sup>59</sup> to Britain's Supreme Consular Court in Constantinople (May 28, 1886)<sup>60</sup> and finally to the Privy Council in London (March 17, 1888).<sup>61</sup> This series of hearings considered the question of jurisdiction; finally, the Privy Council decided that in Antun's case, "the law of Turkey governing the succession of a member of the Chaldean Catholic Community domiciled in Turkey [should] be followed." But which law was that, precisely? A new round of litigation began treating this question. Now the widow's lawyers argued that although Antun was an Ottoman subject, jurisdiction in his case followed his personal status and belonged to the Chaldean Church. In this case, the will would also be considered valid. This interpretation led to competing claims between the Egyptian branch of the church, which automatically received 5 percent of any estate under its jurisdiction, and the Baghdad church, which received "what the family could afford to give." In the end, the case was settled, by binding arbitration, largely in favor of the sisters.<sup>62</sup> By this time, lawyers' fees had absorbed some 25,000 pounds sterling.<sup>63</sup>

Ironically, all of these arguments were again heard by the British consular courts, despite the sole conclusion of the first round—that the British courts did *not* have jurisdiction over Antun's estate. In the context of empire, European justice systems often moved to endorse non-European law. The French justice system made such efforts in the Mediterranean context. But the Ottoman law that the British courts engaged in Antun's case had apparently already been codified in a Europeanized form during the third quarter of the nineteenth century.<sup>64</sup> Why did such vast ambiguity remain? And why was the British consular court the venue in which such questions should be decided?

The answer to these questions is outside the scope of this chapter, and the case of Antun Yussuf 'Abd al-Masih certainly deserves a careful, detailed study of its own.<sup>65</sup> A number of observations serve our purposes, however. First, it is clear that despite the vast nineteenth-century expansion of codified law in the Ottoman Mediterranean, the authority of a single

state over a single individual had not been established. When large sums of money were at stake, as in Antun's case, lawyers had no trouble questioning the principle of exclusive national affiliation. The arguments deployed in the case show that the lawyers found many ways to argue the question. The new formulations of nationality were a total puzzle, and this case revealed many of the inconsistencies of the emerging system.

Second, this case shows that courts of European imperial states (notably Britain and France) were preferred venues for jurisdictional litigation. This preference was the result of the authority and enforcement power of these strong states, rather than the regularity of their laws. Antun's case, as settled in arbitration by the British justice system, had nothing to do with British law. Despite the venue in which it was delivered, however, the conclusion of this case was that an Ottoman subject could not become a member of the British community in Alexandria purely "so as to attract to himself English law."<sup>66</sup> But the principle asserted by the court—that nationality and protection meant more than mere legal convenience—had long been a fiction for many bourgeois protégés in Alexandria.

Nationality games began with the dead, reclassifying bodies (such as that of Antun) that had already been objectified in legal process. It was, more properly, Antun's widow who discovered the change in protégé status—Antun himself was oblivious. There are numerous (but less lucrative) similar examples from various courts. In the decades that followed, arguments over national classification of individuals moved on to the living, however, and came to involve those who could not be fixed in national space as easily or permanently as could an interred corpse. The agency of the living created problems, certainly, but the settlement marched ever forward in its effort to answer two interrelated questions: who gets which nationality, and what is that nationality worth?

Even during their occupation of Egypt, the British repeatedly affirmed Ottoman legal sovereignty. Following a 1908 question in the British Parliament, for example, consular legal authorities determined that Ottoman law applied to real property in Egypt.<sup>67</sup> The case of Nicola Adamidis offers another example of capacious Ottoman nationality. He was born in Ottoman territory to a Greek father in 1838. He moved to Cairo in 1859, then to England in 1865, where he was naturalized three years later. In 1870, he asked the Secretary of State for a certificate allowing him to live outside the United Kingdom for more than six months without losing naturalization.



He received this certificate but did not take the necessary oath before returning to Egypt in 1874. He lived in Alexandria for the rest of his life, where he was a member of the Greek Orthodox church and “identified himself actively with the Greek Community and their charitable societies. But he registered himself at the British Consulate as a British subject and was always so regarded.”<sup>68</sup>

After Adamidis died while visiting Athens in July 1906, his heirs (a brother and seven nieces and nephews) asserted Adamidis’ British nationality. They did this because his will, which satisfied the terms of Greek law as well as that of the Orthodox Patriarchate (the law in Turkey relating to Ottoman subjects belonging to the Orthodox church), was invalid under English law. If Adamidis was a British subject, he would be ruled intestate, and his relatives stood to inherit more of his estate under intestacy law than they did under the terms of the will. Unfortunately for them, the British judge who heard the case ruled that Adamidis “was without a nationality. He had ceased to be a British subject and we have it in evidence that he was no longer a Greek subject.” It did not matter whether he was Greek, Egyptian, or Turkish domiciled, because the will was recognized under all three laws. Citing the ‘Abd al-Massih case, he ruled that Adamidis could not become a member of the British community “so as to attract to himself English law” and asserted that the same was probably true of the Greek community. Thus local law (Ottoman law) applied, which dictated that Adamidis was governed by his community (the Orthodox church).

Adamidis was reclassified in the grave. He had lived his whole life under consular protection, and his name featured in all consular lists of subjects.<sup>69</sup> Only after intense judicial scrutiny (and his own death) was his identity made to appear multiple and problematic and his British status ruled false. The contest over the nationality of Adamidis’ dead body was all about money, but the question of nationality was not only material but also physical.

Subaltern subjects felt the physicality of national jurisdiction. A prisoner transfer undertaken just before the British occupation shows how tightly bound were the Ottoman and Egyptian states at that point. The prisoner in question (a Maltese British subject named Giovanni Callus) had been convicted of theft by the British consular court in Alexandria and sentenced to five years of penal servitude in Malta. In the course of investigation, it was discovered that in 1870, Callus had escaped from the “Central Turkish

prison" in Istanbul, where he was serving another five-year sentence for theft. Before he could begin his sentence in Malta, he had to complete his sentence in Istanbul.<sup>70</sup>

Negotiations over the transfer reveal the complex relationship between empire and autonomous province. Initially, the Ottoman police requested the prisoner from the Egyptian foreign minister, by way of their own (Ottoman) foreign minister. The British consul-general in Alexandria (who had custody of Callus) refused this Egyptian intermediary, stating that the prisoner would only be handed over to local authorities upon a "properly attested [direct] request from the Ottoman authorities." Eventually (follow me here), Callus was transferred following an Ottoman request to the British consul in Istanbul, which was then conveyed to the British consulate in Alexandria, which then transferred the prisoner to the Egyptian police, who transferred him to the British prison in Istanbul, whence he was transferred to Turkish prison. The Egyptians could not sit at the bargaining table, but they could pass messages and of course the prisoner himself.

Womens' bodies were a key site of nationality contest. In 1902, Nafissa Hanım fled the Alexandria home of her husband, Shaikh Ahmad Sulaiman Pasha, a French protégé of Algerian origin, while he was away in Cairo. In order to compel her return, Shaikh Ahmad called on the *qadis* and *muftis* of the Islamic courts, the local police, and the French consular courts.<sup>71</sup> In hearings before the French consular tribunal, Nafissa resisted foreign protection, arguing against French jurisdiction over her, claiming the right to exercise Muslim (rather than French) personal status. The French court agreed that this was a case of Muslim personal status. Since 1896, however, it had been the consular tribunal and not the *qadi* that governed the personal status of French-administered Muslims in the Levant.<sup>72</sup> This new power was exercised according to French codification of Islamic law. In this case, the court referred to articles of its "Hanafi code" (both husband and wife being Hanafis), which showed that a Muslim man could indeed compel his wife to return to his home.

On this basis, the French consular court upheld Shaikh Ahmad's right to compel Nafissa to return. It remained for the court to spell out the means by which he could enforce this right. This was no trifling matter, for the French consular court often failed to see its sentences carried out. Nafissa's husband had a *fatwa* from the *mufti* of Alexandria allowing him to use the police ("*la force publique*") to force her to return. The tribunal agreed that it could not delay her return, even according to French procedure,

because Muslim law insists that the return be immediate. Nafissa was therefore ordered to return home at once, regardless of appeal.

Evidently, Nafissa did not comply; several weeks later, she attempted to have the judgment overturned because the means of its execution were not specified.<sup>73</sup> The court again ruled against her, stating that the means were multiple, not limited, and that force was not excluded. The tribunal announced that it must take into consideration procedures used in similar circumstances in the Muslim world. Correspondence on this topic with the governor of Alexandria was added to the dossier. His expert view showed that in Egypt (and in the Muslim world in general), judgments returning wives to their conjugal homes could be executed by means of constraint and even force.<sup>74</sup> Although Nafissa was not directly subject to this rule, under the French version of Muslim personal status law, she was subject to the norms in place in local Muslim society. The judgment was therefore confirmed.

Although her determined defense shows a sort of liberal legal agency, Nafissa was ultimately unable to escape her husband's control.<sup>75</sup> She managed for a time to exploit cracks in the legal apparatus, but the institutions eventually succeeded in uniting and imposing their will. Some have argued that the Egyptian legal reform of the late nineteenth century was liberal in its approach to individual rights.<sup>76</sup> Practical evidence suggests that any liberal face that the reformed justice system presented was incidental. Although expanded liberty was not a goal of the reform, it was sometimes an outcome. On a number of occasions, individuals were able to use their "rights" to oppose the ordained order. But universalizing legal personality, legal subjecthood, meant the end of legal pluralism in at least two senses. First, it meant the end of institutional choice for the elite, those who had the resources to forum shop. Second, it meant the end of the informal settlement option for many disputes involving nonelites. In the preceding era of the disinterested state, when communities had the power of self-regulation, many individuals chose not to involve the state in their disputes, resolving them instead (or not resolving them, as the case may be) according to any number of informal or ad hoc means. For good or ill, universal subjecthood meant the end of invisibility and the legal pluralism it offered.

Through all of this time, Ottoman was the default nationality. It was not the grounds for positive rights, but rather the status of last resort. This was the case of Miss Margaret Ann Gowans, a girl living in Istanbul who lost both her birth parents (nationality unknown) and her adoptive parents

(British). She was sent to work in Alexandria, where she was treated as an Ottoman subject, despite the best intentions of the British consulate to give her British protection.<sup>77</sup> It was also the case for a Tunisian-born Jew named Nessim Rahmin Benrubi, who failed to register at the French consulate when he moved to Egypt. When his widow sought Tunisian French subject status in 1912, she was told by the French consular court that her husband, by failing to register with the French consulate in Egypt, had become an Ottoman subject.<sup>78</sup> At the same time, numerous cases exist of Algerians and Tunisians receiving foreign protection even after holding Ottoman passports.<sup>79</sup>

### Conclusion: The Problem with Political Citizenship

The existing literature on citizenship focuses overwhelmingly on political rights, especially democratic and electoral politics. Although this focus largely corresponds to the major problematics of Western citizenship theory, it deadens analysis of legal, social, civil, and other forms of citizenship. The account I have just given of Ottoman-Egyptian nationality brackets the political—there was no democratic citizenship in Egypt—and excludes it from analysis. This move is not an idle, contrarian thought experiment. It is a corrective effort to get at citizenship as a general (and not merely Western) phenomenon.

A rich literature describes the inescapable, formative power of Western rationality (especially in the form of historicism) over any study of the non-West.<sup>80</sup> This literature is pessimistic, in a certain sense: the hegemony is insurmountable, and in any case it is hardly practical to dismantle the whole edifice of Western thought. The task of the postcolonial scholar is instead to explore and articulate the ramifications of this bias, to assist the unsteady progress of scholarship rather than clear the ground for some new project.<sup>81</sup> Early studies of postcolonial citizenships focused on political agency in the context of nationalist struggle, but more recent scholarship finds that political focus leaves little place for life as ordinarily lived in the postcolonial world. Postcolonial scholarship has instead emphasized the legal dimensions of citizenship.<sup>82</sup>

The focus on political citizenship impoverishes analysis of Middle Eastern citizenship in at least two ways. First, it condemns analysis of Middle East citizenship to pathologies of a body that is either immature or broken,

for which conventional definitions of citizenship are prescriptions. Second, it sets Middle Eastern historians seeking to restore honor to the region's past on an impossible quest for a Holy Grail of indigenous political citizenship that was destroyed by outside forces.<sup>83</sup> (In Egypt, the interwar period is the ground where this work takes place).<sup>84</sup> The citizenship that is (in Linda Bosniak's words) "portrayed as the most desired of conditions, as the highest fulfillment of democratic and egalitarian aspiration" haunts attempts to describe the global history of imperialism.<sup>85</sup> In their efforts to situate the Ottoman experience vis-à-vis this ideal, for example, Ottoman historians tend to lose sight of the differentiated nature of Western citizenship itself.<sup>86</sup>

Outside the Middle East, the privileging of politics also engenders problems in any empirically informed study of citizenship. Mass nonparticipation in electoral politics in democratic Western states points to the limits of this model. Or, to take a multilevel citizenship example: European regionalism has been at its heart an economic phenomenon; its democratic counterpart is yet (if ever) to be fully realized.<sup>87</sup> The United Nations, the World Trade Organization, and a host of other international bodies offer no political participation to the world's citizens, despite their military and economic authority over citizens' lives. How to cast these and other cases as anything but pathologies? Multilevel citizenship might reframe political participation as a relatively rare practice within the broader field of citizenship. It might instill skepticism about any exclusive and singular labels of national affiliation. Evidence from late Ottoman Egypt suggests that these disorienting moves can move us closer to an understanding of citizenship as it is most commonly (if not ideally) experienced.

33. On the absence of a coherent philosophy of immigration in the United States, see Elizabeth F. Cohen, “Carved from the Inside Out: Public Philosophies of Immigration and Citizenship in the United States,” in *Debating Immigration*, ed. Carol Swain (New York: Cambridge University Press, 2007).

34. Gillian Johnston and Ann Morse, “2010 Immigration-Related Laws and Resolutions in the States,” report (Immigrant Policy Project, National Conference of State Legislatures, January 5, 2011), <http://www.ncsl.org/default.aspx?tabid=21857>.

35. Although there were 197 pieces of legislation enacted in 2011, some of these individual laws strongly mirrored other laws enacted in individual states and appeared to have the same intended impact as other laws enacted in individual states. Due to this overlap, our data established that although there were 197 *total* pieces of legislation enacted in the states, there were only 191 *distinct* pieces of legislation enacted in the states. In Louisiana, two separate bills dealing with employer contracts and the E-verify system were enacted. In California, three separate laws providing more tuition benefits to noncitizens were enacted. Oklahoma passed three separate laws related to the licensing of police and peace officers. Utah enacted two bills related to sex offenders that also required the registration of immigration status. Due to the same intended consequences of these laws, they were condensed in the coding process as representing four distinct laws rather than ten separate laws.

36. For a discussion of the origin and meaning of probationary periods in U.S. citizenship law, see Elizabeth F. Cohen, “Reconsidering US Immigration Reform: The Temporal Principle of Citizenship,” *Perspectives on Politics* 9, no. 3 (2011): 575–583.

37. “The Right to Travel,” annotations to the U.S. Constitution, Fourteenth Amendment, p. 33 (FindLaw: For Legal Professionals, 2012), <http://caselaw.lp.findlaw.com/data/constitution/amendment14/33.html#f1>.

38. On relationships between documented and undocumented persons and families, see Jeffrey S. Passel and D’Vera Cohn, “Unauthorized Immigrant Population: National and State Trends, 2010” (Pew Hispanic Center, Pew Research Center, February 1, 2011), <http://njdac.org/blog/wp-content/plugins/downloads-manager/upload/2010%20undocumented%20trends%20by%20state.pdf>.

39. For a recent discussion of these issues, see Pratheepan Gulsekaram and Rose Cuison Villazor, “Sanctuary Policies and Immigration Federalism: A Dialectic Analysis,” *Wayne Law Review* 55 (2009): 1683–1724.

## Chapter 5

1. The chief works in this vein include Ariel Salzmann, “An Ancien Regime Revisited: ‘Privatization’ and Political Economy in the Eighteenth-Century Ottoman Empire,” *Politics and Society* 21, no. 4 (December 1993): 393–423; Dina Rizk Khoury, *State and Provincial Society in the Ottoman Empire: Mosul, 1540–1834* (Cambridge: Cambridge University Press, 1997); Eugene L. Rogan, *Frontiers of the State in the Late Ottoman Empire?: Transjordan, 1850–1921* (Cambridge: Cambridge University Press, 1999); Ussama Makdisi, *The Culture of Sectarianism: Community, History, and Violence*

in *Nineteenth-Century Ottoman Lebanon* (Berkeley: University of California Press, 2000); Jens Hanssen, Thomas Philipp, and Stefan Weber, eds., *The Empire in the City: Arab Provincial Capitals in the Late Ottoman Empire*, Beirut Texts and Studies Bd. 88 (Würzburg: Ergon in Kommission, 2002); Selim Deringil, "‘They Live in a State of Nomadism and Savagery’: The Late Ottoman Empire and the Post-Colonial Debate," *Comparative Studies in Society and History* 45, no. 2 (2003): 311–342; Marc Aymes, "Provincialiser l’empire: Chypre et la Méditerranée ottomane au XIXe siècle," *Annales* 62, no. 6 (2007): 1313–1344. For a convenient summary (though emphasizing the eighteenth century), see Dina Khoury, "The Ottoman Centre vs. Provincial Power Holders," in *The Cambridge History of Turkey*, vol. 3: *The Later Ottoman Empire, 1603–1839*, ed. Suraiya Faroqhi (Cambridge: Cambridge University Press, 2006), 135–156.

2. One not so good reason is the longstanding gulf (and sometimes rivalry) between historians of Egypt who use Ottoman-language sources and those who use Arabic. A recent generation of historians aims to bridge this gulf. For the eighteenth century, see Alan Mikhail, *Nature and Empire in Ottoman Egypt: An Environmental History*, Studies in Environment and History (Cambridge: Cambridge University Press, 2011); James E. Baldwin, "Islamic Law in an Ottoman Context: Resolving Disputes in Late 17th/Early 18th-Century Cairo" (PhD diss., New York University, 2010).

3. This consensus is so widespread that Egypt’s independence is assumed rather than argued. For a sense of the position, consult Israel Gershoni and James P. Jankowski, *Egypt, Islam, and the Arabs: The Search for Egyptian Nationhood, 1900–1930* (New York: Oxford University Press, 1987); James P. Jankowski and Israel Gershoni, eds., *Rethinking Nationalism in the Arab Middle East* (New York: Columbia University Press, 1997); M. W. Daly, ed., *The Cambridge History of Egypt*, vol. 2: *Modern Egypt, from 1517 to the End of the Twentieth Century* (Cambridge: Cambridge University Press, 1998).

4. For powerful summary interpretations of this broad literature, see Frederick Cooper, *Colonialism in Question: Theory, Knowledge, History* (Berkeley: University of California Press, 2005); Jane Burbank and Frederick Cooper, *Empires in World History: Power and the Politics of Difference* (Princeton, NJ: Princeton University Press, 2010).

5. Eve Troutt Powell, *A Different Shade of Colonialism: Egypt, Great Britain, and the Mastery of the Sudan* (Berkeley: University of California Press, 2003), is an example with an Egyptian setting. Much of this work has been decidedly Western in focus: Daniel Gorman, *Imperial Citizenship: Empire and the Question of Belonging* (Manchester: Manchester University Press, 2006).

6. Here my thinking has been informed by writing about migration and multiculturalism. Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford University Press, 1996); Rebecca Saunders, ed., *The Concept of the Foreign* (Lanham, MD: Lexington Books, 2003); Linda Bosniak, *The Citizen and the Alien: Dilemmas of Contemporary Membership* (Princeton, NJ: Princeton University Press, 2006); Charles Taylor and Amy Gutmann, *Multiculturalism: Examining the Politics of Recognition* (Princeton, NJ: Princeton University Press, 1994).

7. Revision of legal rights is the place to start. See, for instance, Sherene H. Razack, “The ‘Sharia Law Debate’ in Ontario: The Modernity/Premodernity Distinction in Legal Efforts to Protect Women from Culture,” *Feminist Legal Studies* 15, no. 1 (January 2007): 3–32.

8. Ariel Salzmann, “Citizens in Search of a State: The Limits of Political Participation in the Late Ottoman Empire,” in *Extending Citizenship, Reconfiguring States*, ed. Michael P. Hanagan and Charles Tilly (Lanham: Rowman & Littlefield, 1999), 37–66; Engin F. Isin, “Citizenship after Orientalism: Ottoman Citizenship,” in *Citizenship in a Global World: European Questions and Turkish Experiences*, ed. Fuat Keyman and Ahmet Icduygu (New York: Routledge, 2005), 31–51.

9. Rogers Brubaker, *Citizenship and Nationhood in France and Germany* (Cambridge: Harvard University Press, 1992).

10. Notable studies of imperial citizenship that display this tendency include Elizabeth Thompson, *Colonial Citizens: Republican Rights, Paternal Privilege, and Gender in French Syria and Lebanon* (New York: Columbia University Press, 2000); Alice L. Conklin, *A Mission to Civilize: The Republican Idea of Empire in France and West Africa, 1895–1930* (Stanford, CA: Stanford University Press, 1997); Gary Wilder, *The French Imperial Nation-State: Negritude & Colonial Humanism between the Two World Wars* (Chicago: University of Chicago Press, 2005); Tamara Lynn Loos, *Subject Siam: Family, Law, and Colonial Modernity in Thailand* (Ithaca: Cornell University Press, 2006).

11. On the danger of using actors’ categories as analytical categories, see Rogers Brubaker and Frederick Cooper, “Beyond ‘Identity,’” *Theory and Society* 29 (2000): 1–47.

12. A notable recent exception is Ilham Khuri-Makdisi, *The Eastern Mediterranean and the Making of Global Radicalism, 1860–1914* (Berkeley: University of California Press, 2010).

13. Timothy Mitchell, *Rule of Experts: Egypt, Techno-politics, Modernity* (Berkeley: University of California Press, 2002), 180–181.

14. The outstanding example of this narrative is Afaf Lutfi Sayyid-Marsot, *A Short History of Modern Egypt* (Cambridge: Cambridge University Press, 1985).

15. Ehud R. Toledano, *State and Society in Mid-Nineteenth-Century Egypt*, Cambridge Middle East Library: 22 (Cambridge: Cambridge University Press, 1990); Khaled Fahmy, *All the Pasha’s Men: Mehmed Ali, His Army, and the Making of Modern Egypt*, Cambridge Middle East Studies: 8 (Cambridge: Cambridge University Press, 1997). On the royalist narrative, see Yoav Di-Capua, *Gatekeepers of the Arab Past: Historians and History Writing in Twentieth-Century Egypt* (Berkeley: University of California Press, 2009).

16. All three terms are used, for example, in a case file from 1881: Foreign Office records, National Archives, London (hereinafter FO) 847/3/17. See also Ami Ayalon, *Language and Change in the Arab Middle East: The Evolution of Modern Political Discourse* (New York: Oxford University Press USA, 1987); Di-Capua, *Gatekeepers of the Arab Past*, 49–50.



17. Gershoni and Jankowski, *Egypt, Islam, and the Arabs*.
18. A reissued Ottoman novel on this episode is Bekir Fahri, *Jönler* (Istanbul: İletisim Yayınları, 1985).
19. Classics of this literature include C. Ernest Dawn, *From Ottomanism to Arabism: Essays on the Origins of Arab Nationalism* (Champaign: University of Illinois Press, 1973); Hasan Kayali, *Arabs and Young Turks: Ottomanism, Arabism, and Islamism in the Ottoman Empire, 1908–1918* (Berkeley: University of California Press, 1997); Butrus Abu Manneh, “The Christians Between Ottomanism and Syrian Nationalism: The Ideas of Butrus al-Bustani,” *International Journal of Middle Eastern Studies* 2 (1980): 287–304; William L. Cleveland, *The Making of an Arab Nationalist: Ottomanism and Arabism in the Life and Thought of Sati‘ Al-Husri*, Princeton Studies on the Near East (Princeton, NJ: Princeton University Press, 1971). More recently, see Jens Hanssen, Thomas Philipp, and Stefan Weber, eds., *The Empire in the City: Arab Provincial Capitals in the Late Ottoman Empire* (Würzburg: Ergon in Kommission, 2002); Abigail Jacobson, “Negotiating Ottomanism in Times of War: Jerusalem During World War I Through the Eyes of a Local Muslim Resident,” *International Journal of Middle East Studies* 40, no. 1 (2008): 88a; Michelle Campos, *Ottoman Brothers: Muslims, Christians, and Jews in Early 20th Century Palestine* (Stanford, CA: Stanford University Press, 2010).
20. For the text of the law, see Pierre Arminjon, *Étrangers et protégés dans l’Empire ottoman* (Paris: A. Chevalier-Maresq & cie, 1903), 330–332.
21. Ayalon, *Language and Change in the Arab Middle East*, 43–53.
22. This role was especially emphasized by Sultan Abdul Hamid II (r. 1876–1909). See Selim Deringil, *The Well-Protected Domains: Ideology and the Legitimation of Power in the Ottoman Empire, 1876–1909* (London: I. B. Tauris, 1998); Mona Hassan, “Loss of Caliphate: The Trauma and Aftermath of 1258 and 1924” (PhD diss., Princeton University, 2009).
23. Di-Capua, *Gatekeepers of the Arab Past*, 63 (quotation), 75, and passim.
24. The French archetype is most clearly explained in Brubaker, *Citizenship and Nationhood in France and Germany*; Patrick Weil, *How to Be French: Nationality in the Making Since 1789* (Durham, NC: Duke University Press, 2008). For citizenship in the United States during this period, start with William J. Novak, “The Legal Transformation of Citizenship in Nineteenth-Century America,” in *The Democratic Experiment: New Directions in American Political History*, ed. Meg Jacobs, Julian E. Zelizer, and William J. Novak (Princeton, NJ: Princeton University Press, 2003), 85–119; Barbara Young Welke, *Law and the Borders of Belonging in the Long Nineteenth Century United States*, 1st ed. (Cambridge: Cambridge University Press, 2010).
25. T. H. Marshall, *Citizenship and Social Class, and Other Essays* (Cambridge: Cambridge University Press, 1950).
26. Gianluca Paolo Parolin, *Citizenship in the Arab World: Kin, Religion and Nation-State* (Amsterdam: Amsterdam University Press, 2009).

27. A similar argument animates Turan Kayaoğlu, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China* (Cambridge: Cambridge University Press, 2010). On the capitulations generally, see Maurits H. van den Boogert, *The Capitulations and the Ottoman Legal System: Qadis, Consuls, and Beratlis in the 18th Century*, Studies in Islamic Law and Society (Leiden: Brill, 2005).

28. Parolin, *Citizenship in the Arab World*, 74.

29. For the edict announcing Egyptian nationality, see *al-Waqa'i' al-Misriya* 70, no. 74 (July 4, 1900): 1.

30. An 1899 example can be found in Başbakanlık Ottoman Archives (hereinafter BOA) DH TMIK M 62/65.

31. Parolin, *Citizenship in the Arab World*, 80.

32. Parolin, *Citizenship in the Arab World*, 79.

33. Parolin, *Citizenship in the Arab World*, 75.

34. Parolin, *Citizenship in the Arab World*, 80.

35. The best elaboration of the provincial results of Tanzimat “emancipation” is Makdisi, *The Culture of Sectarianism*.

36. Feroz Ahmad, “Mukhtār Pasha,” *Encyclopaedia of Islam*, vol. 7, 2nd ed., ed. C. E. Bosworth, E. van Donzel, W. P. Heinrichs, and C. Pellat (Leiden: Brill, 1993); M. Cavid Baysun, “Muhtar Paşa,” in *Diyanet İslâm Ansiklopedisi* (Istanbul: Türkiye Diyanet Vakfı, 1979).

37. Roger Owen, *Lord Cromer: Victorian Imperialist, Edwardian Proconsul* (Oxford: Oxford University Press, 2004); Afaf Lutfi Sayyid-Marsot, *Egypt and Cromer: A Study in Anglo-Egyptian Relations* (London: Murray, 1968).

38. The administrative history of the Ottoman Empire is, as Carter Findley reminds us, a topic of “world historical importance.” Three decades after his path-breaking study, there are still vast unknown realms in this history. Carter V. Findley, *Bureaucratic Reform in the Ottoman Empire: The Sublime Porte, 1789–1922*, Princeton Studies on the Near East (Princeton, NJ: Princeton University Press, 1980), 5.

39. Joel Beinin explores this term in more than one context: *Workers on the Nile: Nationalism, Communism, Islam, and the Egyptian Working Class, 1882–1954*, Princeton Studies on the Near East (Princeton, NJ: Princeton University Press, 1987); *The Dispersion of Egyptian Jewry: Culture, Politics, and the Formation of a Modern Diaspora* (Cairo: American University in Cairo Press, 2005).

40. Ministère des Affaires Étrangères, Centre des Archives Diplomatiques de Nantes (hereinafter CADN) Alexandrie 442 (“Au sujet du changement de nationalité des tunisiens qui désirent acquérir la nationalité égyptienne, 1913–26”). This folder contains thirty-odd letters concerning this question.

41. Dror Ze'evi, *Producing Desire: Changing Sexual Discourse in the Ottoman Middle East, 1500–1900*, Studies on the History of Society and Culture: 52 (Berkeley: University of California Press, 2006), 66.

42. Boogert, *The Capitulations and the Ottoman Legal System*, 33, citing Colin Imber.

43. Even scholars who put recognition of this fact at the center of their analyses often keep their gaze fixed on the horizon of political participation. For instance, Mahmood Mamdani, “Beyond Settler and Native as Political Identities: Overcoming the Political Legacy of Colonialism,” *Comparative Studies in Society and History* 43, no. 4 (October 2001): 651–664.

44. For an overview of this legal system, see my essay “The 1876–83 Reform and Its Implementation: Many Institutions or One?” in *New Approaches to Modern Egyptian Legal History*, ed. Khaled Fahmy and Amr Shalakany (Cairo: American University in Cairo Press, forthcoming).

45. Quoted in Daniel Panzac, “Alexandrie: évolution d’une ville cosmopolite au XIXe siècle,” *Annales Islamologiques* 14 (1978): 195.

46. Kenneth Cuno and Michael J. Reimer, “The Census Registers of Nineteenth-Century Egypt: A New Source for Social Historians,” *British Journal of Middle Eastern Studies* 24, no. 2 (November 1997): 204–205.

47. Quoted in Justin McCarthy, “Nineteenth-Century Egyptian Population,” *Middle Eastern Studies* 12, no. 3 (1976): 9.

48. Ottoman censuses have their own historiography. See Cem Behar, “Qui compte? Recensements et statistiques démographiques dans l’Empire ottoman du XVIe au XXe Siècle,” *Histoire & Mesure* 13 (1998): 135–146; Cem Behar, “Sources pour la démographie historique de l’Empire ottoman: Les tahrirs (dénombrements) de 1885 et 1907,” *Population* 53, nos. 1–2 (1998): 161–178; Ipek K. Yosmaoglu, “Counting Bodies, Shaping Souls: The 1903 Census and National Identity in Ottoman Macedonia,” *International Journal of Middle East Studies* 38, no. 1 (2006): 55–77.

49. Egypt, Direction du Recensement, *Recensement général de l’Égypte, 15 Gamad Akher 1299—3 Mai 1882* (Le Caire: Imprimerie Nationale de Boulaq, 1884), French introduction: 25, Arabic introduction: page *kaf*.

50. Egypt, Direction du Recensement, *Recensement général*, section 1: 9.

51. Egypt, Direction du Recensement, *Recensement général*, French introduction: 14–15.

52. Daniel Panzac, “The Population of Egypt in the Nineteenth Century,” *Asian and African Studies* 21 (1987): 11–15.

53. Panzac, “The Population of Egypt,” 26–27. Much of the jump in foreign numbers in 1917, for example, is due to the addition of more than 11,000 Ottoman foreigners who were previously considered local subjects.

54. The only essay that explores the mentality of census takers to any degree is Roger Owen, “The Population Census of 1917 and Its Relationship to Egypt’s Three Nineteenth-Century Statistical Regimes,” *Journal of Historical Sociology* 9, no. 4 (December 1996): 457–472. As far as the purely statistical studies are concerned, the best critique (and the best job of catching irregularities, such as the presence of Sudanese in local population counts [p. 28]) is McCarthy, “Nineteenth-Century Egyptian Population.”

55. The 1917 census is the only one for which methodology was recorded. See analysis in Owen, “Population Census.”

56. See, for instance, an age verification of a child sentenced to prison in 1910. BOA DH SN THR 15/4.

57. FO 847/39/35 (*Rex vs. Farag Douek*, 1908).

58. A similar inaccuracy characterizes the description of Ahmed Mohamed Bahadur, tried in the Native Courts for the murder of a British subject, as an “Ottoman subject.” (FO 847/49/3 (Inquest on body of Regina Laredo nee Ebbo, 1913).

59. FO 847/9/11 (Re Antoun Youssef Abdel Messieh, 1885).

60. See especially FO 97/617 (Anton Wousouf Abdul Messih Succession, 1886–1900).

61. See FO 847/9/11 (Re Antoun Youssef Abdel Messieh, 1885) and especially FO 97/617 (Anton Wousouf Abdul Messih Succession, 1886–1900).

62. Most of the details in this sketch are drawn from the arbiter’s report, contained in FO 847/9/11 (Re Antoun Youssef Abdel Messieh, 1885).

63. FO 847/29/3 (*John Grech Mifsud vs. Bank of Egypt Ltd.*, 1899).

64. Relevant studies of the later nineteenth century include Iris Agmon, “Recording Procedures and Legal Culture in the Late Ottoman Shari’a Court of Jaffa, 1865–1890,” *Islamic Law & Society* 11, no. 3 (July 2004): 333–377; Iris Agmon, *Family & Court: Legal Culture and Modernity in Late Ottoman Palestine*, Middle East Studies Beyond Dominant Paradigms (Syracuse: Syracuse University Press, 2006); Avi Rubin, “Ottoman Judicial Change in the Age of Modernity: A Reappraisal,” *History Compass* 7, no. 1 (2009): 119–140; Avi Rubin, *Ottoman Nizamiye Courts: Law and Modernity* (New York: Palgrave Macmillan, 2011).

65. The case represents an earlier exploration of the citizenship debates examined in Sarah Abrevaya Stein, “Protected Persons? The Baghdadi Jewish Diaspora, the British State, and the Persistence of Empire,” *American Historical Review* 116, no. 1 (February 1, 2011): 80–108.

66. See citation in judgment notes, FO 847/36/1 (Estate of Nicola Adamidis, 1906), discussed below. The judge applied the same reasoning to Adamidis’s attempts to join the British and the Greek communities in Alexandria.

67. FO 369/138 (1908).

68. FO 847/36/1 (Estate of Nicola Adamidis, 1906) and FO 847/43/54 (Estate of Nicola Adamidis, 1909).

69. See, for instance, the list of naturalized subjects in the consular census of 1888–1889, (FO 881/5968).

70. FO 847/2/47 (Regina vs. Giovanni Callus, 1880).

71. CADN Alexandrie 532/p37 (Cheik Ahmed Soloman Pacha c. Nefissa Hanem née Zohni, 7 April 1902). See also Nafissa’s consular registration dossier, (CADN Alexandrie 50/1269). For more on obedience and cohabitation, including the finding that such cases constituted five percent of marriage-related cases in a *shari’a* court sample from turn-of-the-century Daqahliyah, see Kenneth M. Cuno, “Disobedient Wives and Neglectful Husbands: Marital Relations and the First Phase of Family Law Reform in Egypt,” in *Family, Gender, and Law in a Globalizing Middle East and South Asia*, ed.

Kenneth Cuno and Manisha Desai (Syracuse, NY: Syracuse University Press, 2009), 3–18; Judith E. Tucker, *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine* (Berkeley: University of California Press, 1998).

72. This change is detailed in the article “Nos protégés musulmans,” *La Réforme* (August 1896), which is enclosed in CADN Alexandrie 109, folder “Questions relatives au statut personnel des protégés et catholiques sujets locaux.”

73. CADN Alexandrie 532/p43b (Nefissa Hanem c. Cheik Ahmed Soloman Pacha, 30 April 1902).

74. In his letter of April 24, 1902 (no. 16), the governor cited a Khedival decree to this effect, which is certainly that 1897 Egyptian civil procedure code discussed in Cuno, “Disobedient Wives and Neglectful Husbands,” 10–11. As Cuno argues, the right to compel return was an innovation—before 1897, the most severe sanction for departure was loss of maintenance. Clearly, the five-year-old procedure code was transmitted into the French system in the guise of “advice” about “local practice.”

75. When Ahmed died in 1908, Nefissa was registered as his widow. CADN Alexandrie 56/1733.

76. Nathan Brown surveys the “liberal legality” hypothesis in *The Rule of Law in the Arab World: Courts in Egypt and the Gulf*, Cambridge Middle East Studies: 6 (Cambridge: Cambridge University Press, 1997), 8–11, 49–56, and *passim*.

77. FO 847/36/13 (Miss Margaret Ann Gowans, 1906). See also Nazan Maksudyan, “The Fight over Nobody’s Children: Religion, Nationality and Citizenship of Foundlings in the Late Ottoman Empire,” *New Perspectives on Turkey* 41 (Fall 2009): 151–180.

78. CADN Alexandrie 537/p8 (Anissa fille de Youssef Cohen Solal Solal, 12 April 1912). This proved advantageous for the widow Anissa, however: Ottoman nationality was not transferred to foreign wives, so when her husband died she reverted to her original status (inherited from her father), which was that of an Algerian French protégé.

79. CADN Recensement des algériens 1061 (1880), 1306, 1307, 1310 (1892), 1497 (1903), 1972 (1914); Recensement des tunisiens 305 (1883).

80. Key references include Dipesh Chakrabarty, *Provincializing Europe: Postcolonial Thought and Historical Difference*, Princeton Studies in Culture/Power/History (Princeton, NJ: Princeton University Press, 2000); Prasenjit Duara, *Rescuing History from the Nation: Questioning Narratives of Modern China* (Chicago: University of Chicago Press, 1995); Cooper, *Colonialism in Question*.

81. For a call to expand the European-dominated paradigm, based on Asian evidence of transnationalism, see Elaine Lynn-Ee Ho, “Citizenship, Migration and Transnationalism: A Review and Critical Interventions,” *Geography Compass* 2, no. 5 (September 2008): 1294–1296. She also argues that the literature on migration and citizenship suffers from an analytical bias toward receiving states (1292).

82. Signal examples of this work include Mahmood Mamdani, *Citizen and Subject: Contemporary Africa and the Legacy of Late Colonialism*, Princeton Studies in Culture/Power/History (Princeton, NJ: Princeton University Press, 1996).

83. This point is also made in Isin, “Citizenship after Orientalism.”

84. Afaf Lutfi Sayyid-Marsot, *Egypt’s Liberal Experiment, 1922–1936* (Berkeley: University of California Press, 1977); Marius Deeb, *Party Politics in Egypt: The Wafd and Its Rivals, 1919–1939*, St. Antony’s Middle East Monographs: 9 (London: Ithaca Press for the Middle East Centre, St Antony’s College, Oxford, 1979).

85. Bosniak, *The Citizen and the Alien*, 1.

86. Salzmann, “Citizens in Search of a State,” 5; Isin, “Citizenship after Orientalism,” 44.

87. Joe Painter, “Multi-level Citizenship, Identity and Regions in Contemporary Europe,” in *Transnational Democracy: Political Spaces and Border Crossings*, ed. James Anderson (New York: Routledge, 2002), 10–12. For an argument that European integration has long been about much more than economics, namely a political project of transcending borders and building a European community of people, see Willem Maas, *Creating European Citizens* (Lanham, MD: Rowman & Littlefield, 2007).

## Chapter 6

1. Mary Backus Rankin, *Early Chinese Revolutionaries: Radical Intellectuals in Shanghai and Chakiang, 1902–1911* (Cambridge, MA: Harvard University Press, 1971), 86–95. See also Peter Zarrow, *China in War and Revolution, 1895–1949* (London: Routledge, 2005).

2. At times, citations in this chapter will call this the *Su Pao* case. That difference in spelling, like the occasional differences in spelling proper names, is the result of historical changes in methods of transliteration.

3. Engin F. Isin, “Citizenship in Flux: The Figure of the Activist Citizen,” *Subjectivities* 29 (2009): 367, 383.

4. See, e.g., Tamar Herzog, *Defining Nations: Immigrants and Citizens in Early Modern Spain and Spanish America* (New Haven, CT: Yale University Press, 2003); Jack P. Greene, *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States, 1607–1788* (Athens: University of Georgia Press, 1986).

5. Harold Z. Shiffrin, *Sun Yat Sen and the Origins of the Chinese Revolution* (Berkeley: University of California Press, 1968), 39–40.

6. Philip C. Huang, *Liang Ch’i-ch’ao and Modern Chinese Liberalism* (Seattle: University of Washington Press, 1972), 24.

7. See generally Zarrow, *China in War and Revolution*, especially Part I.

8. Peter Zarrow, “The Reform Movement, the Monarchy, and Political Modernity,” in *Rethinking the 1898 Reform Period: Political and Cultural Change in Late Qing China*, ed. Rebecca Karl and Peter Zarrow (Cambridge, MA: Harvard University Press, 2002), 17, 18.

9. Marius Jansen, *The Japanese and Sun Yat-sen* (Cambridge, MA: Harvard University Press, 1954), 78–80; Schiffrin, *Sun Yat Sen*, 65; Frank Fe Wong, “Liang Ch’i-Ch’ao and the Conflict of Confucian and Constitutional Politics” (PhD diss., University of Wisconsin, 1965), 21, 50, 63–65.