

A RIOT IN THE VILLAGE OF “KAFR SHUBRAHŪR”

A CASE STUDY ON THE IMPACT OF THE ESTABLISHMENT OF PRIVATE LAND OWNERSHIP ON PEASANTS IN 19TH CENTURY EGYPT

Hiroshi KATO

Preface

The complicated judicial condition of land tenure and the rapid economic development under the cotton monocultural agrarian structure led to the widespread conflicts between landlords and peasants in the latter half of 19th century Egypt. A typical case was the riot of Kafr Shubrahūr's villagers against their landlord for five years from 1893 to 1898, on which the Mixed Court of Mansūra passed judgement on 15 November 1898.

Kafr Shubrahūr was a small village in Daqahlīya Province, whose owner changed many times since its formation in 1829/30 as a cotton farm in the estate of Muḥammad ‘Alī (ruled 1805-48) until it was finally sold by the Commission des Domaines de l'État to ‘Īsā Pasha Hamdī, the plaintiff of this trial, in 1893.

The aim of this article is firstly to describe the structure of this village at the moment of this trial, secondly to reconstruct its history, thirdly to introduce Kafr Shubrahūr trial and finally to discuss the socio-economic and judicial background of the above mentioned riot, especially the impact of the establishment of private land ownership on its villagers, based upon the decision of the Mixed Court on Kafr Shubrahūr trial, Egyptian censuses taken since 1880's and other source-materials.¹

I The Structure of Village “Kafr Shubrahūr”

Kafr Shubrahūr was one of the fifteen small villages belonging to Sinbel-lawein District (*markaz*) in Daqahlīya Province (*mudīrīya*), which were newly formed and registered as administrative units (*nawāḥ*ⁱⁿ, sing. *nāḥiya*) in the 19th

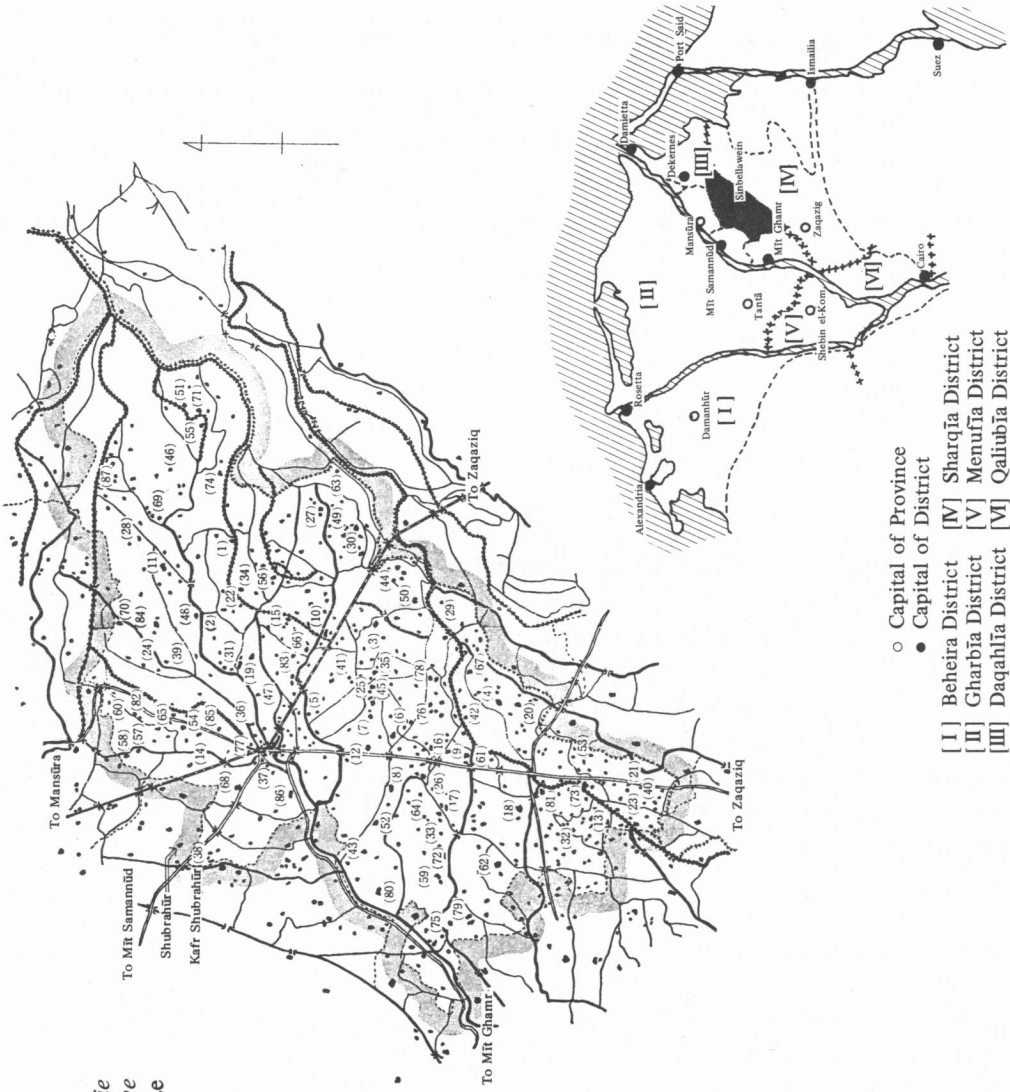
¹ This is the abridgement of my article written in Japanese in *the Memoirs of the Institute of Oriental Culture*, No. 87, November 1981, Fortieth Anniversary Issue, Part Two, the Institute of Oriental Culture, The Univ. of Tokyo, pp. 51-116.

Sinbellawein District

(Source: A. Boinet, *Géographie Économique et Administrative de l'Égypte, Basse-Égypte I*, Le Caire, 1902.)

- + + + + Border of Province
- Border of District
- ==== National Railway
- ==== Road
- ==== Irrigation Canal (qanāt)
- Drainage Canal (maşraf)
- ⌈ Bridge
- Houses

Numeral is village number in the table at the end of this paper.



century after the cadastral survey was performed in 1813-4 by Muḥammad 'Alī. Most of these new villages owed their origins to the farms ('*izba*, sing. '*izba*'), whose main crop was cotton, and were constructed in the estates (*jafālik*, sing. *jiflik*) of royal families or the newly-opened land (*ab'ādīya* land) granted with the privilege of tax exemption to the ruler's senior officials, most of whom were Turco-Egyptians, following the last stage of Muḥammad 'Alī's rule. Kafr Shubrahūr was one of these villages formed as '*izba*.²

According to the census of 1897 in which Kafr Shubrahūr case was on trial in the Mixed Court of Mansūra, the number of houses was 113 and that of villagers 703, namely 341 men and 362 women, all of whom were Egyptian, including 30 male and 24 female nomads. Except 4 Coptic Christians, all of them were Muslims for whom there were one mosque, some small prayer sites (*zāwiya*) and one Koran school (*kuttāb*). The villagers inhabited the three *izbas* as dependent housing areas which were called after their founders, as well as the village housing area (*nāḥiya*). The number of inhabitants in each housing area was as follows; that of *nāḥiya* was 449, 'Izba 'Abd al-Raḥmān Bey Ibrāhīm 28, 'Izba Aḥmad Bey Hamdī 26 and 'Izba Muḥammad Sharīn Pasha 200.³ The village housing area composing 5 *feddāns*, 15 *qīrāts* and 16 *sahms* was situated in the land unit (*ḥawḍ*) named "Dā'ir al-Nāḥiya", on which were found more than 80 buildings such as a meeting-place (*dawwār*) and houses of estate overseers (*nuḥḥār*), a stable guarder, a scribe and cultivators.⁴

The area of cultivated land belonging to this village was 885 *feddāns*.⁵ We can confirm at least the following seven landowners; 'Īsā Pasha Hamdī, the plaintiff of Kafr Shubrahūr trial, three '*izba* owners, namely, 'Abd al-Raḥmān Bey Ibrāhīm, Aḥmad Bey Hamdī, Muḥammad Sharīn Pasha, two heirs of 'Abd al-Malik Ibrāhīm and a mosque. 'Abd al-Malik Ibrāhīm was the only person among villagers who acquired land composing about 8 *feddāns* and 9 *qīrāts* sometime from 1849 to 1863, and a mosque possessed land because Muḥammad 'Alī bequeathed 0.87 *feddān* as *waqf* for its maintenance at the time of the formation of this village as will be pointed out below.⁶

The cultivated land concerned was irrigated by Orman and Chenfas Canals to the west of this village and many small canals (*nili* canals). As to the irrigation instruments there were one steam pump on the bank of Orman

2 The age of village formation, the number of '*izba*, the area of cultivated land (measure: *feddān*), the number of inhabitants, that of land unit (*ḥawḍ*) and minimum/maximum land tax value imposed on land units (measure: *millīm* = 1/1000 Egyptian pound) of 87 villages belonging to Daqaḥlīya Province at the end of the 19th century and the beginning of the 20th century are included in the table at the end of this paper.

3 A. Boinet, *Géographie Économique et Administrative de l'Égypte*. Basse-Égypte I, Le Caire, 1902, p. 391.

4 Tribunal Mixte Civil de Mansourah, *Conclusions. Audience du 15 Novembre 1898*, Le Caire, 1898, pp. 6, 16. (Hereafter *Conclusions*.) 1 *feddān* (= 1.038 acre) = 24 *qīrāts*, 1 *qīrāt* = 24 *sahms*.

5 Boinet, *op. cit.*, p. 391.

6 *Conclusions*, pp. 16, 31.

Canal, six *sāqiyas* and seven *tabūts*. The land was drained by Tanbūl al-Jadīd Drainage Canal (*maşraf*), a branch of Shawa Drainage Canal. Main crops were cotton, wheat, maize, Egyptian clover (bersim), barley, broad bean (*fūl*), onion and many other kinds of vegetables, besides 9 date trees and many acacias, tamarisks, fig trees and lebbakhs (a kind of tamarisk). As to animals there were 40 cows and oxen, 65 buffaloes, 240 sheep, 8 goats, 2 camels, 51 donkeys, 4 draught horses, 4 horses and a lot of rabbits, fowls, pigeons and bees. There was no other industry except agriculture. The weekly fair was opened in Sinbellawein, capital of Sinbellawein District, at a distance of one hour and 50 minutes' walk from this village.

In addition, there were some village ponds (*birak*, sing. *birka*), one bridge on the Orman Canal and an agricultural road to Mīt Samannūd passing by this village. The nearest station to the agricultural railroad was that of Shubrahūr at a distance of 30 minutes' walk and the nearest station to the national railway was that of Sinbellawein.⁷

II The History of Village "Kafr Shubrahūr"

In 1245 A.H. (1829/30 A.D.) the village Shubrahūr, part of Shubra Baddīn estate (*jiflik*) of Muḥammad 'Alī was divided into two parts, and the village Kafr Shubrahūr composing about 800 feddāns was newly formed, besides Shubrahūr which was composed of about 4000 feddāns. The motive for this division was Muḥammad 'Alī's desire to construct a new farm (*'izba*) probably for cotton cultivation.⁸ According to the decision of the Mixed Court on Kafr Shubrahūr trial, Muḥammad 'Alī collected cultivators and make them dig a village pond (*birka*) from which they took materials for the construction of their houses and other necessary buildings for their village life such as a mosque and a cemetery. This is because the name of the land unit (*ḥawḍ*) in which the housing area of Kafr Shubrahūr was situated changed from al-Jurn al-Qiblī to Dā'ir al-Nāḥiya which means "the enclosure of village."⁹

Then, in 1261 A.H. (1845 A.D.) when this village was incorporated into Daqahlīya estate from Shubra Baddīn estate, it was registered anew as Muḥammad 'Alī's personal property (*rizqa bilā māl*). In any events, the scale

⁷ Boinet, *op. cit.*, pp. 391-2, *Conclusions*, p. 15.

⁸ *Conclusions*, p. 4. The Court pointed out that Kafr Shubrahūr was part of Daqahlīya estate (*jiflik*) before and after its formation. But this view was wrong, for this village belonged to Shubra Baddīn estate before 1845. cf. 'Alī Barakāt, *taṭawwur al-milkīya al-zirā'īya fī miṣr 1813-1914 wa athar-hu 'alā al-ḥaraka al-siyāsīya*, Cairo, 1977, pp. 94-5. According to Muḥammad Ramzī, *al-qāmūs al-jughrafī*, the age of the formation of Kafr Shubrahūr was 1259 A.H. (1843 A.D.), as will be pointed out in the table at the end of this paper. Probably, in this year Kafr Shubrahūr was recorded in the land register for the first time, because the expression of the passage concerned is "... was divided from Shubrahūr in accordance with the land survey (*tārī*) of 1259 A.H."

⁹ *Conclusions*, pp. 14-6.

of the housing area of this village was very small from its formation until then, for there was found an account in the Register of Daqahlīya Estate (Registre de délimitation du Tchiflik de Dakahlieh) for the year 1845 to the effect that all the land belonging to Kafr Shubrahūr was arable land without a building.¹⁰ However, in 1849 when this village came under the direct control of the office of Daqahlīya Province as state owned land, in obedience to the superior order by 'Abbās in 18 Shawwāl 1265 A.H. (1849 A.D.) immediately after the death of Muḥammad 'Alī, there were 44 houses in the housing area and 139 inhabitants were employed in the cultivation of land, that is, one chief-manager (*bash khawlī*), two managers (*khawlī*) one overseer (*nāzir*), one scribe, one stable guarder and 133 peasants.¹¹

At the time of the accession of 'Ismā'īl (ruled 1863-79) to the throne in 1279 A.H. (1863 A.D.), he inherited and incorporated 562 feddāns out of the land belonging to this village as his private estate (Dā'ira Sanīya), but immediately afterwards in the same year, he donated them to his second wife Princess Gananiar Hānem. The remaining land was disposed of through other means in the previous period under the direct control of Daqahlīya provincial office. Consequently, in 1863 the total area of this village was owned by the following four persons as well as one mosque; Princes Gananiar, Aḥmad Bey Hamdī, Muḥammad Sharīn Pasha, 'Abd al-Malik Ibrāhīm. Aḥmad Bey Hamdī and Muḥammad Sharīn Pasha were the persons who were known as *'izba* owners in the 1897 census, and 'Abd al-Malik Ibrāhīm was the only person among the villagers who acquired until then 4 feddāns, 1 qīrāt and 20 sahms in one land unit (*ḥawḍ*) and 4 feddāns, 6 qīrāts and 16 sahms in the other. A mosque possessed land because Muḥammad 'Alī bequeathed 0.87 feddān as waqf for its maintenance at the time of the formation of Kafr Shubrahūr.¹²

As to the history of this village from 1863, we regrettably can only relate that of the land composing 562 feddāns donated by 'Ismā'īl to Princess Gananiar, since the subject-matter of Kafr Shubrahūr trial was not the cultivated land belonging to this village, but the houses of its villagers which were constructed on the above mentioned 562 feddāns.

In 1289 A.H. (1872/3 A.D.) Princess Gananiar donated this section of land to her daughter Princess Zanab Hānem. Then, in 1294 A.H. (1877 A.D.) when Princess Zanab died, it was sold again to Princess Gananiar by two heritors of her, namely, her husband and her father 'Ismā'īl. However, in 1878 when the loan agreement was concluded between the Egyptian Government and M. M. Rothschild and Cts, Princes Gananiar transferred this section of land to the Egyptian government with other properties of her, following

¹⁰ *Conclusions*, pp. 4-5, 18, 'Alī Barakāt, *op. cit.*, pp. 94-5.

¹¹ *Conclusions*, pp. 5, 13, 16, 19, 29.

¹² *ibid.*, pp. 5, 16, 18, 31.

other royal family members. Thereafter, it was managed by the administration of the Commission des Domaines de l'État, because the Egyptian government included it as a part of security for the loan. Finally, this Commission, which had published the directions of tender (le cahier des charges) from 1883 for the sale of the land under its administration, sold 321 feddāns out of the 562 feddāns concerned to 'Īsā Pasha Hamdī and Amīn Bey Abdullāh on 15 June 1893. However, on 23 September of that year all of the 321 feddāns came into 'Īsā Pasha's possession, for Amīn Bey Abdullāh sold again his part to 'Īsā Pasha. At all events, 'Īsā Pasha, plaintiff of Kafr Shubrahūr trial, was the landlord of about 432 feddāns registered as the land of village Kafr Shubrahūr in 1893, including the housing area, since he bought land from heritors of Hamdī and Maḥmūd Pasha Tāher, besides Amīn Bey Abdullāh.¹³

III The Trial of "Kafr Shubrahūr"

On 15 June 1893 the Commission des Domaines de l'État sold to 'Īsā Pasha 321 feddāns including the housing area out of the land belonging to Kafr Shubrahūr. At the outset, the inhabitants of the housing area recognized 'Īsā Pasha's ownership of the houses in which they lived at that time. However, when 'Īsā Pasha demanded 7 inhabitants including *'umda* (village headman) Ibrāhīm al-Ziyāda al-Kabīr and *shaykh* (village senior) Aḥmad al-'Ajūz to move from their houses for financial reason, they refused his demand by claiming their ownership of their houses. In consequence, 'Īsā Pasha entered a lawsuit against these seven villagers for the confirmation of his ownership of their houses and their eviction from them.

Initially, the Court rejected his appeal, because the Mixed Court mistook the identification of the site of the disputed houses as being in the village Shubrahūr. So, 'Īsā Pasha appealed to the Court d'appel which recognized the original mistake and reversed its decision on 24 September 1894 and sent an eviction order to the defendants. Then, this order was carried out and the above seven villagers' application for a retrial was rejected.

However, the seven villagers concerned who were discontented with this sentence induced other villagers to refuse the cultivation of 'Īsā Pasha's land. As a result, almost all of the inhabitants of the housing area began to boycott their employment in the cultivation of his land. In addition, when 'Īsā Pasha collected peasants from elsewhere outside of this village and let them live in the houses newly constructed by him in opposition to the villagers' refusal to cultivate, the rioters evicted them from the housing area, which brought about bloody accidents for which three trials were opened at the National Court of Sinbellawein. Confronted with this situation, 'Īsā Pasha

¹³ *ibid.*, pp. 5-6, 35.

entered a new lawsuit against 74 villagers for the confirmation of his ownership of their 63 houses, on which the Mixed Court of Mansūra passed judgement on 15 November 1893 concerning seven trials which had begun on 9 June 1896.¹⁴

The result of these trials was obvious, for the Mixed Court recognized completely the plaintiff's ownership of the disputed houses on the following basis.

The housing area on which the houses in question were constructed was part of the land which was sold by the Commission to the plaintiff 'Īsā Pasha. It was also clear because of the existence of title deeds (*taqsīt*, pl. *taqāsīt*) and the history of Kafr Shubrahūr that the land concerned continued to be part of the estate (*jiflik*) of the royal families from the formation of this village until the time when it came under the administration of the Commission. Consequently, the possessors of this title, namely, the royal families, then, the Commission and 'Īsā Pasha were the successive owners of the subject-matters, since the *taqsīt* was acknowledged as title deed certifying the ownership of not only land but also buildings constructed on it.¹⁵

In addition, Kafr Shubrahūr was a new village formed as a farm (*'izba*) in the estate of Muḥammad 'Alī, and he ordered the cultivators collected from elsewhere to construct their houses as well as other buildings necessary for their community life at his expense under the direction of '*izba* administrators. The materials for the construction of these buildings were gathered from the village pond (*birka*) which he also ordered to be dug outside of the housing area. This was apparent because the disputed houses were not buildings which we would call residences, but humble huts or cottages, composed of one story and one or two rooms, constructed with logs, reeds and muds or raw bricks, for whose construction any skilled labour was not necessary.¹⁶

In summary, the inhabitants of Kafr Shubrahūr were the labourers attached to '*izba* (*des ouvriers cultivateurs attachés à la culture, tamallīya*) and devoting themselves to the cultivation of '*izba* owner's land in the past and present. Consequently, they were only permitted to occupy temporarily the houses constructed by '*izba* owner so long as they were engaged in land cultivation. In fact, there was no deed testifying to the transfer of ownership to the disputed houses except the deed (*ḥujja*) on the purchase of houses in the name of one of the defendants 'Alī Abū Yūsef, although the personnel who lived in them had been changing considerably from the formation of this village. Moreover, there was much room for doubt that the *ḥujja* of Abū Yūsef which was claimed by defendants to be issued in 1278 A.H.

¹⁴ *ibid.*, pp. 3-4, 6-8, 32.

¹⁵ *ibid.*, pp. 10-3.

¹⁶ *ibid.*, pp. 13-5.

(1861/2 A.D.) was a forgery drawn up between the members of same family.¹⁷

It was true that the defendants produced some documents and evidence besides the above mentioned *ḥujja* in order to claim that they were not the labourers attached to 'izba but had been occupying their houses in the capacity of owners. However, these documents and evidence could not reverse the plaintiff's claim.

Firstly, the defendants produced 32 tax receipts (*wird*, pl. *awrād*) dated from 1849 to 1863 in the name of 9 villagers, and claimed that at least these 9 villagers were not labourers attached to 'izba, but peasants who paid land tax directly to the state, and therefore they occupied their houses in the capacity of owners. Indeed, the *wird* was the extract of land tax register (*daftar al-mukallafa*). But it was quite questionable that the *wirds* produced by the defendants were true tax receipts, because firstly the estates of royal families were exempted from tax collection until 1854, and secondly all these *wirds* were issued from 1849 to 1863 during which Kafr Shubrahūr was under the careless administration of Daqahlīya provincial office and the office leased a part of its land to villagers by the reason of administrative difficulty. Furthermore this careless administration led to the confusion of rent with tax, since there was no problem whether it was called tax or rent for both tax-collector (*ṣarrāf*) and cultivator so long as the latter paid money to the state. In short, the *wirds* produced by the defendants were not tax receipts but rent receipts.¹⁸

Secondly, the defendants produced a copy of an administrative report (*jarīda al-idāra*) connected with Kafr Shubrahūr, and claimed indirectly the ownership of their houses by maintaining that the ownership of the ground on which the disputed houses were constructed was in the hand of villagers. Certainly, in this *jarīda al-idāra* was found an account to the effect that 'umda and *shaykh* of this village applied to the Commission des Domaines de l'État for the reduction of tax imposed on the ground of housing area in 1887, as the defendants asserted. But it was unquestionable that this account did not support their assertion, because the application for tax reduction was presented not to the state but to the Commission. In other words, this account proved that the owner of the ground of housing area was not the villagers but the Commission in the opposition to the defendants' assertion.¹⁹

Thirdly, the defendants produced two certificates of the payment of village watchmen's salary dated the first and second quarters of 1897 in the name of a defendant, and claimed that the defendant concerned was recognized

¹⁷ *ibid.*, pp. 15-7, 24-23. On *tamallīya* (sing. *tamallī*), see A. G. Ghannām, *al-iqtisād al-zirā'ī wa idāra al-'izab*, Cairo, n.d., p. 488, do., *al-iqtisād al-zirā'ī wa idāra al-mazāri'*, Cairo, 1944, p. 399, A. Lambert, "Les Salariés dans l'Entreprise Agricole Égyptienne", *L'Égypte Contemporaine*, No. 211, 1943, pp. 225-7.

¹⁸ *Conclusions*, pp. 17-21.

¹⁹ *ibid.*, pp. 21-3.

as a landowner by the state. It was true that the salary of village watchmen (*ghafīr*, pl. *ghufarā'*) had been borne by the landowners excluding the simple cultivators in the past. But it came to be borne by all villagers according to the decision of the cabinet council on 22 May 1897 for the reason that the village watchmen were maintained not only for the benefit of landowners but also that of a total village, although the state also admitted that the landowners paid it in place of villagers, when all of them were engaged in the cultivation of one or some landowners' land. Consequently, if all the villagers of Kafr Shubrahūr cultivated the land of 'Īsā Pasha, he ought to have paid the salary of village watchmen. However, the fact was not so. Therefore, the fact that the defendants paid it did not certify that they were landowners, and then occupied the disputed houses in the capacity of owners.²⁰

Forthly, the defendants produced two documents for the appointment of *shaykh* dated 5 Rajab 1275 A.H. (1859 A.D.) and 11 Dhū al-Qa'ada 1284 A.H. (1868 A.D.), and claimed that these two defendants appointed to *shaykh* had been landholders. Indeed, there was a regulation in the superior order promulgated on 16 May 1896 concerning the appointment of *'umda* and *shaykh* to the effect that they would be appointed from among landholding villagers. But this regulation did not order that they should be landholders, and the state had been appointing landless villagers to *'umda* and *shaykh* before and after this superior order, if it was necessary from the administrative point of view. In fact, if *'umda* and *shaykh* should be landholders as the defendants asserted, these of Kafr Shubrahūr should be the two heritors of 'Abd al-Malik Ibrāhīm who were the only landholders among villagers. However, the fact was not so.²¹

Finally, the defendants claimed indirectly their ownership of the disputed houses by maintaining that the land belonging to Kafr Shubrahūr was transferred to them by prescription. It was true that the clause 80 of the Civil Code of Mixed Court regulated the prescription of 15 years about state owned land. But the state owned land mentioned in this clause was the waste land without registered holders, so it was clear that this regulation was not applied to the land of Kafr Shubrahūr which had become state owned land because of the transfer of its control from the royal family to the Commission des Domaines de l'État.²²

IV The Background of "Kafr Shubrahūr" Riot

In the above three paragraphs, we reconstructed the structure and history of village Kafr Shubrahūr and introduced the trial of the riot of its villagers

²⁰ *ibid.*, pp. 23-4.

²¹ *ibid.*, pp. 33-4.

²² *ibid.*, pp. 34-5.

against their landlord. Then, what was the cause of this riot?

The Court called the inhabitants of this village the labourers attached to 'izba (*tamallīya*) just like the cultivators in a 'izba constructed as a typical cotton farm on the capitalistic basis in the end of the 19th century. Indeed, Kafr Shubrahūr was formed as a 'izba in the Muḥammad 'Alī's estate. But it should be noted that this 'izba had the external appearance and architectural structure similar to the general Egyptian villages with a conglomeration of closely stacked primitive houses and other village institutions such as a mosque and a *dawwār*. In addition, it also had a village pond (*birka*) and a cemetery from the beginning. In other words, 'Izba Kafr Shubrahūr was constructed as a quasi-village unlike 'izba in the end of the 19th century which was composed of some buildings with many rooms in which the families of cultivators lived.

Especially, in the period under which Kafr Shubrahūr was controlled directly by Daqahlīya provincial office, it is even doubtful about the existence of 'izba administrators, when we consider the following two facts. The first is that there was the villager who acquired land in those days, although he was the only person among the villagers. The second is that the tax receipts (*wirds*) which should be issued to landholding peasants were issued to the villagers. The Court denied the capacity of these *wirds* as tax receipts. But the important thing is that the Court was obliged to call the villagers to which the *wirds* had been issued in those days the tenants who leased land from the state, while it called all the villagers of Kafr Shubrahūr the agricultural labourers attached to 'izba at the moment of the trial on the above mentioned riot. In summary, at least in this period, the villagers of Kafr Shubrahūr were not the *tamallīya* just like 'izba cultivators in the end of the 19th century, because they could acquire and lease land freely, if they had funds and opportunities. In addition, Kafr Shubrahūr came to be similar to the general Egyptian villages in those days not only from the viewpoint of the external appearance and architectural structure but also in terms of the internal administrative organization and communal consciousness among villagers, for they had 'umda and *shaykh* as their representatives, and organized village watchmen for the defence of their property.

But it seems that the control of villagers was strengthened from the accession of 'Ismā'il to the throne in 1863. This is deduced from the following four facts. The first is that none of villagers acquired land from this year. The second is that the *wirds* stopped being issued to villagers from this period, and we can confirm the existence of 'izba administrators. The third is that all villagers recognized the 'Īsā Pasha's ownership of their houses at the moment of land sale from the Commission des Domaines de l'État to 'Īsā Pasha. The fourth is that in this trial the defendants claimed their ownership of the disputed houses by maintaining that the houses in question were not

attached to the land bought by the plaintiff, because the reward for land cultivation was separately paid in cash.²³

In spite of these facts, however, the villagers of Kafr Shubrahūr were not the peasants who were attached exclusively to the cultivation of 'Īsā Pasha's land at the time of the trial, just as the Court had stated with reference to the salary of village watchmen. Moreover, the plaintiff 'Īsā Pasha recognized it himself, for at the outset of the trial he permitted that some defendants would continue to live in the disputed houses on condition of the payment of reasonable rent, if they wanted to do so, although they did not offer their services to him. In other words, 'Īsā Pasha asserted his right only as a owner of the disputed houses to some villagers.²⁴ At the same time, it is clear by the occurrence of the riot which was the cause of the trial that the villagers of Kafr Shubrahūr continued to maintain the village organization and their communal consciousness formed in the previous period in spite of the change of their personnel. The situation became acute, probably because their representatives, that is, *'umda* and *shaykh* were among the seven villagers to whom 'Īsā Pasha demanded to move from their houses, and they persuaded other villagers to boycott the cultivation of his land.

Now, we could suppose from the above mentioned history of Kafr Shubrahūr that its villagers established some village customs supported by the communal consciousness until the time of the trial. This supposition leads us to the true cause of the riot, namely, the reckless violence committed against these village customs by 'Īsā Pasha. In fact, the villagers' concern at the time of land sale from the Committee to 'Īsā Pasha was not the ideal ownership of their houses, but the vested interests in them which were based on the village customs, since all of them recognized his ownership of the disputed houses. Consequently, if 'Īsā Pasha permitted villagers to live in their houses just as they had did so, they had no intention of causing such a riot. Nevertheless, he violated so recklessly the village customs by demanding the eviction of some villagers from their houses. It is probably more correct to say that the communal consciousness and village customs among villagers were so deeply rooted that 'Īsā Pasha resorted to the strong measure of the eviction of some villagers including *'umda* and *shaykh* in order to remove the obstacle for his land management. This sharp contrast between the villagers' consciousness and the 'Īsā Pasha's purpose of land management was clearly reflected in the latter's following two motives for litigation. The first is that the cost for land management would much increase, unless the occupancy of the disputed houses was calculated as a part of rewards for land cultivation. The second is that if 'Īsā Pasha constructed new houses in the housing area to

²³ *ibid.*, p. 2.

²⁴ *ibid.*, pp. 32-3.

allow the cultivators collected by him from elsewhere to inhabit them during the present conflict between him and villagers, it would cause new trouble, because it was supposed that villagers would not overlook it.²⁵ The events from then confirmed this fear of his, as we pointed out above.

As a consequence, we could conclude that the riot of village Kafr Shubrahūr was a typical conflict between a landlord and their peasants under the circumstances where the land management was changing from a pre-capitalistic basis to a capitalistic basis in the latter half of 19th century Egypt. Furthermore it should be noted here that the Court which passed judgement on this riot disregarded the historical background of Kafr Shubrahūr, and completely excluded the defendants from the legal protection by identifying this village with *'izba* and its villagers with labourers attached to *'izba*. In other words, the Court interpreted the history of Kafr Shubrahūr on the assumption of the establishment of private land ownership from the modern legal point of view at the end of the 19th century, from which we can know the impact of the establishment of private ownership on the inhabitants of this village.

This attitude of the Court was especially reflected in its interpretation that Kafr Shubrahūr had been part of the estates of royal families throughout its history until its transfer to the Commission in 1879. Indeed, this interpretation was correct about the period from its formation until the death of Muḥammad 'Alī in 1849 as well as that from the accession of 'Ismā'īl to the throne in 1863. But it was not so about the period from 1849 to 1863 during which this village was controlled by Daqahlīya provincial office. In fact, the *taqsīṭ* was not issued in those days. As we mentioned above, the *taqsīṭ* was the deed testifying that the land was transferred from the state to the royal families or other ruler's senior officials as privileged land whose holder had the right to dispose of it.

Regarding *wirds*, we should remember here that they were issued to the villagers of Kafr Shubrahūr in this period. The *wird* was a piece of paper which recorded the extract of land tax register. Therefore, it was the document which proved that the person to whom it was issued was not a tenant or labourer, but a landholder, namely, holder of *kharājīya* land. The *kharājīya* land was the arable land on which land tax (*kharāj*) was imposed. In reference to these *wirds*, the Court denied their capacity as tax receipts on the ground that they were issued in the period during which Kafr Shubrahūr was under the careless control of Daqahlīya provincial office. However, this view was absolutely wrong, because these *wirds* were not issued as a result of careless control, as the Court pointed out, but for the reason that the land of Kafr Shubrahūr was controlled as state owned land by the provincial office, and

²⁵ *ibid.*, p. 3.

the office leased it to the villagers as *kharājīya* land in those days. Consequently, Kafr Shubrahūr was never part of the royal family's estate from 1849 to 1863, and its villagers in this period were nearly similar to the holders of *kharājīya* land at least from the legal point of view, for the *kharājīya* land was also regulated as state owned land whose holder was legally permitted only to enjoy the usufruct.

However, when 'Ismā'īl ascended the throne in 1863, he issued anew the *taqsīṭ* and incorporated the land of this village which remained as state owned land into his private domain (*Dā'ira Sanīya*), using as an excuse that there was no clear distinction between state owned land and the private estates of royal families under the landholding system of state ownership in 19th century Egypt. The Court confirmed this act of 'Ismā'īl and identified the defendants with the labourers attached to his private domain, although it might at least have treated them the same as the holders of *kharājīya* land, if the previous history of Kafr Shubrahūr was taken into consideration. In other words, the Court supported completely the right of the plaintiff as a result of interpreting the history of Kafr Shubrahūr on the assumption of the establishment of private land ownership from the modern legal point of view, disregarding the complicated judicial condition of land tenure in 19th century Egypt and the historical background of Kafr Shubrahūr riot.

Data on the villages of Daqahliya Province

[I] Age of Village Formation.

[II] Number of 'Izba.

[III] Area of Cultivated Land.

[IV] Number of Inhabitants (Housing Area).

[V] Number of Hawd/Land Tax Value.

Name of Village	[I] ¹	1897 Census ²				1907 Census ³				Remarks
		[II]	[III]	[IV]	[V]	[II]	[III]	[IV]	[V] ⁴	
(1) Abu Dawud el Sabakh		6	3,429	2,545 (2,079)	6	3,552	2,888	54/300-920		
(2) Abu el Seer	divided from (22) in 933 A.H. (1526/7 A.D.)	1	794	353 (336)	2	527	509	10/190-860		
(3) Abu Karamit		10	1,972	1,551 (840)	12	1,954	1,722	33/150-860		
(4) Assayed (el)		3	1,015	1,464 (1,292)	3	919	1,827	12/570-1,000		
(5) Bashams		9	876	897 (220)	9	789	1,055	11/710-1,220		
(6) Bashmini (el)		6	1,418	813 (135)	5	1,402	1,114	30/360-790		
(7) Bakkârieh (el)	divided from (6) in Ottoman Turk Age	4	746	638 (381)	4	734	759	18/650-870		
(8) Bâlâmun (el)		4	2,135	2,008 (1,542)	4	1,944	2,374	39/290-1,000		
(9) Baramkim		2	1,106	934 (713)	2	1,036	1,528	16/290-1,010		
(10) Parkeyn		9	1,167	1,162 (546)	9	1,159	1,044	20/220-930		
(11) Bedâ (el)		7	2,382	2,028 (1,464)	5	2,393	2,400	32/430-940		
(12) Borg Nur el Arab		3	763	544 (356)	3	777	612	16/790-920		
(13) Shenbâret Mankalâ		15	1,862	1,825 (872)	15	1,896	2,344	33/220-1,140		
(14) Shubrâ Kebalâ		0	1,317	968 (968)	0	1,243	1,072	16/500-790		
(15) Shubrâ Sendi		12	2,412	1,788 (917)	12	2,544	2,126	39/290-1,070		
(16) Debeig		9	1,332	1,483 (821)	7	1,377	1,830	31/650-1,000		
(17) Diârb el Suk		10	1,715	1,515 (706)	11	1,669	1,800	23/220-1,220		
(18) Diârb Negm		4	2,253	3,393 (2,878)	6	2,171	4,132	42/430-1,070		
(19) Dju el Wosta		4	1,798	1,658 (1,232)	4	1,915	2,076	25/360-930		
(20) Ekrash		9	2,105	2,269 (1,409)	9	1,990	2,649	30/360-930		
(21) Ekwâ		6	1,292	2,003 (1,695)	6	1,456	2,413	24/1,000-1,220		
(22) Emâyyed (el)		3	274	357 (293)	3	533	543	9/500-1,000		

(23) Fārghān	5	824	1,058 (775)	5	801	1,168	15/570-870
(24) Fāsukā (el) Kamāl	2	718	136 (116)	2	688	213	9/430-640
(25) Gālayiā (el)	5	1,165	821 (576)	6	1,084	864	17/430-860
(26) Gawāshnā (el)	2	1,217	637 (383)	2	1,168	747	13/430-1,070
(27) Ghazālā	5	2,113	1,114 (910)	5	2,371	1,706	33/210-430
(28) Ghorur	2	1,536	746 (664)	2	1,708	914	26/220-500
(29) Gemmezet Barghut	7	2,585	2,797 (2,115)	7	2,433	3,284	39/360-1,150
(30) Hāgāyāzā (el)	4	1,344	974 (749)	7	1,319	1,751	22/220-800
(31) Hāsāynā (el)	4	1,408	1,479 (1,210)	4	1,383	1,681	19/500-1,080
(32) Hāwāber (el)	14	3,130	2,563 (1,010)	14	2,977	3,289	6/220-860
(33) Kafr Abu Berri	5	837	721 (491)	5	750	841	10/570-930
(34) Kafr Aly el Sāyyed	0	68	54 (54)				incorporated into (22) at the time of 1907 census
(35) Kafr Azzām	7	1,868	1,382 (669)	7	1,752	1,480	36/280-940
(36) Kafr Badawi Gherghes	0	434	160 (160)	1	607	241	9/1,070-1,360
(37) Kafr Beni Salem	0	242	453 (453)	0	198	539	4/1,010-1,080
(38) Kafr Shubra Hor	3	885	703 (449)	3	861	340	14/860-1,220
(39) Kafr el Ammeer Abdallah	0	428	341 (341)	0	356	876	5/430-930
(40) Kafr el Basba	6	660	955 (701)	5	624	956	12/1,140-1,210
(41) Kafr el Shorāfā	2	611	138 (110)	2	605	217	9/570-730
(42) Kafr el Hag Hassan	2	767	815 (753)	2	677	1,012	11/710-1,000
(43) Kafr el Rok	5	1,715	1,844 (1,311)	4	1,530	2,126	21/640-1,000
(44) Kafr Ghannan	5	2,052	2,210 (1,936)	5	1,655	2,720	25/500-800
(45) Kafr Kansoh	1	673	312 (295)	1	623	391	14/430-730

belonged to Agz District at the time of 1907 census, and returned to Sinbella-wein District afterwards.

	0	99	11 (12)	100	110	2/1,140-1,160	incorporated into (11) at the time of 1907 census.
(46) Kafr Mohammed Shabeen	0	130	107 (107)	0	110	2/1,140-1,160	
(47) Kafr Mohammed el Shennawi	0	91	71 (71)				
(48) Kafr Mohammed el Temsâh	11	1,943	974 (344)	11	2,420	33/210-640	incorporated into (84) at the time of 1907 census.
(49) Kafr Sâ'âd	1	113	181 (121)	0	145	3/720-930	
(50) Kair Sâlâmâ	2	797	609 (471)	2	1,217	22/300-650	
(51) Kafr Sengâb	0	256	349 (349)	0	337	5/440-1,010	
(52) Kafr Yussef Awâd	5	961	890 (549)	5	925	16/920-1,060	
(53) Kâtâye'h (el)	5	1,823	1,237 (1,097)	5	1,749	24/220-1,150	
(54) Keneybra	0	485	525 (525)	2	1,860	30/280-790	
(55) Khamassâ (el)	13	3,021	1,740 (854)	13	3,090	50/220-790	
(56) Mâkât'â (el)	0	1,357	746 (746)	0	1,286	17/500-860	
(57) Makhnzan (el)	0	391	252 (252)	0	355	5/570-720	
(58) Mât'wâ (el)	1	1,785	2,015 (1,967)	1	1,751	23/720-1,290	
(59) Menâ Sâfur (el)	2	1,226	692 (583)	0	1,234	19/350-920	
(60) Minshat Battâsh	1	382	336 (264)	2	411	6/570-860	
(61) Minshat Kassem Pasha	5	2,726	2,297 (1,676)	6	2,609	45/300-1,150	
(62) Minshat Sâhbârâ	0	156	393 (393)	0	188	3/660-860	
(63) Minshat Yussef Mansur	3	777	601 (350)	3	743	11/720-1,010	
(64) Missâh (el)	5	2,404	981 (477)	4	2,339	32/290-930	
(65) Mit Ghârîtâ	1	285	312 (187)	1	568	10/430-940	
(66) Monhâghseyn	7	1,384	1,293 (729)	6	1,429	22/360-870	
(67) Monahrit	1	1,431	2,429 (2,312)	1	2,134	33/930-1,290	
(68) Nub Tareyf	10	2,440	1,648 (779)	10	2,361	37/220-860	
(69) Om el Dyâb	0	834	916 (916)	0	1,036	17/430-790	
(70) Rob' (el)							

(71) Sādākā	divided from (55) in 1235 A.H. (1819/20 A.D.)	6	2,836	1,461 (1,087)	2	2,639	1,242	44/230-800
(72) Sāfur		3	2,396	3,505 (2,771)	4	2,462	4,027	33/290-1,210
(73) Saft Zereyk		12	2,011	2,825 (1,975)	13	1,880	3,149	27/360-1,070
(74) Sāmārā (el)		1	502	550 (397)	3	537	796	9/210-720
(75) Sānāfā		7	2,456	4,581 (4,012)	6	2,340	5,277	35/570-1,430
(76) Sānyā (el)		7	1,367	1,908 (1,218)	5	1,177	2,517	18/640-940
(77) Sinbellāwein (el)		18	5,072	9,233 (7,757)	18	4,610	1,417	67/150-1,230
(78) Suweni (el)		2	976	1,317 (1,099)	2	1,071	1,569	19/290-1,140
(79) Taha el Marg		5	2,633	4,107 (3,297)	4	2,449	4,381	34/1,070-1,360
(80) Tahway		2	1,331	1,999 (1,815)	1	1,230	2,097	18/720-1,010
(81) Tall el Kadi	divided from (18) in 1813 A.D.	0	384	473 (473)	0	406	607	6/930-1,060
(82) Tāmād el Hāgar (el)		0	705	742 (742)	0	677	952	10/150-720
(83) Tārānis el Arab		5	1,662	1,757 (830)	5	1,625	1,992	20/360-1,220
(84) Temāyy el Amdeed		5	1,758	2,007 (1,682)	3	2,601	2,564	31/150-1,140
(85) Tomāyy el Zāhāyrā		0	1,668	1,164 (1,164)	2	1,582	1,665	24/220-1,150
(86) Tukh el Aklam		1	1,792	2,837 (2,206)	1	1,262	2,584	21/500-1,080
(87) Zāfār		9	3,891	1,801 (1,217)	11	5,611	2,390	61/360-720

- Sources:
- 1 Muhammad Ramzī, *al-qāmūs al-jughrafi li al-bilād al-misriya*, Part II, vol. 1, Cairo, 1954-1955, pp. 182-201. Villages in blank are the old villages whose origins can be traced to the Age before the Ottoman conquest of Egypt in 1517.
 - 2 A. Boinet, *Géographie Économique et Administrative de l'Égypte*. Basse-Égypte I, Le Caire, 1902, pp. 379-407.
 - 3 Nizārat al-Mālīya, *iḥṣā' iya 'umūmiya 'an al-muḥāfaẓāt wa al-mudīriyāt li al-quṭr al-misrī*, Cairo, 1909, pp. 116-53.
 - 4 Wizārat al-Mālīya, *jadwāl fi tārīkh al-ḥarā'ib al-nihā'iya al-muqarrara li ḥiyāq bilād al-quṭr al-misrī*, Cairo, 1931, pp. 134-57.