Empire by Law: Ottoman Sovereignty and the British Occupation of Egypt, 1882-1923

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ABSTRACT

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This dissertation is an analysis of the Ottoman-European legal contest over Egypt. I explore the relationship between international law, imperial expansion and state formation in the late Ottoman Empire against the joint reconfiguration of ideas of sovereignty and imperial control during the late nineteenth and early twentieth centuries. The British occupation of Egypt (1882-1914) was a novel experiment in quasi-colonial administration, where legal justifications for the occupation demanded the retention of Ottoman institutions and shaped administrative practices. My research examines the significance and consequences of maintaining Ottoman sovereignty in Egypt during the British occupation in an effort to explain the formation of a distinctive model of sovereignty, both for late empires and for successor states in the post-Ottoman Middle East. I argue that a new model of client-state sovereignty, produced during the course of the occupation, emerged out of the intense imperial rivalry between the Ottoman and Europe Empires in Egypt. This model had lasting significance more generally for how we define states and sovereignty today.

These findings recast the Ottoman Empire as a major, albeit weak, actor in European diplomacy. Though Ottoman and European history have developed as separate fields of academic inquiry, my research shows that nineteenth and early twentieth century European and Ottoman political practices and ideas were inextricably intertwined. The Ottoman Empire contributed to and was perhaps the key testing ground for enduring political and administrative experiments in the post-imperial international order.
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For my Parents (Mitz and Ted)
O Ibn ‘Othman, desist from taking Egypt,
The land which is dignified with the best Imams;
Our Chief Imam is al-Shafi‘i, a Polestar and a saint,
The son of Idris, a pillar of Islam
She is called the Quiver, and whoever attacks her
God will break his back with a sword.

Ibn Iyas *An Account of the Ottoman Conquest of Egypt in the Year A.H. 922*
Introduction

Votre récent acte de soumission, les assurances de dévouement et de fidélité que vous avez données, les intentions droites et sincères que vous avez manifestées vis-à-vis de moi et de mon gouvernement sont parvenues à ma souveraine connaissance et m'ont rempli de joie.

-Sultan Abdülmecid

The position of Egypt is a peculiar one. Although it is a province of the Ottoman Empire, its relations with the Porte are the subject of international agreement.

-Lord Granville

In the summer of 1882, British troops occupied Ottoman-Egypt in the aftermath of the ‘Urabi crisis with the alleged purpose of reestablishing law and order in the province. Between September 1882 and December 1914, when Egypt was formally incorporated into the British Empire as a protectorate, Egypt remained under the sovereignty of the Ottoman Empire, but was administered by the British Foreign Office. Throughout the occupation, European and Ottoman governments, the British Foreign and Colonial Offices, and international lawyers debated Egypt’s international legal status. In 1892 Alfred Milner called Egypt the “veiled protectorate” and argued that Egypt was a political anomaly that had effectively become a British colony without the advantage of

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1 Firman sent by the Sublime Porte to Mehmet Ali Paşa on June 1, 1841 conferring the hereditary governorship of Egypt.


3 The ‘Urabi Revolution was a crisis for the Ottoman imperial center, rather than a “revolution” as it appears in Egyptian national historiography, or “rebellion” as it often appears in European imperial histories. Since I am attempting to incorporate the Ottoman perceptive into the history of the British occupation of Egypt, I have opted for “crisis.”
Colonial Office oversight. Milner’s critique only represented the opinion of annexationists in the Colonial Office, but was so powerful that it has set the terms for the historical debate. Historians have largely treated occupied Egypt as a British colony in all but name, paying little to no attention to the interests and motives of the sovereign in Istanbul or to those of the Foreign Office officials, who successfully resisted Colonial Office demands for the annexation of Egypt. As a result, the dominant interpretations of the occupation focus upon Anglo-French imperial rivalry and the rise of Egyptian nationalism. Severing Egypt from an Ottoman imperial context, histories of the occupation have been written almost entirely without the Ottoman perspective and with out reference to Ottoman sources.

The history of the British occupation of Egypt, this dissertation argues, can be equally well understood as a problem of Ottoman-British relations within an international context and it therefore offers an analysis of the Ottoman-European legal contest over Egypt between 1882 and 1922. Through the occupation of Egypt I examine the connection between international law, imperial expansion, and the formation of successor

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5 Throughout the occupation the Ottoman bureaucracy and Palace engaged with and followed events closely – this is reflected in the vast number of Ottoman government records on Egypt for the period of the occupation. Despite Ottoman involvement and interests there are only a handful of significant articles in English and one recent book in Turkish devoted to the Ottoman response to the occupation. Süleyman Kızıltoprak, *Misir’da İngiliz İşgali: Osmanlı’nın Diplomasi Savaşı (1882-1887)* [The British Occupation of Egypt: the Ottoman War of Diplomacy] (Istanbul: Tarih Vakfı Yayınları, 2010); Selim Deringil, “The Ottoman Response to the Egyptian Crisis of 1881-82,” *Middle Eastern Studies*, 24, 1 (January 1988) and “Gazi Ahmed Mukhtar Pasha and the British Occupation of Egypt,” *Al-Abhath*, vol. 34 (1986); Oded Peri “Ottoman Symbolism in British-Occupied Egypt, 1882-1909,” *Middle Eastern Studies*, vol. 41, no. 1 (Jan., 2005): 103-120.
states in Ottoman lands during the late nineteenth and early twentieth centuries. During the period of the occupation European and Ottoman ideas about sovereignty and imperial control were reconfigured against the background of expansionist empires. The British occupation of Egypt (1882-1914) was a novel experiment in quasi-colonial administration, where legal justifications for the occupation demanded the retention of Ottoman institutions and shaped administrative practices. At the same time, Britain’s occupation policies allowed the Ottoman Empire to preserve political control of Egypt, satisfying the chief foreign policy goal of the Hamidian regime (1876-1908/9) and that of the Committee of Union and Progress (1908-1918): preservation of the territorial integrity of the Ottoman Empire.

My research examines the significance and consequences of maintaining Ottoman sovereignty in Egypt during the British occupation in an effort to explain the formation of a distinctive model of sovereignty, both for late empires and for successor states in the post-Ottoman Middle East. I argue that a new model of client-state sovereignty produced during the course of the occupation, emerged out of the intense imperial rivalry between the Ottoman and European Empires in Egypt, and had lasting significance more generally for how we define states and sovereignty today. The British occupation of Egypt, where sovereignty resided in the Sultan in Istanbul, while Britain functionally administered the

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domain, resulted in a new model of imperial control that Britain exported into former
Ottoman territories in the Middle East after the First World War, but one that retained
Ottoman features. Finally, the British experiment in Egypt contributed to the formation of
policy in the Turkish Republic. The Ottoman acceptance of foreign administration of its
territory and debt in exchange for political and territorial recognition by European powers
was replaced by an aggressive policy of sovereignty without external limitations in the
early Republic.

This work engages with histories of Great Power politics and intervention in the
Middle East, but seeks to write anew the place of the Ottoman Empire within that history.
Historians of empire have approached the British military occupation of Egypt largely
from the perspective of British and French imperial rivalry, the conflict over the Suez
Canal, and the “Scramble for Africa.” This debate has centered on the causes of the
occupation and Egypt’s strategic value vis-à-vis India. Alternately, the occupation has
been cast as crucial to the advent of Egyptian and Arab nationalism in the Middle East.
In both sets of historical debates, Egypt is treated as a defacto British colony. These
approaches detach Egypt from the Ottoman Empire and obscure Ottoman responses to
the occupation. More important, the existing historiography fails to account for the way

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7 The classic texts on the subject are John Gallagher and Ronald Robinson Africa and the
Victorians: The Official Mind of Imperialism (London, 1978); David Landes, Bankers and
Pashas: International Finance and Economic Imperialism in Egypt (Cambridge, 1980); M.S.
Anderson, The Eastern Question 1774-1923: A Study in International Relations,(London, 1966);

8 See for example, Alexander Schlöch, Egypt for the Egyptians!: The Socio-Political Crisis in
Egypt, 1878-1882 (London, 1981); Afaf Lutfi al-Sayyid Marsot, Egypt and Cromer: A Study in
Anglo-Egyptian Relations (New York, 1969); Robert Tignor, Modernization and British Colonial
Rule in Egypt, 1882-1914 (Princeton, 1966); Juan Cole, Colonialism and Revolution in the
Middle East: Social and Cultural Origins of Egypt’s 'Urabi Movement (Cairo, 2000); Timothy
British and Ottoman contemporaries at the time vociferously debated Egypt’s constitutional position vis-à-vis both empires. The Ottomans were deeply concerned about British actions in Egypt between 1882 and 1914 – it was not until 1918 that the Ottoman Foreign Ministry finally admitted that it would be best to maintain Egypt’s autonomous status under occupation, despite Ottoman legal rights to the territory. The Ottoman perspective also shows the importance diplomats and legal commentators placed upon inter-imperial arguments about sovereignty, territory and international law, but also that the Europeans had to accommodate the Ottomans in diplomatic negotiations – something that is not well explained in the historiography. Constitutional debates about Egypt raged in Britain as well. Powerful figures within British imperial circles favored regularizing the constitutional status of Egypt within the British Empire, but the Foreign Office never acquiesced. Contemporaries understood the occupation as an international contest rather than as a British imperial affair, which is a context my project seeks to explore.

Scholars taking up the occupation of Egypt have invariably focused upon the policies of Lord Cromer, who was the longest serving British pro-consul in Egypt (1883-1907), with very little attention paid to the Ottoman response to the crisis, nor to initial Foreign Office policies for the Ottoman province. Yet, the occupation produced a crisis

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10 Historical accounts of late Ottoman and British occupied Egypt have been dominated by nationalist concerns and have projected the nation-state backwards in time. Ottoman-Egyptian historians, especially Khaled Fahmy, Jane Hathaway and Ehud Tolendo, have sought to redress these arguments, by putting Egypt back in the Ottoman context, but such analyses more often than not end with the British occupation. Khaled Fahmy, *All the Pasha’s Men: Mehmed Ali, his Army and the Making of Modern Egypt* (Cairo: AUC Press, 2002); Jane Hathaway, *The Politics of Households in Ottoman Egypt: the Rise of Qazdağlıs* (Cambridge: Cambridge University Press,
of legitimacy in the Arab provinces and Abdülhamid II and later the Young Turks engaged and followed events closely in Egypt.\(^\text{11}\) By shifting attention to the initial stages of the occupation, I show how the occupation of Egypt fit into a longer trajectory of British policy towards the Ottoman Empire. By 1882, some measure of administrative autonomy for local communities within the Ottoman state guaranteed by the public system of Europe had become the preferred Foreign Office solution for maintaining the territorial integrity of the Ottoman Empire against European efforts to dismantle it. Despite the fact that the Ottoman government viewed “autonomy” as a derogation of sovereignty and resisted Great Power imposed decentralization efforts, autonomy and even foreign military occupation were preferable to losing a province to annexation or independence. These findings recast the Ottoman Empire as a major, albeit weak, actor in European diplomacy. Though Ottoman and European history have developed as separate fields of academic inquiry, my research shows how nineteenth and early twentieth century European and Ottoman political practices and ideas were inextricably intertwined. The Ottoman Empire contributed to and was perhaps the key testing ground for enduring political and administrative experiments in the post-imperial international order.

**Mehmet Ali and the Internationalization of the “Egyptian Question”**

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The problem of Egypt in international relations, what contemporaries referred to as the “Egyptian Question,”¹² began with the Near East Crisis (1830-1841). Through a series of expansionist military campaigns in the 1830s, the Ottoman governor of Egypt, Mehmet Ali, occupied and administered Greater Syria, directly challenging the legitimacy of the Sultan and threatening the existence of the Ottoman Empire.¹³ Europe intervened on behalf of the Ottoman government and forced Mehmet Ali to relinquish most of his territorial gains in exchange for hereditary rights to the governorship of Egypt. The “political system of Europe,” guaranteed these rights and the territorial integrity of the Ottoman Empire in the 1840 London Convention.¹⁴ The Sultan granted Egypt special status as one of a number of autonomous or privileged Ottoman provinces

¹² In Turkish “Mısır Meselesi.”

¹³ Mehmet Ali’s expansionist campaigns began soon after he was appointed the governor of Egypt. His first campaign was in Hijaz against the Wahabis who had taken over the Holy Cities (1811-1818). After Hijaz, Mehmet Ali expanded the “Egyptian empire” into Sudan during a short, but violent campaign (1820-1822). He then shifted towards Syrian provinces in the 1830s. See Khaled Fahmy, All the Pasha’s Men; Heather Sharkey, Living with Colonialism: Nationalism and Culture in the Anglo-Egyptian Sudan (Berkeley: University of California Press, 2003); Hassan Ahmed Ibrahim, “The Egyptian Empire, 1805-1885,” The Cambridge History of Egypt (Cambridge University Press, 1998), vol. 2.

¹⁴ On July 15, 1840, Britain, the Habsburg Empire, Prussia, and Russia, concluded a convention with the Ottoman Empire for settlement of the “Egyptian question.” France was not initially a party to the convention. For the text of the “Convention for the Pacification of the Levant,” see Herslet The Map of Europe by Treaty: Showing the Various Political and Territorial Changes Which Have Taken Place Since the General Peace of 1814, no. 192, vol. 2 (London, 1875), p. 1021-1023, and Gabriel Noradounghian, Recueil d’Actes Internationaux de l’Empire Ottoman (Paris, F. Pichon, 1897-1903). The story of Mehmet Ali and the London Convention appears in nearly all of the classic international law textbooks of the nineteenth century. Wheaton is typical: “Egypt had been held by the Ottoman Porte during the domination of the Mamluks, rather as a vassal state than as a subject province. The attempts of Mehmet Ali, after the destructions of the Mamluks, to convert his title as a prince-vassal into absolute independence of the sultan, and even to extend his sway over adjoining provinces of the empire, produced the convention concluded at London 15 July 1840, between the 4 great European powers to which the Porte acceded,” Henry Wheaton, Elements of International Law (Boston: Little, Brown and Co., 1855).
The Sultan issued an imperial firman, which in exchange for submission to Istanbul, granted to Mehmet Ali hereditary rights to govern Egypt with a set of conditions. From 1841, when Mehmet Ali finally acceded to the London convention and accepted the firman, until 1914, when the Foreign Office incorporated Egypt into the British Empire as a protectorate, the legal status of Egypt became a problem of European politics and international law. Debates in the 1880s and later concerning the location of authority and legitimacy of British rule in Egypt cannot be understood without reference to these events and to the legal texts and treaties generated in the 1840s. Throughout the period leading up to and including the British occupation, Ottoman and European diplomats and commentators drew upon these documents in order to make claims about Egypt vis-à-vis the “sovereign rights” of the Ottoman Sultan in Egypt versus those of the governor of Egypt, the Khedive.

**The Ottoman Empire, International Law and Sovereignty**

The problem of Egypt in international law was compounded by the problem of the Ottoman Empire within the nineteenth century European state system. Though at the periphery of that system, the Ottoman Empire had been legally recognized as part of the system of Europe in 1856 following the Crimean War. Coincident with the intense

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15 In official Ottoman records, autonomous provinces, that is to say provinces with a special legal status within the Empire, were referred to as eyalat-i mümtaze. There were a number of other ways to express the meaning of autonomy in Ottoman including muhtariyet and serbestiyet, later in the nineteenth century otonomicie also became common. In discussions about forms of administration tevsi-i mezuniyet was often used to refer to decentralization or autonomy.

16 The firman stipulated that the successor had to be the eldest direct male decent of the Mehmet Ali and the appointment had to come from the Sublime Porte. The Sultan mandated that the 1839 hatt-i şerif of Gülhane would apply to the province and all subjects would be Ottoman. The governor had to send a yearly tribute and perform customary duties associated with the Hajj such as sending grain to pilgrims, as well as the sending the kiswa (the black cloth covering the Ka’ba) from Egypt to Hijaz. See Government of Egypt, *Recueil de firmans impériaux ottomans addresses aux valis et aux khedives d’Égypte* (Cairo: L’institut Français d’archéologie orientale du Caire, 1934); Noradounghian, *Recueil d’Actes Internationaux de l’Empire Ottoman*. 

projection of European power outside of the continent, European international lawyers posited a model of civilization that divided the world into the subjects and objects of the discipline. International lawyers increasingly defined the ‘family of nations’ as composed of civilized states - the proper subjects of international law. Despite appearances, and counter to the arguments of some contemporary legal theorists, this model of international law was not so clearly divided between the west and the rest. There were numerous ambiguities surrounding political entities that were non-Christian, non-European and independent of direct European control. Such states resisted easy classification by lawyers and defied their civilizational theories of international relations. European international lawyers argued that states like the Ottoman Empire, China, Japan, and Persia possessed elements of ‘civilized’ government and categorized such polities on a stadial scale between Europe and so-called uncivilized societies. International law treatises variously identified such states as semi-civilized or semi-sovereign states. Most late nineteenth century international law texts of the period, opened with a boilerplate schematic of types of sovereignty arranged according to a hierarchical scale of civilization. Semi-sovereign states were situated, as a matter of course, below European states in the hierarchical arrangement of sovereign forms. Still the classifications were problematic. For the hierarchy obsessed international lawyers of the late nineteenth century, the most troublesome case was the Ottoman Empire.

17 Of the late nineteenth century publicists theorizing the law of nations, the Scottish jurist, James Lorimer, employed perhaps the most explicit expression of the civilizational model of international law. He divided the world into three spheres: “civilized humanity,” “barbarous humanity” and “savage humanity.” Corresponding to each sphere he articulated three “stages of recognition,” whereby a particular political entity would be recognized in international law as a member of the ‘family of nations.’ See James Lorimer, Lorimer, The Institutes of the Laws of Nations (London: Blackwood, 1883).
From the last quarter of the nineteenth century until the establishment of the Turkish Republic after World War I, European international lawyers sustained a long debate over the proper place of the Ottoman Empire within the ‘family of nations.’ The Ottoman Empire and its component parts in the Balkans and the Middle East were given a disproportionate amount of attention in international legal discourse. Whatever the Ottoman Empire’s legally defined position in international society, it was anomalous and difficult to precisely define. On one hand, the Ottoman Empire had long conducted treaties, maintained diplomatic relations with European states, and by the nineteenth century increasingly become a factor in the balance of power on the continent. In this sense, it seemed clear to contemporaries that the Ottoman Empire was an operative element of the European state system. On the other hand, its full independence as a state was attenuated by European imposed limitations on its sovereignty through the Capitulations, European imposed privileged or autonomous provinces, permanent European military occupations of Ottoman territory and later the Ottoman Public Debt Administration. Though most European states had extraterritorial rights in the Ottoman Empire by the eighteenth century, the increased territorialization of sovereignty in the nineteenth century made these agreements not only unacceptable to the Ottomans, but also functioned as the source of distinction between ‘civilized’ Europe and the Ottoman Empire.

Despite limitations on Ottoman sovereignty, international recognition of the Sultan’s rights guaranteed by treaty changed how European powers justified intervention and occupation. By the 1870s the Ottoman diplomatic corps came to rely upon international law as a tool of diplomacy. The Ottoman Office of Legal Counsel (*Istişare*...
Odasi), which dealt with questions of international law in Ottoman foreign policy, was not established until the early 1880s, but already in the 1870s, Ottoman diplomats relied upon international law and territorial guarantees in their negotiations with Europe.

**Autonomy in the Ottoman Empire: Privileged Provinces and Balkan Models**

My dissertation examines three separate, but related problems of late Ottoman imperial administration. The period between the Tanzimat (1839-1876) period and the collapse of the Ottoman Empire was characterized in part by the conflict between state centralization policies and the existence of autonomous provinces within the constitutional structure of the Ottoman Empire. Related to this, the Foreign Office viewed regional autonomy as a diplomatic solution to maintain the territorial integrity of the Ottoman Empire. Finally, multiple simultaneous Great Power military occupations of Ottoman provinces between 1878 and 1914 applied further pressure upon the late Ottoman centralization efforts. From the events leading to Greek independence, in which Mehmet Ali played no small part, the British Foreign Office considered each of these options for resolving the “Egyptian Question.”

In 1841 Egypt became one of a handful of Ottoman autonomous provinces, a point that evidenced the flexibility of Ottoman rule with respect to its periphery, but more

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significantly bore the trace of nineteenth century European intervention into Ottoman affairs. In the majority of cases, autonomous status was granted to Ottoman provinces as a result of military conflict – Samos, Mt. Lebanon, Cyprus, Egypt, Eastern Rumelia, and Crete. By 1882, a continuum of constitutional relationships existed within Ottoman domains from autonomy to vassalage to sovereignty for successor states. The British Foreign Office viewed successor states as a risky political experiment and rather preferred some measure of administrative autonomy within the Ottoman state guaranteed by the “public system of Europe.”

I argue that autonomy became the favored British solution for maintaining the territorial integrity of the Ottoman Empire. British Foreign Secretaries, Ambassadors and later lawyers seized upon the autonomy idea as an administrative solution to Ottoman stability. Despite the fact that the Ottoman government viewed autonomy as a derogation of sovereignty and resisted Great Power imposed decentralization efforts, autonomy and even foreign military occupation were preferable to losing a province to annexation or independence. The point is autonomy was as much an Ottoman as a British strategy for dealing with European intervention in Ottoman domestic affairs.

19 European established the “independent” Greek Kingdom in 1832 with a foreign King and three European protectors. In 1878, following the Russo-Ottoman War of 1877-78, Montenegro, Serbia and Romania were established too as independent states – though it should be said that European officials themselves did not seem entirely clear about what exactly independence meant.

20 European international relations in Europe in the eighteenth and early nineteenth century were governed by the ‘public law of Europe.’ During the course of the nineteenth century this area of legal concern came to be called international law or the ‘law of civilized of Nations’ and by the late nineteenth and early twentieth century was considered applicable only to nations and empires which met a certain standard of ‘civilization.’ The Ottoman Empire, along with China, Japan, Persia, and Siam. See Gerrit W. Gong, The Standards of ‘Civilization’ in International Society, Oxford: Clarendon Press, 1984.
Finally, the Foreign Office also considered permanent military occupation of Ottoman territory, which also emerged out of the Congress of Berlin (1878), as a variation of autonomy. The occupation of Egypt needs to be set against the military occupations in Tunisia, Bosnia-Hercegovina, Cyprus, Bulgaria, and later Libya. European governments followed each other’s occupation policies and moved in tandem. At the same time, Egypt’s trajectory was distinct and needs to be explained. Britain and France rapidly proclaimed protectorates following their occupations of Cyprus and Tunisia respectively. The Habsburg Empire annexed Bosnia-Hercegovina in 1908 following the Young Turk Revolution at the same time that Bulgaria declared its independence. In contrast, Egypt remained legally bound to the Sultan’s domains until the Ottoman entry into World War I - despite high-level British official arguments for annexation. At the outset of the occupation, Egypt’s legal status as an Ottoman province guaranteed by treaty prevented Britain from directly incorporating the territory into the empire, but by the early twentieth century the ambiguousness of occupation offered Britain far more flexibility than annexation would allow.

**Organization**

The dissertation is organized around a series of constitutional crises, at points when the legal status of Egypt vis-à-vis the British and Ottoman empires came under scrutiny in international politics. Chapter 1, “The Rights of the Sultan” examines Ottoman diplomacy and British legal justifications for the invasion and initial occupation of Egypt. I argue that the Foreign Office appealed to international law in order to manage opposing claims by Egyptian constitutionalists, European powers, and the Ottoman Empire. Throughout the crisis the Ottoman Empire demanded and obtained international
recognition of Ottoman sovereignty in Egypt, which set initial limits on the British occupation. Though the political and diplomatic history of the invasion of Egypt is well-trodden ground, there is very little historiographical analysis of Foreign Office legal concerns before the invasion and the immediate problem of establishing authority in Egypt afterwards.

In the lead up to the bombardment of Alexandria, the Ottoman and European Foreign Ministries contested the nature of the Sultan’s authority in Egypt. Based upon the international treaties and imperial firmans from the era of Mehmet Ali, the Foreign Office acknowledged that the Sultan, and not the Khedive, was in fact the sovereign of Egypt, but argued that Britain could intervene on behalf of the local governor to reestablish order for the sake of international order. The Foreign and War Offices advised that the bombardment and invasion of Egypt should be categorized as a police action so as to avoid a legal state of war between the Ottoman and British Empires. To underline the fact that Britain’s intervention was not an act of war, the Foreign Office compelled the Sultan declare ‘Urabi a rebel and to publically affirm Ottoman support for the Khedive Tawfiq. The Ottoman government was willing to accommodate British demands in exchange for recognition of Ottoman sovereignty in Egypt.

Chapter 2, “The Reorganization of Egypt: Lord Dufferin’s Tanzimat?” situates Foreign Office plans for the administrative reorganization of Egypt within the longer history of Anglo-Ottoman debates on administrative reform. The chapter examines the origins of British ideas about administrative autonomy as a diplomatic solution to maintain the territorial integrity of the Ottoman Empire by tracing Lord Dufferin’s administrative schemes produced for Syria, Canada, Eastern Anatolia, and Egypt.
Dufferin viewed Egypt as a problem of Ottoman administration and sought to transfer additional administrative power to Cairo in order to protect British interests and limit European and Ottoman interference, but also saw it as a mechanism to manage constitutionalists in Egypt. The Sultan, Abdülhamid II, understood Dufferin’s reorganization project as another European directed effort to weaken the Empire through autonomy and imposed decentralization. A number of Ottoman diplomats and intellectuals viewed administrative autonomy as a centrifugal force in the Empire and a European imposed derogation of Ottoman sovereignty.

The perspective of Lord Cromer’s tenure as Consul-General (1883-1907) has overshadowed initial British plans for the province. Dufferin, who was the British Ambassador to the Ottoman Empire during the Egyptian Crisis, was dispatched to Cairo in November 1882 in order to draw up plans for the reform of Ottoman institutions in Egypt. Dufferin’s “Reorganization of Egypt” was widely considered by contemporaries and later historians to be the blueprint for the occupation. Lord Cromer’s much publicized yearly reports on “reform” in Egypt were based on this initial constitution for Egypt.

Chapter 3, “The Anglo-Egyptian Condominium in Sudan: Ottoman Territory or Terra Nullius?” covers the period between the “reconquest” of the Sudan (1896-1898) to the 1904 entente cordiale when France recognized the British position in Egypt. From the first days of the occupation through the Anglo-Egyptian reconquest, the Ottoman government asserted territorial claims to Sudan as part of a broader strategy to ensure that Egypt remain legally within the fold of the Empire. Policing territorial rights in Sudan was closely linked with this task, but might also be seen as an engagement with
expansionist Europe and the “Scramble for Africa.”

British claimed rights to administer Sudan jointly with the Khedive based upon two incompatible theories of territorial acquisition. In the face of Europe, and France in particular, Cromer and Salisbury argued that Britain and Egypt had “recovered” lost territory. Whereas in the face of the Ottomans, the Foreign Office argued that Ottoman rights were forfeited to the Mahdi and that Britain and Egypt had conquered Sudan as terra nullius. The last part of the chapter looks at legal analyses of the Condominium in international legal texts. In particular, the chapter examines the works of French lawyers who argued that British diplomats had appealed to international law in the service of power politics, which risked undermining the “science of international law.”

Chapter 4, “The End of Occupation: Ottoman Sovereignty and the British Declaration of Protection in Egypt” shows that the international legal status of Egypt remained a problem in international politics at the outset of the war. Egypt’s legal status threatened to bring the Ottomans into World War I against Britain long before they were prepared. Germany and Britain also used Egypt to incentivize the Ottomans for their own ends in the war.

The second half of the chapter looks at British internal debates on the future of Egypt between the July Crisis in the summer of 1914 and the declaration of protection in December of the same year. These debates mirrored those that would occur at the end of the war about how to deal with Ottoman territories under British military occupation in 1918 and 1919. Egypt provided a model for thinking about British imperial control in the Middle East at the end of the war. British internal debates on the virtues of annexation

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21 Terra nullius, Latin, meaning “land belong to no one.” Originally from Roman law, the term was revived in the nineteenth century in the field of international law, and was used to justify European territorial expansion, especially in Africa and Australia.
versus protection in conjunction with Egyptian demands for autonomy in 1914 were an important testing ground for thinking about the location of formal sovereignty in relationship to imperial control.

Chapter 5, “Ottoman Autonomy, the Illegal Protectorate and the origins of British Imperial Control in the Middle East after World War I,” argues that the Foreign Office learned something very important about formal sovereignty during the protectorate experiment in Egypt. The protectorate lasted briefly, but debates about the it in London and Cairo during the war until the mid 1920s, led to discussions about the past and future of British power in Egypt and the Middle East more broadly. The protectorate was a wartime exigency and one that deviated from the Foreign Offices’ usual anti-annexationist position in Ottoman territories – as the Foreign Office preferred a range of options to manage Ottoman weakness, from creating autonomous provinces to permanent military occupation. By the end of the war, many officials viewed the protectorate as a misstep, particularly as Egyptian nationalists continued to appeal to Egypt’s special status in international law while demanding independence.

Imperial historians have argued that the British Empire reinvented itself in the Middle East following the Ottoman defeat at the end of World War I. 1919 is posited as the decisive break with the Ottoman past in the Arab Near East – where British and French quasi-colonial rule replaced Ottoman rule under the League of Nations Mandates System. This timeline overlooks significant continuities in the exercise of British power in Egypt and the Ottoman Empire with the period before World War I. Moreover, the Ottoman Empire often does not appear in any meaningful way in the dense historiographical debate on wartime planning and the postwar territorial settlement, but
rather exits as an inert arena for European imperialist visions. Ottoman ideas and administrative practices contributed to British theories and practices of managing the Middle East after the war. In particular, “autonomy” as an idea and existing method of Ottoman administration exercised an important influence on British postwar governance in the Middle East. By examining Ottoman planning for the future of the Empire, the dissertation will show that the Ottoman and British and Empires grafted Wilsonian ideas about national self-determination onto existing imperial architecture.
Chapter 1: The Rights of the Sultan

The London Conference and the Firman of February 2, 1840 recognized Egypt as an autonomous province, which would be administered hereditarily by the family of Mehmet Ali and as a tributary under the rights of sovereignty of the Sultan and the sovereignty of the Ottoman state. As the greatest legal experts of Europe have stated in their works, the legal rights and privileges of Egypt, that are determined in the international arena, can only be altered/amended through international consensus.

Süleyman Kâni İrtem¹

The condition of Egypt may be regarded as the result of an European international compact as, although it has been in form settled by a Firman or Edict of the Padishah of the Ottomans, that settlement was the result of an agreement between the Porte and the Four Great European Powers, and it has received the guarantee of those Powers under the treaty concluded between them and the Porte.

Sir Travers Twiss²

On July 11, 1882, British ships bombarded coastal fortifications in the port city of Alexandria. For nearly a year, an experiment in constitutional politics had been underway in Egypt, which among other things challenged European political influence and financial control of the Ottoman province. Within two months of the bombardment, General Wolseley, the commander of British troops in Egypt, apprehended Colonel Ahmad ‘Urabi, the former Egyptian Minister of War, who had since been declared a rebel and enemy to all by Britain, the Sultan in Istanbul and by the governor of Egypt, the Khedive. ‘Urabi’s capture signaled the end of constitutional politics in Egypt and set into motion the over thirty year military occupation of the province. At the outset of the occupation, the British government justified the military intervention as a limited police action to restore law and order for the benefit of international relations. But Britain acted alone,

¹ Süleyman Kâni İrtem, Selim Kocahanoglu ed., Osmanlı Devleti’nin Mısır Yemen Hicaz Meselesi (İstanbul, Temel Yayınları, 1999). Süleyman Kâni İrtem was an Ottoman bureaucrat and wrote extensively about problems afflicting the late empire.

without the support of the other European Foreign Ministries, and invaded the territory of a friendly power, whose international legal status as an autonomous province within the Ottoman Empire was guaranteed by international treaty.

Historical explanations for the “Egyptian Crisis” are split between two main concerns. The first examines local constitutional and revolutionary events in Egypt proper and emphasizes the anti-imperial and nationalist claims of the participants, the second is concerned with unmasking the hidden causes that drove the Liberal, ostensibly anti-imperial, Gladstone Cabinet to invade Egypt. The latter concern offers largely geostrategic and economic explanations and uses events in Egypt to make larger arguments about the intensification of European imperial rivalries during the late nineteenth century. Neither approach considers the significance contemporaries attached

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3 British, European and especially Ottoman contemporaries referred to the events in Egypt between September 1881 and September 1882 as the “Egyptian Crisis,” though more recently, particularly historians of Egypt refer to these events as the ‘Urabi Revolution (thawra), underscoring the significance of local events and ideas and undermining an older historiography that categorized the crisis as a revolt or rebellion. See Donald Malcolm Reid “The ‘Urabi Revolution and the British Conquest, 1879-1882,” in The Cambridge History of Egypt, Volume Two, Cambridge: Cambridge University Press, 1998 and Juan Cole’s Colonialism and Revolution in the Middle East: Social and Cultural Origins of Egypt's 'Urabi Movement (Cairo: American University Press, 2000).


to Egypt’s international legal status in the months preceding the occupation, nor do these approaches consider Ottoman diplomacy in the affair. European and Ottoman diplomats, publicists, international lawyers, and European parliamentarians, however, engaged in a sustained debate on the best way to “restore order and the status quo” in order to preserve their respective rights and privileges in the Ottoman province.

Throughout the crisis, the primary interested parties (Britain, France, the Ottoman Empire, and the Khedive) made arguments about what should be done in Egypt by drawing upon legal texts generated in the 1840s during the Near East Crisis. The 1840 Convention of London defined the legal relationship between the Sultan and the governor of the Ottoman province, providing hereditary rights to the governorship in exchange for the European recognition of Ottoman sovereignty in Egypt. The treaty was signed by Britain, France, Prussia, and Russia and recapitulated in a series of Ottoman imperial edicts that further demarcated the legal relationship and duties between the governor in Egypt and the imperial center. Because Egypt’s sovereignty and administration were

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7 ‘Memoir addressed by the Consuls-General of the Four Powers to Mehmet Ali,’ Alexandria, August 19, 1840 in House of Commons, Parliamentary Papers, Correspondence relative to Affairs of the Levant, Command Papers, Accounts and Papers, XXIX, 1841, session D, pp159-63.

8 For the texts of successive imperial firmans or edicts see, Egypt, *Recueil de firmans impériaux ottomans adressés aux valis et aux khédives d’Égypte 1006 h.-1322 h.(1597 J.-C.-1904 J.-C.)*
guaranteed by the “political system of Europe,” any changes in Egypt’s international legal status vis-à-vis Istanbul or Egypt’s European financial commitments required European agreement.

This chapter argues that constitutional demands in Egypt against the power of the Khedive and the European debt controllers put pressure on the status quo. The hybrid system of divided governance in Egypt, which allowed Europeans to manage the debt and control the budget, while sovereignty resided in the Ottoman government, was the result of an uneven bargain, but one where European and Ottoman interests were delicately balanced. The possibility of altering the status quo in Egypt prompted Britain, France, the Ottoman government, and the Khedive to attempt to gain further advantages at each other’s expense, but the durability of the 1840 legal texts placed limits on how far this was possible and how these advantages could be justified to an international audience.⁹

An examination of inter-imperial negotiations during the Egyptian Crisis shows that Ottoman legal claim to sovereignty in Egypt mattered as much as European efforts to protect their privileges in Egypt. Ottoman and European claims to rights in Egypt shaped British justifications for the intervention. Britain attempted to appease France, the Ottoman Empire and the Khedive. Moreover, the international legal status of Egypt shaped British policy in Egypt. From 1840 until 1914 the legal status of Egypt was a

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problem of European politics and international law, and this was first and most clearly demonstrated by the Egyptian Crisis.\textsuperscript{10}

**Background**

Between the start of the Egyptian crisis in February 1881 and the riots at Alexandria in June of 1882, the key event precipitating British intervention in Egypt, European and Ottoman foreign ministries debated the best means to “restore order and the status quo in Egypt.”\textsuperscript{11} Throughout the period three minimal requirements for solving the crisis dominated international discussions: the Sultan’s sovereignty over Egypt, Egypt’s adherence to external obligations (i.e. the debt), and the preservation of the rights secured by the firmans for the Khedive (in other words, the Khedive’s administrative control of the province). The separation of budget, administration, and legal sovereignty among European debt managers, the Khedive and his cabinet, and the Sultan created serious problems when constitutional demands in Cairo pushed against inter-imperial interests.

\textsuperscript{10} The idea that Egypt was a question of international law was well understood by politicians and diplomats in London, Istanbul and Cairo until the end of World War I, yet it is something that seems to have been promptly forgotten in the early 1920s and overlooked by historians. Egypt’s ambiguous status in international relations – nominally under the dominion of the Sultan, but administered through the British Foreign Office – was often the point of departure for arguments to regularize the constitutional relationship of Egypt within either the Ottoman or British imperial system. In 1919, Sa’d Zaghlul’s “Case of the Egyptian Delegation,” started from this position when he argued for a state for Egypt: “It is certain that the Egyptian question which, since 1840, constitutes a problem of international law, cannot on a more propitious occasion be settled then at the Peace Conference.” Wafd, *Egyptian Delegation to the Peace Conference*, Paris: Wafd, 1919.

\textsuperscript{11} This expression was repeatedly used by the British Foreign Office in official correspondence throughout the ‘Urabi Revolution.
Before detailing the substance of these inter-imperial negotiations, it may be helpful to have an overview of events in Egypt as the crisis unfolded against them. In January 1881, a group of Egyptian army officers led by Ahmad ‘Urabi presented a petition to the Khedive Tawfiq demanding the expansion of the Egyptian Army after it had been radically reduced in size. The officers also criticized methods of advancement within the army, arguing that the Turco-Circassians (i.e. Ottoman Turkish speakers, who were among the governing elite) held the highest positions within the ranks and prevented social advancement for native Arabic speakers. Throughout the year a group composed of army officers, large landholders, and religious scholars began referring to themselves as the “nationalist party” and started to frame their complaints in constitutional language. When Tawfiq opened a new session of the Egyptian Chamber of Notables (madjlis shūrā al-nuwwāb) in December 1881, the nationalist party directed grievances though this institution.

The Chamber of Notables was an ad-hoc creation established in 1866 by the Khedive ʻIsmail (r. 1863-79) for the purpose of legitimizing a major tax increase. Though


13 See too Schölch, Egypt for the Egyptians and Cole, Colonialism and Revolution in the Middle East and Reid, “The ‘Urabi Revoltion.”
the Chamber of Notables met annually, its powers were limited to consultation. A new session convened in late December, and a new Cabinet was assembled in early January 1882. Soon thereafter, the Chamber of Notables drafted a new Organic Law (*Règlement Organique*), which would have given limited budgetary control to the Chamber. The Organic Law was submitted to Tawfiq for approval on February 7, 1882 and provided the Chamber of Notables with the right to “discuss half of the budget not encumbered by the foreign debt and the Ottoman tribute, and to supervise all officials (even in theory the controllers).”

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**The Problem of Constitutionalism in Egypt**

The proposed Organic Law in Egypt threatened the position of the Sultan and the British and French debt managers in different but no less profound ways, and each in the end would fall back upon the 1840 legal texts to defend their positions. But how and why should constitutionalism cause such chaos in the order of things in Egypt? Already in 1881, the British, French and Ottoman governments were in discussions with the Khedive and Sultan about how to solve the problem of ‘Urabi and the Egyptian military’s demands, which at that stage included the dismissal of the current cabinet, a constitution, and the expansion of the army. The British Consul in Cairo, Edwin Malet, met Sultan Abdülhamid in Istanbul and remarked that the Sultan’s only real concern in September was the Egyptian demand for a constitution: “He said that he could not concede; it was

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not possible for him to allow a constitution in one province of his dominions and withhold it from the others.”

Abdülhamid’s concerns must be balanced against two things. The first is that he proclaimed the first Ottoman Constitution in 1876, only to prorogue it indefinitely during a war with Russia in 1878. The first article was drafted with European demands for Balkan autonomy in mind, but also applied equally to Egypt: “The Ottoman Empire comprises present territory and possessions, and semi-independent [autonomous] provinces. It forms an indivisible whole, from which no portion can be detached under any pretext whatever.” Though the constitution was suspended until 1908, Article I

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16 National Archives (hereafter NA)/FO/407/18/ No. 246 Malet to Granville, September 21, 1881.
17 The literature on constitutionalism in the Ottoman Empire and its constituent parts in the Balkans and Middle East is vast. For the Ottoman Empire, the historiography can be divided into distinct periods: constitutional thought before the proclamation of the 1876 constitution, the short lived first constitutional period between 1876 and 1878, the period of the Young Turk Revolution (1908-1923), and the period of the early Republic. The classic study in the history of ideas is Şerif Mardin’s, The Genesis of Young Ottoman Thought: A Study in the Modernization of Turkish Political Ideas (Syracuse, NY: Syracuse University Press, 1962). Robert Devereux’s, The First Ottoman Constitutional Period: A Study of the Midhat Constitution and Parliament (Baltimore: Johns Hopkins Press, 1962) is one of the best studies in English on the drafting of the 1876 Constitution and First Ottoman Parliament. For the Young Turk period Sükrü Haniioğlu claims historians have misunderstood the Young Turks constitutional demands. He argues that the Young Turks were secular elites less interested in representative government than in modernizing Ottoman political and economic institutions. See Sükrü Haniioğlu, The Young Turks in Opposition (New York: Oxford University Press, 1995) and Preparation for a Revolution: The Young Turks, 1902-1908 (New York: Oxford University Press, 2000). Hasan Kayalı’s work deals with the reception and participation of Ottomans in the Arab provinces, including Egypt, after the Young Turks assumed power. Finally, Nader Sohrabi has attempted to examine the constitutionalism of the Young Turks within a global framework and has drawn direct connections between the Young Turk reform and modernization projects with the policies in the early Turkish Republic, Revolution and Constitutionalism in the Ottoman Empire and Iran (Cambridge, 2011) and “Historicizing Revolutions: Constitutional revolutions in the Ottoman Empire, Iran, and Russia, 1905-1908,” in The American Journal of Sociology, Vol. 100, No. 6 (May 1995): 1383-144 and “Global Waves, Local Actors: What the Young Turks Knew about the Other Revolutions and Why it Mattered,” Comparative Studies in Society and History, vol. 44, 1(Jan. 2002): pp. 45-79.

articulated the primary Ottoman foreign policy goal of the Hamidian regime: maintain the territorial integrity of the empire against European encroachments and independence seeking peripheral provinces. Secondly, Abdülhamid’s rule was marked by an effort to centralize policy throughout the empire. Egypt, along with a number of other privileged provinces (eyalat-ı mümtaze), frustrated these efforts. Abdülhamid would never accept another such limitation on his already limited powers in regard to Egypt.

The day before Abülhamid’s discussion with Malet about the suitability of a constitution for Egypt, the British Ambassador in Istanbul, Lord Dufferin, had a similar discussion with Said Pasha, the Grand Vizier.

Yesterday to my great astonishment Said Pasha asked me whether I was disposed to recommend a Constitution for Egypt. I said, certainly, if it was fundamentally contrived, suitable to the habits and genius of the people, and cautiously introduced. I found however, that what he meant by "Constitution" was the imposition of restrictions upon the personal action of the Khedive, who he complained, was present at the Counsel of Ministers, and took a direct part in the administration of that country. I observed that a similar reform might be needed nearer home. He then explained that by "Constitution" he did not mean any approach to popular government, but restrictions to be placed upon the Khedive's personal interference in the administration, his presence at the Council Ministers, etc. From this I conjecture that the Sultan has some plan for increasing his own personal, though indirect influence in Egypt at the expense of Tewfik (the Khedive).

The significance of this exchange lies in the fact that the Ottoman bureaucracy supported constitutionalism in 1876 in order to check the power of the Sultan, but also to restructure imperial institutions in order to prevent further European interference in Ottoman affairs. The Ottoman government would consider a constitution for Egypt as a means to limit the Khedive’s administrative privileges and tie the province closer to the central administrative machinery of the empire. The problem in Egypt, however, was that the ‘Urabists brand of constitutionalism looked a lot like a particular branch of

constitutionalism in 1876, which was concerned with asserting Ottoman sovereignty against European demands for reform in the Balkans. The ‘Urabists argued that the Khedive’s administrative powers should be circumscribed, but were just as much concerned with limiting foreign control of the budget and administrative policy. Finally the ‘Urabists were suspicious that the Ottoman government might well cancel the imperial firmans, providing the Khedive’s privileges, which was also a major concern of the Khedive, the French and the British. For the British and French governments the problem of constitutionalism in Egypt was that the Organic Law of February cut directly against their privileges and interests and threatened to circumscribe their control of the budget.

**The Joint-Note and the Organic Law**

Both Egyptian and imperial historians of the ‘Urabi Revolution/Crisis agree that the “Joint-Note” radicalized the Chamber of Notables. Fearing that the Chamber would attempt to limit Tawfiq’s authority, and thereby curtail their own, the British and French governments issued a note in support of the Khedive on January 8, 1882. Drawing upon the privileges granted by Ottoman imperial firmans, Britain and France challenged the

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20 The First Ottoman Constitution was promulgated on the same day the Great Powers of Europe met in Istanbul to discuss uprisings in Bosnia-Hercegovina and Serbia. European ambassadors demanded that Balkan provinces be granted greater local control and autonomy – an idea Abdülhamid viewed as destructive to the empire as a whole. Elizabeth Thompson argues that constitutional ideas and projects in the Middle East in the late nineteenth century and 1920s were tied to the attempt to assert national sovereignty against European encroachment and occupation. See Elizabeth F. Thompson, ”Justice Interrupted: Historical Perspectives on Promoting Democracy in the Middle East,” *United States Institute of Peace Special Report No. 225* (June 2009).

Chamber to risk altering the status quo: “That the English and French Governments consider the maintenance of His Highness on the throne on the terms laid down by the Sultan’s firmans, and officially recognized by the two Governments, as alone able to guarantee for the present and the future good order and general prosperity in Egypt, in which England and France are equally interested.” The Anglo-French support of the Khedive rested upon the authority of the Sultan’s imperial edicts. The Ottoman government, however, protested the Anglo-French action on the grounds that the Sultan had the exclusive right to communicate with the Khedive, noting, “Egypt forms an integral part of the possessions of His Imperial Majesty the Sultan.” The Ottoman Foreign Ministry interpreted the Joint-Note as moving well beyond the “status quo.” Essad Pasha, the Ottoman Ambassador in Paris, reported, “the collective note submitted to the Khedive was directed not only against the interior disorders, but principally against all interference from the Porte.” Thus, the Foreign Ministry interpreted the Joint-Note as an attempt by Britain and France to sever the sovereign relationship between Istanbul and Cairo.

The Foreign Ministry did not harbor these suspicions alone. Colonel ‘Urabi himself sent a letter directly to Abdülhamid and begged him not to forsake Egypt like Tunisia and enjoined the Sultan to support the Chamber of Notables. Employing pan-

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22 1882[3230]Egypt No 5 (1882). *Correspondence respecting the affairs of Egypt*. No. 45 Granville to Malet, January 6, 1882, p. 45. The note was communicated to the Khedive and thus made known in Egypt on the 8th of January.


24 *Ottoman Documents*, No. 116, Essad to Assim, January 9, 1882, pp. 88-89.

25 Tunisia had been occupied by French troops in 1881 and was very much in everyone’s thoughts.
Islamic elements that would have appealed to Abdülhamid, Urabi argued that Britain and France were plotting in Egypt in order to divide the community of Islam:

The states of France and England are trying extraordinarily to occupy the regions of Egypt and to attract harm to the Exalted State. By exerting their complete effort on this issue, they are acting dishonestly, lighting the specter of intrigue as much as possible, with power and effort in the Arab and non-Arab lands and will be able to provoke and separate the social body of the community of Islam…With this memorandum [the Joint-Note], they proclaimed our separation from our exalted state and hereafter we would be subject to these two states.27

‘Urabi’s interpretation of the Joint-Note, at least the interpretation he offered Abdülhamid, accorded with Ottoman Foreign Ministry thinking. The Ottomans suspected that the Joint-Note was an announcement of things to come and that a change in the order of things in Egypt was imminent. Thinking of the major territorial losses in the Balkans in 1878, and the recent occupation of Tunisia in 1881, the Ottoman Foreign Ministry embarked on a campaign to obtain written recognition of Ottoman sovereignty in Egypt.28 As a result of this interpretation of the Joint-Note, Ottoman diplomacy sought reaffirmation from all of the European capitals that Egypt formed an “integral part of the

through the crisis. Ottoman, Egyptian, British and French correspondence from the period is filled with references to Tunisia.

26 Başbaklık Osmanlı Arşivleri, (Ottoman Archives, hereafter BOA)/Y.PRK.MK/1/59 Müfettişlik ve Komiserlikler Tahrirati. ‘Urabi to Abdülhamid II, 29 Safar 1299 (January 20, 1882). This file contains the original Arabic letter from ‘Urabi and an Ottoman translation for Abdülhamid.


28 BOA/HR/SYS and Ottoman Diplomatic Documents, p. 85-121
imperial possessions of the Sultan.”

In one striking case, Assim Pasha asked his Ambassadors in Berlin, St. Petersburg, and Vienna to communicate the Joint-Note to the respective European Foreign Ministries. The three states responded with nearly identical notes, though Istanbul received Russia’s response first. The Russian Ministry of Foreign Affairs disapproved of the Joint-Note because it put the “Khedive in a difficult position vis-à-vis the national party” and aggravated already high tensions in Egypt.29 The note went on to affirm that Egypt was “recognized by the treaties as a part of the Ottoman Empire,” and said that the Joint-Note should have been addressed directly to the “suzerain court.”30 Furthermore, if any sort of intervention became necessary, it would be an “international question of Europe.”31

At first glance it would seem the Ottoman diplomatic strategy was successful – each of the major continental European countries had affirmed that Egypt was indeed part of the Ottoman Empire. The problem was with the expression “suzerain power.” The Porte instructed Ottoman Ambassadors to protest immediately against this expression in place of “sovereign.” Assim Pasha commented upon the term "suzerain," noting that the relationship of the Ottoman Empire to Egypt was not a question between “Suzerain and vassal, but one between Sovereign and subject.”32 A flood of letters followed the Ottoman protest. British ambassadors in Paris, Vienna, Berlin, Rome, and Istanbul wrote

29 *Ottoman Diplomatic Documents*, No. 131, Chakir Pasha to Assim, January 16, 1882, p. 97.


31 *Ibid.*, p. 97 The note went on to call for collective response in the event of intervention: “D'ailleurs dans ce cas même où une intervention étrangère viendrait à être exigée par les circonstances, en vertu des mêmes traités, elle ne peut avoir lieu que collectivement par toutes les Puissances signataires, l'incident devenant alors une question internationale européenne.”

to the Foreign Office in London requesting the British position on which term to use. The debate about the difference between “suzerain” and “sovereign” even found its way into the House of Commons.\textsuperscript{33} Lord Granville, the British Foreign Minister, finally wrote to the permanent undersecretary at the Foreign Office, Lord Tenterden, seeking legal advice and asked simply: "Is the Sultan Sovereign or Suzerain of Egypt?" Tenterden responded that the Sultan was indeed sovereign of Egypt and to underline the point he described the legal relationship between the Sultan and another part of the imperial realm, citing the 1878 Treaty of Berlin.

I have no doubt that the Sultan is Sovereign of Egypt. The Sultan is Suzerain of Bulgaria. Bulgaria constituted an autonomous and tributary Principality under the suzerainty of His Imperial Majesty the Sultan. The expression "suzerainty" is often used loosely to mean allegiance. I should say that a good proof of the distinction is that the Sultan can (and does) depose the Khedive. He cannot depose the Prince of Bulgaria.\textsuperscript{34}

Granville accepted Tenterden’s legal analysis and forwarded the memo to his ambassadors. Eventually the other European Foreign Ministries agreed with the British position. In one case, the Hapsburg Foreign Minister blamed the inadvertent use of “suzerain” on a Dragoman’s faulty translation.\textsuperscript{35}

But why should this distinction matter so much to all of the parties involved? For the Ottomans, there was a deep suspicion that the European powers, especially Britain and France, were attempting to attenuate the legal relationship between the Ottoman center and Egypt. The slight seeming difference between “sovereign” and “suzerain” looked massive after the Joint-Note. And it was only in this context that the difference had to be defined. Before the Joint-Note, even Ottoman Foreign Ministry correspondence

\textsuperscript{33} HC/1882/vol. 226/c.637. February 14, 1882.

\textsuperscript{34}NA/FO/407/19. Egypt. Tenterden to Granville, February 8, 1882.

\textsuperscript{35}Ottoman Diplomatic Documents, Edhem to Assim, March 21, 1882. Vienna, p. 127.
written in French referred interchangeably to the Sultan as the suzerain or sovereign. But with the help of the lawyers in the Foreign Office, the Ottoman campaign was successful early on, largely as a result of France and Britain having alienated the other powers with the Joint-Note. Following the suzerain-sovereign episode, British and French diplomats articulated potential solutions to the crisis in Egypt in terms that included the Ottomans and with far more deference to the idea that Egypt was a Ottoman problem and should be solved by the Empire. Thus, from the middle of January, British and French diplomats regularly articulated solutions on to the crisis in Egypt as “the desire to maintain the status quo in Egypt on the basis of European arrangements (i.e. financial control), and to maintain the Firmans of the Sultan.”

One last note of significance about this episode is that it shows the importance the British Foreign Office of the early 1880s attached to legal form. At the same time as the Foreign Office fastidiously concerned itself with the text of treaties and the letter of the law, the institution did much to undermine the Ottoman position in Egypt well before the occupation. Hardly anyone within the Foreign Office or Cabinet trusted the Sultan, and it was almost universally, though wrongly, believed that Abdülhamid backed ‘Urabi against Tawfiq. Acknowledging Ottoman sovereignty in Egypt before the occupation limited what could be done afterwards as well as the terms of the military intervention.

**Intervention**

The next phase of the crisis struck the Ottoman and European Foreign Ministries in early February, 1882 when the Egyptian Chamber of Notables’ proposed the Organic Law. As noted above the constitution planned to give partial control of the budget to the

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36 Selim Deringil has powerfully critiqued this idea and has shown that Abdülhamid condemned ‘Urabi’s actions as an act of insubordination. Selim Deringil, “The Ottoman Response to the Egyptian Crisis of 1881-82,” *Middle Eastern Studies*, 24, 1 (January 1988).
Egyptian government, excluding the parts reserved for the public debt and the Ottoman tribute, and would also give the government the right to oversee the European controllers. The French and British financial agents and consuls in Cairo announced to their respective governments that Egypt was in a state of anarchy. It was in this context that Lord Granville proposed a meeting of European governments to the new French Prime Minister, Charles de Freycinet.37 Added to the usual laundry list of ingredients to solve the Egyptian Question by maintaining the status quo, Granville added a new one: the “prudent development of Egyptian institutions.”

It is desirable to ascertain whether the other Powers would be willing to enter upon an exchange of views as to the best mode of dealing with this question on the basis of the maintenance of the rights of the Sovereign and of the Khedive, of international engagements and the arrangements existing under them, the preservation of the liberties secured by the Firmans of the Sultan, together with the prudent development of Egyptian institutions.38

This was a considerable innovation in terms of the meaning of the status quo and was the first instance that the Foreign Office indicated that it would take on the constitutional demands of the ‘Urabi movement. From then on, the question of the sovereign relationship between the Sultan and the Khedive, the maintenance of Egypt’s international debt obligations, as well as the Sultan’s rights in Egypt would be tied to the idea of the “development of Egyptian institutions.”39 The fact that Britain shifted the meaning of the status quo in Egypt to include the “prudent development of Egyptian institutions” was deeply distressing to Abdülhamid. He immediately assumed the British


39 This is a critical issue and will be taken up in greater detail in the next chapter.
intended to support a constitution for Egypt, which he rejected out of hand. The precise meaning of “Egyptian institutions” would continue to frustrate Ottoman-British relations throughout the Egyptian Crisis and well into the occupation.

While the Foreign Office in London saw an advantage in appropriating the language of constitutionalism, the situation on the ground in Cairo was rather different. Malet, the British consul, initially supported the constitutional direction of the Egyptian government, but by February he found it distressing. He worried that European governments were now providing the ‘Urabists with tacit encouragement. Malet argued that if the demands for self-government in Egypt were genuine and in fact the legitimate expression of the people, “that the experiment will cause the country to pass through a lengthened period of bad administration, for the science of government cannot be learnt as the organic law of the Chamber was established - by decree.”

The people were not ready to govern and up until then Europeans largely administered the machinery of government. He thought there was little to do other than to occupy the country by force and set about reorganizing its administration. Malet added, “it would be wise to allow the experiment to prove itself clearly impracticable before such a measure is resorted to. For very clear grounds can alone justify the suppression by arms of the effort of a country to govern itself.”

The British and French Foreign Ministries contemplated military intervention throughout the crisis and discussed various military possibilities. Early on, diplomats in London and Paris proposed the possibility of a joint British-French occupation or

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41 Ibid., Malet to Granville, February 27 1882.

42 Ibid., Malet to Granville, February 27 1882.
replacement of the Khedive. The British Foreign Office consul in Cairo favored using Ottoman troops as the most legitimate way out of the crisis, and would eventually convince the Foreign Office that Ottoman troops would insulate the British from the suspicions of the other European powers, the Sultan, and the ‘Urabists. Malet argued against the use of Anglo-French forces in Egypt, noting “I cannot see any solution to our difficulties if the situation deteriorates except through the action of the Porte. French and English occupation would be fatal to our own interests. English occupation alone would present far greater difficulties than those which the French are now encountering in Tunis.”

Though Malet would later support the British invasion of Egypt, his initial proposal to send Ottoman troops was considered the most viable option by the Foreign Office for much of the crisis.

Deploying Ottoman troops to Egypt posed two critical and insurmountable problems: neither Ottoman nor French governments could accept the domestic and imperial political risks. The French argument against sending Ottoman troops to Egypt was linked to their precarious position in Ottoman-Tunisia, which had been under French military occupation since 1881. The French feared Ottoman troops in Egypt would strengthen the Ottoman position in the entire region, and would bring about the end of the French occupation in Tunisia. Bartholomew St. Hilaire, French Minister of Foreign Affairs for the Jules Ferry government, argued, “the intervention would raise the pretensions of the Sultan, and increase his prestige through most of the Mahommedan population in North Africa.” The French Ambassador in Istanbul, Tissot, echoed these


concerns and insisted even further, without evidence, that the Sultan planned to disband
the Egyptian Army and do away with the khedivate by appointing a regular Ottoman
governor (vali), and thus incorporate Egypt into the central Ottoman administration.\footnote{NA/FO/407/18. Egypt. Dufferin to Granville, Spetember 9, 1881.} In
this instance, the French wished to preserve the status quo in Egypt against Ottoman
centralization. French fears were shared by the Khedive, who pleaded with British
officials to prevent greater Ottoman interference in Egypt, for fear of losing khedival
privileges.

The idea that the Sultan might abrogate the rights and privileges of the Khedive
was even shared by ‘Urabi. The first point of the program of National Party published in
the \textit{Times of London} stated that they (the National Party) “are firmly determined to
defend their national rights and privileges, and to oppose by every means in their power
the attempts of those who would reduce Egypt again to the condition of a Turkish
Pashalik.”\footnote{“The Programme of the National Party of Egypt,” \textit{The Times}, January, 3, 1882, p. 4.} The idea was that the Sultan planned to reduce Egypt to a regular province
was picked up and endlessly repeated in the European press and within British and
French diplomatic correspondence.

For Abdülhamid, the idea of armed intervention in an Arab province was
unthinkable. Following the massive territorial losses in the Balkans in 1878, the Ottoman
state had neither the capacity nor desire to alienate its Muslims population by sending
Ottoman troops to Egypt in order to fight other Muslims. Yet to refuse to send troops had
the potential to undermine Ottoman claims to sovereignty in Egypt and would provide
Britain with tacit Ottoman approval for the military intervention. Abdülhamid decided
upon a policy of prevarication and delay. The issue of Ottoman intervention in Egypt is
noted in the historiography, but the consensus among historians appears to be that the Ottomans refused to send troops. The story is rather more complicated and again must be set in the context of the 1878 as well as Abdülhamid’s appeals to pan-Islamism after the Treaty of Berlin (1878).\textsuperscript{47} The Sultan explained to the British Ambassador in Istanbul, Lord Dufferin, that he was concerned with his own “prestige among the Arab populations of Egypt, Syria, and Arabia.”\textsuperscript{48} Such a move would have been deeply unpopular and could expose the empire to further centrifugal forces, pulling Egypt even further away from the imperial center.

By May 1882 a meeting of ambassadors for the major European powers opened in the Ottoman capital to determine how Europe should resolve the crisis in Egypt. One of the key plans was to send Ottoman troops to Egypt in support of the Khedive. Wary of the repercussions and fearing further partition of the empire, Abdülhamid delayed sending a delegate to the conference for over a month. Two weeks before the British bombardment of the fortifications at Alexandria, the British Ambassador to the Ottoman Empire, Lord Dufferin, met with the Sultan’s private secretary, Reşit Bey, in a last ditch effort to bring the Ottomans to the negotiating table.\textsuperscript{49} The Secretary wished to clarify one point of concern before the Sultan would agree to send a delegate to the Conference and possibly Ottoman forces to Egypt. The Sultan’s concern hung upon the third point named as the basis of the Conference, which was the ‘prudent development of Egyptian


\textsuperscript{48} NA/FO/195/1406. Dragomans. Sandison to Dufferin, May 17, 1882.

\textsuperscript{49} Reşit Bey, the Sultan Abdülhamid II’s private secretary, was very close to the Sultan.
institutions.’ Dufferin explained that there was little cause for concern as the expression merely referred to reforms, but he was surprised to learn that “what has excited His Majesty’s mistrust is evidently the allusion to Parliamentary government which he imagines to be shadowed forth in the word “institutions.” If we are to carry the Sultan with us, we must calm his apprehensions on this head. If this can be done the prospect of our difficulties in the Conference, which are formidable, would in a measure disappear.”

**British legitimization of the invasion on legal grounds**

On July 11, 1882, the day Admiral Seymour issued the command to bombard the fortifications at Alexandria, Granville sent a thirteen-page dispatch to Dufferin, then posted in Istanbul. The document was an extended justification for military intervention and presented the Foreign Office version of events throughout the Egyptian Crisis. Granville argued that the British were forced to act because the legal Sovereign would

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not: “it would be most convenient, and most in accordance with the general principles of international law and usage, that the force to be so employed should be that of the Sovereign Power,” but the Sultan proved unwilling.\textsuperscript{54} Despite the fact that the Foreign Office remained in negotiations with the Porte concerning the Military Convention, which would allow the Ottomans to send a detachment to Egypt to assist in the intervention, the idea that that the Ottoman government refused to act became an important argument for justifying the British presence in Egypt after the ‘Urabi revolt had been suppressed.

The fighting between British troops and ‘Urabi’s forces lasted from July 11\textsuperscript{th} to September 13, 1882. The precipitating cause of the intervention was the massacre at Alexandria in June. But the problem of Britain acting alone in Egypt, without the support and consent of Europe, was not easily surmounted. The British government never declared war and instead classed the intervention as a police action in support of the Khedive and the protection of the Sultan’s sovereign rights against ‘Urabi. The Secretary of the Admiralty sent instructions into the field to “avoid the use of the word “neutrality” for we are not at war, but supporting the Viceroy against rebels.”\textsuperscript{55} These arguments were made first in an effort to satisfy Europe, but they were also made to placate the Sultan, who had made it clear to Dufferin before the invasion that any act of war in Egypt would be understood as an act of war upon the Ottomans. Even in Parliament, the invasion was paid for by a vote to increase the forces in the Mediterranean, rather than a vote for war credits. The debates in the Commons in late July were dominated by questions about the

\textsuperscript{54} \textit{Ibid.}, Granville to Dufferin, July 11, 1882, p. 13.

\textsuperscript{55} NA/FO 407/22. Sec. of Admiralty to Rear Admiral Sir. W. Hewett, August 3, 1882.
legality of the intervention and the problem of invading the sovereign territory of the Ottoman Empire without approval from the Concert of Europe. Gladstone insisted in the House that “I do not admit that we are at war with Egypt.”

On July 16, 1882, the War Office explained to Admiral Seymour the purpose of the mission: “the object of employment of force on shore is police protection of the place, and it is essential for political reasons to avoid appearance of military occupation.”

Over a month into the war, another round of telegrams went between the War Office and Cabinet about whether or not the Laws of War should be applied to the Egyptian belligerents. The Cabinet decided yes, but noted that Britain was still not at war and forwarded the following message for wider distribution: “Though occasion has not arisen for settling question of belligerent rights, you are authorized to treat rebels according to recognized rules of civilized warfare, including exchange of prisoners.”

Ottoman-British diplomacy during the war was dominated by British efforts to compel the Sultan to issue a proclamation denouncing ‘Urabi as a rebel and a statement of explicit support of the Khedive. Dufferin applied intense pressure upon Abdülhamid

56 NA/WO/33/40. Secretary of State fro War, A. Alison to B. Seymour, July 16, 1882.


58 See Kızıltoprak, Misir’da İngiliz İşgali. Apart from Deringil and Kızıltoprak, the proposed Military Convention between Britain and the Ottoman Empire appears briefly in the historiography. Yet it was a major concern in Ottoman accounts and recollections of the ‘Urabi crisis. Abdülhamid discusses the Military Convention as a betrayal in his memoirs. See Sultan II. Abdülhamid Han, Alaaddin Çetin, Ramazan Yıldız ed., Devlet ve Memleket Görüşlerim (Çığr Yayınları, 1976) and Mehmet Hocaoglu, ed. Abdülhamit Han’ın Muhtıraları (Abdülhamid’s Memoires) (Oymak Yayınları, n.d.) The debate on the Military Convention is also traced in detail in Osman Nuri’s 1909 political history of Abdülhamid’s reign, Abdülhamid-i Sâni ve Devr-i Saltanattı: Hayat-i Hüsusiye ve Siyasiyesi (Abdülhamid and the Period of his Reign: Private and Political Life) (Kitaphane-yi İslâm ve askeri, 1327 [1909/10]) and in a volume produced by the Ottoman Foreign Ministry during the war: Hariciye Nazareti, Misir Meselesi (The Egyptian Question) (Matbā-a-i Āmīre, 1334 [1915/16]).
to issue a proclamation, while Malet followed suit in Egypt and insisted that Tawfiq similarly declare ‘Urabi an rebel. The British tied the proclamation to a potential Anglo-Ottoman Military Convention, which would allow a number of Ottoman troops to land at Alexandria. Again Andülhamid was torn between having neither the capacity nor the desire to send Ottoman troops to Egypt and wishing to gain explicit British recognition of his sovereignty in Egypt. Musurus Pasha, the Ottoman Ambassador in London argued from the moment of the bombardment of Alexandria that the Ottoman government had to send troops to Egypt. He cautioned that without an Ottoman military presence in Egypt, the province would slip into the hands of the British. Two weeks after the bombardment he again urged the imperial government to make haste: “In the meantime it is important that the imperial government not lose time. The presence in Egypt of an imperial Army, sufficient at the same time imposing, is of the highest importance for maintaining the effective (réel) sovereignty of the Sublime Porte: ‘Beati possidentes.’”

The Sultan was forced to reconsider earlier objections to deploying Ottoman forces, but his earlier reservations about undermining Ottoman prestige in the Arab provinces continued to shape his thinking. On September 7, 1882, a week before ‘Urabi was captured by the British, the Ottoman Foreign Ministry continued to argue that “It is incredibly dangerous for us to send Ottoman troops to Egypt. From the point of view of Islam and of the Caliphate, the Sublime Porte has a right to protest against this attitude of the British recourse to force.”

59 ‘Beati possidentes’ Blessed are the possessors. Musurus to Said, July 30, 1882, Ottoman Documents, No. 484, p. 284.

On that same day, the Sultan finally issued a decree in support of the Khedive and against ‘Urabi’s rebellion (asilik).\footnote{BOA/İ.MTZ.(05)23/1074.} In late August, the Porte sent an Arabic translation of a letter from Abdülhamid to ‘Urabi justifying the Ottoman proclamation.\footnote{Deringil appears to have located a draft version of this letter from Abdülhamid to ‘Urabi Paşa. In Deringil’s account the letter is further evidence that the Sultan disapproved of ‘Urabi’s actions. See Selim Deringil, “The Ottoman Response to the Egyptian Crisis of 1881-82,” Middle Eastern Studies, 24, 1 (January 1988), p. 15.} The Sultan’s arguments were striking. In addition to blaming the entirety of the Egyptian crisis on ‘Urabi, claiming that ‘Urabi wished to become Khedive, he argued that Britain wanted to take possession of Egypt along with the Khedive.\footnote{BOA/Yıldız Esas Evrakı (Documents from Yıldız Palace, hereafter YEE)/116/2/inclosure 2. “henuz elvermediği Hediv ile İngiltere Devleti’nin muradi kutur-u Mısr’yi temellük etmektedir”} Underlining the earlier territorial integrity arguments that the Ottoman diplomats made to Europe, Abdülhamid went on to insist that Egypt was an integral part of the Ottoman Empire. Again drawing on Pan-Islamic language, he said that the proclamation in support of the Khedive and against ‘Urabi was necessary for the protection of his sovereignty rights and for the protection of the Muslims (mülkmün ve Müslümanların muhafazası).\footnote{BOA/YEE/116/2/inclosure 2.}

In this case, your movement wholly exceeds your rights. Egypt is part of the Ottoman domains. Egypt does not belong under anyone’s protection apart from my royal person and all who are inhabitants of the aforementioned province are required to submit to my imperial throne whether by custom or by the şeriat.

But the real substance of the letter was the justification for why the Sultan had to proscribe ‘Urabi’s movement a rebellion:

I have endured this [Urabi’s rebellion], with the purpose and intention to prevent disunion among the Muslims. Now, if you continue in this way, your dangerous enterprises will have more than serious consequences to the domains of Egypt and for the Muslims. This
situation will cause the aforementioned province to fall to the possession of another and it will be taken from the protection of the throne of our exalted state. You are required to come to this side, outwardly and manifestly obeying and conforming to my imperial edicts. If you do not submit to this sovereign command, your rebellion will be become known in that case, because it is obligatory to protect Muslims and my domains, and it would be necessary to proscribe publically your revolt among the people and they will keep a distance from you.\footnote{BOA/YEE/116/2/inclosure 2. “Bu babdaki harekatin serapa fuzüliliktitir. Mısır kit'ası ecza-yı Memalik-i Osmaniye'dendir. Zat-ı şehanemden başka ferd-i vahidin anı muhafazaya dahil yoktur ve kit'a-i mezküredede mütevattan olanların cümlesine gerek şer'an ve gerek örfen taht-i itaat-i Padişahenmde olması vacibdir.”}

Needless to say, once ‘Urabi was captured, the need for the Anglo-Egyptian Military Convention passed and the Foreign Office took a much harder line against the Sultan. Once the war was won, the Egyptian question entered a new phase. During the summer, plans for the future administration of Egypt began to take shape, but it was not until the success at Tel el-Kabir that such plans began to circulate within the Cabinet and Foreign Office. For the Gladstone Cabinet, the next step was to reestablish the authority of the Khedive and decide the future of Egyptian administration.\footnote{NA/FO/407/24. Confidential Print. Egypt. Granville to Dufferin, October 5, 1882.} The template for the reorganization of Egypt was Gladstone’s memorandum, “The Settlement of Egypt.”\footnote{NA/CAB 37/9/83, W.E. Gladstone, September 18, 1882. The document is reproduced in Paul Knapland’s Gladstone’s Foreign Policy (London: Frank Cass & Co., 1970), 280-286 and The Gladstone Diaries with Cabinet Minuets and Prime Ministerial Correspondence, vol. X, 1881-1883, ed. H.C.G. Matthew (Oxford: Clarendon Press, 1990), pp. 331-333.} Circulated to the Cabinet five days after the end of hostilities, Gladstone stated that the most pressing demands were to find suitable military and political settlements in Egypt followed by the question of the Suez Canal.\footnote{\textit{Ibid.}, W.E. Gladstone, September 18, 1882.} The military settlement was dominated by two requirements. First rebel forces had to be disbanded and their crimes in some way
adjudicated. Accordingly, the ‘Urabi question loomed large in Cabinet and Foreign Office efforts to legitimize the occupation. Secondly, new military, constabulary, and police forces had to be created. As the British defeated ‘Urabi, Gladstone argued that England had a free hand in creating these military and policing institutions.

The second task concerned the political settlement of Egypt, which would have to address four key issues: sovereignty, local institutions, the Suez Canal and ‘international engagements’.

Gladstone thought that the last two issues were matters to discuss with the powers, but assumed that England could begin to deal with the first two problems alone. He argued that the Sultan had failed miserably to restore law and order in Egypt – it was by British force alone that the crisis came to an end. Thus the basis of the maintenance of the rights of the Sultan and of the Khedive – one of the three questions throughout the crisis – would be altered.

While Gladstone found no fault in the Sultan continuing to claim the tribute and homage of the Khedive, he should not be able to raise troops in Egypt and should no longer be able to appoint “local sovereigns,” i.e. the Khedive. Gladstone requested that a Committee be formed to “to examine the conditions of the Balkan and Rumanian suzerainties” in order to determine, among other things, “the conduct of the foreign relations of Egypt.” Robinson and Gallagher argue that Gladstone wanted “Egypt was

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69 Ibid., W.E. Gladstone, September 18, 1882.
70 Ibid., W.E. Gladstone, September 18, 1882.
71 Ibid., W.E. Gladstone, September 18, 1882.
to be brought under informal British ‘suzerainty,’ French influence was to be ousted and the old Dual Financial Control abolished,” but their reading of Gladstone’s September 18th memoranda “The Settlement of Egypt” is misleading. While Gladstone wished to limit French influence in Egypt, the “suzerainty” that Egypt was to be brought under was to be Ottoman not British. 73

In other words, Gladstone wanted to limit the Sultan’s legal right to interfere in Egypt by diminishing the Sultan’s legal capacity in Egypt. The suzerain-sovereign debate following the publication of the Joint-Note in January showed that Foreign Office legal advisors regarded “suzerainty” as a much weaker legal bond than sovereignty. Gladstone and the Cabinet were in the end unable to carry out this particular change in Egypt’s legal relationship with the Ottoman Empire, but the Cabinet still managed to achieve the desired effect. From the capture of ‘Urabi in 1882 until Britain’s declaration of protection in Egypt in 1914, all British official documents referred to the Sultan as the legal suzerain of Egypt, rather than the sovereign. European governments soon followed suit. The Ottoman Empire continued to use words and phrases meaning sovereign or sovereignty to express the relationship between Istanbul and Egypt in internal documents. In diplomatic and personal correspondence conducted in French, Ottoman diplomats and Ambassadors employed the words “souverain” and “souveraineté,” rather than “suzerain” and “suzeraineté” to describe the legal bonds between Egypt and Istanbul – though this pattern began to change just before World War I. 74


74 European International law textbooks published after 1882 referred to the relationship between the Ottoman Empire and Egypt variously as suzerainty, sovereignty, a vassal or tributary relationship. Interestingly, most of these same textbooks defined suzerainty on the model of
In terms of local institutions, Gladstone wanted to end the system whereby the Sultan bestowed privileges on the Khedive. According to Gladstone, the best security against the Sultan’s interference in Egypt was the creation of self-governing institutions: “It is presumed England will make a firm stand for the reasonable development of self-governing institutions in Egypt.” Furthermore, foreigners should no longer be exempt from taxation. For finance, he argued that the Dual Control should come to an end, in order to manage French influence in Egypt and that the same committee that appointed the Balkan suzerainties should examine whether the Canal should be internationally neutralized.

Gladstone’s proposals expanded the Khedive’s executive privileges and effectively attempted to sever the legal relationship between Istanbul and Cairo. The plan was aimed at limiting what he saw as Ottoman interference in Egyptian affairs. He proposed radically reconfiguring the basis of the maintenance of the rights of the Sultan and of the Khedive, but this plan amounted to a legal revolution and eventually became the most difficult of his four points to implement. The most pressing issue for the

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Bulgaria and cited the Treaty of Berlin, or in other cases, they noted that the concept was revived to discuss the constitutional relationship of the Ottoman imperial center to its autonomous provinces. For instance, “The conception of suzerainty had its origin in feudalism, where it was used to describe a well-defined relation between lord and vassal. The great historical example of its application to the relations between separate states was furnished by the Holy Roman Empire, which ended in 1806. The term was revived in the nineteenth century to describe the relation between Turkey and its provinces during the period of their gradual emancipation… Egypt, from 1840 to 1914, and Crete, from 1898 to 1912, were recognized as autonomous under the suzerainty of the Sultan. In fact, each enjoyed a very limited international capacity, and in each case the international status was further complicated by the protection of other states. The term "suzerainty" has been little used elsewhere than in connection with the moribund Empire of the Near East.” Edwin Dickenson, The Equality of States in International Law, (Cambridge: Harvard, 1920), chapter “limitations on External Sovereignty.”

75 Ibid., W.E. Gladstone, September 18, 1882.

76 Ibid., W.E. Gladstone, September 18, 1882.
Gladstone government in Cairo in the months following the Battle of Tel el-Kebir was to dispose of ‘Urabi and to reestablish legal authority in Egypt - a difficulty compounded by the earlier British recognition of Ottoman sovereignty of Egypt, but also by European privileges.

The question of what to do with ‘Urabi polarized the British Cabinet and European commentators and diplomats. The Cabinet was entirely divided between death and exile. Some thought he should be sent to Istanbul or Ceylon, others court-marshaled and executed. The Foreign Office was desperate to have what appeared to be a fair trial, but given the precariousness of Britain’s position in Egypt, no one was sure which legal procedure, venue and law code to employ.78

77 With the exception of Arabic language literature, there is little written about Ahmad ‘Urabi’s trial, particularly in terms of the legal dimensions of the trial. It is an event that appears very briefly in most of the books on the British occupation of Egypt, yet without the extended analysis that one would expect given the fact that ‘Urabi occupies an exalted position in Egyptian national histories and is one of the prime movers in the literature of the so-called peripheral theory of imperialism. John Galbraith provides a good blow-by-blow account of events from the perspective of the British Cabinet. However, in line with his other work on the British occupation of Egypt, the mismanagement of trial indicated the fragility of the Gladstone Cabinet during the second government (1880-185). See John S. Galbraith, “The Trial of Arabi Pasha,” The Journal of Imperial and Commonwealth History, vol. 7, 3(May 1979), pp. 274-292. See also M.E. Chamberlain, “The Alexandria Massacre of 11 June, 1882 and the British Occupation of Egypt,” Middle Eastern Studies, vol. 13, 1(Jan., 1977), pp. 14-39. ‘Urabi’s lawyer published an account of events, which includes large parts ‘Urabi’s written instructions for the defense. Dufferin possessed a handwritten copy of ‘Urabi’s instructions, which is located in Belfast. PRONI/D1071/H/L5/5, “Arabi’s Instructions for his Defense.” See A.M. Broadley and Frederick Villiers, How We Defended Arabi and His Friends: A Story of Egypt and Egyptians (London: Chapman and Hall, 1884). See too Wilfred Blunt, “The Egyptian Revolution: A Personal Narrative,” The Nineteenth Century (September, 1882) and Secret History of the Occupation of Egypt: Being a Personal Narrative of Events (New York: Fertig, 1967, first published in 1895); For more on Blunt see Albert Hourani, “Wilfrid Scawen Blunt and the Revival of the East,” in Europe and the Middle East (Berkley: University of California Press, 1980). Finally, the memoirs of British officials in Egypt during the crisis and occupation are invaluable for reconstructing the debate. The most obvious choices are Evelyn Baring’s Modern Egypt (New York: Macmillan, 1916) and Alfred Milner’s England in Egypt (London: E. Arnold, 1894). There are many others including texts authored by C. Rivers Wilson, Edward Malet, as well as Auckland Colvin.

78 When Lord Dufferin arrived in Cairo to reorganize Egyptian institutions, one of the main problems he faced was the ‘Urabi trial.
European legal advisors, who worked on the Mixed Court circuit, invented a procedure and charges were finally drawn up based upon the Ottoman Military Code – of which only a few copies could be found in Cairo. Malet and other Foreign Office Agents in Cairo fruitlessly attempted to link ‘Urabi’s ostensible transgressions with articles in the Ottoman Military Code. In all, ‘Urabi was accused of having abused the flag of truce, inciting Egyptians to arms against the Khedive's government, having incited the people to civil war, and continuing to engage in warfare after the truce.

‘Urabi’s personal papers were seized and sent for translation to the Orientalist Sir James Redhouse, who found nothing of substance to condemn ‘Urabi. Legal experts in London admitted that the charges finally brought against ‘Urabi could not be proved and that everything involved in the trial, from the procedure to the venue, would never hold up in a British court. After intractable disagreements among lawyers and British occupational authorities, the trial of Ahmad ‘Urabi ended abruptly with a guilty plea and the usual Ottoman solution for disobedience: a government pension in exile.

The trial also divided Parliament in Britain and international public opinion more broadly. In Britain, Many commentators and Parliamentarians who initially endorsed the invasion of Egypt, withdrew support. The Cabinet, Foreign Office, and British agents on the ground in Cairo found it difficult to manage the fallout. For example, the internal Foreign Office memoranda for the period between the Battle of Tel el-Kabir and ‘Urabi’s exile in Ceylon was dominated by discussions of the legal and legitimacy problems that ensued following the British handover of ‘Urabi to Egyptian forces. Newspapers and journals in Europe, the United States, and the Ottoman Empire carried regular reports on the events of ‘Urabi and his co-conspirator’s trials. Even after the capital sentence issued
by the Military Tribunal was suspended by the Khedive, and ‘Urabi was safely away from Egypt, issues related to the trial continued to spill into the debates on the legitimacy of the British occupation.

After ‘Urabi’s trial the Ottoman and European governments pressured Britain to either evacuate its troops from Egypt or issue a statement of intent. Gladstone and Granville agreed that a figure with greater authority than Malet needed to be sent to Cairo. They decided Lord Dufferin should lead a special mission to Cairo after his diplomatic success managing the Ottomans and Europeans during the Egyptian Crisis.79

Conclusion

During the Egyptian Crisis, each of the primary interested parties was anxious to protect existing rights and privileges, and sought to maintain the status quo established by the London Convention of 1840. At the same time, the constitutionalists/‘Urabists sought to limit the Khedive’s authority in Egypt. The problem for Europe, the Ottomans, and the Khedive was how to manage the constitutional direction of the ‘Urabi movement vis-à-vis these privileges. For the European powers, and for Britain and France in particular, Egypt’s international financial obligations and the administration of Egypt’s debt was their chief concern. The Ottoman government was suspicious of British and French imperial designs and sought to preserve sovereignty in Egypt while also maintaining the Sultan’s prestige in the Arab provinces of the empire as Caliph (Emir ül-Müminin). At the same time, the Khedive, Tawfiq, wanted to retain Egypt’s administrative autonomy from the Ottoman imperial center, and like the British and French, was concerned that a change in the status quo would mean the loss of this privilege and direct administration

79 NA/FO/78/3453, Granville to Dufferin, October, 31 1882.
from Istanbul. The contest in Egypt among the powers was to retain their legal privileges against constitutional challenges, and against each other.

Ottoman sovereignty in Egypt did not prevent intervention, but it did shape British justifications and limited possibilities on the ground for the occupation. The rights of the Sultan, European privileges and the constitutional direction of the ‘Urabi movement did not disappear as problems for the British and remained unsettled throughout the occupation. Ottoman sovereignty in Egypt was guaranteed by Europe and changes in Egypt’s international legal status required European agreement, which was not forthcoming after Britain acted alone. Egypt would remain a problem of European politics and international law.
Chapter 2: The Reorganization of Egypt: Lord Dufferin’s Tanzimat?

The people were intended by providence to remain happy and contented in their isolated valley. They ought to be the most easily governed community in the world, as well as the best off and most contented; and if once we could get anything like a secure basis in Egypt, it might prove a beginning for the establishment of a better system of administration in other parts of the Muslim world.

-Lord Dufferin

It is clear that England – God forbid! – is striving to dissolve the Ottoman Empire into statelets. It amounts not to autonomy but to anatomy, by creating for example, an “Albania” in Albania, an “Armenia” in the Armenian-inhabited places, an Arab government in all the places inhabited by Arabs, and a “Turkey” in the Turkish-inhabited areas.

-Abdülhamid II

Introduction

On February 6, 1883, nearly five months into the British occupation of Ottoman-Egypt, Parliament published a blue book outlining official occupation policy and plans for the “reorganization” of the province. Three months earlier, the Cabinet commissioned Lord Dufferin, then Ambassador to the Ottoman Empire, to produce a scheme for the future administration of Egypt. The resulting blue book proposed far-reaching institutional changes that radically expanded khedival authority and limited Ottoman and European rights and privileges in the province. It projected the reorganization of the army and police, the native courts, distribution of water, and new forms of taxation and land use. By expanding khedival authority, Dufferin proposed to


3 The report was widely published and commented upon and can be found within a Parliamentary Paper on Egypt. House of Commons, Cmd. 3529. Egypt. No. 6 (1883), “Further Correspondence Respecting Reorganization in Egypt” Dufferin to Granville, February 6, 1883.
further circumscribe the Sultan’s rights in the province, as well as limit European privileges through the abolition of the Capitulations and the end of consular jurisdiction. To placate the constitutionalists in Egypt, the report also called for the creation of representative assemblies, whose role in governance would be confined to consultation.

Studies of the British occupation of Egypt broadly acknowledge that the 1883 “reorganization” report provided the blueprint for British administration in Egypt. Dufferin’s scheme, however, appears only briefly in accounts of the occupation and without much concern for the ideas animating the report. Accordingly, there is little substantive analysis about how the report came into being, or why Dufferin was selected to author it, and even less examination of the major points of contention that emerged after the blue book was published.⁴

By the time Dufferin arrived in Cairo, he had extensive experience with Eastern Question diplomacy and had worked on various other “reorganization” schemes for other Ottoman and British provinces. His first diplomatic posting was as a secretary to the Vienna Conference during the Crimean War. But he first distinguished himself in the eyes of the Foreign Office in Lebanon as the British member of the Beirut Commission (1860-61). Later, as the Governor-General of Canada (1872-1878), Dufferin was concerned with maintaining the new Federal Constitution, and at the same time keeping Canada within the constitutional structure of the British Empire. Following the Treaty of

⁴ Among historians writing about the occupation from a British imperial or Egyptian national perspective, there is consensus that the report provided Evelyn Baring (later Lord Cromer) with a template for exercising British rule in Egypt. Roger Owen’s description is typical: “It was Dufferin’s report, and its recommendations as to the new system which was to be set in place, which were to be Baring’s only guide.” See Roger Owen, Lord Cromer: Victorian Imperialist, Edwardian Proconsul (Oxford, 2004), p. 178; Robert Tignor, Modernization and British Colonial Rule in Egypt, 1882-1914 (Princeton, 1966); Afaf Lutfi al-Sayyid Marsot, Egypt and Cromer: A Study in Anglo-Egyptian Relations (New York, 1969); John Marlowe, Anglo-Egyptian Relations 1800-1935 (London, 1954).
Berlin (1878), he was posted to St. Petersburg; he arrived in Istanbul in the summer of 1881. As Ambassador, Dufferin dealt with outstanding issues related to the Congress of Berlin (1878), in particular with administrative reforms in eastern Anatolia.

It is possible to trace Dufferin’s theory of imperial administration though his various reorganization schemes, which reveal the source of his administrative ideas and places Egypt squarely within an Ottoman imperial and international context. Dufferin’s plan for administrative reform in Egypt drew upon his earlier schemes for Lebanon and Eastern Anatolia, and in each case the Ottoman state pushed back and managed to curtail parts of these schemes. Histories of the Tanzimat (1839-1876), administrative and legal reforms in the Ottoman Empire, are dominated by analyses of the success and failures of the central Ottoman state to modernize the empire along European lines. With few exceptions, scholars view the Tanzimat as originating in Europe, rather than a process of negotiation between Ottoman and European powers. By examining Dufferin’s reform schemes alongside Ottoman critiques it is possible to see a sustained debate between the Ottoman and British governments on the best methods of imperial organization from the mid-century reforms through the Hamidian period. The problem of autonomy and the

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5 These are the classic dates for the Tanzimat, though recently a growing number of scholars working on the Hamidian regime (1876-1909) have argued that Tanzimat style centralization efforts continued and reached their greatest extent under the rule of Sultan Abdülhamid II.


meaning of self-government were hashed out and defined by the Ottoman and British
governments in these debates on administrative reform. The British Foreign Office
viewed provincial autonomy in the Ottoman Empire as an instrument to limit European
influence, and also as a device to curtail Ottoman involvement in governing particular
provinces. In contrast, the Ottoman Foreign Ministry and later Abdülhamid II, viewed
autonomy as a derogation of Ottoman sovereignty and worked against British efforts to
create autonomous provinces.

This chapter traces Dufferin’s schemes for administrative reform for Mount
Lebanon, Eastern Anatolia and Egypt, as well as a brief examination of Dufferin’s
appointment as governor-general of Canada. In each case, Dufferin’s administrative
solutions to political crises were in line with a particular theory of international relations,
which viewed the world as safe for empire. Threats to imperial stability and claims to
independence outside of empire’s embrace were dangerous to the whole international
system. Whereas Dufferin’s proposed plans were thwarted in the case of Lebanon and
Eastern Anatolia, in Egypt he put his theory of decentralized imperial rule into practice.

“Imperium in imperio”: Administrative Reorganization in Lebanon

In the spring of 1860 communal violence broke out between Maronite and Druze
within communities in northern Lebanon and soon spread south. By the summer, turmoil
in Lebanon had unsettled Syria, where massacres were reported in Damascus. To
Ottoman and European observers, the events of 1860 appeared to be a continuation of
Druze-Christian clashes in the early 1840s in the aftermath of Mehmet Ali’s nearly

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8 For a political history of events in the 1840s and 1860s in Lebanon and Damascus see Leila
Tarazi Fawaz, An Occasion for War: Civil Conflict in Lebanon and Damascus in 1860 (Berkeley:
University of California, 1994) and Kamal Salibi, A House of Many Mansions: The History of
Lebanon Reconsidered (Berkeley: University of California, 1990).
decade long occupation of the Levant. Through a series of expansionist military campaigns in the 1830s, the Ottoman governor of Egypt occupied and administered Syria, Palestine and Lebanon, directly challenging the legitimacy of the Sultan and threatening the existence of the Ottoman Empire. Europe intervened on behalf of the Ottoman government and forced Mehmet Ali to relinquish most of his territorial gains in exchange for hereditary rights to the governorship of Egypt. The “political system of Europe” guaranteed these rights and the territorial integrity of the Ottoman Empire through the 1840 London Convention.

When Istanbul attempted to reassert direct rule over Lebanon, violence erupted between the Druze and Maronites in the power vacuum left by Mehmet Ali’s withdrawal from the Mountain. European diplomatic agents demanded an end to the violence in Lebanon, claiming that unrest in the Levant threatened to undermine peace and security within the Europe.\(^9\) In 1843 European Ambassadors together with the Ottoman Foreign Ministry divided Mount Lebanon into two administrative districts on the theory that the two religious communities could not reconcile their differences. Known as the “dual kaymakamate,” Lebanon was administered in the north by a Maronite governor and in the south by a Druze governor.\(^10\)

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9 After Mehmet Ali’s forces retreated from Syria, the attempt to restore direct Ottoman control came with the language of Tanzimat religious equality. As Ussama Makdisi argues, the violence that ensued must be seen in terms of the legacy of Mehmet Ali’s near decade long occupation of the provinces. See Ussama Makdisi, *The Culture of Sectarianism: Community, History, and Violence in Nineteenth-Century Ottoman Lebanon* (Berkley, 2000).

10 See Engin Akarlı, *The Long Peace: Ottoman Lebanon, 1861-1920* (Berkeley, 1993), chap. 1. A kaymakam is the name of the official charged with the administration of a district within a larger Ottoman province. Though the kaymakams for the dual administrative system were appointed from Istanbul, between 1843/45 and 1860/61 Mount Lebanon enjoyed a large degree of autonomy from the imperial center, Fawaz, *An Occasion*, chapter 1.
As events unfolded in the spring and summer of 1860, the Ottomans responded quickly and forced the Druze and Maronite populations to sign a peace treaty before Europe could organize a united response. Fuad Paşa was appointed as “envoy extraordinaire” and dispatched to Syria in July.\(^\text{11}\) By August, French troops arrived to ‘restore order’ and encamped outside Beirut. To prevent France from maintaining a permanent military occupation, European powers, led by Britain, demanded that an international commission examine the causes of violence and reconsider administrative reforms for the Mountain. The commission, which was composed of Ottoman, British, French, Prussian, Habsburg, and Russian representatives, began meeting formally in Beirut in October of 1860. The members were charged by their governments with three tasks: to investigate the causes of events in Mt. Lebanon and Damascus, to determine who was responsible for the violence and deserved punishment, and finally, to agree upon a settlement for “the future order and security in Syria.” Lord Dufferin was appointed as the British representative and worked on the commission through May 1861. In British historiography on Lebanon, Dufferin is best remembered as the diplomat who managed to bring the French military occupation to an end,\(^\text{12}\) though from an Ottoman perspective Dufferin is better remembered for his failed proposal to create a

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Early on in Beirut, Dufferin proposed an administrative reform scheme for Lebanon. Though the plan “Respecting reorganization in Lebanon” was ultimately rejected as the basis for the settlement of Lebanon, his suggestions are worth examining in some detail as the ideas were rather durable and reappeared in his plans for Eastern Anatolia and Egypt. Moreover, the scheme was taken quite seriously. Dufferin sent his proposal for the reorganization of Mount Lebanon to the British Ambassador in Istanbul on November 2, 1860.\footnote{National Archives, Britain (hereafter NA) FO/406/10, “Affairs of Syria.” Enclosure 8, in No. 240, Dufferin to Bulwer, November 2, 1860.} For a brief period of time, the report was accepted by the Foreign Office and considered in discussions with the Powers until the Ottoman Foreign Minister, Ali Paşa, rejected it outright in January 1861.\footnote{Mehmed Emin Ali Paşa (1815-1871) was deputized as Foreign Minister during Fuad’s absence in Lebanon. He served as Grand Vizier five times and had earlier been the Ottoman Ambassador to London. Again with Fuad, Ali was the face of Tanzimat reforms. İbnülemin Mahmut Kemal İnal, *Osmanlı Devrinde Son Sadrazamlar*, vol. 1, 4-58. Davison, *Reform in the Ottoman Empire*; Shaw, *History of the Ottoman Empire and Modern Turkey*, vol. II “Reform and Revolution,” (Cambridge, 1977).} 

Dufferin argued that violence in Mt. Lebanon and Damascus was the result of provincial mismanagement and lack of security, as well as a result of the “partial autonomy” the Mountain enjoyed under the international settlements of the 1840s. The dual kaymakamate established in the 1840s exacerbated religious tensions between Maronite and Druze communities and had aroused the suspicions of the imperial center.\footnote{NA/FO/406/10, Enclosure 8, in No. 240.} 

Employing “civilizational” language that would become increasingly familiar in the late...
nineteenth century, he argued that the quality of the inhabitants made the province
difficult to rule and susceptible to foreign influence, noting that “Syria is inhabited by ten
distinct and uncivilized races, and that these races again split up into seventeen fanatical
sects.”\(^\text{17}\) Above all, good governance required a strong governor. Dufferin suggested that
such a person should be selected by Istanbul in consultation with the Great Powers and
that he should be allowed to make decisions independently and to serve at least a five-
year term. He even proposed Fuad Paşa as the best candidate for the post of the new
general-governor.\(^\text{18}\)

In matters related to administration and security, Dufferin proposed that the semi-
autonomous dual administrative structure be abandoned in favor of creating a larger
province and to “assimilate the Mountain to the rest of the Pashalic.”\(^\text{19}\) Syria would
require a constant military presence; yet these troops should not come from Istanbul, but
should be raised and maintained locally: “At the same time that the future Administrator
of the province is invested with this character of partial independence, the organization of
its garrison ought to be placed on a footing somewhat different from the rest of the

\(^{17}\) Dufferin compared the Ottoman relationship to Syria to the British relationship to India:
“Turkish officials are totally ignorant of the language, habits, and mode of thought of those they
are sent to rule. Their position in Syria is, in fact, analogous to our own in India.” \textit{Ibid}, Enclosure
8 in no. 240. This line is also quoted in Zachs, “Novice or Heaven-born Diplomat,” p. 164.

\(^{18}\) Dufferin’s, and by extension the British Foreign Office’s, interest in Fuad will appear again in
the reorganization schemes for Armenia. See below.

\(^{19}\) \textit{Ibid.}, Enclosure 8 in no. 240. The idea of the “paşalık” can be traced throughout the nineteenth
century in British and French analyses of Ottoman administration. In one example, before the
British invasion and occupation of Egypt, the French strongly resisted the deployment of Ottoman
troops to Egypt during the ‘Urabi Revolution, because they fear that Istanbul would take the
opportunity to reduce Egypt to the status of a “regular pashalik.” The term was used often in
English for vilayet.
imperial army.”⁹⁰ According to Dufferin, this independence should extend to financial matters. Outside of a fixed tribute payable to the Porte, the “Governor-General” should have wide budgetary discretion based on local considerations, so that the “resources of the country would become second only to those of Egypt.”⁹¹ Dufferin anticipated that his plan might be received as an inauguration to “the dismemberment of the Ottoman Empire,” but he argued that the Governor-General, this “new Pasha,” would “still remain the Servant of the Sultan, not the Viceroy of the Province.” To allay these concerns he noted that Britain would continue to support the territorial integrity of the Ottoman Empire.⁹²

Beyond interpreting Dufferin’s plan as a prelude to dismemberment, the Ottoman government viewed the scheme as an attempt to turn Syria into a new autonomous province along the lines of Egypt. The acting Ottoman Foreign Minister, Ali, criticized Dufferin’s plan, noting, it “would involve nothing less than the erection of a Vice-royalty like Egypt and the Danubian Provinces.”⁹³ Arrogating administrative responsibilities to the provinces cut against Tanzimat reforms and administrative centralization. Ali also

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⁹⁰ NA/FO/406/10, Enclosure 8, in No. 240, Dufferin to Bulwer, November 2, 1860.

⁹¹ Ibid., Enclosure 8, no. 240. This became Article 4, of Dufferin’s Memorandum on the Administration of Syria.

⁹² Dufferin’s actual scheme was a memorandum with seventeen articles. The first asserted the “integrity of the Ottoman Empire.” See Başkanlığı Osmanlı Arşivleri, (Ottoman Archives, hereafter BOA)HR.SFR(3)/56/4/10 “Mémorandum de Lord Dufferin contenant les principes d’après lesquels serait dirigé la future administration de la Syrie.”

⁹³ BOA/HR.SFR(3)/56/4/8. Ali to Musurus, Jan. 16, 1861. It is striking to note that the mood in 1861 changed much by 1881/1882, when the Ottoman Foreign Ministry engaged in a protracted debate with the European powers about whether the Sultan was the sovereign or suzerain of Egypt. In the lead up to the occupation, the Ottoman Foreign Ministry claimed that Egypt was an integral part of the Ottoman Empire and thus the Sultan was the legal sovereign. The British Foreign Office eventually agreed and noted that a suzerain relationship was like the one the Sultan had with Bulgaria. This debate was discussed in the previous chapter.
argued that Dufferin’s scheme went beyond the competence of the European Commission in Lebanon.\textsuperscript{24} The Ottomans had allowed European intervention in their domains on a limited basis. Ali sent a letter to the British Ambassador in London, Musurus Paşa who was the longest serving Ottoman Ambassador to Britain and was still in this post during the Egyptian Crisis.\textsuperscript{25} Ali wrote “we have always maintained the principle of allowing the intervention of the European Commission only in the organization of Mount Lebanon and within the limits of the arrangements of 1845.”\textsuperscript{26} The European commissioners had no authority beyond suggesting reforms for Lebanon. He continued, “Lord Dufferin’s project, covering the whole of Syria, and constituting a nearly separate state, will never be accepted by the Sublime Porte.”\textsuperscript{27}

The “nearly separate state” Ali had in mind was Mehmet Ali’s Egypt, and the autonomous provinces of the empire – especially the Memleketeyn, the principalities of Wallachia and Moldavia. The Porte was all too familiar with the model of a strong local governor in command of an independent army, and in control of the local economy, sending only tribute to the treasury. In another note, Ali instructed Musurus to inform the British Foreign Secretary, Lord John Russell, that Dufferin’s schemes allowed for too many innovations: “The plan in question tends to erect a new principle, quasi-

\textsuperscript{24} BOA/HR.SFR(3)/56/4/8.

\textsuperscript{25} Kostaki Musurus Paşa was the longest serving Ottoman ambassador to Britain and still held the post during the Egyptian Crisis. He was ambassador from March, 1851 to November 1885. See Christine Philliou, \textit{Biography of an Empire: Governing Ottomans in the Age of Revolution} (Berkeley: University of California, 2011), p. 148-151; Sinan Kuneralp, “Bir Osmanlı Diplomati: Kostaki Musurus Paşa 1807-1891,” \textit{Belleten} (Türk Tarih Kurumu) 34, 135 (1970); Mehmed Süreyya, \textit{Sicil-i Osmani}, vol. 6 (Tarih Vakfı, 1996).

\textsuperscript{26} BOA/HR.SFR(3)/56/4/1 and 5. Minister of Foreign Affairs Ali Paşa to Musurus Paşa, January 9, 1861.

\textsuperscript{27} \textit{Ibid.}
independence subject to the direction of a European commission, in other words a Syria separate from the Ottoman domains.”

The Ottoman government dismissed Dufferin’s plan then on the basis that it would create a strong province insulated from central imperial control.

At the same time that Ali rejected Dufferin’s scheme for reorganizing Lebanon, the British Ambassador in Istanbul, Henry Bulwer, also expressed skepticism. Bulwer argued that to treat Syria different from the rest of the empire was equivalent to the British abandoning the Ottoman Empire. He thought the best course of action was to treat Syria as a “model province to which the other provinces of the Empire can be assimilated.” Reform in Syria and Lebanon should be linked to a much larger project of administrative reform in the Ottoman Empire. Bulwer noted:

If I were charged with the reforms in Syria I would endeavor to make that province a model province for the rest of Turkey: I would endeavor so to constitute it that the Sultan’s dominions at large might undergo the ameliorating influence; and I would guard as carefully as I could against propounding in it what could not safely be adopted elsewhere. Establish governors for ten years in the present state of the empire generally, and these governors will in fact become independent princes and Turkey without identity or unity will cease to be a European Power.

Rather than reject Dufferin’s plan outright, Bulwer argued that any reform scheme should be drawn up with the entire empire in mind. Dufferin’s plan went too far because it

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28 BOA/HR. SFR(3)/11-13 Ali to Musurus, January 22, 1861. The Ottoman response to Dufferin’s proposal is made very clear in the historiography, and both Fawaz and Zuchs, quote at length from his plan and Ali and Fuad’s response to it. It is important to retrace these steps here, however, because Dufferin’s plans did not just evaporate, as we soon shall see.

29 NA/PRO 30/22/89 Bulwer to Lord John, January 9, 1861. This was the same day that Ali wrote to Musurus rejecting the Dufferin plan. It is reasonable to suppose that Ali and Bulwer were working together, especially because Bulwer wrote to the Foreign Office, complaining that the European Commission was not doing enough to engage the Porte.

solved the problem of one province, but would run into trouble when exported empire wide.\textsuperscript{31}

Despite losing support from the British Ambassador in Istanbul and the Ottoman government, elements of Dufferin’s plan remained on the table through the remainder of the international commission’s negotiations. The greatest difference between the Dufferin plan and the commission’s final plan was that Mt. Lebanon would remain an autonomous province and would not be integrated into a larger Syrian province. The degree of independence Dufferin sought to give the governor was scaled back, but only somewhat. The commission agreed that the governor should serve for a period of three years, which was extended to five years in 1864. As in the Dufferin plan, the commission also provided the governor with broad budgetary and security and policing powers. The commission also stipulated that the governor should be a non-local Christian appointed by Istanbul with European approval. The Powers agreed to the “Règlement et Protocole relatifs à la reorganization du Mont Liban” in June 1861, which established Lebanon as an autonomous province within the empire creating the Mutasarrifiyya.\textsuperscript{32}

Fruma Zuchs has argued that Dufferin’s plan for a strong and administratively independent Syria was rejected because it cut against the British Foreign Office’s

\textsuperscript{31} It is unclear to me at this stage, but based on the fact that Fuad later authored the 1864 Vilayet Law (Teşkil-i Vilayet Nizamnamesi), modeled in part on the Règlement Organique for Lebanon, it seems reasonable to assume that Bulwer supported Fuad as he seems to have supported Ali. See Roderic Davison, “Provincial Government: Midhat Paşa and the Vilayet System of 1864 and 1867” in Reform in the Ottoman Empire, 1856-1876 (Princeton: Princeton University Press, 1963).

commitment to preserve the territorial integrity of the Ottoman Empire and against the policy of centralization - “it constituted a clash between Dufferin’s local vision and Britain’s global aims.” Yet, in Beirut, and later in Ottawa, Istanbul, and Cairo, Dufferin followed Foreign Office policy closely, and it is difficult to distinguish the direction of ideas between Dufferin and Whitehall. Rather than interpret Dufferin’s plan as one that was at odds with maintaining the territorial integrity of the Ottoman Empire, it is possible to see decentralization as a strategy for maintaining empire. Dufferin’s first concern was to limit French, influence in Lebanon. But the purpose of a strong governor, “known to Europe,” was preferred too to limit interference from Istanbul. Autonomy, whether enshrined or not in a legal instrument like a règlement or treaty, was meant as a bulwark against European influence as well direct Ottoman control.

“Magna sub ingenti Matris se subjicit umbrâ”: Canadian Autonomy

Imperial reordering was not limited to the Ottoman domains in the mid to late nineteenth century. Coincident with the Tanzimat, various imperial crises forced Britain too to engage in imperial administrative reform. In diverse arenas throughout the empire, the relationship between the imperial center and the peripheries was renegotiated


34 Andrew Harrison makes this point throughout his dissertation. Though he is not interested in Dufferin’s experiences with Ottoman diplomacy, Harrison shows that Dufferin often waited for instructions and fulfilled Foreign Office expectations. Harrison, “The First Marquess of Dufferin and Ava.”


in the aftermath of rebellion, rising colonial nationalism, and international pressures. Following the crises produced by revolts in India and Jamaica, the status of the settler colonies dominated debates on British imperial reorganization. The problem for the Colonial Office in London was one of extending greater autonomy through granting internal self-government to the settler colonies, while at the same time strengthening imperial connections to prevent imperial dissolution. During this period, arguments for closer union between London and the settler colonies assumed a range of forms, privileging variously constitutional, federative and economic arrangements.

As Governor-General of Canada, Dufferin actively participated in this debate and argued that colonial autonomy within the constitutional structure of the British Empire would strengthen the Empire overall.

Canada was the first of the settler colonies to acquire so-called dominion status in 1867. Under the British North American Act the four core provinces of British North America were federated into a single polity as the Dominion of Canada.

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37 The settler colonies of the British Empire that gained dominion status and an increasing degree of self-government in the late nineteenth and early twentieth century were Canada (1867), Australia (1907), New Zealand (1907), and the Union of South Africa (1910).

38 See especially Duncan Bell, *The Idea of Greater Britain: Empire and the Future of World Order, 1860-1900* (Princeton, 2007). Bell argues that late nineteenth century British imperial political thought was dominated by attempts to define and legitimate a shared political community between the United Kingdom and the self-governing colonies, which was expressed through various proposals for federation. Whereas Bell emphasizes technology and geopolitical concerns – the consolidation of the US after the Civil War, the rise of Germany, etc. – E.H.H. Green considers economic motives for federation schemes. See Green, *The Crisis of Conservatism: The Politics, Economics and Ideology of the British Conservative Party* (Routledge, 1995).


40 Ontario (Upper Canada), Quebec (Lower Canada), New Brunswick, and Nova Scotia. Individual provinces making up Canada had acquired limited autonomy since the 1840s. Known as “responsible government” individual provinces in Canada, Australia, and New Zealand gained a measure of self-rule through the creation of representative institutions. See Ged Martin,
text of the British North America Act did not define dominion status in any legal or positive sense, it was generally acknowledged that the status of Canada was no longer that of a “merely dependent colony.”"41 Having gained broad powers of self-government in internal affairs in the 1840s and 1850s, the new federated government linked the provinces to a central parliament. However, executive control and authority over the government and military continued to reside in the Queen and her representative, the Governor-General. Federation was an administrative solution to provincial weakness where economic, material and military resources were fractured. In addition to providing administrative centralization, federation was intended too as a defense against Canadian secessionists and against a consolidated post Civil-War United States. For theorists of empire, it was also the major testing ground for defining dominion status as a form of colonial autonomy within the British Empire. As Lord Dufferin’s Edwardian biographer noted, “it was in Canada that the British statesmen gradually worked out experimentally the science of colonial administration, and felt their way towards consummating the right relations between a colony and its metropolis by the gradual devolution of internal self-government.”42

Between 1872 and 1878, Lord Dufferin served as the Governor-General of Canada. He arrived at his post soon after the Alabama Case between the United States


and Britain had been settled, which among other things formally ended American threats to annex parts of western Canada. British Columbia and Vancouver Island had joined the federation recently and extended Canadian territory for the first time from the Atlantic to the Pacific. Dufferin’s mandate was to strengthen the dominion while increasing the loyalty of Canadian subjects to the British Empire.\textsuperscript{43} Though he did not draft administrative schemes to solve Canada’s political problems as he had in Lebanon, he spoke and wrote extensively about the value of Canadian autonomy during his tenure as Governor-General. Dufferin viewed the dominion’s institutions - a centralized administration and parliament, along with the Governor-General representing the monarchical principal – as an administrative experiment that could bring local and imperial interests into alignment. To publicize this understanding, Dufferin traveled widely throughout the Canadian provinces and gave numerous speeches praising the virtues of autonomy and decentralized imperial rule.

Dufferin argued that autonomy in Canada was a solution to the old mutual distrust between the imperial center and colony. In one of his many Canada speeches Dufferin outlined the value of administrative devolution:

Yet, so far from this gift of autonomy having brought about any divergence of aim or aspiration on either side, every reader of our annals must be aware that the sentiments towards Great Britain are infinitely more friendly now than in those earlier days when the political intercourse of the two countries was disturbed and complicated by an excessive and untoward tutelage; that never was Canada more united than at the present in sympathy of purpose and unity of interest with the Mother Country, more at one with her in social habits and tone of thought, more proud of her claim to share in the heritage of England’s past, more ready to accept whatever obligations may be imposed upon her by her partnership in the future.

\textsuperscript{43} See Andrew Harrison, Chapters 9 and 10: “Governor General of Canada: Canadian Pacific Railway Crisis” and “Canadian Constitutional Development” in “The First Marquess of Dufferin and Ava: Whig Ulster Landlord and Imperial Statesman,” doctoral dissertation (New University of Ulster, 1983).
fortunes of the Empire.\textsuperscript{44}

Autonomy was the instrument that created the right balance between the center and periphery. An increase in national feeling in Canada was perfectly compatible with British imperial rule and reinforced the bond between London and the settler colony.

In contrast to the public speeches, Dufferin’s private writings on autonomy show a greater concern with imperial security and international relations. Dufferin carried on an extensive private correspondence with the Colonial Secretary, Lord Carnarvon.\textsuperscript{45} Carnarvon supported self-government for the settler colonies and like Dufferin viewed devolution as a tool to strengthen empire in a world of competing empires. He introduced the British North America Act in 1867 by arguing that increased ties between London and the settler colonies would defend the British Empire against the European antagonisms resulting from the intensification of nationalism on the Continent.

For Dufferin and Carnarvon, the problem facing Canada in early 1870s was how to hold together a series of diverse provinces as well as to maintain this polity within the framework of the British Empire. While Britain should welcome the development of national feeling, it should not end in national independence:

I cannot help suspecting that there is a growing desire amongst the younger generation who regard ‘Independence’ as their ultimate destiny. Nor do I think that this novel mode of thought will be devoid of benefit, provided it remains for the next twenty or thirty years a vague aspiration, and is not prematurely


\textsuperscript{45} Carnarvon was Colonial Secretary between 1866-1867 and again 1874-1878. He was later the Lord Lieutenant of Ireland and attempted to bring his experiences with colonial self-government to the problem of Irish Home-Rule.
converted into a practical project… if independence comes too soon – annexation will be the result.\textsuperscript{46}

While liberal theories of empire may have allowed a theoretical space for the gradual attainment of complete self-government, the reality of a world dominated by imperial competition meant that this independence would be deferred indefinitely. By the late 1870s the administrative experiment in confederation appeared to be a success as Canada ceased being a major Colonial Office burden. Autonomy through decentralized imperial administration was the best means to prevent not just dissolution but annexation by other powers. It is in this framework that we should consider Dufferin’s promotion of provincial autonomy in an Ottoman context.

“Armenian Imperium”: Administrative Reform in Eastern Anatolia

Lord Dufferin was appointed to Istanbul as the British Ambassador in the spring of 1881. He arrived in June charged with resolving problems related to the Treaty of Berlin and the imperial reorderings of 1878. Dufferin’s chief mission was to convince the Porte and Palace, as well as the other European Ambassadors in Istanbul, to agree to implement administrative reforms in the eastern provinces of the empire.\textsuperscript{47} During this period, the exchanges between the Sultan, Abdülhamid II, his ministers and the British Ambassador, were dominated by debates on methods of imperial administration. Dufferin, and by the extension the Foreign Office, continued to support decentralized

\textsuperscript{46} Dufferin to Carnarvon. April 25, 1874, \textit{Dufferin-Carnarvon Correspondence, 1874-1878} (Toronto: Champlain Society, 1955).

\textsuperscript{47} Dufferin was also charged with overseeing problems related to the Greek-Ottoman Border Commission, but reforming the “Armenian provinces” consumed the bulk of his attention, as is evidenced by his private and political correspondence. Just before Dufferin’s appointment to Istanbul he served as the British Ambassador to Russia and there too worked on implementing the Treaty of Berlin. Consequently when he arrived in Istanbul, he worked on the same problems, but in a different arena.
forms of administration to manage European imperial rivalry in the Ottoman domains. Abdülhamid was far more cautious about European advice than his Tanzimat predecessors and was especially distrustful of Britain after the Ottoman territorial losses in the Balkans in 1878.\(^{48}\) He argued that Europe had no legal claim to impose reform upon the empire and refused to entertain schemes that would limit the reach of the imperial center in Eastern Anatolia. Until events in Egypt overwhelmed Ottoman-British relations, Dufferin and Abdülhamid discussed imperial reform of the eastern province exclusively.

Britain’s claims to interfere in Eastern Anatolia were based on two legal instruments produced out of the Congress of Berlin in 1878. The first, the Cyprus Convention, was a defensive military alliance concluded between the British and Ottoman Empires in June - just before the Congress of Berlin opened. The Convention guaranteed British military support against future Russian encroachments in the eastern parts of the Ottoman Empire in exchange for provincial reform in the east “for the protection of Christians and other subjects of the Porte in these territories.”\(^{49}\) The second legal instrument to provide the British with claims to interfere in the administration of the Ottoman Empire was Article 61 of the Treaty of Berlin, “Improvements and Reforms in

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\(^{49}\) The Cyprus Convention critically gave legal sanction to the British occupation and administration of Cyprus as well, hence the name. The Convention was signed on June 4, 1878, and the Congress of Berlin began on June 13\(^{th}\). See the “Convention of Defensive Alliance between Great Britain and the Occupation Empire with Respect to the Asiatic Provinces of Turkey,” in Sir Edward Hertslet, The Map of Europe by Treaty: Showing the various Political and Territorial Changes (London, 1875-1891), vol. IV., Doc. No. 524, pp. 2722-2723.
favor of Armenians, Protection against Circassians and Kurds.” This similarly called for administrative reform in the eastern provinces, again on the grounds of protecting Armenian Christians. Though these documents were framed as providing security for Armenians, the British fear of Russian encroachments in the eastern provinces tempered Foreign Office demands.

The first British attempts to enforce Ottoman compliance with the Cyprus Convention and Article 61 of the Treaty of Berlin were framed in terms of providing a basic administrative structure (règlement) for Eastern Anatolia. Lord Salisbury, then Foreign Secretary, proposed the first draft of planned reforms. In a parliamentary paper related to “Reforms in Asiatic Turkey,” Salisbury presented divergent theories of governance and administration for Ottoman territory divided along religious lines. The new states in the Balkans were "experiments" in constitutionalism and representative governance. He noted that:

In those parts of the Empire where compact populations exist, professing some form of Christianity, it has often been thought that their surest protection would be found in some kind of local Representative Assembly, which should be invested with power sufficient to check gross abuses of administrative authority.

The problem in Eastern Anatolia was that the Christian population was not ‘compact,’ but rather dispersed. For Salisbury, moreover, the Balkan model could not be extended.

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50 Article 61 of the Treaty of Berlin, “Improvements and Reforms in favor of Armenians, Protection against Circassians and Kurds,” in The Treaty of Berlin, 1878, ART. LXI. The Sublime Porte undertakes to carry out, without further delay, the improvements and reforms demanded by local requirements in the provinces inhabited by the Armenians, and to guarantee their security against the Circassians and Kurds. It will periodically make known the steps taken to this effect, to the Powers, who will superintend their application.” in Hertslet, Ibid. The Map of Europe by Treaty, volume IV, p. 2796.

51 House of Commons, Parliamentary Papers, cmd. 2202, Turkey. No. 51 (1878). Further Correspondence Respecting Reforms in Asiatic Turkey.
throughout the remaining Ottoman domains because Muslims required good governance, not experiments with liberal political institutions:

The immediate necessity of Asiatic Turkey is for the simplest form of order and good government; for such security from rapine, whether lawless or legal, that industry may flourish, and population may cease to decline. With this object in view it appears to Her Majesty’s Government that the subjects which most urgently require attention are the maintenance of order, the administration of justice, and the collection of revenue.52

Accordingly the first British plan for reforming the eastern provinces of the empire called for a gendarmerie, European legal advisors and more efficient taxation. It is important to draw attention to Salisbury’s dual theory of governance because Dufferin’s plan for Egypt was heavily criticized for using the language of self-governance and creating quasi-constitutional institutions, precisely because the majority of the inhabitants in Egypt were Muslim. It should come as no surprise than that Abdülhamid and his Council of Ministers rejected Salisbury’s plan, particularly the introduction of European advisors into administration. The most Salisbury was able to obtain from Abdülhamid was a commitment to create a gendarmerie in the east based upon the recommendations of Valentine Baker Paşa.53 The concession was minor as Baker Paşa had been in the service of the Ottoman government since 1876 specifically to organize a civil gendarmerie for the empire.

52 Ibid., Parliamentary Papers, (1878).

53 Valentine Baker, War in Bulgaria: A Narrative of Personal Experiences (London, 1879). Layard, the British Ambassador to Istanbul, also attempted unsuccessfully to convince Abdülhamid to employ Baker Paşa as the governor general of the Armenian Provinces or at the least to allow him to command the gendarmerie. Sinan Kuneralp ed, The Queen’s Ambassador to the Sultan: Memoires of Sir Henry A. Layard’s Constantinople Embassy, 1877-1880 (Istanbul: Isis, 2009), p. 511. In the winter of 1879/80 Baker Paşa did carry out a mission in the eastern provinces in order to draw up a plan for establishing a gendarmerie.
In the fall of 1880, the British Embassy in Istanbul pushed once again for administrative reform in Armenia. A collective note was issued by the European powers demanding that the Ottomans comply with Article 61 of the Treaty of Berlin. At the same time, the Foreign Office dispatched Lt.-Colonel Wilson to Eastern Anatolia in order to observe conditions and propose reforms based on the “Règlement” established for Mount Lebanon in 1861.\(^{54}\) The Foreign Office wanted a strong governor-general and more autonomy for the eastern provinces. Even before Dufferin’s arrival in Istanbul then, the Foreign Office rehabilitated parts of his old scheme for Lebanon as a model for administrative reform in Eastern Anatolia. There were numerous Foreign Office dispatches in the months before his arrival referring to this possibility: “Armenia may be managed with something like the Lebanon scheme, only a little more independence in the Govr.”\(^{55}\) Before Dufferin left London for Istanbul, he was instructed by Gladstone to find a trustworthy and reasonably competent Ottoman functionary to serve as a Governor-General of Armenia. Gladstone reported to Granville, then Foreign Secretary, that he “also hinted, as means of procuring this, at the small value we set upon our nominal, sole, and illegal title (preferably to the Treaty of Paris) to interfere between the Sultan and his Asiatic subjects generally.”\(^{56}\) In other words, the cost of British support for supporting the maintenance of the territorial integrity of the Ottoman Empire was the adoption of administrative reforms in Eastern Anatolia.

\(^{54}\) NA/FO/426/106, Memorandum by Lt.-Colonel Wilson on a Scheme of Reform for the Provinces in habited by Armenians,” October 18, 1880.


\(^{56}\) Ramm, *The Gladstone-Granville Correspondence* (New York, 1998), no 500, p. 278.
Dufferin’s first plans for Eastern Anatolia then looked rather like his plan for Lebanon. A High Commissioner like Fuad Paşa, with full military and administrative powers as in 1860, should be sent to eastern Anatolia until reforms could be adopted. Once a governor-general was appointed, he should be relatively independent from Istanbul and have control over a reorganized gendarmerie to restore order. Finally, the governor should be able to control resources in order to develop the province. Even after the Egyptian crisis became the most pressing issue of the day, the idea that someone like Fuad should be sent to eastern Anatolia was circulated endlessly between Istanbul and London. Towards the end of the summer Dufferin seized upon the idea of sending Ahmed Muhtar Paşa, who was the famous Ottoman general stationed at Kars during the last war with Russia. Muhtar himself would eventually end up in Cairo as the Egyptian High Commissioner for the Ottoman government, serving for over thirty years much like Cromer. The point is, Dufferin’s advocacy of Muhtar displayed British Foreign Office preference for a local strong man who was also well known in Europe and a major figure in Ottoman diplomacy.

Abdüllahmid pushed back against British demands arguing that the British were trying to provide Armenian Christians in Eastern Anatolia with administrative autonomy (otonomie). Moreover, he argued that the British were not endowed with any special rights to interfere in Ottoman domains on the basis of the Cyprus Convention or the Treaty of Berlin. To explain Abdüllahmid’s critique of British policy, it will be helpful to examine briefly the range of sovereign categories between the Ottoman imperial center

57 There were a number of ways to express the meaning of autonomy in Ottoman including “muhtariyet” and “serbestiyet,” but in exchanges with European Ambassadors and in his various memoirs, Abdüllahmid always used the French derived “otonomie.” See for instance Sultan İkinci Abdüllahmid Han, A. Atilla Çetin ed., Devlet ve Memleket Görüşlerim (Istanbul: Çamlıca, 2011).
and the provinces. These categories proliferated in number during the 1870s and should be considered as possible options for solving imperial crises in Eastern Anatolia and later for Egypt. Ottoman provinces were organized into regular and privileged/autonomous provinces. From a constitutional perspective, the privileged provinces (eyalat-i mümtaze) bore the trace of nineteenth century European intervention into Ottoman affairs. In the majority of cases, privileged status was granted to Ottoman provinces as a result of military conflict. Samos, Mt. Lebanon, and Egypt were among the key pre-1878 privileged Ottoman provinces.

The Treaty of Berlin further elaborated the variety of sovereign possibilities to include limited self-governance (Serbia, Montenegro, and Romania), autonomy (Eastern Rumalia), suzerainty (Bulgaria), protection (Tunisia), and military occupation (Bosnia-Hercegovina). By the time of the ‘Near Eastern Crisis’ in the Balkans (1876-1878), the Foreign Office and the Disraeli Cabinet had a specific understanding of the meaning of 'autonomy' within Ottoman domains and disagreed with other European powers about this meaning. For example, leading up to the Russo-Ottoman War (1877-78), Disraeli wrote that the Russians had misconstrued British ideas about autonomy in the Balkans: “Bulgarian autonomy was described by Gorchekow as a ‘plan of vassal and tributary autonomous states’…We took a different view that administrative autonomy should consist of institutions, which gave the inhabitants some degree of control over the management their local affairs.” 58 Disraeli viewed autonomy in this case as a mechanism to balance European interference and to manage nationalist claims in the Balkans. Moreover, after Berlin formalized the principle of Ottoman successor states, it was not at

58 NA/FO/363/2, Tenterden Papers, Disraeli to Tenterden, January 24, 1877.
all clear that the Foreign Office thought of Serbia, Montenegro, and Romania as
independent states. Rather the new states would enjoy a further degree of self-
government than experienced under Ottoman rule.

Upon arrival in Istanbul, Dufferin attempted to convince Abdülhamid that the
British had no desire to create another autonomous province in Eastern Anatolia. He tried
to persuade the Sultan that though it was the Christians who had attracted attention in
Europe, administrative reform was not for the benefit of Christians alone, but rather for
all of the inhabitants of “Armenia.”\(^59\) In one of the first meetings between Dufferin and
Abdülhamid, he stated in clear terms that the British wanted basic reforms to balance the
threat of Russia:

> Regarding the Armenians neither “autonomy” nor exceptional treatment
> \((\text{muamele}-\text{yi istisnai})\) would be permissible… The Armenians who are wise, know
> that they are bound eternally to the Ottoman state. Because they know their
> freedom, nation, and religion \((\text{hürriyet, milliyet, ve mezhep})\) would be lost if their
> administration were to pass to Russia.\(^60\)

Despite Dufferin’s claim that the British did not wish to see autonomy in Eastern
Anatolia, Abdülhamid insisted that he would not allow reforms to be carried out by
means of autonomy:

> On this subject I would go further than you. The Armenians there are treated
> better than the rest of the population because the consuls protect them. However,

\(^{59}\) Between 1878 and 1882 the exact location and meaning of Armenia was in flux within British
reform schemes. Just after the Congress of Berlin, reform efforts were focused more exclusively
upon the dispersed Christians of eastern Anatolia. The theory of European protection of Ottoman
Christians clashed with the reality of a mixed population and Dufferin started to redefine Armenia
as a territory versus a people. So for instance, in one of Lieutenant-Colonel Wilson’s schemes
based on the one forwarded to Dufferin for a “Constitution for the provinces inhabited by
Armenians,” Armenians were defined as the collection of Christian and Muslim religious
communities inhabiting the area. NA/FO/424/123/No. 104, encl. 1, Wilson to Dufferin, August
11, 1881.

\(^{60}\) BOA/Yıldız (hereafter Y.)PRK.TŞF.1/46 Ramazan 30, 1298[August 26, 1881]. Ottoman record
of a conversation between Abdülhamid and Lord Dufferin.
if there were a clear problem, and if when the Sublime Port embarked upon solving this question, the solution would not be carried out by means of autonomy. I would not be pleased by this word “autonomy” and I would not want it. Moreover His Majesty does not accept autonomy in respect to his confirmed and clear imperial rights.\(^6\)

Abdülhamid argued further that the European consuls in Eastern Anatolia had exaggerated the severity of problems in the eastern provinces and that Armenians were working with them to undermine Ottoman reform efforts. He noted that the consular reports, which were filled with detailed descriptions of lawlessness and violence, had a direct effect on European public opinion (efkâr-i âmm). The result was that Europe clamored for reforms and an immediate response to the problems by dispatching a clever governor known to Europe to establish law and order.\(^6\) But the problem with this solution was that though it might satisfy Europe, the Sultan and his ministers were still left to consider which theories of reform would best suit local conditions.\(^6\) Abdüllhamid accused Europe of wanting the appearance of reform - even if European demands were met the actual problems in the province would remain unresolved.

In addition to attempting to persuade the Palace to engage Britain on reform in Eastern Anatolia, Dufferin tried to enlist the other European powers to apply pressure on Abdüllhamid. Just two months after he arrived in Istanbul the German Ambassador told Dufferin that he was not authorized by his government to support any “scheme of

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62 BOA/Y.PRK.TŞF.1/46 “Avrupaca ma’ruf bir zat”

63 BOA/Y.PRK.TŞF.1/46
reform,” and asked what was behind Britain’s revived demands for reform in eastern Anatolia: "He then asked me what was the motive underlying England's policy in Asia Minor. It could not be merely humanitarian, because no country was really actuated by impulses of that description." After insisting that England's interests were in fact humanitarian in the east, Dufferin responded, noting “quite apart from these considerations, we were convinced that the best guarantee for the peace of Europe was the reformation of the internal administration of the Ottoman government." As always, his main concern was international relations. When the German ambassador insisted that surely the settlement of Armenia posed no threat to the peace of Europe, Dufferin argued the Armenian settlement was linked to the “general question of Turkish reorganization.” He continued:

And as for autonomy, I had convinced myself that it would be impossible to endow the members of the Armenian community with rights or privileges which were not equally extended to the rest of their provincial fellow-subjects; and that I thought we could not make a graver mistake than to allow phrases such as “autonomy,” “constitution,” or the like, to creep into our programme, as they would at once excite the jealousy of the Porte against whatever plans of reform we might propose. On the contrary we should represent ourselves as urging administrative rather than Constitutional reforms; otherwise the Sultan would take alarm, and would imagine that we were either bent upon the further dismemberment of his Empire, or on a democratic revolution; whereas we should try to persuade him that by following our advice he would be adopting the course most conducive to the establishment of his authority and the consolidation of his Empire.\(^{64}\)

Dufferin linked European peace to broad imperial reforms throughout the entire empire, which was precisely what Abdülhamid wished to prevent. Like Lebanon, Dufferin was committed to the idea that decentralization in imperial administration would balance British interests with the requirements of international security and European

\(^{64}\) Public Record Office of Northern Ireland (Hereafter PRONI), D1071/H/L/1/1, Dufferin Papers. Dufferin to Granville, August 30, 1881.
rivalry in the Ottoman Empire. As in Egypt later, Dufferin favored an administrative solution to a political problem. Critically, this solution could be achieved without recourse to legal form. Instead of creating an autonomous province or provinces in Eastern Anatolia, which would have a juridical status within the Ottoman Empire and would require European agreement to be formed, British interests could be achieved through simple administrative reforms. Abdülhamid’s attention to words – “autonomy,” “constitution,” “democratic” – demonstrated a concern with legally constituted entities. To name something in law, especially in an international treaty, provided Europeans with the legal justification to intervene in Ottoman affairs.

The other European Ambassadors in the Ottoman capital refused to interest themselves in British schemes for Eastern Anatolia, and thwarted Dufferin’s efforts. As the Egyptian crisis grew in proportion, European and Ottoman support for reorganizing ‘Armenia’ plummeted. Yet, despite the absence of European support, the Foreign Office in London and Dufferin in Istanbul continued to push Abdülhamid to agree to basic reforms for Eastern Anatolia. Even as the crisis in Egypt nearly blew up in January 1882, the first meeting between the British Foreign Secretary and the Musurus Paşa, the old Ottoman Ambassador in London, was to rebuke the Sultan for delaying the appointment of a governor for Eastern Anatolia – not events in Egypt. Similarly, Dufferin’s first

65 The Joint-Note of January 6, 1882 is broadly considered to have radicalized the Egyptian Chamber, but also European consuls in Egypt. Britain and France issued a letter in support of the Khedive. This is treated in the previous chapter – particularly the Ottoman response to the note.

66 BOA/Y.A.HUS./169/43/4 Musurus Paşa to Ali Rıza Mümmtaz Paşa, Abdülhamid’s chief secretary of the Palace (Mâbeyn-i Hümâyün Başkatibi) Jan. 8, 1882. See too BOA/HR.SYS./2822/6 Musurus telegram Feb. 1, 1882. “Lord Granville said nothing at all related to the reforms in Anatolia. I delivered the contents of the telegrams from 3 and 5 January related to the Joint-Note Britain and France sent to Egypt. He said that he wanted to see that only the Sublime Porte would take the take the lead to appoint a Christian governor. He wanted only the
meeting with the Sultan in January was used to push for administrative reforms in Eastern Anatolia on the basis of the Cyprus Convention and the Treaty of Berlin. In this meeting, Abdülhamid responded once again that Article 61 was vague and did not provide Europe with a positive right to interfere in the Ottoman Empire. Moreover, the treaty did not specify the administrative form that the Ottoman state should employ:

The source of reform that will be considered hence should be appropriate to the manners, customs, and ideas (ahlâk ve adet ve efkâr) of the inhabitants. Before considering these, nothing will not be done blindly; otherwise the desired benefits will not be obtained and may result in harm. Moreover, the administrative framework that will be established, either one of the centralized or decentralized methods, will require a foundation. Practically, it cannot be denied that either method of administration under discussion would bring good order. But this administration, whichever form will be selected, will be adapted to the habits and the custom’s province, whether good or bad. Between theory and practice one often finds discrepancy.

Abdülhamid dismissed Dufferin’s suggestions for Eastern Anatolia, but in terms that were rather familiar to European imperialists. In contrast to Ali and Fuad’s critique of Dufferin’s plan for Lebanon, Abdülhamid drew upon the culturist vocabulary employed by his European counterparts in discussion of their own imperial dilemmas. The “manners, customs, and ideas” of the inhabitants should determine the best form of

Sublime Porte do carry this out and a Christian vali should be appointed without constraining the state and without diplomatic intervention.”

67 “esas-i idare dahi ya merkeziyet ya da mütevessi-yi idare usullerinden biri.”

68 BOA/Y.A.HUS./169/43/1. 23 Safer, 1299 [January 14, 1882]. Record of a meeting between Abdülhamid and Lord Dufferin prepared by (Salih) Münir. “esas-i idare dahi ya merkeziyet ya da mütevesssi-yi idare usullerinden biri.” Dufferin’s version of this conversation is slightly different and though the meaning is not radically dissimilar from the Ottoman version it may require further consideration. In other meetings with the Sultan, Dufferin departed significantly at times from the dragoman record of court conversations. In this particular case, I have not seen the dragoman’s translation, but in Dufferin’s he indicated that it was Europe who was divided over which administrative framework was better – rather than the Ottoman Empire. See PRONI/D1071/H/L/1/1, Dufferin to Granville, January 17, 1882. Reproduced in FO/424/132, no. 22.
imperial administration – not ideas from Europe about Ottoman administration
generally. Abdülhamid directed the conversation away from a broad critique of
Ottoman administrative practices to a discussion of a discrete imperial problem in the
periphery. In this way, he distinguished himself from mid-century Tanzimat reformers,
and critiqued their attachment to French style département administration and model
provinces for an empire wide reorganization:

With respect to the situation in Anatolia, as is known, until the time of my
grandfather Sultan Mahmud Han, the method of administration was the
derebeylik. But Sultan Mahmud Han, by abrogating this system, enacted new
laws related to reform and it was even reorganized repeatedly at later times.

In other words, imperial administration in Eastern Anatolia was a persistent
problem and one that had not yet been solved by importing solutions that may have
worked in one part of the empire. For Abdülhamid, the problem with the Tanzimat was
not administrative centralization, but that a French model of state administration had been
imported wholesale without considering local conditions throughout the empire. A one-
size-fits-all scheme for the empire diminished imperial flexibility – a point that the

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69 For recent work on “Ottoman Orientalism” see Ussama Makdisi, “Ottoman Orientalism,”
American Historical Review, 107(2002): 768-796; 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(2003): 311-342 and Thomas Kuehn, Empire,

70 Sultan Mahmud II (r. 1808-1839).

71 Derebeylik is often translated in modern Turkish to mean feudalism, but might be better
understood as a method of decentralized administration. The derebeği, literally “Lord of the
valley,” had an autonomous status within the Ottoman Empire not unlike that of Egypt. In
contrast to Egypt, a derbyelik was not legally regulated by the public law of Europe. See Gabor
Agoston, “A Flexible Empire: Authority and Its Limits on the Ottoman Frontiers,” in Kemal
Karpat, ed., Ottoman Borderlands: Issues, Personalities and Political Changes (Madison:
University of Wisconsin Press, 2003).

72 BOA/YA.HUS./169/43/enclosure 1. “Fakat müşarileh hazretleri bu usulü lağıv ile kavvan-i
cedide ve ıslahiyye vaz’ te’sis buyuruılmışlar ve bilâhara defaahatlî dahi Tanzimat iyilenmişti”
British above all would have understood. Abdülhamid recast the Ottoman Empire as a European empire. By treating Eastern Anatolia as an imperial problem analogous to the problems European empires experienced in their own peripheries, Abdülhamid attempted to halt British efforts to introduce broad reforms for the entire empire.

"Le véritable khédive de l'Egypte, c'est Lord Dufferin"

Events in Egypt in the summer of 1882 overwhelmed discussions between the British and Ottomans on administrative reform in Eastern Anatolia. Dufferin remained in the Ottoman capital well after British forces seized ‘Urabi in Egypt and it was not until October that the Foreign Office charged him with a new mission in Cairo. While maintaining his credentials as the British Ambassador to the Ottoman Empire, he was sent to Egypt to “reorganize” the province. Dufferin was instructed to stay in Cairo “until the administration of affairs has been reconstructed on a basis which will afford satisfactory guarantees for the maintenance of peace, order and prosperity in Egypt, for the stability of the khedive's authority, for the judicious development of self-government - and for the fulfillment of obligations towards foreign powers. These objects are in the real interest of Egypt, of this country and of Europe.” The Foreign Office again required a solution to manage claims in Egypt forwarded by European powers, the Ottomans, and the constitutionalists themselves. Yet, the broad political settlement demanded by the Foreign Office and British Cabinet went far beyond the negotiated règlement in Lebanon and plans for Eastern Anatolia. Instead of producing a basic administrative scheme, Dufferin was charged with radically overhauling institutions in Egypt. The first clear

statement of British policy in Egypt announced the total transformation of the province outside of the European concert and without the consultation of the Ottomans.

For five months, Dufferin worked out a new scheme for the administration of Egypt. He enlisted the help of various legal, military and financial experts in drafting particular schemes for the reordering of institutions in Egypt. Reports and memoranda flooded the British consulate in Cairo concerning everything from public health and prison reform to archeological permits and land tenure. Nubar Pasha worked closely with Dufferin and prepared numerous memoranda on reforming the Native Courts as well as on the creation of the new quasi-constitutional bodies – the Provincial and Legislative Councils and the General Assembly. Valentine Baker Paşa, who had been commissioned to create a gendarmerie in Eastern Anatolia, was sent to Cairo to reform the military and police. Sir Charles Wilson, who had also produced consular reports on conditions in Eastern Anatolia, traveled around Egypt and sent Dufferin his observations of conditions in prisons and schemes for penal reform. Dufferin received advice from various experts on international matters as well, such as the capitulations and the slave trade. Even Heinrich Schliemann, the excavator of Troy, weighed in upon the future of

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74 Expert and amateur suggestions for the future of Egypt dominate the bulk of Dufferin’s personal correspondence, which is located at the Public Record Office of Northern Ireland in Belfast.

75 For instance Nubar Pasha, “Memorandum on the Project of the Egyptian Government and the Reform of the Native Courts,” PRONI/D/1071/H/12/A/13. Dufferin’s political institutions, which will be discussed further below were made in consultation with Nubar Pasha. See “Memorandum on Political Institutions for Egypt,” PRONI/D1071H/L2a/31. Byron Cannon has discussed these and other legal reforms in Egypt at length, Politics of Law and the Courts in Nineteenth-Century Egypt (University of Utah Press, 1988). See too Samera Esmeir, Juridical Humanity: A Colonial History (Stanford, 2012); Nathan Brown, The Rule of Law in the Arab World: Courts in Egypt and the Gulf (Georgetown, 1997); Farhat Ziadeh, Lawyers, the Rule of Law and Liberalism in Modern Egypt (Stanford, 1968).
Egypt writing to Dufferin that Egypt should be opened “to archeology” and that England should annex Egypt “in the name of humanity, in the name of science.”

Dufferin incorporated these schemes into his final report for the reorganization of Egypt, but also revived the main features of plans for Lebanon and Eastern Anatolia. Autonomy from the Ottoman imperial center, coupled with a strong independent governor, were key elements in his proposal. Immediately after the seizure of ‘Urabi, the Cabinet decided that the Sultan’s sovereignty in Egypt would be maintained, but with new restrictions on his power. The Foreign Secretary wrote to Dufferin, “We shall maintain the Sultan's sovereignty, and his tribute, but we shall have to limit some of his power of doing mischief - such as his power of borrowing troops, and deposing the Khedive.” This statement is significant because nothing in the Dufferin plan for Egypt dealt directly with altering the legal status of Egypt vis-à-vis the Ottoman Empire. Instead, Dufferin created a series of buffers to reduce Ottoman claims to interfere in the province by expanding khedival authority. The local governor would be even stronger and more independent from Istanbul than before the occupation. Moreover a strong Khedive backed by British advisors would have the obviously advantage of limiting European interference in the province. Dufferin proposed too to reduce European privileges by abolishing the Capitulations and subjecting foreign residents to taxation.

Dufferin’s greatest concerns were security and the justification for the implementation of self-governing institutions. Reorganizing financial institutions was

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77 PRONI/D10171/H/L/1/4. Granville to Dufferin, Sept. 15, 1882. See previous chapter concerning the difference between sovereign and suzerain power. Gladstone wanted to reduce Ottoman sovereignty in Egypt to Ottoman suzerainty, with the idea that Egypt should be modeled on autonomous Balkan provinces.
equally important, but treated as a technical matter. In terms of security, the Egyptian army was to be radically reduced in size and made available only to serve Egypt’s internal security problems – thus the army could not be called upon by the Sultan elsewhere in the Ottoman Empire, which was a derogation of the Sultan’s rights in Egypt. Dufferin drew upon the idea of neutrality and argued that Egypt no longer required a large standing army because “the territory of the Khedive has been recognized as laying outside the sphere of European warfare and international jealousies.” Egyptian military and constabulary reforms were undertaken on the basis of schemes provided by Baker Paşa. Dufferin also requested that though the Ministry of Interior would control the gendarmerie, Baker Paşa should lead the new organization.78

The Chamber of Notables, which had been the locus of much of the constitutional movement during the ‘Urabi Revolution, was slated for destruction. Dufferin noted that public opinion was against reconstructing the old Chamber of Notables:

During the late revolutionary period it evinced, on the contrary, a reckless and dangerous excitability. It refused to recognize Egyptian’s international obligations, and overstepped the bounds of the Constitution, which defined its attributions. I do not see that anything else could have been expected. A certain quality, which can best be expressed by the term ‘childishness,’ seems to characterize the Egyptian people; and that they should proceed at once to exercise with discretion full-blown constitutional functions, which occasionally come to a deadlock in highly organized communities, is not to be expected.79

78 Dufferin first wanted Baker Paşa to lead the reformed Egyptian army, and he arrived in Cairo with this expectation. However, the Queen refused the appointment on the basis of the fact that he had been dishonorably discharged from the army in 1875, which was why he had found employment in the service of the Ottoman Empire. Dorothy Anderson, Baker, Valentine [Baker Pasha] (1827–1887), Oxford Dictionary of National Biography, Oxford University Press, 2004; online edn, Jan 2008 [http://www.oxforddnb.com/view/article/1142]. See too Harold Tollefson, Policing Islam: The British Occupation of Egypt and the Anglo-Egyptian Struggle over Control of the Police, 1882-1914 (Praeger, 1999), chap. 1.
Neither the Foreign Office nor Cabinet had any intention of allowing the institution which had been the locus of constitutional and nationalist activity during the ‘Urabi Revolution to remain in place. But British justifications for the invasion included the “judicious development of self-government” in Egypt. Accordingly, something had to be done toward this end, particularly if the Chamber was to be dismantled.

In its place, Dufferin proposed three consultative chambers with no power to replace the Chamber. These included representative Provincial Councils, a Legislative Council to advise the Khedive and his ministers, as well as a General Assembly, which would be convened on an ad-hoc basis to discuss “important issues.” The “judicious development of self-government” used in part to justify the reorganization scheme was represented by these potentially weaker quasi-constitutional institutions. These institutions were created to defuse constitutional claims made throughout the Egyptian crisis – in particular Egyptian claims to reduce the role of Europeans in the governance of Egypt. Along with the Chamber of Notables, Dufferin replaced the Chamber’s Organic Law of 1882, which among other things was designed as a buffer against foreign influence in administration.80 Two months after Parliament published Dufferin’s report on the reorganization of Egypt, the Khedival decree creating the Provincial and Legislative Assemblies and the General Assembly were published in English as the “Decree creating New Political Institutions for Egypt.” The decree, which was also published in French in the *Moniteur Égyptien*, was entitled rather critically “Loi

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Organique d’Égypte” – and was intended to replace the Organic Law of 1882 as Egypt’s “constitution.”

European and British responses to Dufferin’s plan for the reorganization of Egypt were most critical of the new political institutions. Critics argued that Dufferin was a dangerous “constitution maker,” who ignored the fact that Egyptians were not fit for self-government. But these opponents failed to realize that the “constitution” he proposed was designed to limit Ottoman and European interference in Egypt and to appease the constitutionalists. Long after Dufferin left Egypt, he wrote to Evelyn Baring to commend him on his great service to England and Egypt as Pro-consul saying that “I was especially gratified by the sympathetic and indulgent reference to the two councils that I had established. They were a good deal ridiculed at the time, but as it was then uncertain how long we were going to remain, or rather how soon the Turks might not be reinvested with their ancient supremacy I desired to erect some sort of barrier, however feeble, against their intolerable tyranny.” Once again, the elements of Dufferin’s plan were engineered to secure British interests while restricting European and Ottoman intervention in Egyptian affairs.

The British occupation of Egypt was a clear defeat for the Ottoman Empire, yet the immediate Ottoman response to Dufferin’s reorganization plan for Egypt was relief.


82 PRONI/D1071H/D1071H/B/B/106/19, Dufferin to Cromer, May 12, 1892. He continued “On the other hand I felt that, as have most justly said, if English superintendence were to endure, they might be fostered and educated into fairly useful institutions, proving a convenient channel through which the European element in government might obtain an insight into the inner mind and the less obvious wants of the native population. You can understand then how pleased I have been at your having taken a view of them altogether in accordance with what I hoped might be their future destiny.”
Though the Sultan’s privileges were circumscribed in the new administrative plan, Dufferin did not attempt to explicitly alter the legal relationship between Cairo and Istanbul – and of course he could not do so without consent from the European powers.

Abdülmind worried that the Foreign Office planned to establish a protectorate in Egypt within the British imperial system. The Sultan was convinced that the British sent their Ambassador to Cairo as the new Governor-General for the province. His ambassador in London warned repeatedly that someone of Dufferin’s stature should not be sent to Cairo. His fears were inflamed by the fact that Dufferin brought his entire family with him to Cairo, rather than leave them as guests of the Sultan in Istanbul, as requested. One of Abdülmind’s informant’s (jurnalcı) in Cairo met with Dufferin just as his reorganization scheme was to be published. The informer reassured the Sultan on every point. He noted that Dufferin “was attempting to put into order a basic reform for Egypt” and that this reordering would “defend the law of the exalted sultanate.”

Dufferin contextualized his mission to Egypt as one in a series of British interventions to help the Ottoman Empire, arguing that Britain had already rescued Egypt from Napoleon and Mehmet Ali. He said too that after a trip to London Dufferin would soon return to

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83 BOA/Y.A.HUS/171/127. 23 Zi’l-hicce 1299/November 5, 1882.

84 The Foreign Office was worried about this possibility and warned Dufferin of it. PRONI/D10171/H/L/1/4/203 Granville to Dufferin, Nov. 3, 1882.


Istanbul, which is what in fact happened.\textsuperscript{88}

With no change in the legal status of the province and with the Khedive’s public support of Dufferin’s plan, the immediate response from Istanbul was to set a date for the evacuation of British troops from the province.

Conclusion: “We are laboring in the interests of the world at large”

So what do we get from tracing Dufferin’s various administrative schemes for the Ottoman Empire? If Dufferin’s reorganization of Egypt was taken as the blueprint for the British occupation of Egypt, as Cromer and later historians of the occupation have argued, then one could make the case that at last Dufferin was able to implement in Egypt what had been frustrated in Lebanon and Eastern Anatolia. The regime established in Egypt under the British occupation had a strong independent governor – or one might say governors depending on the perspective. The Khedive’s powers were greatly expanded under the occupation, but the British Consul-General’s powers were paramount. The Egyptian army was reduced in size and was no longer even theoretically available for the Sultan to order to service elsewhere in the empire. The tribute to Istanbul was maintained, as was the Sultan’s sovereignty over the province. At the very least an examination of Dufferin’s administrative schemes for the empire shows that Egypt was an Ottoman question.

The British Foreign Office and Cabinet viewed Ottoman sovereignty and European privileges as the two major bars to establishing British supremacy in Egypt following the capture of ‘Urabi. Accordingly, Dufferin’s proposed reorganization scheme, especially the expansion of khedival powers and the creation of representative

\textsuperscript{88} The informant explained further why Dufferin’s family went to Cairo: “while his family would be secure staying in Istanbul in the presence of the Padişah, they followed as a family, as his wife cannot endure the pain of separation.” BOA/Y.E.E./128/131.
consultative institutions, were designed as bulwarks against the persistence of Ottoman and European legal claims in Egypt, but also against constitutional claims made by the ‘Urabists in Egypt.

Finally, the 1880s and 1890s were marked by a proliferation of new sovereign formations within empires and arguably the Ottoman Empire was among the principal sites of experimentation. Among international lawyers, geographers, and Ottoman and European diplomats and policy makers there was an extensive discussion in this period about the meaning of suzerainty versus sovereignty, as well on the meaning of frontiers, borders and protectorates. Within the British Empire alone, the relationship between the United Kingdom and the self-governing settler colonies of the empire began to be renegotiated during this period. Arguments for closer union between the United Kingdom and the Dominions assumed a range of forms, privileging variously constitutional, federative, and economic or citizenship arrangements. As Governor-General of Canada, Dufferin actively participated in this debate and was considered to be a partisan of “Greater Britain” - that is to say, a supporter of closer union between the UK and the Dominions. Despite Ottoman territorial losses in the Balkans in 1878, which resulted in independence for Serbia, Montenegro, and Romania, the nation state had not yet properly emerged as the principal solution to imperial crises. Though the Treaty of Berlin appeared to signal the end of longstanding British support for maintaining the territorial integrity of the Ottoman Empire, on the contrary it marked more explicitly a growing

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Foreign Office policy favoring administrative autonomy within the Ottoman Empire guaranteed by what was still termed the public system of Europe. Accordingly, the management of international relations was more often a question of balancing interests within empire. Dufferin’s reorganization schemes for Lebanon, Armenia, and Egypt presented a particular theory of international relations, which overlapped significantly with a theory of empire that sought to strengthen imperial architecture through administrative decentralization.
Chapter 3: The Anglo-Egyptian Condominium in Sudan: Ottoman Territory or Terra Nullius?

Annexation is brutal. ‘The colonial protectorate,’ the mode of territorial acquisition that England is so good at leveraging, and the ‘international protectorate’ regulated by the Act of Berlin, offered the same inconveniences, so the English opted for a middle term, indefinable in international law, which only provides them with advantages.

-Jules Cocheris

And it will be seen that there exists perhaps no conception the meaning of which is more controversial than that of sovereignty. It is an indisputable fact that this conception from the moment it was introduced into political science until the present day, has never had a meaning which is universally agreed upon.

-Lassa Oppenheim

Introduction

Queen Victoria opened the first session of Parliament in 1899 praising the Anglo-Egyptian triumph over the Mahdist army at Omdurman and the subjugation of provinces controlled by the Khalifa in Sudan. The military success of the “reconquest” of the Sudan, named for the alleged recapture of territory lost to the Khedive by rebellion, was followed by the announcement that the provinces of Sudan would be administered jointly under Britain and Egypt. The Anglo-Egyptian agreement was signed by Butrus Ghali and Lord Cromer in Cairo on January 19, 1899 and became the mechanism by which Britain controlled Sudan through the mid 1950s.

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3 NA/FO 93/32/27 “Agreement between Her Britannic Majesty’s Government and the Government of His Highness the Khedive of Egypt, relative to the future administration of Sudan”/ “Idarat al-Sudan fil-mustaqbal,” January 19, 1899. The copy at the National Archives in Britain is on parchment and written both in Arabic and English and signed by Cromer and Butrus Ghali. It is reproduced in NA/FO/407/150, no. 64, Cromer to Salisbury, Jan. 28, 1889, enclosure 1. The text of Anglo-Egyptian Convention was also published in the *Officiel Journal du Gouvernement de Égypte*, 19 January 1899, and the *The Times of London*, January 20, 1899.
Among the first responses to the Queen’s victory speech was a question concerning sovereignty in Sudan. The First Earl of Kimberley took issue with the statement that Sudan was to be held under joint title between Egypt and Britain. He noted, “It must be a very serious step indeed that we should announce that the Soudan is not merely placed, as I read it, under the Khedive of Egypt again with the aid and the alliance of Her Majesty, but that it is placed under the Queen herself, and it seems to me that such an announcement must be fraught with very far-reaching consequences… Looking at it simply, it must mean that we practically made the Soudan a portion of the Queen’s Empire.”

Lord Salisbury, Prime Minister and Secretary of State, replied that Britain held Sudan by right of recovery and by right of conquest: “We hold the dominions of the Khalifa by two titles. We hold them undoubtedly as having formed part of the possessions of Egypt, of which we are now in occupation, but we also hold them by a much less complicated, much older, much-better-understood title—the title of conquest.” Salisbury’s dual theory of territorial acquisition – by recovery of lost territory and by conquest of *terra nullius* - posed an immediate problem in international politics. Critics claimed the two theories were incompatible and each implied a different set of administrative institutions and legal regimes. If Sudan was in fact recovered Egyptian territory, the Sultan was undoubtedly the recognized sovereign and by extension all of the European privileges guaranteed by the Capitulations would be portable to the Khedive’s

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6 *Terra nullius*, Latin, meaning “land belong to no one.” Originally from Roman law, the term was revived in the nineteenth century in the field of international law, and was used to justify European territorial expansion, especially in Africa and Australia.
“reconquered” lands. Conversely, if Sudan was acquired by right of conquest and as Kimberly noted, “placed under the Queen herself,” a rather different set of institutions would be required and the Colonial rather than Foreign Office would be responsible for administration. Furthermore, the detractors argued, there should have been no need to involve the Khedive, who in any case had no legal capacity to sign an international convention as the representative of the Sultan.

Historians of Sudan categorize the Condominium period in much the same way as historians of the British occupation – as a “legal anomaly” or a “colony in all but name.”7 The invention of the Condominium as a sovereign or colonial administrative unit is more often than not explained by European imperial rivalries during the so-called “Scramble for Africa,” a period in which new or revived imperial categories proliferated.8 The Anglo-French rivalry above all is invoked to explain British innovations in the realm of colonial administration – an account that again closely parallels histories of the British occupation of Egypt. While these interpretations are not inaccurate, when examined from the perceptive of international relations there is an unacknowledged actor who had both claims and interests in Egypt as well as Sudan. Until very recently, even in Ottoman historiography, there was, and to a degree still is, a pervasive idea that either the Empire

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7 Similar to historians of the occupation of Egypt, there is a suggestion in this critique that the Anglo-Egyptian administration was somehow more defective and lacked proper oversight than a territory under the jurisdiction of the Colonial Office.

8 One of the clearest ways to see the proliferation of territorial categories within empire is to compare European international law textbooks from the mid-nineteenth century with examples from the late nineteenth and early twentieth century. The latter texts abound with types of sovereign arrangements and are also more directly concerned with the acquisition of territory. One of the standard forms for nineteenth century international law textbooks was a two-volume set on “peace” and “war.” Whereas in the older texts territorial acquisition and occupation were problems of warfare, in the latter texts it was a problem of peace, specifically within a colonial context.
did not care or was too weak to respond to or engage with late nineteenth century European imperialism. ⁹

Adding the Ottoman factor to the story of the Condominium provides two perspectives that might not otherwise be obvious. On the Ottoman side, between 1882 and 1899, the Ottoman government asserted territorial claims in Sudan as part of a broader strategy to ensure that Egypt remain legally within the fold of the Empire. Policing territorial rights in Sudan was closely linked with this task. The Ottoman Foreign Ministry’s greatest concern was that if Britain seized Sudan as a colony, Ottoman ties to Egypt might breakdown. At the same time, Ottoman claims to Sudan might be seen as an engagement with the European scramble for territory in Africa. The Ottoman

⁹ A number of historians working on Sudan and Egypt and the intensification of European imperialism in the late nineteenth century more often than not argue that the Ottoman state had either no interest in African affairs or simply ignore the Ottomans altogether. Though there has been some work on this subject, notably by Selim Deringil and Ahmet Kavas, for the most part Ottoman interests and involvement in the European partition of Africa have gone unnoticed. Arguably the best treatment of this subject to date is Mostafa Minawi’s doctoral thesis, “Lines in the Sand: The Ottoman Empire's Policies of Expansion and Consolidation on its African and Arabian Frontiers (1882-1902),” Ph.D. dissertation (New York University, 2011). Minawi powerfully argues that the Ottomans had a serious stake in the so-called “Scramble for Africa. He has taken up Hanoğlu’s plea in A Short History of the Late Ottoman Empire to reexamine late Ottoman diplomacy from the perspective of European constraints, rather than from the starting point of the Empire’s inevitable partition via European encroachments or national independence. See Selim Deringil, “Les Ottomans et le partage de l’Afrique, 1880-1900,” in The Ottomans, the Turks and World Power Politics: Collected Essays (Istanbul: Isis, 2000); Ahmet Kavas’s Osmanlı-Afrika İlişkileri (Istanbul: Kitabevi, 2011). In addition to these few works on the Ottomans and the “Scramble for Africa” there has also been a burgeoning interest in the Ottomans and their imperialist strategies for incorporating the periphery in ways that parallel European and American imperial techniques. See Janet Klein, The Margins of Empire: Kurdish Militias in the Ottoman Tribal Zone (Stanford: University Press, 2011); Reşat Kasaba, A Moveable Empire: Ottoman Nomads, Migrants, and Refugees (Seattle: University of Washington, 2009). For the idea of “Ottoman Orientalism” See Ussama Makdisi, “Ottoman Orientalism,” American Historical Review, 107(2002), 768-796; 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(2003): 311-342; Zeynep Çelik, Empire, Architecture, and the City: French-Ottoman Encounters, 1830-1914 (Seattle: University of Washington Press, 2008) and Thomas Kuehn, Empire, Islam, and Politics of Difference: Ottoman Rule in Yemen, 1849-1919 (Leiden: Brill, 2011). This work is very much parallel to Eve Troutt Powell’s book on the Egyptian domination of Sudan. See Eve Troutt Powell, A Different Shade of Colonialism: Egypt, Britain, and the Sudan (Berkeley: University of California, Press, 2003).
fixation with maintaining the territorial extent of the Empire was not just a defensive strategy against European derogations of Ottoman sovereignty. Abdülhamid and the Foreign Ministry viewed the Ottoman Empire as one of the powers that mattered in international politics and Empires were Great Powers.

Secondly, from the British perspective, the Foreign Office presented British control of Sudan as an administrative rather than political solution. I argue that this move was in respect to European as well as to the Ottoman defense of territorial rights in North Africa and along the Red Sea. The word “sovereignty” appears nowhere in the text of the 1899 Anglo-Egyptian agreement. For this reason and others, Britain’s joint administration of Sudan flummoxed international lawyers, French lawyers especially, but it provided Britain with the flexibility of occupation, without the “internationalism” found in Egypt. Nevertheless, the Foreign Office strategy of disaggregating administrative and political rights in the Ottoman periphery, again like Egypt, posed the problem of order in international relations. If Sudan fell under British dominion – even if held jointly with the Khedive – it would potentially have serious repercussions vis-à-vis Egypt’s legal status as an Ottoman province as well as for the occupation. The problem for the Foreign Office was by what theory could Britain claim sovereignty in Sudan without altering their position in Egypt and Egypt’s relationship to the Ottoman Empire.

The Idea of Sudan in the Ottoman and British Empires, 1882-1898

From the beginning of the British occupation of Egypt, Abdülhamid and the Ottoman Foreign Ministry looked to Sudan as a possible arena to reestablish control over Egypt. After having been thwarted by Lord Dufferin over the Joint Military Agreement, which would have enabled Ottoman troops to join British troops in Egypt during the
summer of 1882, the Foreign Ministry and Ambassadors looked for ways to get troops or an Ottoman High Commissioner on the ground in Cairo. The Mahdist revolt in Sudan appeared to provide a possible pretext.

Ottoman territorial claims to Sudan date initially from the conquest of Egypt (1517) and consisted largely of Red Sea ports, notably Sawakin and Massawa. In the modern period Ottoman territorial rights in Sudan stemmed from the early phase of Mehmet Ali’s expansionist campaigns. Following the long and costly but ultimately successful Wahabi campaign (1811-1818) Mehmed Ali turned towards Sudan. He launched a short but violent campaign south (1820-22) and expanded the boundaries of Egypt into present day Sudan doubling the size of his empire. The administrative regime established by the Paşa, called the “Turkiya” in Sudan, remained intact until the 1870s, when broad discontent mounted against the policies of the Khedive ‘Ismail,

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11 The campaign reclaimed the province of Hijaz and thus the Holy Cities for the Ottoman Sultan. Mehmet Ali’s son Ibrahim was made vali of the Hijaz as a result of the campaign.

12 Many historians of Sudan characterize the period between 1820 and the Mahdist Revolt between 1881-1885 as the “Turco-Egyptian” regime. See Powell and Sharkey.

13 “Egypt conquered Sudan, for example, long before achieving independence from the Ottoman Empire. Because of the relationship with Istanbul and the fact that the language spoken by Egypt’s administrators and generals was Turkish, the administration of the “Egyptian Sudan” region was known for generations as the “Turkiya.” Eve Troutt Powell, A Different Shade of Colonialism, p. 39.
including his appointments of European governors to the province – even at one point to General Gordon.¹⁴

Muhammad Ahmed, a Sufi sheikh from Northern Sudan, proclaimed himself al-Mahdi¹⁵ in June 1881 and he and his followers (Ansar) started a broad revolt against the Turkiya,¹⁶ synchronous to the revolt against the Khedive by the ‘Urabists. When Britain invaded Egypt in the summer of 1882, Sudan almost immediately became a pressing policy question. While Lord Dufferin left Sudan largely untouched in his “reorganization” scheme for Egypt, a portion of his time in Cairo was spent dealing with security questions at Egypt’s southern boundary.¹⁷ The Mahdist revolt continued to gain strength and following a major British defeat in December of 1883, the Foreign Office ordered the evacuation of Sudan, with the exception of Red Sea ports and Khartoum. General Gordon was dispatched to Khartoum to oversee this process and was later captured and killed when the Mahdi and his followers succeeded in sacking the capital

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¹⁵ The Mahdi (“the guided one”) is an eschatological figure in Islam, whose rule on earth is supposed to presage the day of the resurrection.

¹⁶ The revolt occurred at the same time as the ‘Urabi revolt and both British and Ottoman documents from 1881 and beyond, mention the growing unrest in Sudan simultaneous to events in Cairo and Alexandria.

¹⁷ Even though the last quarter of the nineteenth century in many ways belonged surveyors, border commissions and mapmakers, the boundary between Egypt and Sudan was somewhat flexible. This reality is especially clear in Foreign Office discussions concerning the evacuation of Egyptian garrisons. British officers wrote about the southern boundary of Egypt in terms of defensible positions, not straight lines on a map. Şükrü Hanoğlu too writes about the word hitta in Ottoman as referring to territories “with vague boundaries,” mentioning Tunisia and Libya. Egypt and Hijaz are often referred to Ottoman documents as well as hitta – as in the “region” or “lands” of Egypt. See Şükrü Hanoğlu, A Brief History of the Late Ottoman Empire (Princeton: University Press, 2008), p. 9.
in 1885. The Mahdist state governed in place of the Turkiya until the “reconquest of Sudan” in 1898.\(^{18}\)

During the early years of the occupation, the Porte was anxious to sign an agreement with Britain on the withdrawal of troops from Egypt and to end the occupation. While it might appear impossible in retrospect that the Ottomans had any hope of achieving such an agreement, it should be recalled that while Britain intended to achieve supremacy in Egypt, it did not intend to do so through via permanent military occupation – at least not initially. The conservatives were critical of Gladstone’s policy, and the Liberals almost immediately promised to withdraw from Egypt, while European pressure, especially from France, provided some room for Ottoman maneuver. In this context along with the revolt in Sudan, the Foreign Ministry sought ways to pressure Britain into agreement. Even before Dufferin published his scheme for the reorganization of Egypt in February 1883, the Ottoman Foreign Ministry linked events in Sudan to a possible agreement with Britain. As the Ottoman Ambassador in London, Musurus Paşa, stated, “the questions of Sudan and Egypt are tied.”\(^{19}\)

Just after the first major British defeat against the Mahdi in 1883, the Ottoman Ambassador to London, Musurus Paşa, wrote a lengthy letter to the Foreign Ministry in Istanbul concerning the state of affairs in Egypt.\(^{20}\) Musurus began by denouncing Britain’s military intervention in Egypt as the “most serious breech of the Sublime

\(^{18}\) In British documents, the Mahdist state is referred to as the Khalifat and its leader the Khalifa, or successor. Muhammad Ahmed al-Mahdi died in 1885 and was succeeded by al-Khalifa (the successor) Abdullahi. Sharkey, *Living with Colonialism*, p. 4-5.

\(^{19}\) BOA/I.MTZ.(05)/24/1166 [1301 C. 12].

\(^{20}\) BOA/I.MTZ. (05)/24/1147, *Musurus to Arafi Paşa, Feb. 6, 1884. See chapter 1 for more on Musurus Paşa.
Porte’s rights of sovereignty” and a “flagrant infraction of existing treaties in international law.” He expressed his concern that Britain’s actions in Egypt, “this humiliation,” would lead the other European powers to act similarly elsewhere in the Empire. Musurus noted that the Foreign Office claimed it would wind down the occupation as soon as the “maintenance of order and tranquility there had been assured” according to Lord Dufferin’s reorganization plan. The cholera epidemic in 1883 had been the first cause to delay the British evacuation, but now security concerns in Sudan threatened to swell the number of British troops stationed in Egypt. The real occasion for Musurus Paşa’s letter to the Foreign Minister was the Sudan question.

The news of General Gordon’s mission to Khartoum and Britain’s planned evacuation of the Egyptian garrisons in Sudan presented a danger to the Ottomans, but also offered an opportunity. The significance British public opinion and Parliament appeared to attach to General Gordon’s assignment alarmed Musurus. He argued that the Foreign Ministry should seize the opportunity to assert Ottoman rights in Sudan. There were two alternatives if the Sultan did nothing. Either Britain would reestablish Egyptian authority in Sudan and claim the territory for itself, or alternatively, it would abandon Sudan to the Mahdi, who would become a rival Muslim potentate of a large state. In either case, the Ottomans would lose more ground against the British.

In this state of things, it is important, especially these days with the sudden emergence of the Sudan question, that the Sublime Porte show keen interest in this new issue, and make it known to the British government in terms courteous and kind, that in the name of the Sovereign Power, it can not consent to the abandonment of Sudan, being an integral part of Egypt from time immemorial, and from the settlement of the Egyptian Question in 1841, it has had an obligation to defend the integrity of Egypt and to assist the Khedive’s government militarily in suppressing rebellion. If the Sublime Porte appears indifferent and does not manifest its firm intention to insist upon concrete intervention in Egyptian affairs,
in the presence of current circumstances, one of two things will happen. The British government would be obliged to send a new army composed of English and Indian troops to the Sudan, and, claiming, after the victory, the abstention of the Sublime Porte and having made great sacrifices in men and money, would organize the province as they wish, which they would definitively detach from Egypt; and then the Sublime Porte, at the same time that it would be potentially deprived of its rights of sovereignty over the Sudan, it would allow the Egyptian government to claim a reduction on the current tribute.

If Britain was allowed to manage the rebellion in Sudan on its own, non-intervention would not only jeopardize Ottoman claims to Sudan but would also have the potential to weaken Ottoman sovereign ties to Egypt. The Egyptian tribute was not insignificant. More than its practical value, which should not be underestimated, the tribute was a concrete legal attachment between Egypt and Istanbul. Legal connections like the tribute, but also the firman of investiture, everything guaranteed by the “treaties and the firmans,” were precisely the things that Musurus, Abdülhamid, and the legal advisors at the Ottoman Foreign Ministry were so keen to maintain. The Egyptian tribute was not just a symbol of the Caliph’s legitimacy for Abdülhamid’s Muslim subjects; it was rather a legal means to Ottoman intervention in Egyptian affairs – and one that Europeans, Britain especially, would be called upon to recognize.

21 The Egyptian tribute serviced the Ottoman debt. Abbas Hilmi II’s firman of investiture stipulated that the tribute should be set at £750,000.00 per annum. See Government of Egypt, Recueil de firmans impériaux ottomans addresses aux valis et aux khedives d’Égypte, (Cairo: L’institut Français d’archéologie orientale du Caire, 1934), p. 340-342, no. 1060, 27 Shaban 1309 [27 March 1892]. After the loss of the Red Sea ports, Zeyla and Massawa, the tribute was reduced to around £665,000.00 annually and remained at this rate for the duration of the occupation. NA/ FO 141/822/ EGYPT AND SOUDAN “Minuet by Cecil Hurst on Egyptian Tribute Loans.” Şevket Pamuk, A Monetary History of the Ottoman Empire (Cambridge: University Press, 2004), chap. 6 and 11; Roger Owen, The Middle East in the World Economy, 1800-1914 (London: I. B. Tauris, 1993) chap. 2 and 9; Suraiya Faroqui, ed., An Economic and Social History of the Ottoman Empire: 1600-1914 (Cambridge: University Press, 1997), part 5.

22 Oded Peri has written about the Ottoman presence in occupied Egypt in symbolic terms. In an article largely about Gazi Ahmet Muhtar Paşa, Abdülhamid’s Ottoman High Commissioner in Egypt from 1885-1908, he argued that things such as the Sultan’s seal (tuğra) on coinage struck
claims to Sudan could not be abandoned to the British – to do so would counter a broader Ottoman strategy for dealing with Europe. The endless Ottoman appeal to international law, “the existing treaties,” and “sovereign rights” should be seen as strategy of a weak power in an international system dominated by expansionist European powers, but also in terms of the Ottomans’ particular experience with Europe as legal measure. For the better part of a century Europeans had already used legal standards to justify intervention in Ottoman internal affairs.

If the British did not conquer and seize Sudan for themselves, Musurus imagined a second option that would end again with the Ottoman forfeiture of rights and loss of international standing. He continued:

Or the British government will retreat from the garrisons in Sudan and from Egyptian authority, leaving this province to the will of the so-called Mahdi, and following an agreement with the latter will limit itself to the defense of Egypt proper; and in this case, not only will the Sublime Porte suffer in fact the same deprivation of its rights of sovereignty, but the so-called Mahdi, who with the moral support of England will become a monarch of a great state including besides Korfodan, Darfur and the other equatorial provinces, all the parts of Sudan annexed to Egypt, he would appear in the eyes of Muslims surrounded by the prestige of success, and will become a invader more audacious than Mehmet

in Egypt, the Ottoman flag, saying Friday prayers in the name of the Sultan, or the presence of the Ottoman High Commissioner in Cairo had symbolic value in Egypt and represented the legitimacy of the Sultan. Oded Peri “Ottoman Symbolism in British-Occupied Egypt, 1882-1909,” *Middle Eastern Studies*, vol. 41, no. 1 (Jan., 2005): 103-120. See too Selim Deringil, “Gazi Ahmed Mukhtar Pasha and the British Occupation of Egypt,” *Al-Abhath*, vol. 34 (1986).

It is notable that Musurus used the word “invader” (*envahisseur*) instead of “conqueror” or a different word more closely associated with the practices of empire building. The choice accords with a particular Ottoman view of Mehmet Ali as an upstart governor - not even a prince – whose territorial expansion was distinctly not imperial. Rome conquered Greece but the Gauls invaded Rome. For the importance of language and word choice in late Ottoman bureaucratic writing see Maurus Reinkowski, “The State’s Security and the Subjects’ Prosperity: Notions of Order in Ottoman Bureaucratic Correspondence (19th Century)” in Hakan Karateke, Maurus Reinkowski, eds. *Legitimizing the Order: The Ottoman Rhetoric of State Power* (2005).

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Ali and a dangerous element for the internal peace of the Empire in Arabia, in Syria and in Mesopotamia, provinces inhabited by Arab tribes.  

To leave Sudan to the British, Musurus warned, would be another blow to the Sultan in the Arab provinces, directly on the heels of the British occupation of Egypt. It is striking that Musurus cast the Mahdi as a potential rival to Ottoman prestige and power in the form of Mehmet Ali. If nothing else, it underscored the late Ottoman preoccupation with Egypt as the supreme negative model province in the Empire – a province lost to centralized imperial control at the hands of powerful governor supported by Europe. At the same time, and contrary to the dominant view of Ottoman interests, or lack thereof, in the “Scramble for Africa,” Musurus’s assumptions about British imperial practices demonstrated a keen awareness of European, especially British, modes of strategic control and incorporation. Abandoning Egyptian territorial rights, and by extension Ottoman sovereign rights, would in effect increase British control of Sudan. In Musurus’s estimation, one very good way for the British to maintain security in Egypt, while extending influence throughout Sudan would be to recognize the Mahdi as a quasi-independent ruler.

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24 BOA/IMTZ. (05)/24/1147, Musurus to Arifi Paşa, Feb. 6, 1884 and Arifi Paşa to Musurus Paşa, Feb. 19, 1884 [1301 R. 21].

25 For instance Abdülhamid II referred to ‘Urabi as another “Mehmet Ali” during the ‘Urabi crisis – from the Ottoman perspective ‘Urabi produced a crisis not a Revolution, as the events are cast in Egyptian national histories. See Selim Deringil, “The Ottoman Response to the Egyptian Crisis of 1881-82,” Middle Eastern Studies, 24, 1 (January 1988).


27 Imperial historians have long emphasized the variability of British imperial control, which was never so simple as “direct” versus “indirect” rule. It is important to point out that British strategic relationships with say the Sultan of Zanzibar as a protectorate, or with the Princely States of India, while on the surface analogous to the British position in Egypt, was radically different. As I
Musurus urged the Foreign Ministry to come to an agreement with Britain and suggested they send an Ottoman imperial commissioner along with troops to Egypt. The Ottoman commissioner, he recommended, should work with the Egyptian government on the best means to pacify the rebellion in Sudan and it should be carried out by the Ottoman and Egyptian armies. Secondly, drawing upon the same language Britain used in its promises to end the occupation,28 “After the prestige of the Khedive has been restored in the eyes of the people and his authority reaffirmed, the imperial (Ottoman) army will evacuate Egypt.” Musurus advised that the proposal to the British should emphasize how the “legal and legitimate cooperation of the Sovereign Powers could only be advantageous to the British Government, who would not only be spared the expense of sending new envoys to Egypt, but would also find a suitable occasion to recall its troops currently in Egypt.”29 Finally, while the British might want to make a monarch out of the Mahdi, the Ottoman solution to rebellion was not that far off. Musurus argued that the Ottoman commissioner could also work out an agreement with the “so-called Mahdi, who His Imperial Majesty would deign, in his position of Caliph and sovereign, to

have pointed out throughout the dissertation the Convention of London in 1840 and the firman of 1841, guaranteed Egypt’s position as an Ottoman province as well as European rights there by international treaty. Egypt had an international status that Zanzibar and the Princely States did not and it mattered.

28 During the ‘Urabi crisis, Britain insisted the invasion of Egypt was carried out to reestablish law and order and good government, but was also a friendly action to restore the prestige of the Khedive.

29 BOA/I.MTZ. (05)/24/1147, Musurus to Aarify Paşa, Feb. 6, 1884, reproduced in Ottoman Diplomatic Documents on the “The Eastern Question,” no. 676.
confer, under certain conditions, the hereditary government\textsuperscript{30} of Kordofan, of Darfur and other adjacent provinces.”\textsuperscript{31}

The Ottomans had no illusions that they could “effectively” govern Sudan from Istanbul but neither did Britain from London or even Cairo. If Britain could offer “independence” to the Mahdi, the Ottomans should too. Whatever happened in Sudan, it should occur under the penumbra of the Sultan, even if meant the most unpalatable solution – a hereditary governorship for a rebel. During the Hamidian period and beyond, the Ottomans had well founded fears that the British considered establishing a rival Caliphate to Istanbul in either Egypt or the Hijaz, it is doubtful whether the Mahdi would fit the bill, but the last thing the Hamidian state wanted was a strong quasi-independent Muslim ruler on the Red Sea unattached to the Sultan.\textsuperscript{32} Nonetheless, for the Ottomans, pacifying the rebellion in Sudan was not a question of who should control Islam; rather it

\textsuperscript{30} The Ottomans regularly incorporated troublesome figures into the structure of imperial governance. Abdülhamid even invited Colonel ‘Urabi to Istanbul to become one of the “high state officials and dignitaries.” See too Karen Barkey, \textit{Bandits and Bureaucrats: The Ottoman Route to State Centralization}, (Ithaca: Cornell, 1996).

\textsuperscript{31} The Foreign Ministry responded two weeks later to Musurus’s suggestions and argued that for the time being the most important thing was maintain the sovereign rights of the Sultan over Egypt. BOA/I.MTZ. (05)/24/1147, Aarify Paşa to Musurus Paşa, Feb. 19, 1884 [1301 R. 21].

\textsuperscript{32} Much has been written on Abdülhamid II’s turn toward the Caliphate and Islam as legitimizing mechanisms for the Empire following the territorial losses in the Balkans after Berlin in 1878, as well as British plans to establish a rival Caliphate to the Ottomans. See Selim Deringil, \textit{The Well-Protected Domains} (London: I.B. Tauris, 1998); Kemal Karpat, \textit{Politicization of Islam: Reconstructing Identity, State, Faith, and Community in the Late Ottoman State} (Oxford: University Press, 2001). For the significance of the Caliphate from the period when the title was ostensibly transferred in 1517 from the Mamluks to the Ottomans see Hakan Karateke, “Legitimizing the Ottoman Sultanate: A Framework for Historical Analysis” in Hakan Karateke, Maurus Reinkowski, eds. \textit{Legitimizing the Order}. For period commentary see among others, Ibrahim Al-Muwaylihi, (Roger Allen, translator), \textit{Spies, Scandals and Sultans: Istanbul in the Twilight of the Ottoman Empire [Ma Hunalık]} (Lanham, Maryland; Rowman & Littlefield, 2007); Wilfrid Scawen Blunt, \textit{The Future of Islam} (London: Kegan Paul, 1882); Valentine Chirol, “Pan-Islamism,” \textit{Proceedings of the Central Asian Society} (London: Central Asian Society, 1906); Count Léon Ostrorog, \textit{The Turkish Problem: Things Seen and a Few Deductions} (London: Chatto and Windus, 1919).
was a question of who should control Egypt – and for Musurus, legal claims to Sudan for much of the 1880s and 1890s appeared to be the key.\footnote{In another instance the Ottomans protested various British leases of Ottoman territory in Sudan, including in 1894 when Great Britain tried to give as a lease of the Equatorial province and that of Bahr el-Ghazal to the State of Congo. As noted above, the Ottoman Ambassadors in France and London, as well the Grand Vizier, made every effort to maintain Ottoman territorial claims to Sudan. In another example among others, the \textit{Institut de droit international}, which viewed international law as a tool to ameliorate international relations and publicized codification efforts, sent the Ottoman Foreign Ministry a proposal for the administration of Congo. Said Paşa, the Grand Vizier, was addressed as one of the representatives of the “principle states of Europe and America” and of the civilized world. BOA/HR.HMŞ.IŞO/166/21/ \textit{Institut de droit international} to Said Paşa 2 Muharrem 2, 1301[October, 21, 1889].}

Sudan also figured into British calculations at the start of the occupation. The Mahdist revolt was initially a question of security but soon became a question of administration – not that the two were mutually exclusive.\footnote{Daley notes that the Condominium was not a haphazard decision following the battle of Omdurman, rather Cromer and the Foreign Office had been in conversation for several years about what to do with Sudan. This is completely accurate, Daley cites a series of conversations between Cairo and London from the British decision to launch the campaign against the Mahdist state in 1896, but these conversations began the day Gladstone became the “Murderer of Gordon,” in other words with the fall of Khartoum in 1885. Daley, \textit{Empire on the Nile}, p. 11.} Just after the fall of Khartoum in 1885, Evelyn Baring, later Lord Cromer, and the Foreign Office began an exchange on the future of Sudan. Cromer pushed the Foreign Office to consider Britain’s ultimate political objectives in Sudan. He wished to receive clarification if the withdrawal from Khartoum had been a political as well as a military decision,\footnote{NA/FO 633/6/no. 40, Lord Cromer, Letters to Secretaries of State 1883-1905, Evelyn Baring to Lord Granville, April 3, 1885, p. 43-50.} did the British plan to establish a “settled form of government at Khartoum or not?” He assumed not and argued that there were only two alternatives to consider presently. Either, Britain should come to terms with the Sultan and allow the deployment of Ottoman troops to “effect the pacification of the Soudan” or leave “Khartoum in the possession of the Mahdi.” If however the government decided to establish a settled government in parts of Sudan,
which would require taking back Khartoum, Cromer suggested four possibilities. The first possibility was that the British could again come to terms with the Sultan and leave Ottoman troops to manage the territory or the territory could be given to Italy. Alternatively, and in line with Musurus’s Paşa’s suspicions, the British might “establish a quasi-independent ruler who would be subsidized by Egypt or by England.” Lastly, he suggested that Britain could administer the territory “in some form or another.”

The “subsidized ruler” idea, according to Cromer, had originally been Gordon’s plan and had appeared to be the best possible solution, but that solution was complicated now with the success of the Mahdi. Cromer noted, “Under the present circumstances I am far from confident that the policy of setting up a subsidized and quasi-independent ruler at Khartoum will result in the creation of a stable and settled form of government, unless, indeed a foreign military force be placed at the disposal of a new ruler…such a force must, so far as I can judge, be either Turkish or English.” He ultimately rejected this idea for lack of a suitable candidate to balance to appeal to the Mahdi and ignoring the Italian and Ottoman options left the British option.

Thus we may either annex the country outright; or we may establish an Englishman as a quasi-independent ruler or as a Governor-General under the Khedive, with the accompaniment, which I should consider necessary, of an English force, or at all events of a force officered by Englishmen, to keep him in his place; or perhaps a Company might be formed somewhat on the model of the old East India Company. But all of these plans virtually rest on the same foundation. Under all of them England would virtually take a hand in the government of the Soudan.

Cromer’s vision for Sudan as a quasi-corporate body administered from afar by the Foreign Office was rather close to what the Condominium became, that is to say an

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administration with a British governor-general under the Khedive, with a separate Sudan civil service. The animating issue for Cromer though, like Musurus, was Egypt not Sudan. If Britain established a government in Khartoum, Cromer argued, it would lead to a reconsideration of the British position in Egypt. “It is very probable that our occupation of Egypt will, in any case, be a long one. If we are to become responsible for the government of the Soudan I think we may at once, for all practical purposes, abandon any hope of getting away from Egypt at all. Under these circumstances it would become a very open question whether it would be advisable to continue the present system of government in Egypt.”

British control of Sudan would force a reexamination of the policy of occupation and that meant “regularizing” the status of Egypt, in other words incorporating it into the British Empires. At the end of his lengthy note to the Foreign Office, Cromer retreated entirely from this vision and argued instead that the Sudan must either be left to the Sultan or Mahdi, indeed, “abandoned to anarchy.” He thought given the circumstances London should come to terms with Istanbul and consider allowing the Ottomans to send a detachment of troops, because he would rather “the permanent occupation by British troops of Egypt without the Soudan, than the occupation of Egypt with the Sudan.” Cromer did not want the permanent responsibility for Egypt and Sudan.

Between 1885, when Britain effectively initiated the abandonment of Egyptian garrisons in Sudan and the decision to “recover” the lost territory of the Khedive in 1895, the Ottoman government repeatedly attempted to come to an agreement with Britain on the Egyptian question. When Salisbury became the Prime Minister and Secretary of Foreign Affairs during the Home Rule Crisis in Ireland in 1885, one of the first things he did as Foreign Secretary was dispatch Sir Henry Drummond Wolff to Istanbul to

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38 Ibid., NA/FO 633/6/no. 40, p. 48.
negotiate a “settlement on the Egyptian Question.” The negotiations lasted three years and took place in Istanbul, Cairo and London. Muhtar Paşa was appointed as the Ottoman High Commissioner opposite Drummond Wolff and arrived in Cairo at the end of the year in 1885. Muhtar Paşa remained in Cairo as the Ottoman High Commissioner until 1908 and was a source of constant frustration to Cromer throughout the years of the occupation. The agreement that was worked out for the evacuation of British troops from Egypt was never signed – in part because it provided Britain with what was in effect a standing right to intervene in Egypt – a “droit de surveillance.” At the same time, the agreement reiterated the validity of the “existing treaties and firmans” regulating Egypt’s legal status as an Ottoman province with all of the attendant European privileges.39

Musurus Paşa persistently pressed London to recognize Ottoman rights in Sudan and to send Ottoman troops,40 fearing that abandoning the Egyptian garrisons there would lead to a European scramble for Ottoman territory in Africa. His concerns were borne out

39 In much of the older diplomatic history, the Ottomans refused to ratify the agreement due to Russian and French pressure. At the same time, imperial historians have argued that through this agreement Abdülhamid “recognized” the British position in Egypt. The agreement again was never ratified and the Ottomans did not recognize the occupation. Moreover Süleyman Kızıltoprak recently wrote an excellent book in Turkish largely on the subject. He categorized Ottoman negotiations with Europe over Egypt as “diplomatic warfare” – especially during Drummond-Wolff. Kızıltoprak has rightly noted that Egypt was a critical province for the Ottoman Empire and not one that they just let go of in 1882 when the British arrived in Cairo. See Süleyman Kızıltoprak, Mısır’dan İngiliz Işgali: Osmanlı’nın Dипломasi Savaşı (1882-1887) [The British Occupation of Egypt: The Ottoman Diplomatic War], (Istanbul: Tarih Vakfı, 2010). M. P. Hornik’s article is still among the best English sources on the negotiations and is representative of an older tradition of diplomatic history. M. P. Hornik, “The Mission of Sir Henry Drummond-Wolff to Constantinople, 1885-1887,” The English Historical Review, Vol. 55, No. 220 (Oct., 1940): 598-623. For Drummond Wolff’s account of the aborted agreement see Sir Henry Drummond Wolff, Rambling Recollections, (London: Macmillan, 1908). See BOA/Y.A.HUS./505/58/[1324 C. 15]. Among the files contained here is a statement by Cromer that Muhtar’s mission should have been considered terminated with the end of the “Wolff Convention” and that he regards the “the Khedive as the only legal representative of the Sultan in Egypt.”

40 BOA/Y.PRK.BŞK/ 202/19 [1304 Ş. 6].
almost immediately when Italy occupied the Red Sea port of Massawa in 1885. The Egyptian government was also apprehensive about surrendering any territory over which the Sultan had legal claims. Cromer noted, “The attitude of the Egyptian Government is that they cannot cede territory which belongs to the Porte…The possession of Massawah itself is not an important Egyptian interest, but it is important that the Khedive not get into trouble with the Porte.” 41 During this period, the Foreign Office alternated between recognizing parts of Sudan as Ottoman territory and parts as terra nullius depending on their interests and needs. London’s flexibility with regard to Sudan came to a halt when French, Belgium and British imperial claims clashed in Sudan on the Upper Nile.42 In 1895, the British government authorized Lord Kitchener as commander of the Egyptian army to “reconquer” territories lost to the Khedive by rebellion. The extraordinarily brutal war began the following year and ended with the defeat of the Khalifa at Omdurman on September 2, 1898.43

The Anglo-Egyptian Administration Agreement

On January 19, 1899, Cromer and Butrus Ghali, then Egyptian Foreign Minister, signed the “Agreement between Her Britannic Majesty’s Government and the Government of His Highness the Khedive of Egypt, relative to the future administration

41 NA/FO 633/5/ Letters from Lord Cromer 1883-1895, Baring to Chermside, Jan. 25,1885.


43 Many controversies surrounded the Battle of Omdurman. Chief among them was Kitchener’s decision to raze the Muhammad Ahmed al-Madi’s tomb in Omdurman, which had become a Sufi shrine, and to dispose of his body. Kitchener was given the Mahdi’s skull, which along with the destruction of his tomb and desecration of his body caused a small scandal in Parliament. Kitchener claimed that that he thought it was “desirable on political grounds to destroy” the tomb as a site of pilgrimage. M.W. Daley, Empire on the Nile: The Anglo-Egyptian Sudan, 1898-1934 (Cambridge: University Press, 1986); Winston Churchill, The River War: An Account of the Reconquest of the Sudan (New York: Dover, 2006).
of Sudan.” In keeping with British patterns in Egypt, the Convention was presented as an administrative solution to a political problem, in this case chronic rebellion. Most accounts of the idea and creation of the Condominium argue that an Egyptian political façade was required to satisfy the European powers as well as the Khedive and the Egyptian Government. The Condominium, like the permanent occupation of Egypt, was a political anomaly. In the case of Sudan, Britain supplied the fiction of co-dominion, but the partners were unequal and all of the attributes of sovereignty were controlled by Britain, through the British governor-general of Sudan. Without discounting the veracity of these descriptions, the Ottoman Empire has more often than not been sidelined as one of the animating problems in the equation. Even Cromer, who could be counted upon to disparage Ottoman governance at every turn, acknowledged that the Ottoman legal factor presented an obstacle but one that could be spun into an opportunity.

British statesmen were continually harassed by a Nemesis in the shape of the _magna vis veritatis_, which was forever striving to shatter the rickety political edifice constructed at the time of the occupation on no surer foundations than diplomatic opportunism. At every turn of the political wheel, fact clashed with theory. Nevertheless in the year 1889, of which period I am now writing, Ottoman supremacy in the Soudan, whether in the person of the Sultan or to the Khedive, presented a sufficient character of solidity to necessitate its recognition as a practical fact. It could not be treated as a mere diplomatic wraith. However much it tended at times to evaporate into a phantom, its shape was still sufficiently distinguishable through the political mist to enable the outline of a kingly crown.

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44 NA/FO 93/32/27 “Agreement between Her Britannic Majesty’s Government and the Government of His Highness the Khedive of Egypt, relative to the future administration of Sudan,” January 19, 1899.

45 For instance in Daley’s excellent book on the administration of Sudan, when writing about the origins of the Condominium idea, he acknowledges the potential Ottoman problem, but really casts joint administration as an answer to Europe and the Egyptian government. He writes, “Cromer therefore set himself the task of devising a solution that might win the acquiescence of the Egyptian government and avoid ‘stating openly that Soudan is to be administered direct by England.’” Daley, _Empire on the Nile_, p. 12.
to be clearly traced. Hence the necessity arose of cloaking the reality of fact with some more or less transparent veil of theory.\textsuperscript{46}

During the Sudan campaign, the Foreign Office along with Cromer, considered various possibilities for administering Sudan but as earlier, they wished to maintain British flexibility. The imperial confrontation with France over Fashoda,\textsuperscript{47} which immediately followed Omdurman, added to the urgency of defining the British position in Sudan, however vaguely.

What therefore, is the political status of the country to be? Annexation by England would, of course, solve all the difficulties of which I am now treating. But I understand that, for many obvious political and financial reasons, we do not wish to annex. On the other hand, the recognition of the Soudan as a portion of the Ottoman Domains in no way distinct from the rest of Egypt, would perpetuate all the international difficulties and obstruction of which, during the last 15 years, we have had such an unfortunate experience in dealing with Egyptian affairs. Under these circumstances we have to find a compromise between the two extremes. Such a compromise may, I think, be found; but it is to be remembered that we shall be creating a status hitherto unknown in the law of Europe, and that, therefore-more especially in view of the extreme complications of the come of the details-it is no easy matter to put down on paper any arrangement which may confidently be predicted to be workable in practice, and perfectly capable of defense in all of its parts by valid and logical argument. I think the arrangement had better take the form of a convention, or agreement, with the Egyptian government.\textsuperscript{48}

\textsuperscript{46} 111-112. He continued, “It will be seen that an arrangement was made which elsewhere might perhaps have been considered as too anomalous to stand the wear and tear of daily political existence. In Egypt, it was merely thought that one more paradox had been added to the goodly array of paradoxical creations with which the political institutions of the country already teemed.”

\textsuperscript{47} The Fashoda incident was the Anglo-French confrontation in Sudan over the territory of Fashoda. A French expeditionary force led by General Marchand intended to establish a protectorate. On the heels of the battle of Omdurman, Kitchener was sent to Fashoda with gunboats and raised the Egyptian/Ottoman flag. The episode was resolved through diplomacy and Marchand and his French forces withdrew. The fact that Kitchener appealed to Egyptian/Ottoman rights in Fashoda was a significant factor in Foreign Office justifications for the reconquest of Sudan.

\textsuperscript{48} NA/FO 78/4957, Cromer Memorandum to Salisbury, November 10, 1898.
For Cromer, the Condominium idea was a compromise between annexation accompanied by direct British sovereignty, and an administration built on model of the Egypt, where sovereignty and administration were divided. The problem with Egypt was what Cromer called the “incubus of internationalism,” that is to say, the Capitulations and other European privileges, which he constantly protested. Cromer wanted the flexibility of occupation without the Capitulations. To achieve this, Cromer and Ian McIlwraith, the British Judicial Advisor of the Egyptian Government, devised the administrative Agreement. They were certain that France and the Ottomans would challenge it because one could argue, as French lawyers and Ottoman diplomats eventually did, that the administrative Agreement between Britain and the Khedive would infringe upon the imperial firmans. There were two problems. The first was that the firmans stipulated that the Khedive only had the right to carry out commercial and customs conventions and absolutely did not have the juridical capacity to make political treaties with foreign powers.\textsuperscript{49} Secondly, Abbas Hilmi’s firman of investiture (1892) added a new stipulation to the existing treaties and firmans: “the Khedive shall not, on any pretext or motive, abandon to others, in whole or in part, the privileges accorded to Egypt, which are entrusted to him and which pertain to the inherent rights of the Sovereign Power, nor any portion of the territory.”\textsuperscript{50} In other words, the Khedive could not sell, cede or abandon

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\item \textsuperscript{49} Ottoman legal advisors at the Bab-i Ali scrutinized every commercial and customs agreement signed by the Khedive to ensure that political matters remained in the hands of Istanbul.
\item \textsuperscript{50} See Government of Egypt, \textit{Recueil de firmans impériaux ottomans addresses aux valis et aux khedives d’Égypte} (Cairo: L’institut Français d’archéologie orientale du Caire, 1934), p. 340-342, no. 1060, 27 Shaban 1309 [27 March 1892]. See too Gabriel Noradounghian, \textit{Recueil d’Actes Internationaux de l’Empire Ottoman} (Paris, F. Pichon, 1897-1903) vol. 4. Gabriel Noradounghian was an Ottoman legal advisor at the Bab-i Ali for many years before becoming the first Armenian Grand Vizier in the history of the Empire. BOA/DH.SAİD/81/238 “Noradunkyan, Gabriel.” His \textit{Recueil d’Actes Internationaux} might be seen in parallel with Sir Edward Hertslet’s \textit{The Map of

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any territory under the Sultan’s domain – an addition that should be understood in the
context of the European scramble for territory in Africa and an Ottoman guard against the
abandonment of Egyptian garrisons in Sudan. Cromer and McIlwraith readied a twofold
response to the problems generated by the Firmans. Cromer argued:

In the first place, it may be said that the convention is no treaty properly so-called;
that in signing it the Khedive will not perform any act of external sovereignty;
that he will merely be exercising his acknowledged right of making arrangements
for the internal administration of the territory accorded to him by the firmans; and
that the fact of the Egyptian flag continuing, in concert with the British, to fly
everywhere in the Sudan, shows that the suzerainty of the Sultan is, in part at all
events, still recognized in that country. This argument is, however, in my opinion
weak, for the more we dwell on whatever fragment of the Sultan’s suzerainty
which will remain, the more difficult will be to differentiate the Soudan from the
rest of the Ottoman domains in respect to the treatment of Europeans and other
subjects. I prefer therefore to take our stand boldly.51

Cromer thought they might get around the firmans by making Sudan a matter of internal
Egyptian administration, which would accord with Egypt’s status as an autonomous
province. But this solution would allow the extension of Ottoman institutions into Sudan
and Cromer wished to establish British dominance in Sudan, without European or
Ottoman interference. “If the political status of Soudan were to be assimilated in all
respects to that of Egypt, the necessary consequence would be that the administration of
the country would be burdened by the introduction of the Capitulations, and in fact, by all

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51 NA/ FO 78/4957, Cromer Memorandum to Salisbury, November 10, 1898.
the cumbersome paraphernalia of internationalism, which had done so much to retard Egyptian Progress.”  

The first public indication of British plans for Sudan arrived with Cromer’s speech on January 4, 1899 to a group of sheikhs at Omdurman. Cromer pointed out the British and Egyptian (Ottoman) flag flying together and announced that, “this is an indication that for the future you will be governed by the Queen of the England and the Khedive of Egypt. The sole Representative in the Soudan of both the British and the Egyptian Governments will be the Sirdar, in whom both Her Majesty the Queen and His Highness the Khedive have the fullest confidence. No attempt will be made to govern the country from Cairo, still less from London.” Even before the speech at Omdurman, Ian McIlwraith had drawn up the administrative agreement that became known as the Condominium.

The Agreement “relative to the future administration of Sudan” argued that Britain and Egypt, in a joint military and financial effort, had jointly reconquered territory in rebellion against the Khedive. Britain accrued rights in Sudan by right of conquest “to share in the presentment and future working and development of the said system of administration and legislation.” The Agreement was composed of twelve articles and became the basis of administration for Sudan, with minor changes, until 1956. Sudan was to be decentralized from Egyptian administration - the “backwards and


53 NA/F0407/150 Cromer’s speech to Sheikhs and Notables of Sudan.

54 NA/FO 93/32/27 “Agreement between Her Britannic Majesty’s Government and the Government of His Highness the Khedive of Egypt, relative to the future administration of Sudan,” January 19, 1899.
 unsettled” conditions of large parts of the territory required a system of governance distinct from Egyptian administration - with a British Governor-General, the Sirdar at its head.\textsuperscript{55} Though the Governor-General was appointed by the Khedive and could theoretically be removed by him, the post was given broad sovereign powers - although in practice this would have required a successful Egyptian national revolt against the British, or the Ottoman reconquest of the province from the British invaders. Article V stipulated that “no Egyptian Law, Decree, Ministerial Arreté” shall be promulgated in the Sudan, unless at the discretion of the Sirdar. Articles VI-VIII covered issues related to “internationalism.” No privileges would be extended to the Europeans, but they would be free to live and trade there. The jurisdiction of the Mixed Courts too would not apply in Sudan. Article X stated that no “Consuls, vice-Consuls, Consular agents” would be accredited and allowed to live in Sudan without British permission. The document concluded with articles banning the import of slaves and a weak promise to fulfill the Brussels Act of 1890 regarding the import of and sale of firearms, munitions, and alcohol. McIlwraith’s basic law and framework was entirely administrative and was silent on the question of sovereignty.

The Sultan’s High Commissioner in Egypt, Ahmad Muhtar Paşa, followed events in Sudan closely throughout the reconquest campaign\textsuperscript{56} and kept Istanbul well informed of British plans. Muhtar alerted the Porte of Cromer’s speech to the notables at Omdurman, but Abdülhamid was nevertheless surprised by the announcement of the

\textsuperscript{55} A sirdar, or serdar in Turkish, is from Persian and means “military chief” or “commander.” From sir, headman, or commander, thus sirdar the one bearing command. The term was widely employed in British India.

\textsuperscript{56} AMTZ(05) 14-B/ 79/ “Sudan'in merkezi olan Hartum'un İngilizler tarafından işgali,” [5 Ca. 1316].
The day before the announcement of the Agreement, the Khedive, Abbas Hilmi II, wanted to inform the Sultan about the joint British-Egyptian administration in Sudan. Abbas told Cromer that he was anxious to reveal something but did not want to send the actual text for fear of repercussions against him. Salisbury was entirely against informing Istanbul and argued that such a move would open the door to Ottoman interference, which was precisely what the Foreign Office had hoped to avoid. In the end, it was Muhtar Paşa who telegrammed Abdülhamid and informed him that the Khedive had signed a political agreement with London, contravening the firmans. Abdülhamid’s first response was to blame the Khedive. He sent a note to the British Ambassador in Istanbul, Sir. Nicolas O’Connor, reiterating his understanding that Britain respected his sovereign rights in Sudan and the firmans.

Soudan, in which a rebellion had broken out, was attached to Egypt, and formed part of the Ottoman Empire, and the British troops, being in temporary occupation, had very naturally put down the rebellion in cooperation with the Egyptian forces. England had repeatedly given assurances, both previous to the occupation and subsequently, that she would respect the integrity of the Ottoman Empire, and observe and protect the sovereign rights of the Sultan in Egypt...His Majesty was convinced that if the Khedive had acted in a matter contrary to the tenor of the firmans, which were perfectly clear, England would not approve of such acts, and would unite with the Turkish government in inducing His Highness to abandon his irregular and illegal attitude. His Majesty felt sure that England would not approve the Khedive’s actions, since it was with the Sultan that a Convention was to be concluded about Egypt, and therefore it was also with the Sultan that a Convention ought to be concluded about Sudan.

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57 BOA/Y.A. HUS./ 392/83/ [1316 Ş. 28]. Muhtar Paşa sent word of Lord Cromer’s speech to the “Bedouin Arabs.”

58 NA/F0407/150, no. 39, Salisbury to Cromer, Jan. 18, 1899.

59 BOA/ LMTZ.(05)/32/1867/ [17 Z. 1325] The folder contains a number of documents related to the Condominium dating back to 1899.

60 NA/F0407/150, no. 68, O’Connor to Salisbury, Jan. 29, 1899. See John Burman, Britain’s Relations with the Ottoman Empire during the Embassy of Sir Nicholas O’Connor to the Porte, 1898-1908 (Istanbul: Isis, 2010).
Just as Cromer, McIlwraith and Salisbury expected, the Ottomans charged that the Khedive had exceeded his capacity as a representative of the Sultan and the only the Ottoman government could sign political agreements concerning Egypt, and by extension Sudan.

Salisbury met with Ottoman Ambassador in London, Antopulo Paşa, who also lodged a complaint against the Condominium. Salisbury admitted that the Sultan’s rights to the Sudan was an “intricate question,” but was not prepared to offer anything. He argued that the Agreement concerned administration and was “adopted purely for the purpose of maintaining good order and good government in the provinces.” The claim to administer Sudan, he argued, was by “right of conquest.” The Mahdi and his followers, “an enemy far more hostile to the Sultan, both in his spiritual and temporal character”61 invaded Sudan and exercised “dominion” in for over thirteen years. The Sultan had never done anything to take back the territory and had left it to “British and Egyptian” to defeat the rebellion, “These military events led to and justified the occupation of the country by the British and the Egyptian forces, and conferred upon them the sanction required for the power which they were now exercising.”62 Salisbury’s justification for the occupation and administration of Sudan had far reaching implications. How could the Khedive act in his own capacity in Sudan? If the Mahdi exercised “dominion” in the provinces of Sudan for only thirteen years, what did this mean about the British position in Egypt?

61 It should noted, that while Abdülhamid was and continues to be known for having revived the Ottoman claim to the Caliphate and for emphasizing the role of Islam in the Empire, it was the British in Sudan who were more concerned with the fact that Mahdi’s rebellion was expressed in Islamic terms. While the Ottomans viewed Sudan as a potential route back into Egypt, territorial claims there were not as important as they were in Egypt.

62 NA/F0407/150, no. 83 Salisbury to O’Connor, Feb. 3, 1899.
The Ottoman Ambassador in London again met with Salisbury as Abdülhamid continued to be disturbed by the fact that Britain and Egypt claimed Sudan by conquest. Istanbul wanted further assurances that Britain recognized Ottoman rights there. Salisbury again claimed that Britain was in Sudan on the basis of conquest, not recovery of the Padışah’s rights. But the problem returned to the capacity of the Khedive in his capacity as the Sultan’s agent.

Anthopoulos Pasha replied that we did it with an ally, and that that ally was the Khedive, the Vizier and mandataire of the Sultan. I entirely denied that the Khedive could he looked upon in that light, or that his action could be judged on those principles. Mehemet Ali, from whom his rights were derived, certainly never would have admitted that he was a mandataire of the Sultan. It is true that he was not independent, but neither was he dependent. With respect to a certain circumscribed portion of his action, the result of all the transactions which had taken place during the last sixty years was to make the Khedive independent, but outside that inner circle there still remained unaffected the general sovereignty of the Sultan. In his alliance with Great Britain he had acted within the area of his independent rights… There was no ground in international law for saying that when, mainly by the action of a third party, such as Great Britain, the Khalifa was driven out of the territory that he had conquered, that the rights of the Sultan, which had been extinguished thirteen years ago, revived in force for his benefit, though he had taken no part whatever in recovering them from the dominion of the Khalifa. 63

Ottoman attachments to Egypt were far more important in the eyes of the Sultan, than those to Sudan, but the Condominium was viewed as a dangerous precedent. It had pushed the boundaries of the firmans and admitted that the Khedive had a greater functional range in international relations. Salisbury’s attitude towards the capacities of the Khedive was deeply alarming to Istanbul, particularly with regard to Egyptian autonomy. If the Khedive was as legally independent as Salisbury claimed, the whole structure of the British occupation, which preserved Ottoman sovereignty, might come to

63 NA/F0407/150, no. 119. Salisbury to O’Connor, Feb. 22, 1899.
In this context, rather suddenly the Sultan and his Ambassadors backed off questions related to Ottoman sovereignty in Sudan in London, though they did not let the matter drop, and focused upon shoring up Ottoman claims adjacent to Egypt’s frontier.

The confusion stemming from any analysis of the Condominium as an administrative apparatus is that Salisbury and the Foreign Office presented competing theories of conquest and recovery to justify the acquisition of Sudan to different audiences. For the French and European powers, the rights of the Sultan were paramount. For the Egyptian government, the Anglo-Egyptian army had secured the rights of Khedive, which had never been “abandoned.” But for the Ottomans, the Foreign Office favored the theory of conquest.

The Condominium in International Law: “A hybrid state of a nature eminently calculated to shock the susceptibilities of international jurists”

The debate among international lawyers on the Condominium mirrored the diplomatic debate and also concentrated upon the method of Anglo-Egyptian territorial acquisition of Sudan. Whereas European and American lawyers had taken up Egypt as a vexing problem of international law in the late nineteenth century- one lawyer wrote, “Egypt is the classic territory of international law” - the Anglo-Egyptian Condominium

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64 It should be noted that the reconquest of the Sudan happened alongside the Cretan uprising and that the Great Power had imposed the establishment of an autonomous Crete in November 1898. Ottoman garrisons were allowed to remain, and the territory was guaranteed under Ottoman “suzerainty.” Crete like Egypt was viewed as more important than Sudan.

65 BOA/ I.MTZ.(05)/ 30/ 1714 [13 Ca. 1317].

66 According to Cromer, this was Salisbury’s response to the text of Anglo-Egyptian Agreement. Quoted in George Louis Beer’s *African questions at the Paris Peace Conference* (New York: Macmillan, 1923.), p. 345.

in Sudan produced a far more narrow debate among the publicists. The Condominium found its place in the treatises and textbooks, but it inspired much less confusion and fewer disagreements among the lawyers than had Egypt and other Ottoman provinces under permanent European military occupation from the late 1870s onward. Among American and British lawyers in particular, the condominium appeared in discussions of colonial territorial acquisition; it was one of a number of instruments to extend imperial claims along with so-called effective occupation, protectorates, spheres of influence, the doctrine of hinterland, and buffer zones.\footnote{For example see M.F. Lindley, \textit{The Acquisition and Government of Backward Territory in International Law: Being a Treatise on the Law and Practice Relating to Colonial Expansion} (London: Longmans, 1926). Dufferin’s biographer contributed to theorizing such zones based on Dufferin’s expansive policies in India during his tenure as Viceroy. See Sir Alfred Lyall, “Frontiers and Protectorates,” \textit{The Nineteenth Century}, vol. 30 (1891): 312-329.} However, a small, but vocal group of French international lawyers cast the Anglo-Egyptian Condominium as a problem of international order. These publicists highlighted and critiqued two issues stemming from the Anglo-Egyptian agreement on Sudan. First they argued that Britain supplied two incompatible theories of territorial acquisition: \textit{terra nullius} and reconquest – the recapture of territory temporally lost to rebellion. Related to the method of conquest, and perhaps more significantly, they argued that defining Sudan’s international legal status as British, Egyptian, or Ottoman mattered and to avoid the question, as Britain had thus far, posed serious risks for international relations as well as the “science” of international law.\footnote{The French critiques of the Anglo-Egyptian Condominium anticipated in some cases Carl Schmitt’s critique of the post-World War I order as will be seen below. Carl Schmitt, \textit{Nomos of the Earth in the International Law of the Jus Publicum Europaeum} (New York: Telos, 2006).} While the French critiques of the Anglo-Egyptian Condominium need to be set in the context of the Fashoda incident, these arguments, along with those of the French and
Ottoman governments against the Condominium, helped to revive old debates about Britain’s ambiguous position in Egypt.

One explanation for that fact that Sudan stirred less debate is that Ottoman claims to Sudan were far weaker than in provinces like Egypt, Bosnia-Hercegovina and Cyprus. Parts of present-day Sudan had only recently been incorporated into Mehmet Ali’s Egyptian empire slowly through the 1820s and 1840s. As noted above, the retreat from Ottoman-Egyptian garrisons after 1886 also opened the possibility that Ottoman claims to Sudan had been abandoned to the Mahdist forces.

Another explanation is that late nineteenth century publicists became increasingly rigid when defining the proper subjects of international law and sovereignty in international relations. Lassa Oppenheim’s 1905 treatise on international law, as well as his 1908 article “The Science of International Law,” are representative texts of the “highest stage” of legal positivism. That is to say, these texts, along with other early twentieth century legal treaties, viewed the proper subjects of international law as those states that had complete sovereign control over international and external relations. In such texts there is far less uncertainty about states like the Ottoman Empire and China – the old “semi-sovereign” category in the classic nineteenth century international law

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texts. Accordingly, the novelty of a territory held in condominium was viewed as one of many inventions to manage European expansion in Africa, particularly among British and American lawyers. While lawyers readily admitted the Anglo-Egyptian condominium defied the existing categories in international law, they were less bothered by it than by Britain’s permanent military occupation of Egypt.

At best then the Anglo-Egyptian Condominium appeared in international legal treaties and textbooks as a category of shared or co-sovereignty. But more often than not, international lawyers characterized the Condominium as a diplomatic convenience invented during the European colonial partition of Africa. For instance, John Westlake wrote about Sudan from the perspective of the destabilizing effects of “spheres of influence” on international relations. He wrote, “Colonial protectorates differ so little from annexations, especially in the responsibilities which they involve, that they could not satisfy the haste which characterized the latter part of the nineteenth century for the provisional appropriation of territories in advance of anything resembling occupation. A more shadowy form of earmarking was therefore invented, in what are called spheres of influence or interest.”71 Westlake noted that spheres of influence were weak agreements between states “the most significant diplomatic incident connected with this question,” was the Fashoda incident. Lassa Oppenheim’s first edition of International Law: A Treatise, scarcely mentions the Anglo-Egyptian Condominium either. He noted, “Egypt and Tunis are half-sovereign, the one under Turkish suzerainty, the other under French protectorate… The Soudan has an exceptional position; being under the condominium of

Great Britain and Egypt, a footing of its own within the Family of Nations the Soudan certainly has not.\textsuperscript{72}

Despite the fact that the Condominium appeared to shock European diplomats more than international lawyers, there was a small group of predominantly French lawyers who attacked the legal bases of the Condominium and argued that Britain’s invention threatened international relations and the field of international law.

Immediately after the announcement that Sudan would be administered jointly by Britain and Egypt, Franz Despagnet, a French lawyer and member of the \textit{Institut du Droit International},\textsuperscript{73} argued that Britain’s new position in Sudan was nothing more than a rearguard action to hold Egypt more firmly in its grasp, without regularizing the legal position of Egypt vis-a-vis the British. Sudan was inevitably linked to the Egyptian question. While the convention of 1899 would “jolt international jurists and overthrow all of their concepts” it would hardly surprise the diplomats, he argued.\textsuperscript{74} The agreement was “out of harmony with the rights of Turkey and Europe” and was the result of long standing British policy in Egypt, which Europe had failed to check “thanks to the passive complicity, or rather the powerlessness of the Great Powers, paralyzed by their divisions and greed.” Sudan brought Britain’s indistinct position in Egypt into sharp relief. The reconquest forced Britain to clarify once more its intentions in Egypt, particularly in the period between the battle of Omdurman and the convention of January 1899, when


\textsuperscript{74} Although it must be said that the reverse appears true - the Condominium shocked the diplomats not the lawyers.
rumors spun round British plans for Egypt. Salisbury declared that Britain had no
intention of establishing a protectorate in Egypt, which for Despagnet merely showed
Britain’s aversion to clarifying their position in Egypt.

However we know what ambiguity surrounds the word protectorate, especially in
England. For the English, this expression often refers to what is meant elsewhere
by “colonial protectorate,” that is to say, a particular mode of administering
distant possessions where the sovereign’s direct action is limited, leaving local
institutions to remain and function. However this supposed protectorate is not
only at heart an annexation pure and simple, but one could not consider applying
it to Egypt if one did not want to appear to transform Egypt into an English
territory in the eyes of Europe. It is therefore, without a doubt, considered a
protectorate whether properly so-called or internationally recognized. What was
intended and regulated by the Act of Berlin of 26 February 1885 and which is
included in the agreement, after a state takes charge of the defense of another, in
return it (the other state) abandons more or less completely the exercise of
external sovereignty or even internal (sovereignty). The combination seemed
very attractive and one cannot fail to invoke the example of France, which in
Tunisia, has all of the advantages of a veritable annexation without bearing the
burdens, and on the other side cannot be accused of having brutally annexed the
Regency.75

Egypt fit the definition of a protectorate, but like Salisbury’s last declaration, Britain was
unwilling to change the legal status of Egypt out of fear of “provoking the protestations
of Europe.” The international treaties and the firmans regulating Egypt’s relationship to
Europe and the Ottoman Empire made it impossible for Britain to incorporate Egypt into
the Empire. The only way around the treaties and the firmans was to hold Sudan jointly
with Egypt, forestalling the British evacuation of Egypt. In other words, the
Condominium might provide the justification for Britain’s permanent military
occupation.

75 Franz Clément Despagnet, “Égypte et Grande-Bretagne,” Revue générale de droit international
public, vol. 6 (1899): 171-172. The analogy between Tunisia and Egypt only went so far because
of Egypt’s guaranteed international legal status - “despite the dialectics of the publicists across
the Channel (d’outre-Manche), it would be good to recognize that the juridical analogy between
the two cases it was only in appearance.” Egypt’s international status was distinct from Tunisia
and the Khedive could not be compared to the Bey of Tunis, because of the firmans, p. 171-172.
For Despagnet, as well as for other French commentators and politicians, it was by way of Sudan that Britain would cement its position in Egypt without European consent.76 After the much-publicized program of reform in Egypt, unrest in Sudan offered a “continual pretext” for the British to maintain the occupation. Despagnet argued that Britain’s dual theory of reconquest and conquest was unsupportable in international law. He argued that Britain’s voluntary desertion of Egyptian garrisons was an attempt to transform the territories of Sudan attached to Egypt into terra nullius, by way of abandonment. Despite the fact that the Ottoman Grand Vizier, Said Paşa, claimed Ottoman territorial rights surrounding the Nile at Berlin West Africa conference,77 European diplomats agreed that “the region in question was no longer recognized by the Sovereign.”78 Yet, once Kitchener’s Sudan campaign resumed in 1896, Britain resorted to the theory that “sovereignty was never juridically effaced” in Sudan and that they were merely, with the help of the Egyptians, reestablishing the Khedive’s authority in rebellious provinces.

Despagnet argued that the Anglo-Egyptian Agreement of 1899 shocked “so profoundly the principles of the most elementary law of nations universally recognized by civilized nations” because the Khedive did not have the contractual capacity to accede to the agreement with Britain.79 Whichever way Egypt was categorized in international

76 Ibid., p. 172-4.


79 Ibid., 174.
law textbooks and treaties at the time - a vassal or tributary state, or privileged or autonomous province of the Ottoman Empire – the result was the same: “There is no doubt that Egypt has a position such that it is absolutely without capacity to accept conventions such as the one she signed with England because of her subordination to the Sublime Porte, which is recognized by the great powers.” That is, Egypt’s legal status as an Ottoman province precluded the Khedive from signing political treaties – an argument that Ottoman legal advisors aggressively insisted upon since the beginning of the occupation. Despagnet went further and argued that the Condominium contradicted British policy towards the Ottoman Empire more broadly by abrogating the treaties promising to maintain the territorial integrity of the Empire: “Each word in the treaty of 1899 contains however an abandonment of territorial sovereignty to the benefit of England.”

In addition to Ottoman rights, the Agreement of 1899 trampled European rights in Sudan. By preventing the Capitulations, mixed courts and European consular agents from operating in Sudan, Britain unilaterally rescinded European privileges in Ottoman territory. This is precisely why the method of conquest mattered so much to French jurists when critiquing British legal justifications for the Condominium. If the territory were actually liberated from rebels, all of the rights and privileges accorded to Europeans by the Capitulations in Egypt, and the Ottoman Empire, more broadly would logically extend into Sudan. The only plausible explanation for preventing their implementation was if Britain claimed title to Sudan by conquest. Despagnet concludes by imploring

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80 Ibid., p. 191.

81 Ibid., p. 191.
Europe and the Ottoman Empire to demand their rights in Sudan, which Britain has so openly usurped with the Condominium.  

George Blanchard was even more pointed in his critique of the Condominium as a destabilizing force in international relations. He posed two interrelated questions. The first was by what means had Sudan been territorially acquired – was Sudan “a country without a master, a res nullius, or as an integral part of Egypt, temporarily occupied by a victorious rebel?” Like Despagnet, whether by conquest or reconquest, the means mattered very much and determined the legality of the Anglo-Egyptian Condominium and also had far reaching implications for Britain’s position in Egypt. Secondly, he asked what was Sudan’s international status? “Is it an Egyptian province, an autonomous province of the Ottoman Empire or an independent state? What are the links that attach it to England, to Egypt, and to Turkey?” Rather than demanding that Europeans and Ottomans claim their trodden rights, Blanchard attempted to find a legal theory to explain the Condominium.

Blanchard quickly disposed of the first question. It was impossible for a territory to be terra nullius and under military occupation or in the throes of rebellion. If Britain justified the seizure of Sudan by right of conquest it would make “a clean break with the

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82 Despagnet’s critique of Britain was in line with a broader criticism among international lawyers against the excesses “effective occupation” outlined by Martii Koskenniemi. He noted, “There was a dangerous gap between appearance and reality that was created; different types of annexation were treated differently and their consequences varied.” Martii Koskenniemi, The Gentle Civilizer of Nations: The Rise and Fall of International Law 1870-1960, “Sovereignty: A Gift of Civilization,” p. 151-152.

institutions that preceded the Mahdist insurrection.” According to Blanchard, this was the most practical solution because it would enable Britain to reject the Egyptian and Ottoman claims to the territory, and thereby avoid the problem of extending European privileges or “internationalism” to Sudan.\(^84\) If in the second case, Britain claimed to recover lost territory, the old institutions, “the ancient state of things,” would need to be restored. In other words, the territory would be recognized as Egyptian, and by extension Ottoman, as the Khedive acted in the legal capacity of the Sultan governor - “the exercise of the benefits of the right of sovereignty would gather anew on the head of the Sultan, represented by the Khedive.”\(^85\)

Britain chose the former theory of conquest and the “internal situation” in Sudan was defined by shared British and Egyptian sovereignty. Without discussing the inequality of the members in this shared administrative partnership, Blanchard noted that from the perspective of international law, the internal administrative question mattered less than Sudan’s external situation.\(^86\) He sought the right legal theory to justify the condominium, noting that the Sudan’s external status could only be defined in three ways: Sudan is an Egyptian province placed under the official protectorate of Great Britain, or like Egypt, an autonomous Ottoman province, or finally an independent state.\(^87\)

\(^84\) Blanchard, “Le Problème de la souveraineté,” p. 171.

\(^85\) Ibid., p. 172.

\(^86\) Ibid., p. 177.

\(^87\) Ibid., p. 177.
Blanchard immediately disposed of the first possibility. “The Sudan cannot be an Egyptian province placed under the protectorate of Great-Britain, because the suzerainty of the Sultan and a British protectorate could not coexist.” 88 In this case, Ottoman sovereignty, or here termed suzerainty, 89 in Egypt precludes the possibility that Sudan is an Egyptian province under British protection. If Sudan is legally part of Egypt, “it is endowed with a special administration and continues to be one of the provinces of the Sultan; and yet from the point of view of public law, it is precisely the existence of this suzerainty of the Porte that renders impractical the idea at hand” – that is the idea that Sudan is a British protectorate. Despite the complexity and variability of the Ottoman Empire from an internal constitutional perspective, there has never been a protectorate over Ottoman territory that remained Ottoman: “Europe, which has already found many ingenious methods to snatch the Sultan’s authority over some provinces, while claiming to respect the integrity of his empire, has yet to resort to this state of affairs.” 90 Consequently notwithstanding European intervention in Ottoman internal affairs in the form of permanent military occupations - like Egypt, Bosnia and Cyprus- or imposed decentralized administrative regimes - like Samos, Mt. Lebanon, Egypt, or Crete – no European power had maintained an internationally recognized protectorate over Ottoman territory that did not then cease to be Ottoman. Tunisia, for instance, was internationally  

88 Ibid., p. 178.  
89 On the problem of the use of “sovereignty” versus “suzerainty” in European documents related to Egypt see especially chapter 1, but also chapters 2 and 6.  
90 Ibid., p. 178.
recognized as a protectorate, whereas Egypt was not and was never categorized as such until 1914.\textsuperscript{91}

It (Sudan) is indeed here a protectorate of modern form and not a vassal link which is understood in ancient feudal organizations and which can be found again presently over certain parts of Ottoman territory. Bulgaria, the island of Samos, Egypt (although for the latter the question is debatable) forms thus the vassal states of Turkey in the feudal sense of the word, and in exchange for this title each year they pay a tribute in recognition of the Sultan’s suzerainty. If it were the same in Sudan the solution to the problem would not offer any difficulties: the king of England would be a vassal of the Sultan for his Sudanese possessions.\textsuperscript{92}

The Ottoman view of the French autonomous provinces was somewhat at odds with Blanchard’s arguments. For instance, Tunisia continued to appear on Ottoman maps as a province of the Empire, but this was worlds away from Ottoman views of Egypt. Until the British declaration of protection in 1914, Egyptian affairs were run out of a special office at the Sublime Porte that handled Bulgaria, Mt. Lebanon, Crete, Egypt and Samos. There was also an Ottoman High Commissioner on the ground in Cairo who intervened whenever possible in the British administration of Egypt. To comprehend the significance that the Ottoman state attached to Egypt, there was also a special Egyptian “Register of Important Affairs” (\textit{mühimme-iMisir defteri}) that extends through 1915 and thus well beyond the British occupation.

Returning to Blanchard’s theoretical point, territory was defined in international law not by its internal administrative organization, which has no real bearing on its international relations, but by its external relations. This labored point is critical for understanding why Egypt, and the Ottoman Empire especially, occupied such an


\textsuperscript{92} Blanchard, “Le Problème de la souveraineté,” p. 178.
exaggerated place in Victorian international legal thought. Europe constrained the Empire’s external affairs through various types of legal, financial, economic and administrative limitations, and as noted throughout these chapters, the late Ottoman state’s internal and external affairs could hardly be separated. But at the same time, Europe guaranteed the Empire’s territorial integrity by treaty, and international law became the language of Ottoman diplomacy and was used to assert and maintain its territorial claims. The point here is that Blanchard recognized that Egypt was not a British protectorate, despite Alfred Milner and Lord Cromer’s best efforts, and as such Britain could not establish a protectorate over another sovereign’s territory, because it was “not possible for the Khedive to be the vassal and ward of two monarchs.”

The second possibility Blanchard examined was that Sudan might be characterized as a separate autonomous Ottoman province. In this case, the Sultan would hand over the internal administration of the province to two equal chiefs – the Khedive and Great Britain. The situation would be analogous to the relationship between the central Ottoman state and the provinces under permanent military occupation. Thus “it would no longer be a question here of a line of vassalage, but a simple administrative mandate given collectively to two persons.” Blanchard cited the examples of the British administration of Cyprus and the Habsburg administration of Bosnia-Hercegovina. The problem with this solution was that Britain and Egypt would be required to request that the Sultan establish such a regime. Blanchard doubted it would be possible to find the right inducement as the Sultan guarded jealousy his territory. “Moreover would the Sultan, who theoretically controls without limits the right to modify the administration of

94 Haniğolu, A Short History, introduction; Arkarlı, dissertation, Minowi, dissertation.
the provinces of his empire, might he be compelled to transform the political regime of the Sudan by his own authority? It is doubted because Europe intervenes on every point of administration in the entirety of the Empire.⁹⁵ In the end, it was too dangerous for the Ottomans from the perspective of greater European intervention and it was too dangerous for the British and the Egyptians from the perspective of Ottoman interference in Egyptian affairs. The last option that Blanchard suggested was that Sudan should be an independent state placed under the joint protection of Egypt and Great Britain. He resolved the obvious problem, that the Khedive had no legal capacity to engage in foreign treaties, by arguing the Khedive did not accede to the Condominium in his capacity as Khedive, but rather acted as an individual person. In short, the Anglo-Egyptian army conquered Sudan, “a land without a master,” and there the Anglo-Egyptian condominium was established over the independent state of Sudan, to be jointly administered by the Queen and the Khedive acting in his capacity as an individual.

Blanchard’s driving argument was that Egypt’s legal status as an Ottoman province administered by Britain limited and determined how the Anglo-Egyptian Condominium could be framed, at least in terms that fit international legal categories and not just in terms of flimsy legal justifications applied to annexation. Blanchard shared Despagnet’s concerns; the system of international law had to conform to certain realities or risked producing international anarchy.

Jules Cocheris, the French lawyer who characterized Egypt as the “classic territory of international law,” similarly argued that Egypt and Sudan’s juridical and administrative non-alignment posed a serious threat to the stability of Europe and Africa. For Cocheris Egypt’s juridical position was one of the most important problems of

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nineteenth century international law and widespread confusion about its international status had the potential to erode the foundations of the discipline – a problem to which the publicists themselves contributed and the politicians exploited. Cocheris began his text with the simple statement: “Egypt is a province of the Ottoman Empire,” to which he juxtaposed its complex administrative realities:

No country is possessed of an international status by all appearances, so complicated. Imagine a state tied to Turkey by the firmans, to Europe by the treaties, to Great Britain by force…a state governed by a Khedive of whose powers are paralyzed by the tutelage of an omnipotent British mentor, from an Ottoman High Commissioner and the European consuls-general, he can choose, by his discretion, his ministers and his collaborators; a state of which the interests are defended by a Power who has not received this mission, neither title nor mandate and who treats on its behalf with third parties…A state whose finances are at the mercy of the commissioners of the debt; justice is enchained by multiple shackles: the Capitulations, mixed courts, indigenous courts…a state where all the administrations, the domains, the railroad, the telegraph, post, customs, ports, lighthouses, canals, roads, police, education, highways are directed by foreigners… A state declared as semi-sovereign, vassal, tributary, protected, autonomous, privileged province, regular province, many would neutralize it, others would internationalize it, but which for now will not enjoy any freedom in the exercise of its executive, legislative, regulatory, judicial powers.96

The problem was not just that the juridical status of Egypt and Sudan did not correspond to administrative realities; rather European political interests and imperial claims had created political anarchy and chaos there. The disorder that resulted had the potential to erode one of the key foundations of the sources of international law: international treaties and conventions. In positive international law, publicists of the time, and today, considered international treaties to be one of main sources of the law, but also its force.97

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97 Martii Koskenniemi argues that modern international law was a product of the late nineteenth century distinguishable from the agreements of Westphalia as much as Vienna (1815). For Koskenniemi, this field emerged only after a small group of liberal publicists began thinking of
For Cocheris it was essential to recognize the force of international treaties, or to change them if they no longer fit existing conditions, but to allow political calculations to suspend or ignore international conventions and treaties jeopardized the project of international law. Cocheris continued, “Without this notion of law, superior to facts, diplomatic discussions would be useless and states would be reduced to perpetual war. It is necessary to distinguish between appearances and reality. The condition of Egypt, skewed by an anomalous intervention and a military occupation, is only a façade. The truth appears in the juridical texts and the long period that they were not abrogated, as well as the firman of 1841, resulting from the Convention of London, which remains in force; this act will remain a contributing act of the contractual nature of conventions, of which the obligations cannot be altered without the consent of the contracting parties.”

In other words, the treaties and the firmans from 1840 and 1841 had never been annulled and continued in theory to govern the relationship between Egypt and the Ottoman Empire, as well as between Europe and Egypt.

International lawyers were responsible for much of the confusion surrounding Egypt’s international legal status because a number of them incorrectly qualified it as a “semi-sovereign” (mi-souverain). As a positivist, Cocheris cast semi-sovereignty as themselves as international lawyers and their ideas as distinct from contemporary diplomatic practices that had governed the legal relationship between the European empires. See The Gentle Civilizer of Nations.

98 In a way, the Ottoman legal advisors at the Foreign Ministry, and by extension the Ottoman diplomatic core, maintained the same line of argumentation as European positivist international lawyers – the treaties mattered.


100 “The question of Egypt, that essential problem of international law, has been so often neglected and confused by the authors, that even from an essentially theoretical point of view,
“regrettable in all regards, irrational and anti-juridical.” For Cocheris, and most positivist international lawyers, sovereignty was indivisible and was defined by independence of a state vis-à-vis foreign state – an attribute that Egypt did not possess.

Egypt was instead a province of the Ottoman Empire, “in possession of a certain amount of administrative autonomy which is fixed and limited by the firmans.” Cocheris’s analysis of Sudan stemmed from Egypt’s juridical position as an Ottoman province.

Like Despagnet and Blanchard, Cocheris agreed that the Anglo-Egyptian agreement over Sudan was meaningless in law and abrogated the rights of Europeans in Egypt as well as the rights of the Sultan. The Condominium, by preventing the extension of European consuls, the mixed courts and Capitulations “dispossessed” Europeans of their “acquired rights.” Moreover, the Khedive was not endowed with any special right to carry out an international convention with Britain. Citing Abbas Hilmi’s firman of investiture, he noted that the Khedive had only been authorized to sign commercial and

agreement is far from being complete in doctrine. A large number of jurists, Klüber, Heffler, Wheaton, G-F. de Martens, F. de Martens, Calvo, Pradier-Fodéré, Despagnet, Heilborn, Funck-Bretano, Sorel, etc. concede a category of states which they qualify as semi-sovereign, among which they classify Egypt.” Ibid. p. 4.

101 As will be seen below, Cocheris was attacking a category that existed in many later nineteenth century international law treatises and textbooks – the “vassal-state.” International lawyers divided the world into the subjects and objects of the discipline on the basis of “civilization.” Despite appearances, and counter to the arguments of some contemporary legal theorists, this model of international law was not so clearly divided between “the west and the rest.” There were numerous ambiguities surrounding political entities that were non-Christian, non-European and independent of direct European control. Such states resisted easy classification by lawyers and defied their civilizational theories of international relations. Lawyers argued that states like the Ottoman Empire, China, Japan, and Persia possessed elements of “civilized” governance and categorized them on a scale between Europe and so-called uncivilized societies. International law treatises variously identified such states as semi-civilized or semi-sovereign states. At the beginning of almost all international law texts of the period, there was a boilerplate schematic of types of states arranged in “civilizational” order. The so-called semi-sovereign states – the Ottoman Empire, China, Japan, and Persia - were situated, as a matter of course, below European states in the hierarchical arrangement of sovereign forms. Cocheris appears to have no problem imagining the Ottoman Empire as a sovereign state, which is at odds with nearly all of his contemporaries.
customs conventions, but not political conventions, “which would infringe upon the territorial sovereignty of the Sultan, who is the primary chief.” The Condominium also cut against Britain’s repeated recognition of the territorial integrity of the Ottoman Empire. Again, the problem for Cocherris was that Britain had flouted international law and disregarded conventions and treaties: “She is tied to these particular commitments and wants to plea ignorance of the juridical status of Egypt. She knows perfectly well that she carried out a treaty with a person who has no legal capacity and that she violated not only the doctrinal principles of international law, but positive international law, established by the diplomatic acts that bear her signature. She has infringed upon the prerogatives of the Sultan without his consent, and those of the guarantor Powers.”

For Cocherris, the real problem was that Britain refused to play a fair game. Politicians like Salisbury and Cromer invoked international law, or the Sultan’s territorial rights, whenever it suited their interests and ignored these same laws and rights when it did not. When France established a protectorate in Tunisia, the state was forced to engage in protracted negotiations with all of the Powers concerning the Capitulations and other European privileges. Britain seized Sudan on the precarious and incompatible legal

102 “With Austria-Hungry, Prussia, and Russia, she has signed the convention of London of 15 July 1840, the Memorandum of January 30, 1841, the collective note of 11 March, 1841, she has signed the Treaty of Paris of 30 March, 1856, the Treaty of Berlin of 13 July, 1878, the protocol of disinterest at the Conference of Constantinople in 1882; she has recognized the validity of the all of the imperial firmans granted to the Khedives, including the one of 1892 sanctioning the incapacity of Egypt to conclude international political conventions; she has declared the Sudanese provinces Ottoman territory.” Ibid., p. 507.

103 Ibid., p. 507.

theory of conquest and recovery and unilaterally denied these same European privileges on the grounds of conquest. Yet days after the Battle of Omdurman, Britain claimed Fashoda on the basis of reconquest.

In order for the theory of Sudan’s conquest by Great Britain to be admissible, it would be necessary for Sudan to become res nullius and for that Egypt would have had to absolutely renounce its rights over this province. But Great Britain herself protested against this idea, in 1898, during the negotiations relative to the Fashoda incident. She continued to declare to France that the Sudan was neither res nullius nor res omnium,105 and on the contrary, it has a master that is recognized by our government, the Khedive, and that it cannot be occupied by any other Power.106

While again, many of the French legal critiques of the Anglo-Egyptian Condominium where directly motivated by Fashoda and a rejection of Britain’s dual theory of conquest, they also emphasized Britain’s ambiguous position in Egypt. Cocheris underlined the fact that the occupation was “illegitimate in its origin” and that neither Europe, nor the

Ottoman Empire had legitimated it ex post facto.107

The British occupation is a danger for the equilibrium of Europe in the Mediterranean, and for the peace of Africa. Sooner or later, Europe will rise up against England. Europe will signify to England that her illegal presence in Egypt has lasted too long. She will command her to leave. The diplomats, reunited in Congress, will maintain the khedivate in its juridical condition as a province of the Ottoman Empire, or, in agreement with Turkey, declare it independent and neutralized, within the scope of its ancient frontiers, under the collective guarantee of the Powers. It is important above all to end the status

105 Res omnium, which means “things belonging to everyone,” in other words, common property, versus res nullius, which we have seen meaning “things/property belonging to no none” – as Blanchard put it “a place without a master.” The Ottoman rendering of res nullius in international textbooks is sahibsz.

106 Ibid., p. 510-511.

107 Ibid., p. 550. Cocheris added nearly a page long list of terms that Salisbury had used to describe Britain’s position in Egypt: “Our duty,” “our moral obligation,” “our tutelage,” “our administration,” “our incomplete and irregular protectorate,” “our work of reform,” “a disguised protectorate,” etc. p. 554.
The extension of the British system of occupation outwards to Sudan alarmed Cocheris as well as other lawyers. The legal position of Egypt was anomalous, but had been contained to one space and was still openly contested by the Sultan as well as the other European powers. The Condominium was so dangerous because it appeared to extend the occupation system where political rights and administration were separated. It seemed that through Sudan, Britain announced the permanence of the occupation of Egypt.

For the French lawyers, the more serious implication of the critique of the Condominium was that British diplomats and politicians used international law to justify territorial expansion – conquest and reconquest – but at the very same time they ignored international treaties and agreements governing Egypt’s relationship to the Ottoman Empire and to the European powers. While these lawyers were perhaps animated by the perceived injustice to France at Fashoda, they were demonstrably concerned about the effects of employing legal justifications in the service of furthering imperial claims. Ignoring the existing European rights and the treaties and firmans that guaranteed Egypt’s international legal status diminished the significance of international law as a science. If longstanding treaties and rights could be trampled upon so explicitly and without protest, what was the value of international law? In other words, once the diplomats had recourse to the langue of international law to justify Great Power politics, what was left of the

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108 Ibid., 559.

109 On the other hand, it appeared almost inevitable to some British authors writing at the same time. See for instance, Arthur Silva White, The Expansion of Egypt under Anglo-Egyptian Condominium (New York: Amsterdam Book Co., 1900).
Conclusion: - “In avoiding a legal Scylla, we run some risk of falling into a diplomatic Charybdis”

The announcement of the joint Anglo-Egyptian condominium over Sudan led to extensive international debate on Egypt’s constitutional relationship to the British Empire. These debates unfolded in London in the press and Parliament, but also among international lawyers and foreign diplomats. At issue was the separation of sovereignty from authority in Egypt. Analysis of legal discussions concerning the Condominium demonstrates how Egypt created constitutional problems within the British Empire, as well as for the Ottoman Empire. In Istanbul, the announcement was cause for the Ottoman state to assert more direct control over the provinces of Bingazi and Trablusgarp (Libya) – fearing that the last Ottoman outpost in North Africa would come under European occupation.

Despite French and Ottoman protests the Condominium endured as the basic organizing structure for Sudan until independence in 1956. In 1904 the British and French antagonisms over Egypt, which had been heightened by Fashoda and the creation of the Anglo-Egyptian Condominium, were worked out in the entente cordiale. France recognized Britain’s irregular position in Egypt in exchange for British recognition of the

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110 Despagnet’s critique of Britain was in line with a broader criticism among international lawyers against the excesses “effective occupation” outlined by Martii Koskenniemi. He noted, “There was a dangerous gap between appearance and reality that was created; different types of annexation were treated differently and their consequences varied.” Martii Koskenniemi, The Gentle Civilizer of Nations, p. 151-152. See too Mark Mazower, Governing the World: The History of an Idea, 1815-Present (New York: Penguin Books, 2013).

111 The comment was made in regard to settling the 1904 entente cordial, but the idea of navigating a tight space between law and diplomacy pervades Cromer’s correspondence with the Foreign Office on all Egyptian matters. NA/FO 633/6, Letters to Secretaries of State 1883-1905, no. 5 Cromer to Lansdowne November 1, 1903.
French position in Morocco, among other things. For many 1904 represented the end of
the Egyptian question in international politics. Yet the entente cordiale was an agreement
on shared strategic interests and did not change the legal status of Egypt or Sudan. Like
the colonial agreements that John Westlake worried about concerning “spheres of
influence” and “interests,” the entente cordiale was a diplomatic instrument. Despite the
fact that the agreement endured between Britain and France, from a legal perspective it
was rather weak. The fact that the entente cordiale was a diplomatic instrument and did
not have immediate implications in terms of Ottoman sovereignty brought some relief to
the Ottomans.

In response to the entente cordiale, the Ottoman legal advisors (Hukuk
Mişavirleri) at the Bab-ı Ali’s Office of Legal Consul (İstişare odası) suggested no
immediate legal action because British “declared that it had no intention of altering the
political status of Egypt.” The Ambassador should obtain further assurances from Britain
that the Sultan’s rights in Egypt and Sudan would continue to be recognized. As long
as the firmans and treaties guaranteeing Egypt’s position remained unchanged by the
entente there was no need for any immediate political action on the Ottoman side.
Ottoman diplomacy was still guided by international law with the single idea of
maintaining the territorial extent of the Empire. The Hamidian era policy of appealing to
international law and existing treaties to secure the Ottoman position in Europe would
start to come undone with the Young Turk Revolution. While the guiding Ottoman
foreign policy goal continued to be maintaining the Empire at all costs, the annexation of
Bosnia-Hercegovina and Bulgaria’s declaration of independence in 1908 caused a serious

112 BOA/ HR.HMŞ.IŞO/52/20 [1328, Ni. 8] “İngiltere ve Fransa arasında Afrika hakkında yapılan
1904 mukavelenamesi.” This is a rather large file with documents extending well beyond the date
of 1904.
revaluation of Ottoman diplomatic strategy. The Office of Legal Counsel, which was originally staffed by Europeans in the 1880s who were gradually replaced with Ottoman subjects, hired another European, Léon Ostrorog, as the chief legal advisor in 1908, who looked to Japan as a model of regeneration. International law continued to be an important tool for Ottoman diplomacy, but maintaining sovereign rights alone was no longer enough. Ottoman Foreign policy under the Young Turks focused on ways to close the gap between internal and external affairs by attacking European derogations of Ottoman sovereignty. In the lead up to World War I, it was clearly understood that paper sovereignty counted for much less against force.

Just before World War I, one French lawyer came around to the Condominium. While other lawyers had termed it “monstrous” and beyond the existing “frameworks of international public law.” Grégoire Sarkissian wrote, “But the political status has subsisted for fifteen years. It has proven to be viable and it possesses elements of life.

Léon Ostrorog was the chief legal advisor at the Foreign Ministry following the Young Turk Revolution until the outbreak of World War I. At the outset of the war he switched sides, so to speak, and worked as a legal advisor to Vickers Limited, where it appears he provided the company with information on Ottoman naval power. In 1918, he authored a memorandum on Ottoman legal claims to the Caliphate in 1918, which was a broadly circulated within the Foreign Office. At the Paris Peace Conference he served as a legal advisor to the Polish Delegation. Ostrorog was from an old Polish Istanibullu family which had arrived after the last partition of Poland in 1795. His family owned a yah (a large seaside mansion) on the Bosphorus. After World War I he taught Islamic law at University College London and authored an analysis of the legal aspects of the abolition of the Caliphate in 1924. See Léon Ostrorog, The Angora Reform (London: University of London, 1927). See too NA/FO/141/786, no. 7530, An Essay by Count Léon Ostrorog, “The British and the Mohammedans.” Ostrorog also participated in a Committee of Union and Progress conference on the “renaissance of Japan” in 1911. See Cemil Aydn, The Politics of Anti-Westernism in Asia: Visions of World Order in Pan-Islamic and Pan-Asian Thought on Anti-Westernism in Asia and Middle East (New York: Columbia, 2007), p. 78-82.

The title of Mustafa Aksakal’s article on pre-War Ottoman intellectuals and elites, “Not ‘by those old books of international law, but only by war’ is a rather apt way to characterize changes in Ottoman diplomatic strategy with the reignited scramble for Ottoman territory in the years just before World War I. See Mustafa Aksakal, “Not ‘by those old books of international law, but only by war’: Ottoman Intellectuals on the Eve of the Great War,” Diplomacy and Statecraft, vol. 15, no. 3(2004), p. 507-544.
Should the law of nations not account for this finding, and expand its horizon, and to take

to heart this mode of government which was established by the Convention of January

19?115 Sarkissian’s realist view of international relations, accepting British conquest and
the legal fiction of co-sovereignty in Sudan, was representative of a hardening of attitude
towards sovereignty and force.

Chapter 4: The End of Occupation: Ottoman Sovereignty and the British Declaration of Protection in Egypt

Unless we lose the war, Egypt will in future be as much a part of the British Empire as India or Nigeria, whether we proceed to annexation or, as I personally think better, we content ourselves with a form of protectorate.

Lord Milner

Introduction

On December 18, 1914, five months into the First World War, Britain ended the occupation and incorporated Egypt into the Empire as a protectorate. The Ottoman entry into the war against the Allies in November provided the Foreign Office with the opportunity to resolve Egypt’s anomalous international legal status as a de jure Ottoman territory under British administration. The declaration of protection severed the legal relationship between the Ottoman Empire and Egypt and ended nearly 400 years of Ottoman sovereignty in the province. By breaking this legal tie, Britain terminated the treaties and firmans that guaranteed Egypt’s status as an autonomous Ottoman province in international law since the era of Mehmet Ali.

From the Declaration of Protection in 1914 through the interwar years, legal and political commentators, colonial administrators and bureaucrats wrote broadly about the meaning of the end of Ottoman sovereignty in Egypt – as did Ottomans and Egyptians.

1 NA/CAB 27/12, “Report of the Egyptian Administration Committee.”

While there was extensive commentary about the British declaration of protection in Egypt at the time, for the most part the transfer from Ottoman to British sovereignty does not make up a significant part of the historiographical debate. Egypt’s wartime story generally begins in 1915 with the Husayn-McMahon Correspondence, the establishment of the Arab Bureau and the beginnings of the Arab Revolt – a chronology that separates the Ottoman past from Egypt and the Modern Middle East.

Yet the international legal status of Egypt mattered in international politics in 1914 as much as it had since 1840. Egypt’s legal status threatened to bring the Ottomans into the war against Britain long before they were prepared. Germany and Britain also used Egypt to incentivize the Ottomans for their own ends in the war. British internal debates on the future of Egypt between the July Crisis and the declaration of protection also mirrored debates that would occur at the end of the war about how to deal with Ottoman territories under British military occupation in 1918 and 1919. Egypt along with Cyprus were the first Ottoman territories to be incorporated into the British Empire by protection and annexation respectively. Egypt in particular provided a potential model for thinking about British imperial control in the Middle East after the war. British internal debates on the virtues of annexation versus protection in conjunction with Egyptian

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demands for autonomy in 1914 were an important testing ground for thinking about the location of formal sovereignty in relationship to imperial control.

**Egypt and the Ottoman entry in World War I**

Between the July Crisis and the British declaration of protection in December of 1914, the Egyptian question played a minor but nevertheless significant role in the unfolding war. Despite the fact that Egypt had been under effective occupation by Britain for nearly thirty years, Ottoman sovereignty in Egypt threatened to bring the Ottoman and British Empires into direct conflict. In the early days of the war, Britain pledged to preserve Egypt’s political status in order to induce the Ottoman Empire to demobilize and remain neutral in the war against the Central Powers. At the same time, for the German Foreign Office, Egypt was an ideal site for Ottoman intervention. The Ottoman government’s immediate goal was to obtain an alliance while delaying involvement in the war indefinitely. Enver Paşa, the Ottoman Minister of War, proposed a secret defensive alliance with Germany, which was signed in early August. The Empire needed time to mobilize and maintained a state of neutrality until November. During that period rumors that the British planned to convert Egypt into a protectorate, coupled with patrols on the Suez and other measures taken to protect Egypt against Germany, threatened to be construed as acts of war.

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3 See Aksakal, *The Ottoman Road to War*, chaps. 5-6; Ulrich Trumpener, *Germany and the Ottoman Empire 1914-1918* (Princeton: University Press, 1968); Limon von Sanders, *Five Years in Turkey* (Annapolis: United States Naval Institute, 1927). Limon von Sanders claimed that he argued against an attack on Egypt as it would be impossible to take the territory from the British. He notes that Bethmann-Hollweg requested that he put aside his doubts and support the German plan for an Ottoman expedition to Egypt, noting that “an undertaking against Egypt is of great importance,” p. 27.

4 The Ottoman Empire signed an alliance with Germany on August 2, 1914. The next day the Empire announced armed neutrality.
Before examining how Egypt figured into Ottoman, British, and German political
calculations in 1914, a word should be mentioned about Ottoman war aims and
expectations.\(^5\) According to Şükrü Hanioğlu, the state had four main goals: to attain a
European alliance, to reestablish direct control over the autonomous provinces of the
Empire, to regain territory recently lost in the Italian and Balkan Wars and finally to
revoke the Capitulations and other European privileges.\(^6\) Though varied, each point was
directed towards the same end: to remake a strong state independent of European
restrictions. The Ottoman Cabinet in other words, wished to close the gap between
internal and external affairs by ending all European restrictions on Ottoman sovereignty.
Ending the Capitulations were viewed as the path to gain control over the economy,
while centralizing administration and ending the special status of the autonomous
provinces was seen as the route to internal security and more efficient imperial control.\(^7\)
These considerations are worth mentioning as they explain a fairly radical shift in
Ottoman attitudes towards Britain, although this shift had been in the making for some
time. Ottoman diplomacy, which long relied on British territorial guarantees and
international treaties, viewed British territorial promises as completely bankrupt by 1914.
While the Ottomans still maintained the goal of preserving the territorial extent of the

\(^5\) See Şükrü Hanioğlu, *A Late History of the Ottoman Empire* (Princeton: University Press, 2008);
Aksakal, *The Ottoman Road to War*, “Introduction: Pursuing Sovereignty in the Age of
Imperialism”; Mehmet Said Halim Pasha, *L’Empire ottoman et la guerre mondiale* (İstanbul: İsis,
2000), “Pourquoi la Turquie participa à la Guerre mondiale?”; Michael Reynolds *Shattering
Empires: The Clash and Collapse of the Ottoman and Russian Empires, 1908-1918* (Cambridge:

\(^6\) Hanioğlu, *A Late History of the Ottoman Empire*, p. 177-183.

\(^7\) While the Ottomans were reacting against autonomous provinces guaranteed by the “public
system of Europe” – like Samos, Mt. Lebanon, Egypt, Bulgaria (before independence), and Crete
- this centralized vision of the Empire abandoned the flexibility of the old system.
Empire, it would mean nothing if imperial security and administrative control remained in British and European hands.

From August of 1914 it was clear that Ottoman sovereignty in Egypt had the potential to disrupt the Ottoman policy of non-intervention or delay. A few days after Britain declared war on Germany, Sir Edward Grey, the British Foreign Secretary, asked the Embassy in Istanbul to assure the Ottoman government that Britain had no intention of changing Egypt’s political status.

If Turkey remains neutral and Egypt remains quiet, and should no unforeseen circumstances arise, His Majesty’s government do not propose to alter the status of Egypt. A report has reached me that it is being alleged that the annexation of Egypt is under consideration by His Majesty’s Government. You should emphatically contradict this to the Turkish Government, and say that we have no intention of hurting Turkey.8

The occasion for Britain’s halfhearted guarantee stemmed from the desire to prevent Ottoman engagement in the war but also from recent events in Cairo. The day before the Government of Egypt, prompted by British advisors, published a lengthy resolution intended to protect Egypt during the war. The measures were justified on the basis that the presence of the British army of occupation opened Egypt to a potential German attack.9 The resolution prompted protest from Khedive who wrote to his ministers in


9 The resolution restricted commercial relations and shipping between the warring countries. It also provided a list of contraband and reaffirmed the neutrality of the Canal Zone for ships of commerce. The terms were agreed upon on August 5th and published the following day. See Journal Official du Gouvernement Égyptien, August 6, 1914, no. 98. “Resolution taken to assure the defense of Egypt in the war between Germany and Great Britain.” This document alarmed the Ottoman Foreign Ministry and the Journal Official was translated for the Ottoman Cabinet. BOA/HR.SYS./2348/6/no number, “İngiltere ile Almanya arasındaki muharbeye-yı hazırlık esnasında Mısır’ın müdafaası için meclis-i nazar tarafından ittihat olunan mukarrerat.”
Cairo that “the Grand Vizier points out that Egypt has declared war on Germany.” The Consul-General of Germany did not want to leave Egypt either, as he considered it “neutral and not in a state of war.” During this same period, the German Foreign Office, and Kaiser Wilhelm in particular, pressured the Ottomans to enter the war and specifically to intervene in Egypt as a condition of the alliance. The “Egyptian Campaign” was not meant to serve any real military objective but was designed to tie down Britain in Egypt as well as to commence Wilhelm’s fanciful pan-Islamic revolution against British, French and Russian rule throughout their empires. Striking a balance between German and British demands, in Berlin the Ottoman government argued that they needed more time to mobilize for a successful campaign, while also assuring the Allied camp that the Empire would maintain a policy of strict neutrality.

On August 10th, Said Halim Paşa, the Grand Vizier, wrote to the German and Habsburg Ambassadors in Istanbul and requested that Egypt be placed outside of the

11 Ibid., p. 341.
12 Until the Ottoman Empire entered the war at the end of October, the German Foreign Ministry pressed for a campaign in either Egypt or the Caucuses.
13 Ulrich Trumpener, Germany and the Ottoman Empire 1914-1918 (Princeton: University Press, 1968); Aksakal, The Ottoman Road to War, p. 137-141.
14 Said Halim Paşa (1865-1921) was an Egyptian prince and the grandson of Mehmet Ali. He lost his claim to the Khedivate during the reign of Ismail (r. 1863-1879), who negotiated a new law of khedival succession. At the beginning of the ‘Urabi Revolution, the French and British considered replacing the Tewfik with Said Halim. He was born in Cairo, and resided there in exile for an extended period during the reign of Abdülhamid II, returning to Istanbul during the second constitutional period. He was the Grand Vizier through much of the war and was later assassinated in Rome by Arshavir Shiragian for his role in the Armenian genocide. See Mehmet Said Halim Pasha, L’Empire ottoman et la guerre mondiale (Istanbul: İsis, 2000); M.K. İnal, Osmanlı Devrinde Son Sadrazamlar, vol. 3 (İstanbul: Milli Eğitim Basımevi, 1965), pp.1893-1932; Ahmet Şeyhun, Said Halim Pasha: Ottoman Statesmen and Islamist Thinker (İstanbul: İsis,
sphere of warfare – effectively neutralized during the conflict.\textsuperscript{15} He noted Britain’s resolution to protect Egypt during the war and their concern that Germany might launch an attack against Britain in Egypt. Said Halim argued that even if an attack were directed exclusively against British forces, it would nevertheless harm the Ottoman Empire.

In view of the cordial relations that exist between Germany, Austria-Hungary, and Turkey, the Sublime Porte remains convinced that at no point should Germany and Austria attack Ottoman territory under the Khedivate, despite the presence of British troops in this domain. In consequence, I beg Your Excellency to send me assurance that Egyptian territory will not be the object of any kind of aggression on the part of the imperial forces of Germany and Austria.\textsuperscript{16}

On one hand, Said Halim’s bid to keep Egypt out of the war at this stage was part of the larger Ottoman plan to maintain the alliance with Germany under armed neutrality.\textsuperscript{17} At the same time, the proposal should be understood both as an effort to

\textsuperscript{15} Said Halim sent the note to German and the Habsburg Ambassadors on the same day that the SMS \textit{Goeben} and SMS \textit{Breslau} arrived at the Dardanelles and requested permission to continue to Istanbul, wherer they arrived four days later. The Ottoman Cabinet fully expected war after Enver Paşa, the Ottoman War Minister, granted permission to the ships to continue to Istanbul. See Aksakal, \textit{The Ottoman Road to War}, chap. 4. Incidentally, with regard to Ottoman war aims, after Germany sold the ships to the Ottoman Empire, they were renamed “Yavuz Sultan Selim” and “Mildilli” respectively. Selim I (r. 1512-1520) was the Sultan responsible for the massively extending the boundaries of empire and incorporated what would become the core Arab provinces of the Empire, including Egypt, the Holy Places, Syria, Palestine and Iraq. It was as a result of these campaigns that the title of caliph was transferred to the Ottoman Sultanate. \textit{Mildilli} was the Ottoman name from Mytilini (Lesbos), which was lost to Greece in 1912 during the First Balkan War.

\textsuperscript{16} Said Halim removed the next line of text from his letter: “so that I might ask the Egyptian Government to repeal the said decree.” BOA/HR.SYS./2348/6/no. 53739/126 Said Halim Paşa to Hans Frieiherr von Wangenheim (German Ambassador in Istanbul) and Wangenheim German and Johann Markgraf von Pallavicini (Habsburg Ambassador in Istanbul). A note to the same effect arrived three days later from Pallavicini, on behalf of the Habsburg Empire.

\textsuperscript{17} According to British Foreign Office and Cabinet records, Grey and others believed that Said Halim Paşa was a liberal bulwark against the “party of war,” which was ostensibly led by his Enver Paşa. Aksakal has shown that Said Halim and Enver were not nearly as opposed as the British Foreign Office believed and in fact they pursued the same policy in the early days of the
maintain Ottoman claims to Egypt along the lines of war aims discussed above, as well as recognition of the fact that Egypt’s legal position could drag the Empire into a state of war. Amid rumors that Britain was planning to declare a protectorate in Egypt, Berlin continued to push Enver and Said Halim to enter the war by attacking the British in Egypt.¹⁸ Late in August, the German Ambassador Hans Fríeherr von Wangenheim argued that Britain violated Ottoman rights in Egypt by detaining hundreds of German and Austrian reservists and by removing essential parts from German ships at Port Said.

By these acts, the British government seized the rights of sovereignty over Egyptian territory; the Government of Egypt however, in tolerating this conduct, has rendered itself culpable of flagrant violations of its right as a neutral state.¹⁹ Germany appealed to longstanding Ottoman legal arguments defending their sovereign rights in Egypt and attempted to use the ostensible abrogation of Ottoman sovereignty in Egypt as a pretext for war. The Ottomans had a right to invade Egypt on the grounds that Britain had usurped Ottoman dominion. Enver and Said Halim responded again with delay and argued that the Ottoman state required more military support and more

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¹⁸ The Ottoman Ambassador in Berlin, Muhtar Paşa, who pressed for Ottoman intervention in the war from the July Crisis, sent a note to Said Halim Paşa stating that according to unverified reports Britain declared a protectorate in Egypt. He argued that if the rumor was true, the Ottomans should seize the opportunity to strengthen their claim to Egypt and enhance their prestige in the “Islamic world.” See Ottoman Diplomatic Documents on the Origins of World War I: From the July Crisis to Turkey's Entry into the War July-December, 1914 (İstanbul: İsis, 2012), no. 337, Muhtar Paşa to Said Halim, August 20, 1914, p. 161. See too Mahmud Muhtar Paşa, La Turquie, l’Allemagne et l’Europe depuis le Traité de Berlin jusqu’à la guerre mondiale (Paris: Berger-Levrault, 1924).

¹⁹ BOA/HR.SYS./2348/6/no number, Wangenheim to Said Halim Paşa, August 26, 1914. Aksakal has noted that Wangenheim acted as a buffer between the German Foreign Office and Enver. Whenever Enver delayed planning at attack, he argued that the Ottoman army needed more time to mobilize for an effective campaign. According to Aksakal, Wangenheim regularly supported Enver’s position. Aksakal, The Ottoman Road to War, chaps. 5-6.
preparation to carry out a successful attack in Egypt.  

In the middle of September, two days after the Ottoman Empire announced the abolition of the Capitulations, Wangenheim sent Said Halim formal assurances that Germany recognized Egypt as “an integral part of the Ottoman Empire” and that the territory of the Sultan would not be attacked by German imperial forces. The note was in direct response to the Ottoman plea in August to keep Egypt out of the war sent in the midst of increased German pressure to launch an Ottoman attack there. Neither Berlin nor Vienna would strike Egypt but the way was paved for the Ottomans to do so. The German Foreign Ministry again appealed to Ottoman legal claims in Egypt in order to draw the Empire into war. The Grand Vizier and the War Minister continued to prevaricate and delay. Enver again argued that the Ottomans were not prepared to strike Egypt and expressed a preference for a campaign in the Caucasus. Said Halim was not prepared to abandon Ottoman claims to Egypt and recognized that going to war against Britain, especially in Egypt, might prejudice post-war outcomes. Launching a campaign against Britain in Egypt would mean striking Ottoman territory populated by de jure Ottoman subjects. The Ottoman dilemma in Egypt would parallel that forced by Britain once the two empires were at war, when Britain would find itself in control of a territory

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22 Aksakal suggests that the Entente wanted the Ottomans to enter the war without provocation so as to justify the postwar spoils in the Near East. Aksakal, *Road to War*, p. 134.
inhabited by enemy subjects. Nevertheless, despite German Foreign Office pressure to carry out the “Egypt campaign,” when the Ottomans finally entered the war at the end of October they attacked Russia at Black Sea ports and Odessa, not Britain at Suez.

Throughout the fall of 1914, Britain demanded strict neutrality from the Ottoman Empire in exchange for maintaining the political status of Egypt.\textsuperscript{23} The Foreign Office too tied any postwar decisions in the Near East to this condition, noting that Britain would continue to guarantee the territorial integrity of the Ottoman Empire in return for non-intervention and demobilization. Yet the old Foreign Office promises to preserve the Empire against territorial losses and foreign encroachments lost much appeal after the recent defeats in North Africa and the Balkans.\textsuperscript{24} Ottoman officials were increasingly distrustful of European, and especially British, promises to guarantee the territorial extent of the Empire and viewed the reassertion of Ottoman sovereignty in financial and administrative matters as the best way to achieve this objective, rather than through older methods of diplomacy and British support.\textsuperscript{25} The Ottoman Ambassador in Berlin,

\textsuperscript{23} Periodically the Foreign Office accused Enver Paşa and the “military party” of preparing a campaign against Britain in Egypt and warned the Said Halim and Ottoman ambassadors that armed neutralization posed a threat to Egypt’s political status. For example, in one of the many episodes, the British Ambassador to the Ottoman Empire, Louis Mallet, linked Ottoman mobilization in Syria to a plan to attack Egypt, based in part on articles published in \textit{Tanin}. BOA/HR.SYS./4/5. “İngiltere Sefareti’nin Tanin’de neşredilen muşur’la ilgili paragrafı dair açıklama isteğine verilen cevap,” Said Halim Paşa to L. Mallet, October 8, 1914. Mallet wrote to Grey that “I think that it would be right to remind the Grand Vizier that have always made it perfectly clear that undertaking not to change the status of Egypt was conditioned on Turkey maintaining strict neutrality.” [cd. 7628] No. 13 (1914) “Correspondence Respecting Events Leading to the Rupture of Relations with Turkey.” No. 117, Mallet to Grey, October 12, 1914.

\textsuperscript{24} By the time of the July Crisis, the Ottoman Empire had been in a state of near constant war since September 1911, when Italy attacked and captured Ottoman provinces that form Libya. The loss of Libya was compounded by territorial losses in the Balkans and Aegean during the first and second Balkan Wars in 1912 and 1913. War continued almost unabated until 1923.

\textsuperscript{25} Feroz Ahmad has argued variously that after the losses concluding the Balkan Wars, the Unionists no longer had faith in European guarantees for maintaining the territorial integrity of
Mahmud Muhtar Paşa [Katircioğlu], rejected the British promise to continue to recognize Ottoman rights in Egypt out of hand, noting that “it is obvious that only the semblance of our sovereignty exists in Egypt, moreover our territory has been so often violated that the promise of our territorial integrity can not generate any appeal which would offset the enormous benefits we could make by joining Germany. The British proposal, if it occurred, does not seem to be anything than the continuation of the state of vassalage and dependence on England and its allies.” Joining the Allied side might

the Empire and focused increasingly on the goal of freeing the Ottoman state from the European limits on Ottoman sovereignty. Just before the war, in the years when the Ottoman Foreign Ministry sought an alliance with Britain and Russia, Louis Mallet, the British Ambassador to the Ottoman Empire proposed that the powers neutralize the Empire and mutually agree to preserve the current political boundaries of the Empire in exchange for joint financial control of the Ottoman state: “Turkey’s way of assuring her independence is by an alliance with us or by an undertaking with the Triple Entente. A less risky method would be by a treaty or declaration binding all of the Powers to respect the independence and integrity of the present Turkish dominion, which might go as far as neutralization, and participation of all the Great Powers in financial control and the application of reform.” Mallet’s proposal was entirely in line with Foreign Office policy toward the Ottoman Empire, which sought to manage Ottoman weakness by neutralizing the empire against foreign territorial encroachments. Quoted in Feroz Ahmad, “The Late Ottoman Empire,” in Marian Kent, ed., The Great Powers and the End of the Ottoman Empire (London: Frank Cass, 1996 ed.), p. 14. For the broad discussion of Ottoman elite attitudes toward the loss of territory and Britain as a protector on the eve of the war see Mustafa Aksakal, “Not ‘by those old books of international law, but only by war’: Ottoman Intellectuals on the Eve of the Great War,” Diplomacy and Statecraft, vol. 15, no. 3 (2004): 507-544.

26 Mahmud Muhtar Paşa had served in the Balkan Wars and the Ottoman Cabinet before being posted to Berlin. He was the son of Ahmed Muhtar Paşa, the longstanding Ottoman special commissioner in Egypt, who represented the Sultan in Cairo as long as Cromer served his masters in London.

27 In the note Muhtar Paşa discussed a rumor in Berlin that Britain has promised a loan to the Ottoman Empire along with fresh guarantees to maintain Egypt’s political status and the territorial integrity of the Empire in exchange for immediate demobilization and neutrality. His note arrived as he was negotiating a loan in Berlin with Arthur Zimmerman, the German Deputy Foreign Secretary. For details on that negotiation see Trumpener, Germany and the Ottoman Empire, chapter 2 and Aksakal, Road to War, pp. 166-178.

28 BOA/HR.SYS/2094/8/no. 12673/440. Mahmud Muhtar Paşa to Said Halim Paşa, October 5, 1914. Said Halim Paşa would make precisely this argument in the early 1920s when defending the Ottoman Cabinet’s decision to enter the war on the side of the Central Powers. See Mehmet
extend the life of the Empire on paper, but without economic and administrative control, the state itself threatened to become another Egypt – where only the façade of sovereign control existed.

In another letter, Muhtar Paşa advocated ending the state of armed neutrality and urged Said Halim to join the war on the side of the Central Powers. As with Egypt, he argued that Allied promises to maintain the territorial integrity of the Empire were empty words, as each of the Powers had strategic and economic interests in the Empire, which could only be fulfilled through Ottoman partition; Britain wished to dominate the space between the Persian Gulf and the Eastern Mediterranean, Russia wanted the Straits and Istanbul while France continued to desire Syria and Lebanon. Neutrality would lead to the final dismemberment of the Ottoman Empire.

Yet, if Mesopotamia, Arabia, Syria and the Straits along with neighboring regions were not part of Turkey, one could well remain indifferent to the result of the current European struggle and remain neutral. Might we believe that Ottoman aspirations and interests are better safeguarded by remaining neutral, even if one recognizes that the three Allies sustain aggressive intentions towards Turkey? I do not think so at all… If Turkey found itself in the situation comparable to Italy or Romania, that is to say, if we did not risk partition by the belligerent parties in the case of victory, and, if we had only to assert our own claims, nothing would be more comprehensible than waiting until the end of the war to ask for whatever we wish at the expense of the defeated. It is not only a question for Turkey to pose later in arbitration. From any point of view, it is impossible for me to find a serious reason dictating strict neutrality; because in the case of Austro-German defeat neutrality will by no means save us, while to the contrary, it would prevent us from taking advantage of the unique occasion which presents itself to Turkey for the first time in many centuries to rebuild and secure its future as a Great Power. Can we continue to accept the humiliating situation that we have submitted to in Egypt and the fact that islands, which we still claim, serve as military bases for other navies - insulting us in our own waters?... the fate of the Ottoman Empire will depend on the outcome of this war.29

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29 BOA/HR.SYS./2094/8/no. 12666/435. Mahmud Muhtar Paşa to Said Halim Paşa, October 3, 1914. Muhtar Paşa continued, arguing that the Tripolitanian war - the war between the Ottoman
Ottoman officials saw themselves locked in an existential battle with Europe and viewed the war as a chance to reassert sovereignty internally as well as in international affairs. Allied economic and strategic interests in the Empire, along with the fact that these same powers controlled the very institutions that constrained Ottoman sovereignty - the Capitulations, the Ottoman Debt Administration, internationally guaranteed autonomous provinces and permanent military occupation - proved that the Allied powers could not be counted upon to secure the future of the Empire. The only way to rejuvenate the state was to end European restrictions on Ottoman administrative control and that required siding with Germany and the Central Powers in the war. The Ottoman Cabinet was not yet ready to sacrifice the empire for the nation, but the longstanding Foreign Office guarantees to maintain the political status of Egypt and the territorial integrity of the Empire were no longer sufficient to sustain Ottomans neutrality. The Ottoman decision to abandon these timeworn international instruments, especially British territorial guarantees, which Ottoman diplomacy had relied upon since the mid-nineteenth century, was a calculated risk against the alternative: nominal sovereignty and complete European control of the economy, administration and security of the Empire. The negative example of Egypt loomed over the Ottoman decision to enter war at the end of October.

Empire and Italy in Libya (1911-1912) - was the beginning of the current war, just as the battle of Sedan had been the beginning of the events leading to San Stefano and the Congress of Berlin (1878). Berlin inaugurated the first major Ottoman territorial loss since 1856 when the Powers agreed to maintain the territorial integrity of the Ottoman Empire in the Treaty of Paris following the Crimean War.

For more on the idea that the Ottoman Empire saw World War I as an existential war see Michael Reynolds *Shattering Empires: The Clash and Collapse of the Ottoman and Russian Empires, 1908-1918* (Cambridge: University Press, 2011).
To Annex or to Protect? Egypt and the British Foreign Office between 1914 and 1917

In 1914, Britain’s position in Egypt was practically strong from a military and administrative perspective. From a legal perspective, however, it remained very weak. The ambiguity of Egypt’s international position, an asset through the occupation, became increasingly unsustainable in the context of the European political crisis. War provided Whitehall with an opening to finally “regularize” the relationship between the British Empire and Egypt. As one future Egyptian High Commissioner wrote “hostile action by Turkey would provide an opportunity to clear up the legal situation and import some measure of definition and logic into our position in Egypt.”

While the Foreign Office attempted to buy Ottoman neutrality with promises of maintaining Egypt’s political status and the future territorial integrity of the Empire, a debate emerged between the acting Consul-General in Cairo and the Foreign Office in London about the future of Egypt. Though London was hesitant to change Egypt’s political status, the future of Egypt in the event of war with the Ottoman Empire was a pressing matter as all Egyptian subjects would become enemy subjects. The Foreign Office only really entertained two

31 George Lloyd, Egypt since Cromer (London: Macmillan, 1933-34). After serving as the governor of Bombay from December 1918, Lloyd followed Allenby as the British High Commissioner in Egypt, where he remained until 1929. His two volume administrative history of Egypt has been interpreted as a justification for his not implementing Foreign Office policy in Egypt as instructed during his tenure as High Commissioner. He thought that protectorate had been a mistake and independence, subject to the four reservations in 1922, an even greater error. Like those in the British government who had demanded the annexation of Egypt during the occupation, Lloyd argued that the “independence” – much like occupation – left Egypt outside of benevolent Colonial Office oversight, which would have assured good administration and more complete imperial control. Like the many of the British critics of occupation, Lloyd did not believe that Egypt was prepared for self-government and instead required in the words of Cromer “honest, just and orderly administration.”
possibilities: annexation or protection.\textsuperscript{32} Maintaining the status quo, continued Ottoman sovereignty in Egypt, would be out of the question on security grounds, as all Egyptians were legally Ottoman subjects. In either case, the Foreign Office would alter the international legal status of Egypt and align Egypt more closely with the British Empire - whether as a protectorate or colony.\textsuperscript{33}

For many in the Foreign Office there was little substantive difference between annexation and protection. Yet, whichever policy the Britain pursued, there were two significant obstacles to end the occupation and to terminate Ottoman sovereignty in Egypt. The first and most persistent problem for the British was Egyptian support. In order to legitimize breaking with the Ottomans, the British needed broad public support especially from the Egyptian ministers.\textsuperscript{34} The second impediment to ending Ottoman

\textsuperscript{32} Ronald Storrs argued later “Neither Turkey not the rest of the World could imagine that the Occupying Power, if attacked by the Suzerain, would any longer tolerate suzerainty that had been but a figure of speech for the past half century. The only question was, what form of government should replace the forfeited suzerainty. The uncertainty of Occupation, with its remote hopes and hypothetical fears, must obviously be abolished.” But this was not a legal argument and was a position that would be difficult to sustain after the war. See Storrs, Orientations, p. 150.

\textsuperscript{33} In Grey’s memoires, he argues that the decision to establish a protectorate in Egypt was the best solution at the time given the circumstances because of Egypt’s status as an Ottoman province: “The status of Egypt in relation to Turkey, had not, so far as international law was concerned, been effected by the British occupation. Technically Egyptians became enemy subjects after the entry of Turkey into the war against us. Something had to be done to prevent legal complications.” Viscount Grey of Fallodon, Twenty-Five Years, vol. 2 (New York: Frederick A. Stokes, 1925), pp. 176-177.

\textsuperscript{34} The Foreign Office too feared that going to war against the Ottoman Empire might incite rebellion among Britain’s Muslim subjects more broadly and in Egypt most acutely. While Kaiser Wilhelm’s pa-Islamic revolution never materialized, British delay and caution with respect to the future of Egypt should be seen against this possibility. Ronald Storrs description of waiting for the Ottomans to enter the war while stationed in Cairo is striking for the fact that he argues the possibility was the most important fact of those days over whatever was happening on the Western Front: “The horrors of Louvain and other atrocities certainly lost nothing in Allied accounts, but though brutal facts, they meant less to us than the more immediate fear of Turkey joining the Central Powers. Time-space is a natural statute of limitations, and news must be sensational indeed to survive transmission over a month from the Antipodes.” Storrs, Orientations, p. 143. Related to this point, it might be noted that the original title of the Arab
sovereignty in Egypt was the European Powers. While France and Russia might be
counted on with the right inducements to recognize changes in Egypt’s political status,
the Central Powers would not. As noted above both Germany and the Habsburg Empire
formally reiterated their recognition of Egypt as in Ottoman province during September.
There was another danger too. If Germany were to win the war, the Ottoman claim to
Egypt might be bolstered - a concern that the Foreign Office and members of the
Egyptian government shared.

There were a number of practical and political considerations related to bringing
Egyptians and the other European powers on board with British plans to sever Ottoman
ties to Egypt. Changing Egypt’s political status produced a range of questions about the
future of Ottoman institutions in Egypt including the Khedivate, the Capitulations, the
Egyptian tribute to Istanbul as well as the firmans and international legal instruments
which had guaranteed Egyptian autonomy within the Ottoman Empire – questions that
would not be resolved until Egyptian “independence” in 1922 and the Treaty of Lausanne
in 1923.35 The underlying tension in British internal debates was the question of what

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35 One might argue further that even after independence and Lausanne, where the
Ottoman/Republican state relinquished legal claims to Egypt and Sudan, problems related to
Ottoman sovereignty in Egypt persisted through a series of measures in the 1930s stemming from
the Anglo-Egyptian Treaty of Alliance in 1936. The treaty opened the way to the Montreux
conference on (April 12-May 8, 1937) which set the date to abolish the Capitulations – only
twenty-three years after the Ottomans had done so and a full fourteen years after the Ottoman
state had ceased to exist. Iraq too invited Egypt to join the League of Nations in February 1937,
and the Republic of Turkey, itself a new member to the League, proposed that an extraordinary
session should be held for the purpose. On May 26th, 1937, the Assembly of the League of
Nation’s unanimously recommended Egypt as a League member. As one legal commentator
noted “Thus culminated the long progression of events which began with the establishment of
Egypt’s special status within the Ottoman Empire in the middle of the nineteenth century.”
would replace Ottoman sovereignty in Egypt and how would the British-Egyptian relationship be defined in legal terms? The Egyptian question in 1914 also foreshadowed to a remarkable degree internal debates at the end of the war about the future of former Ottoman provinces under British control at the time of the armistice – particularly in terms of following a policy of annexation or protection. Changing Egypt’s political status would not end cleanly in 1914 and would remain a subject of international politics through the mid-1920s.

Between August and December 1914, when Britain finally proclaimed the declaration of protection, Foreign Office officials in Cairo and London searched for the right theory and justification to support terminating Ottoman sovereignty in Egypt. At the outset, Kitchener, and to a large degree, Egyptian ministers, led the drive to end Ottoman sovereignty in Egypt with a declaration of protectorate while London urged caution and delay. Officials in Cairo first seriously considered the protectorate option in mid-August following the rumored sale of the Göben and Breslau to the Ottoman Empire. Cairo charged ahead with substantive plans despite the fact that Grey did not think that the sale indicated that the Ottomans would abandon neutrality or that Egypt was at risk from an Ottoman attack. Milne Cheetham, acting Consul-General in Cairo,


36 The exchange between Cairo and London on the best policy to follow in Egypt between July and December 1914 is reproduced in several places, including the Milne Cheetham papers, the Wingate papers, the Grey papers.

37 NA/FO/800/48/229 Sir Edward Grey Papers. Grey to Cheethem, Aug. 12, 1914. “Turkey will probably purchase the Goeben and Breslau and I do not consider this means any immediate departure from neutrality; nor does it follow that she will attack Egypt. You should therefore
reported that rumors of war with the Ottoman Empire had greatly agitated Egyptian ministers. Complicating matters was the fact that the Khedive was visiting Istanbul when the war broke out and Husayn Rushdi Pasha, the President of the Egyptian Council of Ministers, was acting as Regent in his absence. Rushdi and Adli Pasha (Yagen), who at the time was Egyptian Foreign Minister, were the two key Egyptian figures with whom British agents in Cairo attempted to strike a bargain for the protectorate, along with Prince Husayn, Abbas’s uncle. Cheetham was a step ahead of the Foreign Office in London and suggested that Egypt might be legally separated from the Ottoman Empire via a policy of protection if the British could provide an incentive for Egyptian ministers to support the policy. His proposals were animated by discussions with Rushdi, who argued that the ministers could not stay in office in the case of war with the “suzerain power.” Rushdi proposed too that the Egyptian ministers might support a protectorate if it were “accompanied by the announcement of arrangement with His Majesty’s Government granting to Egypt a measure of self-government in local matters compatible with general control by Great Britain.”

While officials in London looked for solution that would not limit possibilities in the future, British administrators and advisors in Cairo supported relinquishing some amount of internal administrative control for tighter British external control of Egypt. Cheetham soon proposed a scheme that would provide Egypt with more autonomy. He prepare quietly for contingencies. There is in my opinion no need for alarm at present respecting Egypt.”

38 Cheetham was acting Consul-General serving in Kitchener’s place. Kitchener was on leave in London when the war broke out and was appointed as the Secretary of State of War – though he planned to return to Cairo in his capacity as Consul-General. Cheetham’s ideas followed Kitchener’s very closely.

noted that “If the fiction of Ottoman suzerainty were then maintained, Egyptians, and above all Egyptian officials would be placed in a position of divided allegiance, and their cooperation with us with be thus seriously affected.” The only plausible solution was to sunder the legal ties between Istanbul and Cairo, and in exchange, to provide Egyptian elites with more administrative control for their support. Cheetham continued “If it were considered possible to accompany the declaration of protectorate by a statement to the effect that the progress of Egypt towards internal self-governance would not be retarded, but rather accelerated, by such a protectorate, I am firmly convinced that the majority of enlightened Egyptians would receive the declaration not only with acquiescence, but even with favor.”\footnote{SAD/164/6/95-97, Wingate Papers, No. 139, Cheetham to Grey, Sept. 10, 1914, from document “Notes on Egyptian Protection.”}

Cheetham insisted that even as Egyptians would secure the full status and advantages of British subjects under a protectorate that “the principle of an Egyptian national entity” should remain intact.\footnote{NA/FO/407/183. No. 7, Cheetham to Grey, Sept. 1, 1914.}

In late August, Ronald Storrs, the Oriental Secretary in Cairo, reported on public opinion in Egypt and contended that though there was some support for Germany in Egypt it emanated from the usual “Turks, Circassians, lawyers, students and extremist journalists,” who represented Germany “as having befriended Islam without acquiring one acre of Muslim territory.” This faction circulated all manner of rumors stating that if Germany should win the war Britain would be expelled from Egypt and the province returned to regular Ottoman administration. But Storrs argued too that providing Egyptians with some form of greater autonomy or quasi-independence could mitigate the problem of Ottoman loyalty in Egypt.
Unmistakable hints have been received from the most responsible circles, that a formal change of regime, leaving the position of the occupation unimpaired without wounding Egyptian *amour-propre* and “sense of nationality” would be far from unwelcome. It is pointed out that a transference of the temporal suzerainty from the Sultan to His Majesty the King, accompanied by guaranteed “autonomy” (for England must not show herself less generous than the Turks) or “independence” with subsequent abolition of the Capitulations, would go far towards disembrassing the conscientious from the incubus of Ottoman loyalty, localizing aspirations, and diminishing almost to a vanishing point the attraction and influence of Pan-Islam.\(^{42}\)

In other words, Storrs believed that it would be possible to transfer sovereignty from the Sultan to British King and maintain the status quo of the occupation, so long as some measure of autonomy could be promised to Egyptian ministers and to Cairine elites.\(^{43}\) At

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42 NA/FO/407/183. Enclosure, Ronald Storrs, Oriental Secretary, “Note respecting the state of public opinion in Egypt,” Aug. 31, 1914. The quotes around the expression and words “sense of nationality,” “autonomy” and “independence” were Storrs. Storrs reproduced his note on public opinion in his memoir after the war to show that Britain was concerned about the effect of war between the British and Ottoman Empires upon the Muslim subjects of the British Empire “I have said that our major preoccupation was the threat of Turkey on the Canal; less for its military effect than for the repercussion upon a Moslem Egypt.” *Orientations*, p. 145.

43 Storrs did not elucidate upon the content of “independence” nor “autonomy,” nor link these words to their Arabic or Ottoman counterparts (hukm dhati, muhtariyet or ötonomie), but by this stage officials in Cairo, particularly those around Kitchener, were well aware of Arab demands for autonomy within the Ottoman Empire, especially in Syria, as well autonomy as an actual administrative category of province within the Ottoman Empire. See Rashid Khalidi, *British policy towards Syria & Palestine, 1906-1914* (London: Ithaca Press, 1980). It is striking the degree to which all sides engaged in fomenting nationalism as a tool to achieve gains in the war. While there has been much writing and commentary about European wartime promises for what would become the former Ottoman lands in the Middle East, much the same kinds of deals and promises where made among the Great Powers towards various nationalities in Europe. The point is that British promises for greater future autonomy in Egypt fit in to a much broader pattern of wartime bargaining, which harnessed nationalism in order to obtain war aims. I am noting this point here and will develop it the next chapter in order to argue that Wilsonian ideas linked to “national self-determination,” or Lenin and “self-determination,” at the end of the war, did not arrive in the last act of the drama as a *deus ex machina*. Rather prewar nationalisms as well as imperial institutions like autonomy could easily be grafted upon Wilson’s language of self-determination. It is also arguable that at least in the 14 Points Wilson, or at least the Inquiry, was thinking much more existing forms of autonomy in the Habsburg and Ottoman Empires. I will develop this idea further below. For example see Avri Roshwald, *Ethnic Nationalism and the Fall of Empires: Central Europe, Russia and the Middle East, 1914-1923* (2001); Holly Shissler, *Between Two Empires: Ahmet Agaoglu and the New Turkey* (2003); Michael Reynolds *Shattering Empires: The Clash and Collapse of the Ottoman and Russian Empires, 1908-1918* (2011); Barkey and von Hagen, eds., *After Empire: Multi-Ethnic Societies and Nation-Building: the*
this early stage, when it was still quite unclear which way the Ottoman Empire would go in the war, the main concern of officials in Cairo was how to acquire and maintain support from Egyptian ministers and notables in order to maintain civil government.

Throughout August and early September, Rushdi continued to offer Egyptian support for a protectorate in exchange for autonomy. In conveying these messages to the Foreign Office, Cheetham was cautious to note that he did not support giving away too much, and would not offer anything that would jeopardize the benefits and “progress” of the occupation, but at the same time he pushed officials in London to recognize the importance of gaining Egyptian support for ending Ottoman sovereignty in Egypt.

This proposition, as put before me, was equivalent to a plea for autonomy of a nature to endanger the progress which had been made in Egypt, and I have been very careful not to give the slightest encouragement to it. I should however, take the opportunity to state, for your information, that it is now apparent that a certain section of the politicians have been discussing possibilities of the kind described among themselves, though no allusion has been made to the subject in the press. It is clear that a large number of prominent Egyptians would look with complacency on a severance of the connection with the Ottoman Empire, though they would desire at the same time some satisfaction of moderate nationalist aspirations.44

At this stage Cheetham’s was less concerned about defining the terms of Egyptian autonomy and how to satisfy “modest nationalist aspirations” as he was about inducing elites to break with the Ottomans. Like Storrs, he viewed Ottoman loyalty in Egypt as a potentially serious impediment to changing the legal status of Egypt in the event of war with the Ottoman Empire.

The Foreign Office’s initial call for calm and caution in Cairo began to shift towards thinking about changing the political status of Egypt. By the second week of 

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Soviet Union and the Russian, Ottoman and Habsburg Empires (Boulder, Co.: Westview Press, 1997).

44 NA/FO/407/183. No. 8, Cheethem to Grey, September 7, 1914.
September, Cheetham drafted a proclamation of protection for Egypt but without articulating what would happen to Ottoman sovereignty in Egypt. Was it to be forfeited by breaking neutrality or merely suspended? The draft proclamation simply stated that due to war between British and the Ottoman Empires, the British would protect Egypt and the Khedival dynasty because “Egypt is liable to attack no less than British territory, and rights of autonomy won on the battlefield by [the] founder of the Khedival dynasty, as well as the reforms of the last thirty years are in danger.”

Cheetham’s appeal to Mehmet Ali was an attempt to satisfy Egyptian opinion and was attuned to earlier advice to the Foreign Office, which is to say, any declaration of protection had to be accompanied by a statement assuring “the progress of Egypt towards internal self-government.” But it left open the question of the meaning and content of the “rights of autonomy won on the battlefield.” Mehmet Ali and subsequent Khedive’s rights of autonomy were derived precisely from the international guarantees of 1840 and subsequent firmans, which granted the family of Mehmet Ali hereditary “administration of the Pashalic” of Egypt.

The logic of appealing to these rights was clear from a

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46 It should be noted, and has been seen in chapter 1, that from 1882 through 1914 and beyond, there is a subset of commentary on Egypt’s international status that discusses Ottoman efforts to turn Egypt into a “regular Pashlic” (paşalık) – this theme is found especially among French commentators. In other words, the idea is that Egypt would be reincorporated into the Ottoman Empire as a regular province and lose its status internationally as well as on of the autonomous provinces of the Ottoman Empire (eyelat-i mümtaze).

47 See Introduction. Note to reader: At the moment the section on 1840-41 and the Pacification of the Levant is in the introduction, however after putting my chapters together it is clear that Mehmet Ali requires a separate chapter. For the Convention on the Pacification of the Levant and the Ferman providing Mehmet Ali with hereditary governorship see Holland, *The European Concert in the Eastern Question*, Reproduced in J.C. Hurewitz, *The Middle East and North Africa*, vol. 1 (New Haven: Yale, 1975), pp. 271-278. For an Ottoman analysis of both the 1840 London Convention and the 1841 Ferman providing Mehmet Ali with a hereditary valilik see
British perspective - they were administrative rights, not sovereign rights. Yet by avoiding the question of sovereignty in Egypt, while at the same time appealing to Mehmet Ali, Cheetham underscored the legal precariousness of the British position. \(^{48}\)

Grey provisionally supported Cheetham’s draft declaration but emphasized that nothing should be done to change the status quo in Egypt unless the Ottomans ended neutrality and broke definitively with the Allied powers. Grey pointed out too that the Capitulations and other privileges would have to be maintained to satisfy European opinion. There was one other unresolved difficulty that required settling in the event of war with the Ottomans, namely what to do with the present Khedive. Abbas Hilmi II was in Istanbul at his palace on the Asian side of the Bosphorus when the war broke out. \(^{49}\) He had just escaped an assassination attempt and was recovering in the Ottoman capital. \(^{50}\)

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\(^{48}\) As will be seen below, Sa’d Zaghlul and the Wafd would later argue that ending Ottoman sovereignty in Egypt could only mean that it reverted to Egypt. This is one of the key arguments that the Wafd presented in Paris.

\(^{49}\) Çubuklu Palace, or Hıdıv Kasrı. The most distinguishing feature of the palace is a large tower overlooking the Bosphorus – Abdülhamid II ordered that it be reduced in height from the plans because the tour was taller than some of the minarets attached to imperial mosques in Istanbul. The family of Mehmet Ali, the Kavalalı dynasty, especially the Khedives built numerous seaside mansions (yali) on the Bosphorus, hospitals, Sufi lodges and schools, along with large residential structures in the European quarter of Istanbul. The bulk of these structures were constructed during the later part of the nineteenth and even more from the early twentieth centuries during the British occupation of Egypt. The Kavalalı family constructed some of the best extent examples of art nouveau-Jungendstil architecture in Istanbul. See Nil Kıyıssıdan Boğaziçi’ne Kavalalı Mehmed Ali Paşa Handedanı’nın İstanbul’daki İzleri = From the Shores of the Nile to the Bosphorus: Traces of Kavalalı Mehmed Ali Pasha Dynasty in Istanbul (İstanbul: İstanbul Araştırmalari Enstitüsü, 2011); Ünver Oral, Yazı ve Resimlerde Beykoz (İstanbul, 2007).

\(^{50}\) Three days before Archduke Ferdinand was killed in Sarajevo, Abbas himself was the object of an attempted assassination in Istanbul after leaving a meeting at the Bab-ı Ali with his uncle the Grand Vizier Said Halim Paşa. Abbas recovered from his wounds through September and remained in Istanbul. He alleged that the assassination attempt was the work of Egyptian nationalists directed by the Committee of Union and Progress – and Said Halim Paşa in particular. Abbas believed, mistakenly, that Said Halim wished to claim to the Khedivate.
The Foreign Office had a long troubled past with Abbas and his presence in Istanbul when the war broke out provided an opportunity to sideline him in Egyptian affairs. Cheetham and British advisors in Cairo also found it easier to work with Rushdi, Adli and the rest of the Council of Ministers in the Khedive’s absence and were convinced that Abbas would obstruct the protectorate – if it were indeed needed. At the same time the Egyptian ministers were initially anxious for Abbas to return to Cairo in order to protect Egypt’s political status. It was after all in the person of the Khedive to whom the hereditary rights of administration accrued. Abbas too wanted to return to Cairo in order to secure his position but was prevented from doing so by the British ambassador in Istanbul, a point that he wrote very bitterly about at the end of the war.


Abbas Hilmi II had never been as pliable at Tewfik and had been at odds with British representatives in Egypt throughout his tenure as Khedive. He overtly supported Mustafa Kamil, who was anti-British and appealed to Pan-Islam and supported Ottoman rights in Egypt, as well as the Nationalist Party (hizb al-watani). Abbas’s presence in Istanbul through the July Crisis also made it easy for the Foreign Office to cast suspicion upon his character and to question his relationship with the Ottoman Cabinet. The Grand Vizier, Said Halim, was his uncle and one of the leading members of the Committee of Union of Progress. Once the protectorate was declared and he was deposed, the British justified the deposition on the basis that he had thrown in his lot with the Ottoman Empire. For Abbas’s troubled past with the British see Afaf Lutfi Al-Sayyid, Egypt and Cromer: A Study in Anglo-Egyptian Relations (New York: Praeger, 1968), chap. 6; Jeffrey Collins, The Egyptian Elite Under Cromer, 1882-1907 (Berlin: Klaus Schwarz, 1984), chap. 6-7; Evelyn Baring, Abbas II (London: McMillan, 1915); Ahmet Şeyhun, Said Halim Pasha; Abbas Hilmi II, The Last Khedive.

Moreover even before the July Crisis, in correspondence between Cheetham and Kitchener it is clear that the British consul in Cairo was looking for ways to undermine Abbas and support Prince Husayn as well Prince Fuad. For example, Cheetham wrote to Kitchener that the “Khedive is openly working against us” and a result changed Ramadan plans for members of the Mehmet Ali family. NA/FO/48/220, Cheetham to Tyrell (for Kitchener), July 9, 1914.

Abbas was first by delayed in the capital for an extended period. Louis Mallet, the British Ambassador in Istanbul suggested he reside in Italy for the duration of the war, arguing that it was too dangerous to return to Egypt by ship. Abbas Hilmi later blamed Rushdi for working
At the time, Turkey was not the enemy of Egypt, it was not my enemy, it had suzerainty over Egypt; in contrast, the English intervention in my country had no legal basis nor any legitimate justification, while I, Abbas II, was not committed by any single legal act or convention to involve myself in a conflict that did not concern me at all. I was, as I say, still bound by firmans which for over a century had confirmed the suzerainty of the Sultan of Turkey over Egypt; in addition, it was a suzerainty which had recognized our autonomy and left us free to govern ourselves at our will.54

While Abbas wrote after the war in exile, from the perspective of a deposed monarch of sorts, his critique of British actions preventing him from returning to Cairo in 1914 is striking – if only for the fact that his argument rested entirely upon the international and Ottoman legal instruments guaranteeing Egypt’s autonomous political status. The very ambiguity of Egypt’s position between Ottoman sovereignty and British administration left room for the Khedive, as well as his ministers, to assert claims about protecting their legal privileges as well as who would control Egypt’s future in the absence of Ottoman sovereignty. Abbas’s legal argument against the British was reanimated in debates among Egyptian and British officials between 1918 and 1923.

While much attention has been directed to the effects of Wilson’s ideas of self-determination on Egyptian nationalism after the war, along with wartime depredations and requisitions, the old international and Ottoman legal claims from 1840 and 1841 continued to matter in shaping Egypt’s political future well beyond 1919. The point is that in 1914, war between the Ottoman and British Empires threatened the autonomy of

Egypt and all of privileges Egyptian ministers and elites had accumulated under that system, even through the occupation.

Just as British agents in Cairo understood that a bargain had to be made with the Egyptian ministers to secure public support for the protectorate and for cutting ties with the Ottomans, Rushdi Pasha and the Egyptian Ministers were intent upon using Egypt’s political status to extract concessions from their British occupiers. At the outset of the war, their main concern was that Britain would simply annex Egypt. As a result the ministers worked in various ways to prevent this outcome, while maintaining the claim to Egypt’s longstanding autonomy. When the Egyptian Government passed a proclamation for the protection of Egypt in the war with Germany, again under heavy pressure from Britain, Rushdi immediately telegraphed Abbas in Istanbul justifying the ministers’ actions. The ministers were anxious that if they did not issue the proclamation, Britain would do so without the Egyptian Cabinet’s consent. Either way, Egypt would be exposed to attack from Germany. But by issuing the proclamation in the name of the Government of Egypt, the ministers had maintained their legal personality. Claiming that they delayed the proclamation as long as possible, Rushdi noted “it seems to me that to safeguard the interests of our political status with regard to England, it is better that they [the British] act with our consent that if they act on their own authority.” Rushdi sent a series of messages to Abbas to this effect, explaining that the ministers and he had

55 See above, footnote 13. The Egyptian Government issued a proclamation on August 6th for the defense of Egypt, after discussions on the 5th of August. See too Journal Official du Gouvernement Égyptien, August 6, 1914, no. 98. “Resolution taken to assure the defense of Egypt in the war between Germany and Great Britain.”

attempted to safeguard “our political status quo.” Rushdi argued that if Britain should win the war, they would undoubtedly modify the political status of Egypt. The only way to mitigate the effect of this change would be to cooperate as much as possible with British wishes for “the form and conditions of this modification will be more or less harsh depending on how Egypt has behaved towards them.”\(^\text{57}\) Abbas only sporadically received communications from Cairo, and was informed of events in Egypt largely by the Grand Vizier in Istanbul. These delays and lost messages caused Abbas to believe, rightly in the end, that the British intended to depose him.\(^\text{58}\)

Abbas later accused Rushdi of selling out to the British by allowing the protectorate and the Khedive’s deposition. Yet in 1914 the question of the future of Egypt in the event of war between the British and Ottoman Empires was nowhere more existential than in Egypt itself. In early September, Rushdi wrote to Abbas’s advisor at Çubuklu Palace in Istanbul asking what to do in the event the Ottomans abandoned neutrality. He believed correctly that Britain would only consider two options - annexation, and the corresponding complete loss of Egyptian legal personality, or protectorate, which would afford the chance to extract an explicit recognition of administrative autonomy from the British.

If, during His Highness’s absence, Turkey enters the war on the side of Germany, we would here be at a total loss, without guide or compass. England may want either purely and simply to annex Egypt or to make a deal with Egypt promising autonomy in order to gain the support of the country. With regard to the former


\(^{58}\) NA/FO/407/183. No. 9, Cheethem to Grey, Sept. 24, 1914.
my decision is already taken: I will consider my mandate to have ended and I will simply retire to private life. But what to do in the latter case? 59

For Abbas, Rushdi and the Ministers, the threat of war with the Ottomans posed the risk of abolishing the international treaties and firmans that guaranteed Egypt’s political status, but also their own status and privileges which they sought to preserve and extend. The only solution to their predicament was to extract a promise from Britain to secure Egypt’s future autonomy in exchange for cooperation with a future protectorate.

By late September, the Foreign Office proceeded under the assumption that war with the Ottomans would entail the simultaneous announcement of a declaration of war and a declaration of protection which would “terminate Turkish suzerainty.” Grey proposed that Prince Husayn Kamil, Abbas’s uncle, should assume the Khedivate. 60

Along with the declaration of protection, Cheetham drafted a document that would become the blueprint for the protectorate. It explained the British decision for the protectorate and how the protectorate would function, noting first that Husayn had been selected “to occupy the Khedival throne free from all the rights of suzerainty or other rights heretofore claimed by the Sultan or by his Government.” The text further explained that though the Capitulations were “no longer in harmony with the development of the country,” they would remain in place until the end of the war. In this first draft, the paragraph that caused the most trouble related not to foreign relations as might be


expected, which were to revert to British control, but rather to internal administration. Rushdi Pasha continued to argue that the protectorate would never be acceptable without an agreement of some form of limited self-government for Egypt in the future.

On the eve of the Ottoman entry into the war, Rushdi met with Cheetham to discuss the paragraph on internal administration. Rushdi argued that the British might win support for the protectorate from the ministers and elites if it included an explicit statement promising “a larger measure of self-government for Egypt.” He threatened to resign from office without such a statement, claiming he would be unable to control the reaction in Cairo to the declaration of protection. Cheetham noted Rushdi’s fears that “religious feeling in favor of Turkey would create a situation in which it would be impossible to control without a promise of increased rights of self-government.” As a result, Cheetham proposed to the Foreign Office that they add the phrase: “the clearer definition of Great Britain’s position in the country will accelerate progress towards self-government.” In the original version of the document, clarifying Britain’s position in Egypt would “remove misunderstandings which in the past retarded the progress of

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61 NA/FO/407/183, no. 17, Cheetham to Grey, Oct. 12, 1914. The section on internal administration did not differ significantly from the final draft issued to Prince, then “Sultan” Husayn: “In the field of internal administration I am to remind you’re your Highness that, in consonance with the traditions of British policy, it has been the aim of His Majesty’s Government, while working through and in closest association with the constituted Egyptian authorities, to secure religious and personal freedom, to promote the spread of education, to further the development of the natural resources of the country, and in such measure as the degree of enlightenment of public opinion may permit, to associate the governed in the task of government. Not only is it the intention of His Majesty’s Government to remain faithful to such policy, but they are convinced that the clearer definition of Great Britain’s position in the country will remove misunderstandings which in the past retarded the progress of reform.”

reform.” In either case, Prince Husayn, like Rushdi, drew upon British anxieties about the appeal of Pan-Islam, by arguing that a promise of self-government for Egyptians would trump an ostensibly more obvious allegiance to the Sultan-Caliph.

As soon as it was clear that the Ottoman Empire had attacked Russia in the Black Sea, Grey proposed that Britain issue a proclamation of protectorate within two days, pending Prince Husayn’s willingness to assume the Khedivate. Cheetham, somewhat distraught, wrote that due to religious feeling in Egypt, agitated by the prospect of war against the Caliph, Prince Husayn was inclined to refuse the position. Drawing upon British fears of Pan-Islam Prince Husayn argued that he “could not accept the Khedivate without a grant or promise of autonomy to Egypt under British suzerainty.” Cheetham did not think that Rushdi and Prince Husayn were acting in concert, but rather both possessed “the idea of necessity of some form of compensation to Egypt to break with Turkey.”

Cheetham suggested that the declaration of protection be delayed given Prince Husayn’s unwillingness to assume office. Grey agreed, “You will of course postpone the declaration if protectorate until rupture with Turkey is complete, for this would alter status of Egypt, but there is no reason for postponing martial law.”

When Britain declared war on the Ottoman Empire on November 5, 1914, the

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63 This change is striking, for from Cromer to Milner, to other commentators during the occupation who favored annexation, the things that hindered progress in the Egypt, where institutions linked to Ottoman sovereignty, in particular the Capitulations and other European privileges. The original phrase “but they are convinced that the clearer definition of Great Britain’s position in the country will remove misunderstandings which in the past retarded the progress of reform” was changed in the final text to “but they are convinced that the clearer definition of Great Britain’s position in the country will accelerate progress towards self-government.”

64 NA/FO/407/183, no. 29, Cheetham to Grey, Oct. 30, 1914.

65 NA/FO/407/183, no. 36, Grey to Cheethem, Nov. 1, 1914. Martial law was proclaimed on November 2, 1914.

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General Commanding Officer in Egypt, John Maxwell, announced the state of war in Cairo, and proclaimed that Great Britain would undertake responsibility for the defense of Egypt. He went further stating, “Great Britain is now fighting both to protect the rights and liberties of Egypt which were originally won upon the battlefield by Mohammad Ali and to secure to her the continuation of peace and prosperity, which she has enjoyed during thirty years of British occupation.” The text was almost exactly Cheetham’s original draft declaration of protection from September, with a subtle shift in language and meaning. The “rights of autonomy won on the battlefield” by the Mehmet Ali was changed to “the rights and liberties” of Egypt. Autonomy in an Ottoman, and especially in an Egyptian, context had a specific administrative meaning with particular attached privileges. Though “rights and liberties” were far more ambiguous than autonomy, at the outset of the war, the reference to Mehmet Ali made it appear that Britain had committed itself to protect Egypt’s autonomy and special international legal status. For the British, it was a risky bargain to thwart Egypt allegiance to the Ottoman Empire. The deal may have paid off in 1914, but when the British defaulted on the promise to uphold rights derived from Mehmet Ali in 1919, Egypt would explode in protest. On the same day that Maxwell issued his statement on Mehmet Ali, Enver Paşa declared the Ottoman Empire would protect all Muslims and that it was obliged to put an end to the disorders in Egypt and to bring the territory back under the rule of Caliph. He attacked the British idea of liberating nationalities as a war aim and added that if Britain stood by its rhetoric it should at long last release Egypt from British control. The Wafd would draw on this legalistic language of these at the end of the war when making claims for independence in Cairo and Paris.  

After the declaration of war and martial law, British officials in Cairo worked to find ways to bring Prince Husayn on board with the protectorate. For Cheetham and Storrs the problem was balancing Foreign Office objectives with Egyptian public opinion. Grey worried about yielding too much and prejudicing the future administration of Egypt whereas Husayn demanded concessions for risking a break with Istanbul and the Caliphate. It was in this context that the decision was made to exchange the title of Khedive – prince - with that of Sultan – ruler, sovereign. Storrs proposed the change based on Husayn’s professed desire to transform Egypt into a kingdom analogous to those in the Balkans, with an Egyptian monarch. He argued that the title’s benefit lie in its elasticity. The title “Sultan of Egypt and the Sudan” would satisfy Egyptian public opinion but would also emphasize Egypt’s preeminence among the Muslim powers of North Africa, a clear asset in the war against the Ottoman Empire. Such influence would balance “the political effect of possible French acquisitions in Syria” or any other “any

67 Khedive is an older Persian title for “lord” or “prince” versus sultan, which is from the Arabic root sulta, meaning power or authority. Sultan has the meaning in Arabic of ruler, bearer of power/authority. Nubar Pasha negotiated the title “Khedive” on behalf of ‘Ismail in Istanbul in 1867. The firman changed ‘Ismail’s title from governor (vali) to prince. The same firman also changed the rules of succession to primogeniture – this is the firman then that barred Said Halim Paşa, the Grand Vizier at the outbreak of the war, from assuming the Khedivate. See Government of Egypt, Recueil de firmans impériaux ottomans addresses aux valis et aux khedives d’Égypte (Cairo: L’institut Français d’archéologie orientale du Caire, 1934), p. 301, no. 936, 5 Sefer 1284[8 June 1867]. See too Gabriel Noradounghian, Recueil d’Actes Internationaux de l’Empire Ottoman (Paris, F. Pichon, 1897-1903) vol. 3, p. 261; Edward Dicey, The Story of the Khedivate (London: Rivingtons, 1902); Vatikiotis, P.J.. "Khidīw." Encyclopaedia of Islam, Second Edition. Brill Online, 2013.

68 “Prince Husayn has, at more than one interview, reiterated his opinion that Egypt should be transformed into a Kingdom under an Egyptian King. He has compared the extent and wealth of this country with that of the Balkan Kingdoms, and laid stress upon the very great satisfaction which such a transformation would give to Egyptians of all classes.” Middle East Center, St. Anthony’s College, Oxford/GB165-0055/ File 4, Cheetham papers, Cheetham to Tyrrell, Nov. 10, 1914, enclosure note by Ronald Storrs.

subsequent creation of rival potentates by hostile powers.” Most importantly, he wrote, “The honor would cost Great Britain nothing whatever. But I venture to assert that its possible effect in the near future of the Eastern Mediterranean might be beneficial and far-reaching.” 70

While Storrs and Cheetham worked to bring Husayn around, the Foreign Office in London suddenly switched course and insisted instead upon annexation, or in other words direct incorporation of Egypt into the British Empire as a colony. 71 Grey wrote that the British government “think the most effective step would be to declare annexation of Egypt, thus getting rid of all of the difficulties about succession to Khedive, and giving Egyptians at once the status of British subjects.” 72 Grey mandated again that the Capitulations and Mixed courts remain unchanged in order to appease the other European powers – above all France. He sent a draft annexation Order in Council to Cairo on November 17th. The Order in Council justified the policy of annexation on the grounds that the British military occupation, which itself had been implemented for the security and good governance of the Egypt, was now under threat and due to war between the British and Ottoman Empires. To preserve the progress and order of the occupation Britain declared “it is necessary that the suzerainty of His Imperial Majesty the Sultan of

70 MEC/GB165-0055/4.

71 There was always a large group of especially colonial administrators, journalists, lawyers and commentators in Britain who favored annexation over occupation. The war provided a crisis serious enough to challenge the longstanding Foreign Office policy of managing Ottoman weakness through administrative solutions, whether directed by the British themselves – as in the case of Egypt – or by other European powers through permanent military occupation or through the intervention of international commissions as in Macedonia or other international agreements on administrative reform such as in Eastern Anatolia.

72 SAD/164/6/95-97, Wingate papers, no. 334, Grey to Cheetham, Nov. 13, 1914, in “Notes on the question of succession.”
Turkey over Egypt should be annulled, and that Egypt should cease to form a part of the Ottoman Dominions…From and after the date hereof, Egypt is annexed to and forms part of His Majesty’s Dominions.”

British officials in Cairo were stunned by the Foreign Office’s new plan and found annexation to be out of touch with the situation on the ground. Cheetham understood that annexation would dismantle the entire apparatus of occupation and argued that Britain would lose all the benefits of the system in place since 1882. Grey argued that the plan for the protectorate was worked out before the Ottomans and British were actually at war. Now that the two empires were belligerent, he thought the protectorate would in fact make things more ambiguous. In the first place Prince Husayn would not accept the Khedivate, while the yet to be deposed Khedive Abbas resided in an enemy capital. “Egyptian subjects would cease to be Ottoman subjects, i.e. subjects of a large Moslem empire, and would be relegated the ambiguous position as protected subjects in a relatively small country. Our other Moslem subjects in others parts of the world would also probably consider that we had placed the Egyptians on a footing inferior to that which they had occupied under Turkish suzerainty.” London worried too that the uncertainty of the situation helped support Ottoman designs on Egypt. Grey emphasized that that from the perspective of international relations it mattered little whether Egypt were annexed or under protection, particularly as the Capitulations and Mixed Tribunals would remain in place until further discussion with France.

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74 SAD/164/6/95-97, Wingate papers, no. 350, Grey to Bertie, Nov. 17, 1914, in “Notes on the question of succession.”
The fact that Grey did not see a world of difference between annexation and protection prompted Cheetham to outline in rather stark terms the benefits of the system of occupation, which he argued could be maintained to a greater degree under protection rather than if Egypt were incorporated into the Empire as a Crown Colony. Moreover, Rushdi and ministers were in discussion with Prince Husayn about “an arrangement with us for inclusion in the British Empire without the loss of Egyptian individuality.”

Cheetham noted that Cairo was calm following the declaration of martial law and that Maxwell’s statement “in reference to the preservation of rights won by Mehmet Ali” did much to appease Egyptians, even the nationalists and “extremists.” Annexation would disturb the relative calm that prevailed in Cairo and the ministers would almost certainly resign. Cheetham again argued that the ministers were the only force in Cairo who could control the so-called “religious element.” He implored Grey to consider the effect of annexation “as contrasted with creation of Mahommedan nation under our protection, on Mohammedan feeling generally, and especially in the Arab world.”

Beyond the effect of the annexation on Muslims, the real problem with annexation is that would mean more accountability for the British while creating greater dissatisfaction among Egyptians.

I would add that the existing system of governing through native hands is not the most efficient form of government, but it is understood here and provides an excuse for administrative shortcomings which would disappear with annexation. Annexation must involve a more direct responsibility for Great Britain, for a higher standard of government, and for stricter protection of foreign interests. This would ultimately be attained, but only by free displacement of native

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75 It is difficult to discern in Cheetham’s correspondence with Grey, if he was using the threat of Pan-Islamic agitation much the same way as Husayn Rushdi and Prince Husayn Kamil. That is to say, to advance their own interests and preserve, if not extend their position in Egypt. In Cheetham’s case he may have been using the threat of religious agitation to extract his policy preferences from London. Though obviously, early November was the moment that the threat of a Pan-Islamic revolution appeared most possible. It may be that since global Pan-Islamic revolt against British rule was the dog that did not bite, it is difficult to imagine how seriously Cheetham really took the threat.
officials. Although increased efficiency might be appreciated, an influential class of malcontents would be created.\textsuperscript{76}

Alongside the concerns of officials in Cairo, France too worried that the British annexation of Egypt would backfire in various ways and places. The Minister of Foreign Affairs, Théophile Declassé, thought that annexation would give the impression that Britain was already enjoying the territorial spoils of war – particularly after the annexation of Cyprus on November 2\textsuperscript{nd}. Declassé thought that the Germans and Ottoman would use it against the Allies and that it would alienate public opinion in France. He insisted that all territorial questions should be deferred until the end of the war and argued “that a protectorate is better suited than annexation to preservation of the internal situation of Egypt.”\textsuperscript{77} In order to appease Europeans, Britain already planned to maintain

\textsuperscript{76} SAD/164/6/95-97, Wingate papers, no. 274, Cheetham to Grey, Nov. 18, 1914, in “Notes on the question of succession.” Storrs version of events is even more dramatic. He reported that Cheetham wrote to him “By the time you get this, it is possible the political status of Egypt will have been decided and announced. I am anti-Annexation and pro-Protectorate. It is too late, even in the twentieth century to denationalize or attempt to absorb races; and even if it were practicable elsewhere, the Nile Mud, which has absorbed Hebrews, Persians, Greeks, Romans and Turks so completely as to efface every trace of them, is not a suitable medium for any such experiment” Ronald Storrs, Orientations, p. 151. Cheetham’s analysis of governance under occupation is significant and fits in line with long standing Foreign Office attitudes towards administrative ideas in the Near East.

\textsuperscript{77} NA/FO/407/183, no. 52, Bertie to Grey, Nov. 19, 1914. NA/FO/407/183, no 16, Cheetham to Grey, Oct. 12, 1914. According to Sean McMeekin, Russia accepted the British protectorate in Egypt in exchange for the Straits and Istanbul. He writes “Asked by Grey on 18 November 1914 about Russia’s attitude toward the prospective incorporation of Egypt, as a formal protectorate, Sazonov cleverly assented to this, “in view of England, for its part, having given us permission to resolve the question of the Straits and Constantinople.” It was an ingenious linkage.” The problem with this interpretation is that longstanding British policy had been to keep Russia out of Istanbul and out of the Straits, that position changed in 1915, but in 1914 Britain would not have been prepared to give away so much. While in British documents, Grey did make vague assurances of settling the Straits question with Russia, there was no explicit compensation between Russia and Britain for recognition of the protectorate in Egypt. William Renzi notes that George V at this moment in a meeting with Benckendorff, the Russian ambassador in London, that “As for Constantinople, it is clear that it must be yours.” See Sean McMeekin, The Russian Origins of the First World War (Cambridge: Belknap Press, 2004), p. 124. See too William Renzi, “Great Britain, Russia, and the Straits, 1914-1915,” The Journal of Modern History, vol. 42, no. 1(Mar. 1970): 1-20; see especially page 6.
the tribute, which contributed to paying off the Ottoman debt, the Capitulations, Consular and Mixed Courts until the end of the war. This despite the fact that the war “will theoretically put an end to the treaty on which capitulatory rights of the Powers in Egypt depend, and the consular courts of that Power would then have no legal basis.” Martial law would allow for all “necessary jurisdiction” but Grey thought too that it would be practical to maintain some consular jurisdiction to pacify European opinion.

Arguments emanating from Cairo, along with Kitchener’s support for protection over annexation, brought Foreign Office opinion around. Grey was prepared to accept the protectorate if it would preserve the “internal situation” in Egypt. He authorized the policy with the understanding that Cheetham ask Husayn to accept the Khedivate “intimating that if he refuses the alternative is annexation.” 78 Until the actual declaration of protection, Grey emphasized repeatedly that nothing should be done that would limit British control of Egypt later. Accordingly, he was especially concerned with the wording of texts ending Ottoman sovereignty and creating the Egyptian sultanate. He wished to “guard against words which might be quoted afterwards to imply that the new Sultan was to be in practice the independent ruler and Governor of Egypt.” 79 Grey was troubled that the British were giving far too much away to appease Egyptian opinion and that these compromises were getting in the way of achieving British aims in Egypt, which was to maintain control as during the occupation: “We are afraid the cumulative effect of all the concessions wanted by Prince Hussein will be to prejudice British control and make it less than heretofore; whereas our object is to substitute a British protectorate for Turkish

78 NA/FO/800/48/259, Grey papers, Grey to Cheetham and Wingate, November 18, 1914.
suzerainty, retaining the British control exercised before.\textsuperscript{80} Though there were outstanding questions related to succession and nationality, Grey approved a draft declaration of protection that in one blow terminated Ottoman sovereignty, deposed the Khedive Abbas Hilmi and appointed Husayn as the Sultan of Egypt.

Husayn finally accepted the Sultanate but with the reservation that the protectorate approved by Grey be disaggregated into three separate statements: the termination of Ottoman sovereignty and the establishment of British protection, the deposition of Abbas Hilmi II with Husayn’s appointment as Sultan and finally a statement explaining the terms of the protectorate. Cheetham noted the order in which Britain severed the link between the Ottoman Empire and Egypt was of profound significance “because the feeling that the Sultan of Turkey still represents the legal authority remains strong, whereas once that authority is declared null and void Hussain would be justified in recognizing a new situation.”\textsuperscript{81} In other words, Husayn could not accept the sultanate without first changing the legal status of Egypt. Lastly Cheetham assured Grey that Husayn, the Regent and ministers were all in favor of the protectorate, “which they anticipate and understand would tighten our control of administration, while giving them, as they have had hitherto, a reasonable voice in local affairs.”\textsuperscript{82}

On December 18\textsuperscript{th}, Britain proclaimed a British protectorate in Egypt, which announced the protectorate and the termination of Ottoman sovereignty over Egypt.\textsuperscript{83} The

\textsuperscript{80} NA/FO/407/183, no. 65, Grey to Cheetham, Dec. 1, 1914.

\textsuperscript{81} SAD/164/6/95-97, Wingate papers, no. 306, Cheetham to Grey, Dec. 8, 1914.

\textsuperscript{82} AG. This is the model of Ottoman autonomy. \textit{Ibid.}

\textsuperscript{83} The three proclamation, deposition, and statement to Husayn are reproduced in J.C. Hurewitz, \textit{The Middle East and North Africa in World Politics: A Documentary Record}, vol. 2 (New Haven: Yale University Press, 1979): 12-14; \textit{Journal Officiel du Gouvernement Égyptien}, December 18
next day Abbas Hilmi II, the last Khedive, was deposed and Husayn Kamil was offered the title of Sultan as the “eldest living Prince of the family of Mohammad Ali.” The offer of the sultanate to Husayn was accompanied by a text addressed as a letter to Prince Husayn that justified the protectorate and the transfer from Ottoman “suzerainty” in Egypt to Britain under protection. From a legal perspective, the statement provided very little in terms of explaining what would replace the system of occupation in Egypt. “The future form of government” remained to be worked out but it would be “freed from all rights of suzerainty or other rights heretofore claimed by the Ottoman Government.” The document did not cancel the firmans - it would have been difficult to justify such a move since the family of Mehmet Ali derived their administrative and hereditary rights from these imperial commands - but it did lift some restrictions imposed by them, including the size of the Egyptian army and the ability of the now Sultan to issue honors in his name. Elements from Cheetham’s draft declaration of protection from September were reproduced in the statement to Husayn, including the argument that clarifying Britain’s position in Egypt would “accelerate progress towards self-government,” and that Britain would continue to “associate the governed in the task of Government” as during the occupation. The only explicit statement on governance under protection concerned

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84 The main justification for terminating Ottoman sovereignty in Egypt was that the government abandoned neutrality and attacked Russia ports and rather incredibly that Ottoman armed bands crossed into Egyptian territory. The text recapitulated the “triumvirate thesis” to explain Ottoman entry into the First World War. That is to say the supposed “party-of-war” led by Enver Paşa hijacked the Ottoman Cabinet and plunged the Empire into chaos and destruction. Mustafa Aksakal has very convincingly challenged this interpretation, which has dominated Turkish historiography on the Ottoman entry into the war really since the end of World War I. It is striking to note that British Foreign Office documents from this period overwhelmingly blamed Enver for the involving the Ottomans in the war. See Aksakal, *The Ottoman Road to War*. 

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foreign relations which would now explicitly be conducted through the new British High Commissioner of Egypt that post replacing Consul-General. For Europe, as promised, the Capitulations would remain in place until the end of the war. Finally the letter concluded noting that though the protectorate meant that Egypt was free from obedience to Istanbul, Britain was not motivated by hostility towards the Caliphate and that loyalty to the Caliph is completely independent of political ties between Egypt and the Ottoman Empire.

The British legal advisor in Egypt, Macolm McIlwraith, summarized the legal revolution in Egypt succinctly: “Such were the brief announcements which by a stroke of a the pen, put an end to the complicated international status of Egypt, built up—as between the Porte and Europe-by a long succession of treaties in the course of the last five centuries, and-as between the Porte and Egypt-by a series of diplomatic conventions and Imperial firmans from 1840 onwards.” Though they tried, the Foreign Office protectorate could not “with the stroke a pen” undo all the international treaties and imperial edicts guaranteeing Egypt’s international status. Claims, especially by Egyptians, would continue to be made based upon Egypt’s legal status well after the conclusion of the war and would not be resolved until Egyptian “independence” in 1922 and the Treaty of Lausanne in 1923.

**Conclusion**

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85 The Foreign Office appointed Sir Henry McMahon as first High Commissioner for Egypt, where he remained through the end of 1916. Reginald Wingate, who previously held the post of Sidar in Sudan, later replaced him.

On one hand the Protectorate in Egypt did not appear to be a radical departure from British policy during the occupation – and in fact the Foreign Office did much to emphasize the continuities between policies of occupation and protection. The practical problem for the Foreign Office was clear – once Britain was at war with the Ottoman Empire “all Egyptians being Ottoman subjects, would suddenly find themselves technically enemy subjects in the eyes of Great Britain and allies.” Yet the fact remained that unilaterally ending Ottoman sovereignty in Egypt without the consent of European powers would produce short and long-term problems for the British. The Capitulations and other immunities guaranteed to foreign residents in Egypt were kept in place to appease Allied opinion, which was successful. Beyond potential problems with Britain’s Allies, the Central Powers clearly refused to recognize the Protectorate, as did the United States. The largest problem for the British however was the local Egyptian population and the Ottoman Empire. Foreign Office officials in London and Cairo were deeply concerned about Egyptian compliance with the protectorate, as well as the actions of the deposed Khedive and his potential protectors in Istanbul throughout the war.

The debate on annexation versus protection did not die in 1914. Rather it was revived in 1917 and again between 1919 and 1922. The British declaration of protection in Egypt should be seen alongside the other competing wartime agreements in terms of its role in shaping the post-Ottoman imperial order in the Middle East. While Protection may have been a wartime contingency, British policy in Egypt during the war was not just the result of the wartime promises of greater autonomy for Egyptians. Rather the British wartime administration of Egypt needs to be placed in the long durée of the occupation and Egyptian autonomy under Ottoman rule. The model of British rule in Egypt –
exemplified by a princely- later monarchical alliance, an army of British advisors controlling key state functions and formal sovereignty outside of the British imperial system- should be seen as one of the key contenders for export throughout the Middle East.
Chapter 5: Ottoman Autonomy, the “ Illegal Protectorate and the origins of British Imperial Control in the Middle East after World War I

Neither the sovereignty nor the right to govern can be transferred by one person to anybody else by academic debate. Sovereignty is acquired by force, by power, and by violence.

Mustafa Kemal

In appealing to her dominions, her colonies, and the non-European races over whom she was ruling, for aid in blood and treasure, the British made it perfectly clear that in their opinion the world was no longer big enough to contain two moralities, one for Europe and another for Asia and Africa.

S'ad Zaghlul

Throughout the war, Ottoman and British planners imagined rather different futures for the Near East. For the Ottoman Empire, one of the main objectives of the war was revival and to emerge as a power on equal footing with the empires of Europe. The Ottoman Foreign Ministry directed much of its wartime diplomatic efforts toward this goal by attempting to annul European infringements upon Ottoman sovereignty. In particular the Ottoman Cabinet wanted to centralize imperial administration and recover lost territory in order to consolidate the Empire against Europe. For the British, the first and arguably most significant goal was to retain Egypt as either a protectorate or if necessary through annexation, through which Britain would exercise control, whether formally or informally, over Ottoman provinces between the Eastern Mediterranean and in the Persian Gulf.


2 In a letter to House of Commons, from the Zaghlul and the Wafd, July 14, 1919. The Delegation, Egyptian delegation to the Peace Conference, Collection of Official Correspondence from November 11, 1918, to July 14, 1919: Twelve Appendices Containing Verbatim Transcriptions of Official Egyptian Reports, Correspondence, Depositions of Victims and Eyewitness, and Photographs of Atrocities Committed by British troops in Egypt, (Paris: The Delegation, 1919), p. 42.
The Ottoman Empire often does not appear in any meaningful way in the dense historiographical debate on wartime planning and the postwar territorial settlement, but rather exists as an inert arena for European imperialist visions. While imperialist dreams eventually became reality, Ottoman ideas and administrative practices contributed to British theories and practices of managing the Middle East after the war. In particular, “autonomy” as an idea and existing method of Ottoman administration exercised an important influence on British postwar governance in the Middle East. Just as the protectorate produced much thinking about the relationship between sovereignty and administration among British officials, Ottoman state officials and lawyers considered the same issue with respect to the problem of autonomy. Regularizing the status of


4 A number of historians have recently considered the meaning of autonomy from the local perspective of the *eylal-i miimtaze* – the autonomous provinces of the Ottoman Empire. For Mt. Lebanon see Engin Akarli, *The Long Peace: Ottoman Lebanon, 1861-1920*, (Berkeley, 1993); For Samos see Christine Philliou “The Ottoman Empire’s Absent Nineteenth Century: Autonomous Subjects” in Amy Singer, Christophe Neumann et. al., eds. *Untold Histories of the Middle East: Recovering Voices from the 19th and 20th Centuries*, (London: SOAS/Routledge, 2010); For Crete, see Elektra Kostopoulou, “The “Muslim Millet” of Autonomous Crete” (Ph.D. dissertation, Boğaziçi University, Istanbul, 2009).
autonomous provinces — including Egypt - was an Ottoman war aim, but at the moment of defeat autonomy and decentralized administration became the chief solutions to maintaining the Empire. Attention to Ottoman views on Egypt as well as Ottoman planning for the future of the Empire will show far more continuity in both Ottoman and British imperial thinking. Both empires could easily transplant Wilsonian ideas about “autonomy” as well as “self-determination” onto existing Ottoman constitutional forms.

The Autonomy Idea and British Wartime Planning

Throughout the war the British Foreign, India, and War Offices devised various schemes for securing British interests in the Near East after the war – the most prominent being the incompatible promises offered by the Hussein-McMahon correspondence, the Sykes-Picot Agreement and the Balfour Declaration. For many British imperial historians, the Ottoman entry into World War I on the side of the Central Powers was a moment of rupture and signaled a radical reconfiguration of British policy in the Near


6 The Husayn-McMahon correspondence was a series of letters exchanged between the new British High Commissioner in Egypt and Husayn, the sharif of Mecca. The correspondence was first published in Antonius, The Arab Awakening: The Story of the Arab National Movement, (Philadelphia, J.B. Lippincott [1939]), chap. 7-12. The Sykes-Picot Agreement was one of the secret Allied agreements of World War I and divided the Middle East into spheres of British and French influence. The Balfour Declaration, was the short letter of Nov. 2, 1917, which stated “His Majesty's government view with favour the establishment in Palestine of a national home for the Jewish people, and will use their best endeavours to facilitate the achievement of this object, it being clearly understood that nothing shall be done which may prejudice the civil and religious rights of existing non-Jewish communities in Palestine, or the rights and political status enjoyed by Jews in any other country.” The text was eventually incorporated into the Mandate for Palestine and the Treaty of Sevres, though the latter was never ratified.
East. The longstanding British policy of maintaining the territorial integrity of the
Ottoman Empire was replaced by visions of direct control of Ottoman territory between
the Eastern Mediterranean and the Persian Gulf. While Britain and France partitioned the
Arab provinces between themselves at the end of the war, British wartime planning
oscillated between direct and indirect administrative schemes for procuring imperial
interests and control in the Ottoman domains. Apart from the incorporation of Egypt and
Cyprus into the British Empire in 1914, early on in the war autonomy remained an
attractive and flexible option. British post-war planners proposed extending the system of
Ottoman autonomous provinces in order to limit future commitments and to satisfy local
demands for greater self-government within the Ottoman Empire. Even after British
thinking shifted definitively to considering what would replace Ottoman sovereignty in
the Arab provinces, debates on the best method of incorporation wavered between direct
annexation and more indirect methods of imperial control, debates which echoed those
that took place around Egypt in 1914. There was then more continuity with pre-war
British strategic policy in the Near East than much of the historical debate would allow,
and all British plans and promises hinged upon complete Ottoman defeat.8

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7 Rashid Khalidi’s text is an exception, *British policy towards Syria & Palestine, 1906-1914: a
Study of the Antecedents of the Hussein-the McMahon Correspondence, the Sykes-Picot
argue that it was Ottoman entry into the war that forced Britain to abandon old the old policy of
maintaining the territorial integrity of the Ottoman Empire. As should be clear from the
proceeding chapter, key figures at the Sublime Porte in the lead up to war with the Allies argued
that the European powers had violated Ottoman territorial guarantees so extensively that Britain’s
renewed promises in 1914 were not trusted. For example, Aaron Klieman, *Foundations of British
Policy in the Arab World: The Cairo Conference of 1921*, (Baltimore: John Hopkins, 1970);

8 The fact that British and French wartime planning depended on Ottoman defeat may seem too
obvious a point to make explicitly, but the bulk of books and articles on British policy in the Near
East, and later Middle East, treat the Ottoman Empire as an unimportant factor in postwar
outcomes. British planners were exceedingly aware that without a decisive Ottoman and German
The Foreign Office’s continued attachment to administrative autonomy as a solution to Ottoman weakness was most clearly expressed in an early statement on British territorial interests in the Ottoman domains. During the spring of 1915, following the first of the secret treaties the so-called Constantinople Agreement in which Britain and France recognized Russian claims to Istanbul and the Straits, the British Prime Minister, Herbert Asquith, appointed a special committee to consider “British desiderata in Turkey and Asia.” Maurice de Bunsen, the undersecretary of state at the Foreign Office, headed the committee. Mark Sykes acted as Kitchener’s personal representative and other members were drawn from the Foreign, Colonial, India and War Offices. The de Bunsen Committee met for a month and a half and produced a lengthy report that was submitted to the War Council on June 30, 1915. Though the British government never explicitly endorsed the report, the Committee’s territorial claims became the basis of Sykes-Picot and included consolidating the British position in the Eastern Mediterranean and the Persian Gulf through claims to Palestine and Mesopotamia as well as a quasi-defeat their schemes would amount to nothing. Additionally, much of the literature on the collapse of the Ottoman Empire views the relationship between the Ottoman Empire and the other Great Powers in strictly instrumental terms. Thus, in the state of nature world of European power politics, the Ottomans are kept around only to frustrate the ambitions of one Great Power or another. However accurate this view may appear, it presents an implausible picture of unmitigated European power and undermines the significance of the Ottoman Empire to the world of nineteenth century European diplomacy.


10 Klieman, Foundations, p. 4.
independent Arabia.\textsuperscript{11} Beyond outlining British territorial desiderata in the Ottoman Empire then, the de Bunsen Committee report was significant for presenting ideas and methods of extending British imperial interests on the one hand, while further attenuating Ottoman administrative control on the other.

The key problem for the de Bunsen Committee was not locating British strategic interests nor delimiting territorial claims, as these were abundantly clear by 1915. Rather the question was how to attain and hold the desired Ottoman provinces in Palestine and Mesopotamia without undermining the post-war order. As in the late nineteenth century, European intervention and territorial advances into core Ottoman provinces could not be justified in terms of conquest—even “reconquering” Ottoman Sudan required legal invention. The problem was still was one of international order and the solution was to identify clear, legally defined boundaries rather than rely upon a weaker system of protection. Ottoman space was not terre nullius in international relations and finding a way to control the territory required agreement:

It has seemed to the Committee that any attempt to set up a system of protectorates would be destined to break down, for the rivalry of the Powers would force each of them to extend their protectorates to the limits of their neighbor’s spheres, and there would be clash and confusion of different systems of protectorate administrations with one another and with an obstructive central Turkish government. Nor would any scheme of internationalization seem practicable: it is a desperate remedy at best, and to extend it to large areas in Asiatic Turkey would be to invite disaster. In short, there must either be clearly defined territories, recognized as separate units, some independent, some belonging to European Powers, or the Ottoman Empire must continue, subject to certain necessary limitations.\textsuperscript{12}

\textsuperscript{11} NA/CAB 27/1, “British Desiderata in Turkey in Asia.” Britain already had strategic interests in these Ottoman provinces dating from well before the war.
\textsuperscript{12} NA/CAB 27/1; Hurewitz, \textit{The Middle East and North Africa}, vol. 2, no. 12, p. 29.
The Committee wanted to avoid a complete territorial scramble that would prolong the war and alienate Muslims by destroying “the political power of Islam.” They considered four possible options for the Ottoman Empire, three of which included largely maintaining Ottoman sovereignty in “Asia” including partition through annexation, spheres of European influence, maintaining the status quo and finally the preferred method, massively extending the system of Ottoman autonomous provinces subject to substantial territorial losses. According to the Committee all but the last option, extending the system of autonomous provinces, were unstable and had the potential to lead to war among the Allies or were unsupportable from the perspective of defense costs. The autonomy option proposed to maintain the Ottoman Empire, with certain territorial adjustments, “as an independent state, but the form of government to be modified by decentralization on federal lines.” The de Bunsen Committee argued that Europe had already engineered a system to balance European competition and supposed Ottoman misrule: “the Powers of Europe have consistently endeavored to ameliorate the evils of Turkish rule by securing or attempting to secure, some form of local administration in harmony with the local conditions in the Lebanon, Armenia, Samos, and Macedonia. Thus the idea of decentralization is no novelty to the various inhabitants of Turkey.”

Ottoman decentralization was also “no novelty” to the Foreign Office. The “Ottoman devolutionary scheme” mapped onto the preferred Foreign Office solution for maintaining the territorial integrity of the Ottoman Empire against local separatisms and European intervention.

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European-imposed autonomy in the Ottoman Empire, the de Bunsen Committee argued, would solve the problem of European competition, satisfy Arab and Armenian national ambitions and would end the “dangers of centralization” favored by the Committee of Union and Progress. The autonomy plan consisted of creating five large provinces including a Turkish province in Anatolia, a large Armenia with space for a potential Kurdistan, plus three large Arab provinces including an enlarged Palestine, a somewhat reduced Syria and Jazirah-Iraq. Part or all of Basra province was to be under direct British control and like the other de Bunsen schemes Arabia was to be independent in accordance with existing British promises. Flexibility was the greatest asset of De Bunsen’s “Ottoman devolutionary scheme.” It did not overcommit Britain to radically expanding the Empire through multiple territorial annexations with their corresponding military obligations. Secondly, the plan could fail without endangering British strategic and imperial concerns in the Eastern Mediterranean and Persian Gulf. The report noted that there were at least two satisfactory options in the event of a decentralized Ottoman Empire coming undone, “there is always a good chance of there arising several autonomous states, Turkey proper in Anatolia, an Armenian and an Arab federation, under a nominal suzerainty of the Sultan.” If that did not work, Britain could always declare the autonomous provinces of Palestine and Jazirah-Iraq as “independent states under our protection, or annex them, or declare them to be our sphere of influence in a divided Ottoman Empire, according to circumstances.”

While the de Bunsen Committee plan may be best known as the preface to Sykes-Picot and the announcement of British territorial desiderata in the Ottoman Empire, it was

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equally important in terms of continuities with British thinking about the Ottoman Empire. While the “Ottoman devolutionary scheme” never came to pass, it is striking that in 1915 it was the preferred way to establish imperial control without claiming sovereignty: the Ottomans could effectively continue to run their empire in the service of British imperial and strategic interests. A weak state situated between the Eastern Mediterranean, the Persian Gulf, Russia and a quasi-independent Arabia checked the power of France and Russia and provided the British with maximum flexibility without the burden of massive military and administrative commitments. Resorting to administrative autonomy for the Ottoman Empire would also satisfy local nationalisms, particularly among Arabs and Armenians. The British were well aware of Arab demands for greater autonomy within the Ottoman Empire during the Second Constitutional Period. Moreover, satisfying separatists or nationalist claims in the Balkans had been managed throughout the nineteenth century via the creation of autonomous provinces and in some cases the creation of Ottoman successor states. When Wilson arrived on the scene, the British already had much to draw upon.

**Wilson, Autonomy and the Ottomans**

At the same time that Britain explicitly defined imperial and strategic interests in the Near East, the Ottoman Foreign Ministry and War Cabinet also identified desired post-war outcomes for the Empire. The Ottomans sought to establish the Empire upon equal footing with the European powers in international law by terminating international limitations on Ottoman sovereignty and by consolidating imperial control throughout the

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Empire. For much of the war, the Foreign Ministry considered ways to recover territories lost during the Tripolitanian and Balkan Wars, as well as Egypt, and endeavored to reassert full Ottoman sovereignty over Arabia. The Ottoman vision for the postwar future was to achieve imperial security through centralized administrative control and full sovereignty. Yet once it became clear that the war was lost in August and September of 1918, the Foreign Ministry attempted to sue for peace on the basis of “Wilsonian principles,” which from the Ottoman point of view meant accepting imperial decentralization and the radical extension of the system of autonomous provinces that the Empire had labored so long to remove.

Ottoman efforts to achieve sovereign equality with European empires took various forms during the war, but each hammered away at the legal, economic, and administrative constraints imposed by Europe during the course of the nineteenth century.

The Committee of Union and Progress had had extensive debates on the virtues of administrative centralization versus decentralization before coming to power in 1908, most famously between Ahmed Riza and Sabahaddin Bey. However once they were in power, the C.U.P. pursued a policy of administrative centralization, which broadly alienated Arabs and Armenians who initially supported the Revolution. Each group increasingly demanded greater autonomy in the lead up to the First World War. While there is no question that the C.U.P. adopted Turkification policies in the years before the war, I would argue that the policy of administrative centralization should also be seen beyond nationalist terms as a foreign policy strategy to assert Ottoman imperial control. See Şükrü Hanioğlu, Preparation for a Revolution: The Young Turks, 1902-1908, (Oxford: University Press, 2000) and The Young Turks in Opposition, (Oxford: University Press, 1995); Ahmed Riza Bey, Ahmed Riza Bey’in Anıları, (Istanbul: Arba, 1988).

The Ottoman Empire attempted to reassert sovereignty throughout the Arabian Peninsula starting in earnest during the late nineteenth century coincident with European imperial expansion in North Africa. Britain attempted to negotiate with İbrahim Hakkı Paşa, see below, for autonomous status for the district (kaza) of Kuwait in 1913, but the agreement was never ratified. On Ottoman territorial claims and efforts to reincorporate Arabia into the Empire see Thomas Kuehn, Empire, Islam, and Politics of Difference: Ottoman Rule in Yemen, 1849-1919 (Leiden: Brill, 2011).

The usual expression in Ottoman texts from the period of the Armistice was “Wilson prensipleri” or “Wilson şera'it.”
In practical legal terms this meant abandoning various international mechanisms that had limited Ottoman imperial control and extracting corresponding recognition from Germany and Austria for canceling various legal impairments. After obtaining an alliance with Germany, the first major assertion of Ottoman equality in international relations was to unilaterally cancel the Capitulations, a move that was announced in September and took place on October 1, 1914.\(^{20}\) Next on the list, the Foreign Ministry revoked Lebanon’s autonomous status on July 11, 1915 and reincorporated the territory into the Empire as a regular sub-province (liva).\(^{21}\) While Lebanon was the last Great Power-imposed autonomous province remaining in the Ottoman Empire, the Foreign Ministry continued to focus upon the problem of autonomy and conducted analyses of the history and effects of autonomy in Egypt and Arabia.\(^{22}\) The Foreign Ministry viewed autonomous provinces as a weapon that allowed for continual European intervention into the internal affairs of the Ottoman Empire. Moreover, autonomy proved to be a mechanism that had weakened Ottoman territorial claims and paved the way for either provincial independence or some form of European protection and control.

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\(^{20}\) Muhammet Emin Küllünk, *Kapitülasyonların Kaldırılması 1914*, (Istanbul: Yeditepe, 2011), chap. 6. Hanioğlu notes that the Ottoman abrogation of the Capitulations was the only Ottoman war aim that was carried out successfully. Hanioğlu, *A Brief History of the Late Ottoman Empire*, p. 180.

\(^{21}\) Engin Akarlı, *The Long Peace: Ottoman Lebanon, 1861-1920*, (Berkeley: University Press, 1993). After the British declaration of protection in Egypt in December 1914, Mt. Lebanon was the last internationally imposed autonomous province in the Empire – Serbia and Romania became independent in 1878, Bulgaria became independent coincident with the Young Turk Revolution in 1908, Samos and Crete were lost to Greece during the Balkan Wars, and Britain annexed Cyprus and created a protectorate in Egypt in 1914. The status of territories in the Arabian Peninsula was slightly more complicated and they did not have the same European imposed autonomous status, but nevertheless had a weaker sovereign bond with the imperial center.

The Ottoman Government continued to oppose legal restrictions on the Empire with the goal of establishing parity with Europe. In disputes with European powers, demonstrating a standard of “civilization” was considered the key to limiting foreign interference in internal Ottoman affairs. Ot
ttan diplomats, lawyers and intellectuals attacked the “civilizational discourse” in international law. At the same time, Ottoman lawyers and intellectuals were well aware that the “standard of civilization” expressed in international law textbooks was malleable and imprecise. For instance, Ahmed Salâhaddin, a professor at the Istanbul Law Faculty (mekteb-i hukuk) at Darülfünun, wrote and translated several important works on international law during the late nineteenth and early twentieth centuries. In a work published in 1915 he described James Lorimer’s classic three “spheres of humanity” and corresponding types of international political recognition. Like Lorimer, Salâhaddin placed the Ottoman Empire, along with China, Japan, and Siam/Thailand, in the intermediate category of

24 In addition to his works and translations of international law, Salâhaddin also translated Max Nordau’s Die konventionelle Lügen der Kulturmenschnheit [The Conventional Lies of Our Civilization] into Ottoman Turkish. These legal texts were used as instructional materials for the law school at the Darülfünun – the primary European style university in the Ottoman Empire, which exists today as Istanbul University. See Mehmet Akman, “Law in the Reign of Abdülhamid,” in II. Abdülhamid: Moderlernleşme Sürecinde İstanbul, (Istanbul: Avrupa Kültür Başkent, 2010).
25 In his classic treatise on international law, James Lorimer divided the world into three spheres: “civilized humanity,” “barbarous humanity” and “savage humanity.” Corresponding to each sphere he articulated three “stages of recognition,” whereby a particular political entity would be recognized in international law as a member of the “family of nations.” However racially and historically constructed this civilizational standard may have been, Lorimer’s division of the world into three types of humanity was neither necessarily essentialist nor static. Built within this model was the possibility of civilizational progress, however deferred. It was only the “non-progressive races” of “savage humanity,” which had the potential to remain forever outside of the “family of nations.” See James Lorimer, The Institutes of the Laws of Nations, p. 101-102.
Lorimer’s schema. Yet, rather critically, Salâhaddin translated “barbarous humanity” as “semi-civilized humanity” (beşeriyet-i num-mütmeddin). Reflecting the confusion of European international lawyers, he further noted that “Turkey” was as explicit exception to the rule that independent states were extended full political recognition (tasdik-i siyasi tam). Salâhaddin also praised Japan for unilaterally ending the regime of extraterritorial treaties, yet remarked that international recognition of Japan remained incomplete (naks).

In 1916, the Foreign Ministry asserted Ottoman equality in international relations, arguing that the Ottoman alliance with Germany and Austria placed it “on a footing of complete equality.” The Empire “entered the group of European powers with all the rights and prerogatives of a completely independent Government” and as a result the Imperial Government announced that it no longer recognized restrictions imposed by the Treaty of Paris (1856) and the Treaty of Berlin (1878). Abandoning the territorial guarantees provided by the Treaties of Paris and Berlin amounted to a diplomatic revolution in Ottoman foreign affairs. From 1856 through the outbreak of World War I, 

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26 There are numerous words in Ottoman that would have produced a closer translation of Lorimer’s “barbarous.” This slight mistranslation was no doubt an argument about Ottoman legal standing in Europe as is evidenced throughout this particular text. Ahmed Salâhaddin, Hukuk-u beyneddüvelin mukaddimat-i nazariye ve safahat-tı tekamülyesi [The Theoretical Elements and Development of International Law] (Dersaadet(Istanbul): Kanaat Matbaası, 1331[1915]), p.68.

27 Ibid., p.68-69.

28 Japan exercised an important position in the Ottoman international imaginary as the one non-European power that had successfully abrogated the Unequal Treaties between Japan and Europe. The Committee of Union and Progress hosted a conference on the “renaissance of Japan” in 1911. See Cemil Aydm, The Politics of Anti-Westernism in Asia, p. 78-82.

29 BOA/HR.HMŞ.İSO./65/20 [1332.Te.17], İbrahim Hakkı Paşa to Gottleib von Jagow, Oct. 14, 1916. İbrahim Hakkı Paşa was then posted to Berlin as the Ottoman Ambassador between 1915 and his death in 1918. Jagow was the German Foreign Minister until December 1916.
Ottoman diplomats and lawyers relied heavily upon positive international law and existing treaties to assert its territorial rights throughout the imperial realms, even areas that had not been under effective Ottoman control for the better part of a century. The 1856 Treaty of Paris, which concluded the Crimean War, guaranteed the territorial integrity of the Ottoman Empire, and also added a statement of non-intervention into Ottoman affairs on the basis of the Reform Edict of February 1856. In general, at the time of the treaty and subsequently, the treaty was largely interpreted as Europe’s invitation to the first non-Christian, non-European state, to join the so-called “family of nations.”

30 The two key articles in the Treaty of Paris were Article 7 and Article 9:
Art. VII. Admission of the Sublime Porte into the European System. Guarantee of Independence of Ottoman Empire. Her majesty the Queen of the United Kingdom of Great Britain and Ireland, His Majesty the Emperor of Austria, His Majesty the Emperor of the French, His Majesty the King of Prussia, His Majesty the Emperor of all the Russians, and His Majesty the King of Sardinia, declare the Sublime Porte admitted to participate in the advantages of the public law and system (concert) of Europe. Their Majesties engage, each on his own part, to respect the independence and the territorial integrity of the Ottoman Empire; guarantee in common the strict observance of that engagement; and will, in consequence, consider any act tending to its violation as a question of general interest.
Art. IX. Amelioration of the Condition of the Christian population of Ottoman Empire. His Imperial Majesty the Sultan having, in his constant solicitude for the welfare of his subjects, issued a firman, which, while ameliorating their conditions without distinction of Religion or Race, records his generous intentions towards the Christian population of his Empire, and wishing to give a further proof of his sentiments in that respect, has resolved to communicate to the Contracting Parties the said firman, emanating spontaneously from his Sovereign Will. Non-interference of Allies in Internal Affairs of Ottoman Empire. The Contracting Parties recognize the high value of this communication. It is clearly understood that it cannot, in any case, give to the said Powers the right to interfere, either collectively or separately, in the relations of His Majesty the Sultan with his Subjects, nor in the Internal Administration of his Empire. For the text of the Treaty see T.E. Hall, ed., The European Concert in the Eastern Question: a Collection of Treaties and Other Public Acts, (Oxford: Clarendon Press, 1885), p. 241-259. Hall notes that much of Article 7 must “since the events of 1877, be considered as obsolete.” Ibid., p. 245. See also Sir Edward Hertslet, The Map of Europe by Treaty: Showing the various Political and Territorial Changes, (London: Butterworth, 1875-1891).

announced that the empires of Europe “declare the Sublime Porte admitted to participate in the advantages of the public law and system (concert) of Europe.” The article went on to recognize the “independence and the territorial integrity of the Ottoman Empire.”

Berlin imposed more restrictions on the Ottoman Empire as well as articulated the principle of state succession and the permanent European occupation for the purpose of internal administrative reform.

The Ottoman Ambassador to Berlin during this period İbrahim Hakkı Paşa, argued that the Allied Powers had so often violated the positive articles of these treaties, which recognized “the independence and the territorial integrity of the Ottoman Empire,” that the Imperial Government now considered them “null and void and completely without any contractual value.” This argument was particularly striking coming from İbrahim Hakkı Paşa, who had long worked as a Legal Advisor (hukuk müşavir) at the Ottoman Foreign Ministry and who was considered to be one of the Ottoman international law experts. In order to justify the new Ottoman view of the Treaties,


34 İbrahim Hakkı’s posting to Berlin during the war too indicates the significance that the Ottoman Foreign Ministry attached to international law as a tool of diplomacy. BOA/DH. SAID/183, “İbrahim Hakkı.” Hakki Paşa had a long and varied career in the Ottoman civil service during the Hamidian and Young Turk period. He worked in the Palace Secretariat (mabeyn) for Abdülhamid as a translator, where according to Carter Findley, he translated Sherlock Holmes stories for the Sultan! Afterwards he taught constitutional law and later administrative and international law at the Law Faculty in Istanbul. During this time he wrote extensively on international law and produced numerous international law textbooks for pedagogical use - according to Carter Findley non-specialists broadly read his textbooks as well. Hakki Paşa was appointed as Legal Advisor at the Foreign Ministry at the same time as Gabriel
Hakkı Paşa enumerated European violations of Ottoman territorial integrity. In addition to outlining explicit infringements upon Ottoman territorial rights by the European powers, Hakkı Paşa also singled out administrative autonomy as a European device to intervene in Ottoman domestic affairs. He provided the German Foreign Minister with a history of European treaty violations and listed every European demand for autonomous administration from Mt. Lebanon to Serbia to Crete, as well as provinces lost to annexation and permanent military occupation:

The same clauses did not prevent France from occupying Tunisia and establishing its protectorate over this dependency of the [Ottoman] Empire, nor the English occupation of Egypt who installed a system of disguised protectorate and carried out a series of encroachments upon Ottoman sovereignty in southern Yemen, in Nejd, in Kuwait, in el Katr as well as in the Persian Gulf. These same clauses did not prevent the four governments currently at war with Turkey, to modify by force, the existing state of things in Crete and to force the creation of a novel situation in flagrant contradiction with the integrity that the Powers engaged themselves to respect.

Again, Hakkı Paşa identified autonomous provinces, which invited European intervention and posed positive restrictions on Ottoman governance, as one of the main sources of European mischief in the Empire. He argued further that the imperial


35 BOA/HR.HMŞ.İÇO./65/20 [1332:Te.17].
government has “scrupulously executed the onerous clauses” of the various treaties but the clauses that were favorable to the Ottoman Empire “remained a dead letter” as European governments actively obstructed administrative and economic reforms in the Empire:36

The aforementioned treaty carried stipulations that regulated the interior organization of the state, which established differences between the various provinces of the Empire and imposed thereby positive obligations incompatible with territorial sovereignty, which profoundly affected the independence of the Imperial Government.37

Despite the fact that the Ottoman government denounced the treaties of 1856 and 1878, Hakkı Paşa noted that that the Empire would “not fail to take advantage of the principles of international law in order to enforce its rights to its advantage by the aforementioned treaties and which have hitherto been ignored.” The letter concluded noting that the Empire no longer recognized the autonomous regime in Lebanon imposed by Europe.38

The Ottoman Foreign Ministry aggressively used the events of the war to establish the Empire on the same legal footing as the European Empires and to establish full control over internal administration. Even though Lebanon was the last of the European imposed autonomous provinces in the Empire, the problem of autonomous provinces continued to preoccupy the Foreign Ministry down to the end of the war.

The Foreign Ministry commissioned two studies on pressing strategic questions related to international law, both of which were published early in 1918.39 The first

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36 BOA/HR.HMŞ.İŞO./65/20 [1332.Te.17].
37 BOA/HR.HMŞ.İŞO./65/20 [1332.Te.17].
38 BOA/HR.HMŞ.İŞO./65/20 [1332.Te.17].
39 Again it should be noted that from the 1880s, international law was inextricably linked to Ottoman diplomatic practices.
concerned the question and future of the Straits\footnote{See Hanioğlu, \textit{A Brief History}, p. 178-79.} and the second, entitled “The Egyptian Question,” considered Ottoman legal claims to Egypt and Sudan. Rağib Raif Bey [Köseraif] and Rauf Ahmed, councilors for the British and French Embassies respectively, wrote a short history of the Egyptian question in international relations between the period of Mehmet Ali and 1917, with a section on the British “conquest” of Sudan.\footnote{Rağib Raif and Ahmed Rauf, \textit{Misir Meselesi}, (Istanbul: Bab–ı Ali, Hariciye Nezareti, 1334 [1918]). Raif and Rauf cast the so-called “reconquest” of Sudan as a conquest plain and simple. They argued that Britain had illegally treated Ottoman Sudan as \textit{terra nullius} (sahibsiz). \textit{Misir Meselesi}, [p. 176].} A substantial part of the report was dedicated to how Egypt became one of the autonomous provinces (\textit{eyalet-i mümtaze}) of the Ottoman Empire. Though the imperial firmans had provided Mehmet Ali and his heirs with the right to internal provincial administration, the international treaties guaranteeing autonomy in Egypt laid the groundwork for perpetual European intervention in the province.\footnote{Raif and Rauf, \textit{Misir Meselesi}, chap. 1 and 2.} The report criticized autonomy as a form of imperial administration, but also sought to consider Egypt’s future vis-à-vis the Ottoman Empire. Raif and Rauf considered this question from the perspective of the various firmans and treaties guaranteeing Egypt’s international status. At the end of the study they surveyed Egypt’s status from the viewpoint of the key international law textbooks and treaties produced on the Continent.\footnote{For example they consulted Henry Bonfils (\textit{Bonfis} in Ottoman), \textit{Manuel de droit international public (droit des gens) destiné aux étudiants des Faculté de Droit et aux aspirants aux functions diplomatiques et consulaires}, (Paris: Arthur Rousseau, 1898), works by F.M. de Martens as well as Jules Cocheris’s Cocheris, \textit{Situation internationale de l'Egypte et du Soudan}, (Paris: Plon-Nourrit etc cie, 1903). See the Sudan chapter for more on Cocheris. Raif and Rauf, \textit{Misir Meselesi}, 176-178.} In the end they
determined that the Ottoman Empire had an absolute legal right to Egypt, but that the legal status of the province should remain autonomous. That is not to say that Raif and Rauf recommended recognizing the British protectorate. Rather they argued that due to the amount of time Egypt had been autonomous, the high degree of European penetration there, as well as Egyptian nationalist demands for autonomy, the best position for the Ottomans was to maintain the international legal status of Egypt.\textsuperscript{44} Thus, even in 1918, the Ottomans were not willing to totally forsake Egypt.

During the second half of 1918, as it became clear that the Central Powers were losing ground against the Allies, Ottoman imperial visions for the future drastically shifted towards accepting administrative decentralization and the broad expansion of autonomous provinces throughout the Empire along “Wilsonian principles.” Article XII of Wilson’s Fourteen Points “assured a secure sovereignty” for the Turkish parts of the Empire, but offered the “opportunity of autonomous development” to the other nationalities within the Empire.\textsuperscript{45} Ottomanists, as well as Turkish and European historians have argued that Wilson’s Twelfth Point contained the principle of partition. While that may have been his intention, it is hard to explain why the Ottoman

\textsuperscript{44} Raif and Rauf, \textit{Mısır Meselesi}, “Maamafih her ne suretiyle olursa olsun bir asrıda tahdis ve inkişaf eden usul-ü idare sureti-i tabiye bir (vilayet-i mümtaze) vucuda getirmiş olduğundan vesait hukukiye-yi hazıranın o kita-yi nazardan telâkisi hakaik ahvala daha muvafik olur itikadındarız.” p. 179.

\textsuperscript{45} The full text of Point XII reads: “The Turkish portion of the present Ottoman Empire should be assured a secure sovereignty, but the other nationalities which are now under Turkish rule should be assured an undoubted security of life and an absolutely unmolested opportunity of autonomous development, and the Dardanelles should be permanently opened as a free passage to the ships and commerce of all nations under international guarantees.” Woodrow Wilson. “Address to the Joint Session of Congress on the Conditions of Peace,” January, 8, 1918. Yale, \textit{The Avalon Project: Documents in Law, History and Diplomacy}, http://avalon.law.yale.edu/20th_century/wilson14.asp; See too United States, Department of State, \textit{Foreign Relations of the United States}, Inquiry Document no. 887, “The Present Situation: The War Aims and Peace Terms it suggests,” December 22, 1917.
government, which fought a war to achieve equal standing with Europe as an empire would embrace Wilson so wholeheartedly. Erez Manela has characterized the period between January 1918, when Woodrow Wilson delivered the Fourteen Points Speech on the terms of the peace and the Treaty of Versailles in June 1919 as the “Wilsonian moment.”46 Manela argues that Wilson’s support for the rights of small nations, self-determination and the promise of peace without annexations briefly offered anti-colonial nationalists a discourse of legitimacy. But how did this “moment” appear to a defeated empire with numerous provinces under European military occupation? How is it possible that “Wilsonian principles” could offer the expectation of independence to anti-colonial nationalists, while also providing a vision of imperial continuity to the Ottoman Empire?47

The collapse of the Macedonian Front and Allenby’s “breakthrough” at Nablus in Palestine, both in September 1918, signaled Ottoman defeat. The Ottoman government under Talaat Paşa attempted to contact the Americans to sue for peace along the lines of Woodrow Wilson’s Fourteen Points on October 5, 1918.48 After receiving no response, and against the prospect of continued war, the Cabinet resigned on October 8. A few days later Ahmed İzzet Paşa [Furgaç], a C.U.P. General and nationalist, formed a new Cabinet


47 This question has been recently been considered with respect to the defeated Habsburg Empire. Michelle Phelps argues “Wilson did not commit to either the break-up of the empire or the recognition of national governments to replace the empire.” See Nicole Phelps, “Sovereignty, Citizenship, and the New Liberal Order: US-Habsburg Relations and the Transformation of International Politics, 1880-1924,” (Ph.D. dissertation, University of Minnesota, 2008), p. 312.

and assumed the posts of Foreign Minister and Grand Vizier. Like Talaat, İzzet attempted to sue for peace according to “Wilsonian principles,” but tapped the British rather than the Americans. The Ottoman government began negotiations for the Armistice with British General Townshend, a Prisoner of War who had surrendered in 1915 during the Mesopotamian Campaign. Townshend met variously with İzzet Paşa and Rauf Bey, the new Minister of the Marine, in order to hammer out the initial Ottoman armistice terms. He arrived at six conditions dealing with Prisoners of War, the Straits and other strategic issues, but the second point concerned imperial administration. He argued that the Ottoman government should agree to implement “autonomous rule in Mesopotamia and Syria under the Sovereignty of the Sultan.” Rauf Bey agreed noting that “the Turkish government is ready to give autonomy to the territories under the sovereignty of the Sultan occupied by the Allies; England is to defend this system of government.” In Istanbul, İzzet Paşa publically announced that the Ottoman Government “accepted the terms of peace in accordance with Wilsonian principles (Vilson prensipleri) and that the Arab provinces would be given administrative autonomy (muhtariyet).” These points were the basis from which the Ottoman delegation to Mudros would negotiate.

After spending the war attempting to extinguish the possibility of future autonomous provinces, the Foreign Ministry’s only weapon to maintain the Empire


51 Charles Townshend My Campaign, p. 286.

against partition was Wilson’s promise of assured “Turkish sovereignty” and “autonomy” for the non-Turkish parts of the Empire. The Foreign Ministry understood Wilson’s autonomy in terms of how such provinces had functioned previously in the Empire. The challenge for the Foreign Ministry was how to implement a system of administrative decentralization without hurting the Ottoman Empire’s international position.

In preparation for the Armistice negotiations, the Foreign Ministry called upon its Legal Advisors to consider how the Empire might extend the system of autonomy into the Arab and Armenian provinces, without diminishing Ottoman gains in international relations during the war. The lawyers at the Office of Legal Council (İstişare Odası) produced a lengthy analysis of Wilson’s Fourteen Points and attempted to square Wilson’s idea of “autonomous development” for the non-Turkish peoples with rebuilding the Empire. They reflected upon the history and conditions of autonomous provinces in the Ottoman Empire and also considered how a system of administrative decentralization might create a strong state that would be protected against European intervention.

Throughout the document the lawyers were careful not to give anything away to Europe and to find ways to strengthen imperial architecture despite the condition of decentralized administration. The lawyers noted that the Ottoman Government accepted “Wilson’s conditions.”

53 BOA/HR.HMŞ.İSO/214/14, Muharram 15, 1337[October 21, 1918]. There is a clean copied out version of the actual text, which suggests it may have been widely distributed.

54 For example, in translating Wilson’s Point XII, the lawyers simplified the language and omitted reference to the “security of life” and “absolutely unmolested” development – I would argue that this kind of vague unenforceable language sounded too much like Tanzimat era European restrictions. The Ottoman translation of the Point XII reads: “The Turkish portions of the Ottoman Empire require the security of complete sovereignty, but the other nationalities that are at present under Turkish rule should be allowed the possibility of an autonomous development, and the Dardanelles should be open to the commerce and ships of all nations under international
In localities that are inhabited by people of Turkish origin, the Ottoman government accepts absolute sovereignty without conditions. However, it is desired to establish a form of administration that will provide the possibility of autonomous development to the various nations under Turkish sovereignty, together with those places currently occupied like Iraq, Syria and Arabia. In short, it is necessary to put on record that Ottoman sovereignty should be confirmed - free from conditions like the Capitulations - and that the method of administration will not injure the development of the various nations.\textsuperscript{55}

Even though the Imperial Government accepted Wilson’s conditions, the lawyers asserted that the old restrictions on sovereignty like the Capitulations had to be abandoned. The idea of “absolute sovereignty without conditions” was prevalent even during the Young Turk period prior to the war. As we have seen, the idea played an important role in identifying Ottoman war aims and shaped Ottoman efforts to ameliorate the Empire’s position in international relations. The idea of unrestricted sovereignty became a fixture in the early Turkish Republic. After it was clear that the Arab provinces were lost to Britain and France, “sovereignty without conditions” replaced the Ottoman attachment to the “territorial integrity of the imperial domains.”

The lawyers went on to examine various types of decentralized administration and found that, with the exception “of federal states like North America,” decentralization was a political novelty, though one that could have some benefits from the point of view

\textsuperscript{55} BOA/HR.HMŞ.İSO/214/14, Muharram 15, 1337[October 21, 1918].
of creating local infrastructure like roads, lighting and waterworks. The lawyers then considered how autonomy had functioned “regarding the legal history of our administration” and compared the methods and problems of administration related to Egypt, Mt. Lebanon, Samos (Sisam), and Eastern Rumelia (Rumeli-yi Şarkı). As usual, Egypt was the worst possible model for autonomy within the Ottoman Empire. “Its administration is restricted by family inheritance, and all of the internal affairs of the state, including finance and local law, are legislated independent of the Ottoman sovereign. The province is allowed to conduct commercial treaties, but is restricted from carrying out international treaties of a political nature. It sends a tribute to the Ottoman state and the size of its army is restricted.”

Mt. Lebanon, Samos, and Eastern Rumelia were not much better, the lawyers argued, but they had governors (vali) that could more easily be removed and who served for fixed terms. The real problem with the autonomous provinces was that “local political tendencies” produced a centrifugal force away from the concerns of the state and this led to international pressure and intervention. No matter how well the Ottomans administered their Empire, localism would open the door to Europe. Yet despite the Foreign Ministry’s long standing desire to centralize administration, a tendency that increased during the Hamidian and Young Turk periods, the lawyers agreed that in order to satisfy Wilson, they would accept

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57 BOA/HR.HMŞ.İSO/214/14, Muharram 15, 1337[October 21, 1918].
autonomy and “whichever form of intervention resulted.”

Whatever Wilson meant by “autonomous development” in the Ottoman Empire, he certainly was not thinking along European and Ottoman lines about the problem. There is little doubt that the Inquiry, Woodrow Wilson’s band of academics and geographers who helped draft the Fourteen Points and later joined the American Delegation to Paris, planned for the partition of the Ottoman Empire. In preliminary suggestions for Wilson’s speech on the terms of the peace, the Inquiry parroted the old European attacks against the Ottoman misrule.

It is necessary to free the subject races of the Turkish Empire from oppression and misrule. This implies at the very least autonomy for Armenia and the protection of Palestine, Syria, Mesopotamia, and Arabia by the civilized nations…this will appear on the surface to be a drastic solution of the Turkish problem, but it is one which the military situation enables us to accomplish, and it can hardly be doubted that no principle of justice requires the return of occupied portions of Turkey to the German-Turkish alliance. The cancellation of Turkey’s debt is the one final way to abolish German political and commercial penetration. It is also the one method by which Turkey can be given a new start, considerably reduced in size, without power to misgovern alien races, and therefore free to concentrate upon the needs of her own population.

None of the members of the Inquiry specialized in the history, affairs, or languages of the Ottoman Empire and unlike their counterparts in Britain and France, had no real experience with Near East diplomacy, nor for that matter an awareness of the inventiveness of the British Foreign Office in maintaining imperial control without claiming sovereignty. It is unclear how the Inquiry arrived at “autonomous development” in Point XII from their preliminary suggestions, which offered Armenian autonomy and

58 BOA/HR.HM.§O/214/14, Muharram 15, 1337[October 21, 1918].
British and French protection to Palestine, Syria, Iraq and Arabia. The very flexibility of language however, appeared to hold open the possibility of maintaining Ottoman imperium in the Arab provinces. Yet the flexibility of the language provided the Ottomans with one last attempt to preserve the Empire.

The Ottoman Delegation to negotiate the Armistice arrived on October 25 and within five days worked out the terms of the Armistice. Needless to say, the Ottoman Empire’s “Wilsonian moment” was rather more short-lived than elsewhere. The Armistice demanded the surrender and evacuation of garrisons in Hejaz, Asir, Yemen, Syria, and Mesopotamia as well as the withdrawal of troops from Cilicia. It also made clear that the Allies would partition the Ottoman Empire, but like in the nineteenth century, imperialism as usual would not be possible and justifications would have to be found for extending the boundaries of the British and French Empires into the Ottoman Arab provinces.

Egypt: From the “illegal protectorate” to Independence

Whilst the British and Ottoman Empires contemplated and planned competing futures for the Near East during the war, elites in Cairo expected greater autonomy over the internal administration of Egypt. Prince Fuad replaced Husayn as the Sultan of Egypt in 1917, and took the position on the understanding that the Anglo-Egyptian relationship would change after the war – Fuad told Wingate “we want autonomy.” By the general armistice in November 1918, Egyptian demands for autonomy transformed into demands for complete independence (istiqlal tam).

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As noted above, Erez Manela has argued that Wilson’s ideas about national self-determination were fundamental for explaining anti-colonial discourse just after World War I, particularly in Egypt, which is the central case study in his work.\textsuperscript{61} While there is no question that Wilsonian ideas played a significant role in Egypt during the 1919 Revolution against Britain’s “illegal protectorate,”\textsuperscript{62} nationalists drew equally as much upon Egypt’s longstanding international legal status in order to make claims for independence. Between November 1918 and Britain’s unilateral declaration of independence in Egypt in February 1922, two interrelated problems dominated the debate between British officials in Cairo and Egyptian nationalists. Nationalists forced British officials to define the meaning of the protectorate - both to Egyptians and to themselves. Like the debates on annexation versus protection, nationalist claims forced the British to define rather explicitly the nature of British power in Egypt. Secondly, nationalists argued that by extinguishing Ottoman sovereignty in Egypt, the rights “won by Mehmet Ali on the battlefield” could only be transferred to Egyptians, not to Britain. This debate on sovereignty, which was closely linked to the first on the meaning of protection, prompted British lawyers and advisors to consider how to secure British imperial interests and satisfying nationalists, without allowing occupation-era “internationalism”


\textsuperscript{62} In the 20 odd volumes containing documents related to Lord Milner’s mission to Cairo in 1919 and 1920, there are hundreds of telegrams from various groups and unions denouncing the “illegal protectorate.” For example, a group of students in Cairo sent Lord Milner a telegram for the anniversary of the protectorate: “Lord Milner, Engineering students on strike protest against forced illegal protectorate in interests of friendship pray this may be the last anniversary.” NA/FO848/12 Milner Mission, Public Opinion.
back in to Egypt. Independence in Egypt was a solution to subdue the nationalists, but also to keep Egypt out of the sphere of “European intrigue.” Defining the British position in Egypt after World War I drew upon the British experience of occupation and British thinking about managing the Ottoman Empire.

Egypt played a significant role in wartime British planning about the new Middle East. Between Cairo and London, various plans were made and remade, but most imagined Egypt at the center of Britain’s “new Middle East Empire.” The 1914 annexation versus protection debate between London and Cairo was revived in the spring of 1917, with the illness and death of Sultan Husayn. In a reversal, it the was the Foreign Office that maintained the position that annexation would not secure anything more for the British, while General Wingate, the British High Commissioner in Cairo, argued that Britain’s position in Egypt needed to be placed on more secure footing. At this stage in the war, it was the Ottoman Empire that troubled British officials in London and Cairo, rather than rising nationalist sentiment in Egypt, which was ascribed to a small but vocal “Turkish clique”:

It seems to me that a great deal will depend on the future of Turkey. If this Ottoman Empire is still to continue in more or less independent position in the world with a Sultan at its head who will be the Caliph of Islam, and if that re-established Ottoman Empire is not to be allied heart and soul with the British Empire, then I foresee considerable difficulties ahead for Egypt. No one knows better than your self how intimately connected Egypt and Turkey are, especially amongst the higher classes, by race and religion, and the latter of course bulks more largely than the former and is the mainstay of the influence of the classes over the masses in this country. There is as you know, no vox populi in Egypt and it is a case throughout of “the tail wagging the dog”; in other words it is the small and noisy Turkish pasha clique, who are largely imbued with Nationalistic ideas, who can generally secure the adhesion of the Fellaheen to their views through the

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63 See Sudan chapter. Lord Cromer, among others, complained about the “incubus of internationalism,” which was to say institutions like the Capitulations, and other privileges for foreigners.
influence of religion.\textsuperscript{64}

The idea that the Ottomans posed a greater threat than Egyptian nationalism to British efforts to secure imperial interests in Egypt and the Middle East more broadly, continued to shape British thinking until the end of the war. Even after the Foreign Office became aware of the challenge of Egyptian nationalism to the British protectorate, the Ottomans and later Turkish Republicans continued to pose legal problems to the new British Empire through the Treaty of Lausanne in 1923.

Two days after the armistice a group of prominent Egyptians met with the British High Commissioner, Reginald Wingate, to request permission to send an Egyptian delegation to Paris. Led by Sa’d Zaghlul, the \textit{Wafd}, the “delegation,”\textsuperscript{65} stated that Egypt wanted “full independence.”\textsuperscript{66} The British government refused, but at that stage the Foreign Office did not yet think that that Egyptians saw themselves as one of “liberated countries” that had been the ostensible basis of the war. Rather London was focused upon keeping Egyptian questions out of the Paris Peace Conference, particularly any discussion of Egypt’s legal status, and insisted that Egypt was “an imperial and not an

\textsuperscript{64} SAD/164/7/32-42 Wingate to Graham, 28 May 1917.

\textsuperscript{65} The \textit{Wafd} was named for the desired Egyptian delegation to be sent to Paris to press Egyptian claims.

\textsuperscript{66} The exchange between Zaghlul, Ali Sharawi, Abd al-Aziz and Wingate has been reproduced in numerous places. All of the sources indicate that Zaghlul asked for “complete independence,” but in some versions of the event, Zaghlul is reported to have discussed a “program of complete autonomy.” While there may not be a vast space between independence and autonomy, it is interesting to note because both the Foreign Office and a lawyer like Zaghlul would more than likely have understood “autonomy” in its Ottoman context as well. Complicating matters is the fact that autonomy is rendered in modern Arabic as “\textit{hukm dhati},” which can also mean “self-determination” or self-governance. An noted above there were a number of words in Ottoman to refer to administrative autonomy including “\textit{otonomie},” “\textit{muhtariyet},” “\textit{serbestiyet},” as well as “\textit{tevsi’i mezuniyet}.” On Zaghlul’s “program of complete autonomy” see John D. McIntyre, \textit{The Boycott of the Milner Mission: A Study in Egyptian Nationalism}, (New York: Peter Lang, 1985).
international question.” The Foreign Office thought as long as the Ottomans were weakened politically, it would be possible to manage Egyptian demands for autonomy that had been promised in 1914. Yet as the Paris Peace Conference approached, Egyptian demands for independence only increased. The “illegal protectorate” was widely denounced and members of the Wafd began appealing directly to Woodrow Wilson and Georges Clemenceau to attend the Peace Conference.

On January 20, 1919 Zaghlul sent Clemenceau a memorandum on “Egyptian National Claims” in addition to appealing to Wilson and national self-determination, he argued that British legal claims to Egypt were unjustified on the basis of Egypt’s guaranteed international status. Much like Ottoman lawyers and diplomats throughout the occupation, Zaghlul invoked international law to claim independence. He refuted British title to Egypt by recapitulating the history of the “Egyptian question” in international relations from Mehmet Ali through the protectorate:

Before the events of 1882 led to the English occupation, Egypt was a country under the Ottoman suzerainty, but possessing under the Government of the Khedives, who succeeded to the throne according to dynastic order of succession, complete autonomy. The Turkish suzerainty came to nothing more than the payment of an annual tribute, some limitation on the military establishment, and the observance of any treaties signed by the Sublime Porte. This complete autonomy was obtained by the Egyptians on the field of battle, and at the price of their blood. It needed nothing less than the intervention of Europe to stop the victorious march of Mohammed Aly, and to compel him to accept autonomy in

67 There were many causes for concern. One was Abbas Himi Paşa, the last Khedive of Egypt. He spent much of his time after the war attaching himself to various Arab nationalist causes and traveled to Paris and later to Lausanne. The British and the Ottomans spied on him throughout the war and after, each government producing thousands of reports on his activities. NA/FO839/40 and NA/FO141/648.

place of the independence which was the aim pursued. The Convention of London of the 15th of July, 1840, followed by the Hatte Cherif of the 13th February, 1841, constituted the Charter of Egypt. Thus the recognition of the rights of the latter was not by Turkey alone, but also by the Great Powers, whose intervention guaranteed this complete deliverance. Is it conceivable that the rights thus acquired can be lost because interior troubles, exaggerated at will, had for a moment caused anxiety to a few European residents?  

In addition to invoking the treaties and firmans, Zaghlul drew directly upon General Maxwell’s language in 1914 that Britain was fighting to protect the rights of Egypt “won upon the battlefield by Mohammad Ali.” Zaghlul cast doubt on the legality of the occupation itself, noting that the juridical meaning of “occupation” was itself unclear and that “the public law even omits to mention it as being a means or regulating the relations that may exist between two countries.” He denounced the 1904 entente cordiale between Britain and France as nothing more than an agreement between two countries, noting that the agreement could not intrude upon “the rights of Egyptians” or upon their recognized “autonomy.” Zaghlul underlined the fact that the protectorate was a wartime measure and the mechanism alone could not negate Egypt’s acknowledged political status. He claimed Egyptian independence was already recognized on the basis of Wilsonian principles as the “natural indefeasible right of nations” and because Egypt was now free of “Turkish suzerainty” she cold finally proclaim “full sovereignty justified by her moral and material conditions.” He argued too that it was not possible to treat Hejaz or other parts of Arabia differently from Egypt, “It seems to us that when Europe

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considers that the Hedjaz, which was but yesterday a Turkish province, has a right to independence, she cannot but treat Egypt, infinitely more developed and, in addition, autonomous, on the same footing of equality.” Finally, in keeping with Zaghlul’s legalist arguments, he pledged that Egypt would continue to recognize the rights of foreigners and to pay its debt.

All of these themes—the rights of Mehmet Ali, the civilizational superiority of Egypt to Hejaz and other Ottoman provinces—were repeated in a number of other letters and petitions sent by the Wafd around Paris, London and Cairo. When Allenby replaced Wingate as the High Commissioner of Egypt, following riots and strikes in against the protectorate, the Wafd sent him a letter arguing that Egypt had a stronger to claim to independence than any other part of the Ottoman Empire on the basis of its internationally guaranteed legal status, its civilization and the fact that Egypt supported Britain during the war:

During the time the Egyptians were reading with astonishment the news concerning the Delegations of other countries: the Hedjaz, Armenia, Syria, and the Lebanon etc., which yesterday still Turkish provinces, were for the most part in war against the allies, while Egypt richer, more civilized, and enjoying already an autonomy guaranteed by international treaty, had aided in the conquest of these same countries.74

73 Ibid., p. 20.

74 “Report presented in Arabic, with a French Translation to the British High Commissioner on March 30, 1919,” in The Delegation, Egyptian Delegation to the Peace Conference, Collection of Official Correspondence from November 11, 1918, to July 14, 1919, (Paris: The Delegation, 1919), p. 35. Like Wafd arguments in Paris, Egyptian nationalists who were willing to meet with the Milner Mission continued to argue that Egyptian autonomy was won by Mehmet Ali. Rennell Rodd met with a Mahmoud Pasha Soliman at Luxor. He argued, “Egypt must have complete independence. The people of Egypt had won it by arms in 1841. There remained only a shadow nexus with Turkey but that had had no importance in their eyes.” Rodd replied that he “was not prepared to admit that Turkish sovereignty was a mere fiction as he seemed to imply and that Egypt had ever since been independent in the accepted sense of the word. The question was what he meant by independence. He said he meant just the same conditions that were enjoyed by Servia and Greece and other such countries. Egypt was in a higher state of civilization than these countries and once she also had her independence she would go ahead as rapidly as Japan had
On March 7, 1919 Zaghlul and key members of the Wafd were arrested for their activities against the British protectorate and deported to Malta. Massive protests and a general strike in Cairo followed almost immediately. Wingate was recalled to London and replaced by General Allenby at the end of March. Nationalist pressure in Egypt was felt in Paris too. The real trouble for Britain at the war ended up being neither Turkey nor the other European powers, but rather Egypt.

Since 1914, recognition of Britain’s protectorate in Egypt had been protracted and incomplete at best. The United States never recognized the protectorate and Russian’s acceptance of Egypt’s changed legal status no longer mattered as the Bolsheviks were outside of European diplomacy at the start of the Peace Conference. While Britain managed to avoid discussion of Egypt’s legal status with Europe and the United States, events in Egypt forced Britain to deal with recognition of the protectorate. Allenby pressured the Foreign Office to obtain wide international recognition of the protectorate especially from the United States. On April 4, 1919, Allenby wrote to Balfour that Allenby to Balfour “I consider essential I would reiterate the great importance of

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75 In April Louis Mallet noted that Britain’s position in Egypt was “peculiar” and that Britain had obtained almost no support for the protectorate. At least no one at the Foreign Office could find much evidence. “The French have recognized our protectorate in principle, but the recognition will not become effective in detail till we have concluded the convention on which we are at present at work. The position as regards Italy is more curious. She has not recognized the protectorate, but has given a general assent to the proposed abolition of the capitulations…The general situation seems however quite clear. Our protectorate will not become effective until we have concluded our pending convention with the French, and the Italian note is a warning of what we expected viz. that we should have to do the same with them. It was thought however wiser to tie up the French first. In view of what you said yesterday, this policy seems the right one as regards Italy; for in her present humor any request of our protectorate in principle – which is what General Allenby wants – will probably be met with a reference to the note in 4821, i.e. they will boggle at detail and say “show us first your penny.” NA/FO608/213.
obtaining an early announcement that our protectorate is recognized by the Powers.”

After years of Foreign Office pressure, the United States responded immediately to Allenby’s request against growing unrest in Egypt, which was a massive blow to the Wafd.

George Louis Beer drafted the clauses affecting Turkey and Egypt for the Treaty of Versailles with Germany. Lord Milner worried that it would not be sufficient, he noted “I do not think this would by itself amount to recognition of the Protectorate by the Allied Powers who sign the Treaty. On the other hand, the draft Treaty of Peace with Turkey contains a provision by which all of the parties recognize the British Protectorate, and I think it would be possible to transfer this provision into the Treaty of Peace with Germany and make special provision in the Turkish Treaty for the recognition of the Protectorate by Turkey.” In the end, all of the treaties imposed by the Allies upon Germany, Austria, Hungary, Turkey and Bulgaria, were compelled to recognize the British Protectorate in Egypt and to renounce their Capitulatory rights there. The first and second Ottoman/Republic of Turkey treaties (Sevres and Lausanne) were slightly different and forced the Ottomans and later Republicans to relinquish all rights and titles over Egypt and the Sudan and to relinquish all claims on the Egyptian tribute.

Recognition of the Britain’s protectorate in Egypt did not quell the Revolution in Egypt. In May, 1919 the British government announced that a special mission headed by

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76 NA/FO608/213 Allenby to Balfour, April 4, 1919.

77 As Wm. Roger Louis notes, “the main reason to for finally dragging Egypt into treaty at all was to give recognition to the protectorate declared by Britain in 1914.” Wm. Roger Louis, “The Reparation of Africa during the First World War,” in Ends of British Imperialism: The Scramble for Empire, Suez and Decolonization, London: I.B. Tauris, 2006, p. 239, footnote 78.

78 NA/FO 608/213, Peace conference -British delegation, correspondence and papers relating to British Africa (Political): Egypt, Milner, April 5, 1919.
Lord Milner mission would be sent to Egypt to “inquire into the causes of the late disorders in Egypt and to report on the current situation in the country and the form of constitution which under the protectorate would be best to promote peace, the progressive development of self-governing institutions, and protection of foreign interests.” The Milner Mission consisted of a group of Egyptian and colonial experts, and the principle Legal Advisor at the Foreign Office, Sir Cecil Hurst. The Mission arrived in December of 1919 and returned to London in March of 1920-in part because Allenby wanted them to arrive after the Ottoman Empire signed the Treaty of Sevres. The Wafd boycotted the Mission, which was also met with another waves of strikes.

The Milner Missions internal discussions revolved around the meaning of protection, that is to say, what protection did for British interests in Egypt. The members of the mission discussed the meaning of the term at length. Rennell Rodd, argued that it was the word which had offended Egyptians, as the same word was used in Arabic to “indicate the protection accorded under traditional usage by western Powers to subjects of the old Turkish Empire.” He noted that the word “thus implies a diminution of sovereignty to Egyptians and has an unwelcome suggestiveness for them, as implying foreign intervention.” General Owen Thomas discussed the expression with Delabor Bey and Saddik Sahmy and reported Saddik that too argued that Arabic word for protectorate, “himaya,” was the same word as is applied to protected foreign subjects in

80 McIntyre, The Boycott of the Milner Mission, p. 35.
Egypt.\textsuperscript{82} He concluded that the “complete independence” that Egyptians demanded could be “satisfied with a little more than a shadow of independence with but very little substance.”\textsuperscript{83} For Milner the Mission should not bother with terms, but identify “how much authority” Britain should exercise in Egypt and that meant thinking clearly about what to control verses what could be left alone. Secondly, he thought it was important to decide if the British could come to an agreement with Egyptians or if Britain should be “obliged simply to arrogate to ourselves such powers as we may deem necessary without their consent”:

The “veiled protectorate” had defiantly come to an end. It was perhaps the best system possible. But it was necessarily temporary – the wonder is that it lasted so long – The veil could not be maintained for forever and the veil has gone. Something has to be substituted for it, having a more definite and open character. I do not ignore the fact that, whatever the formal relations between Great Britain and Egypt, the reality will always be something different. But we cannot very well go on any longer without any formal relations at all, beyond the phrase “Protectorate.”

Milner argued that when possible Britain should exercise control, in whatever branch of administration, without “assuming executive authority” he noted “the indirect method of effecting our object by guidance and advice is preferable to the direct method of doing all of the work ourselves or by direct orders.”\textsuperscript{84} He thought that too much had been made of the word “protectorate,” but that it could not be abandoned all together because it excluded all foreign influence from Egypt and at the same time was recognized in the Peace Treaties. He noted “It is quite possible that what we mean by “Protectorate” is not really incompatible with the they mean by “independence.” Milner insisted that the

\textsuperscript{82} NA/Fo 848/3, Milner Mission, “Record of conversations held with various people of authority in Egypt,” Conversation between Brig. General Sir Owen Thomas and Delabor Bey and Saddik Sahmy.

\textsuperscript{83} Ibid.

\textsuperscript{84} NA/FO/848/8, Milner Mission, “The Veiled Protectorate.”
Mission had to learn what Egyptians actually meant and required by “complete independence.” He argued that the protectorate could remain in place, but that Britain could work out a bi-lateral arrangement with Fuad and his ministers:

My own idea of the form…is that of a contract (I will not call it a treaty) by which we should undertake to guarantee an agreed constitution for Egypt against foreign intervention and internal disorder, and Egypt, in return for this guarantee, would acknowledge our right to keep an army of occupation and to retain certain posts in the administration, and the control of the Sudan. All these could be based on obligations we should be undertaking for the defense of Egypt and for the maintenance of the constitution, including any provisions it might contain for the protection of foreigners. I do not see why it should no be possible to have such an understanding with the Egyptians without abandoning the Protectorate, which we have so far only defined as implying the control of Egypt’s foreign relations, which control would be explicitly recognized in this contract. As between us and the rest of the world our position would rest on the declaration of 1914, and its acknowledgement by the Great Powers, and the Peace Treaties. But as between us and the Egyptians it would rest on a bi-lateral agreement, not inconsistent with but in foro demestico, taking the place of these various sets. I conceive that it is not beyond the skill of the draftsmen, who have invented in the last twelve months – “Mandates” and such like – to construct a document which would embody these ideas.

Milner’s plan for what would replace the so-called “veiled protectorate,” his expression for the occupation, was an idealized version of the occupation. Cromer and others, including Milner back in the 1890s had long argued against “internationalism” in Egypt. European and Ottoman interference in Egypt, had by their estimate, hindered and obstructed so-called reforms. For Milner, a form of “independence” could be found to satisfy Egyptians while maximizing British interests and limiting European intervention. Upon returning to London, he recommended full sovereignty for Egypt over its internal government, including the right to conclude treaties with foreign nations. In return Egypt

85 *In foro demestico* is a legal expression meaning “in a domestic court” versus a foreign court.

86 NA/FO/848/8, Milner Mission, “The Veiled Protectorate.”

should acknowledge the right of Great Britain to maintain capitulatory rights with some modifications. He argued too that Britain should have rights to military bases to prevent “foreign intervention” in Egypt. Milner also thought the Britain should negotiate with Zaghlul and the Wafd. Needless to say, the Cabinet found Milner’s suggestions incredible—Britain had finally obtained Egypt, but subsequent negotiations failed to produce a treaty that was satisfactory to nationalists and with the long stalemate Allenby unilaterally declared Egyptian independence on February 28, 1922. Egypt was proclaimed to be a sovereign and independent state, but subject to four reservations. Britain would control the security of communications and defense. Minorities and foreign interests would remain in place, subject to some revision. Finally, like the Anglo-Egyptian Condominium, Sudan would not be affected by independence. Britain’s short-lived “Sultan” became a king with the establishment of the constitutional monarchy and new constitution promulgated April 1923. Egyptian independence looked rather like Milner’s idealized version of occupation. The permanent military occupation of the province would continue under the new veil of “independence.”
Conclusion: The Legacy of the British Occupation in the Middle East

The attempt to follow Indian models too closely, either in administration or development, is doomed to failure...How, then, are we to set about consolidating our position in this our new Arabic-speaking empire.

William Ormsby-Gore

Ce n’est pas un gouvernement; c’est une administration.

Nubar Pasha

The occupation of Egypt had a lasting impact on British imperial policy in the Middle East after World War I, but also on Egypt and the Republic of Turkey. Wm. Roger Lewis has argued that the British Empire was revived and reinvented in the Middle East after World War I. I argue that the reinvention of the empire that Lewis posits began in Egypt. British officials in the Foreign Office learned much from the occupation and over time developed a model of rule that was distinct from formal political control. Sovereignty could reside elsewhere, preferably in a local monarch, as long as an army of British advisors controlled foreign and economic policy. A number of accidents and issues particular to the period shaped the model, especially the British-Ottoman diplomatic relationship, but also the consolidation of positivist international law and the global territorialization of sovereignty between the 1880s and the end of World War I. Ruling through Ottoman institutions, along with justifications for the occupation, such as international stability and the development of self-government, offered a new model of

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imperial administration that the British employed in the form of League of Nations mandates in the territories seized from the Ottoman Empire after World War I.

During the protectorate experiment in Egypt, the Foreign Office learned something very important about formal sovereignty. The Protectorate lasted briefly, but debates about it continued in London and Cairo during the war through the mid 1920s. During the war, these discussions led to rather frank discussions concerning the past and future of British power in Egypt and the Middle East more broadly. The protectorate was a wartime exigency and one that deviated from the Foreign Offices’ usual anti-annexationist position in Ottoman territories – preferring a range of options to manage Ottoman weakness, from creating “autonomous” provinces to permanent military occupation. By the end of the war, many officials viewed the protectorate as a misstep, particularly as Egyptian nationalists continued to appeal to the Egypt’s special status in international law while demanding independence. Independence in 1922, was in many ways a return to the occupation\(^4\) formal sovereignty could reside in Egypt, as it had in the Ottoman Sultan during the occupation, while Britain administered core functions of the state.

The occupation of Egypt and the constitutional and legal debates it gave rise to in London, Istanbul, and Cairo also had a significant and lasting impact on modern Egypt.

\(^4\) M.W. Daley makes a similar argument, but for different reasons, and views “independence” as a return to the informal control of occupation. He notes “protectorate status had lent clarity and a degree of legitimacy to British action that both occupation before the war and blatant interference after 1922 lacked.” Throughout the occupation commentators argued that Egypt had become a British colony in all but name and without the advantage of Colonial Office oversight. The idea that the protectorate provided legitimacy to Britain’s position in Egypt parallels these older arguments. Incorporating Egypt into the British Empire did not provide Egyptians with more security or better governance. See M.W. Daley “The British Occupation, 1882-1922” in M.W. Daley ed, The Cambridge History of Egypt: Modern Egypt from 1517 to the End of the Twentieth Century, (Cambridge: University Press, 1998), vol. 2.
In 1914 British officials obtained support for the protectorate from Egyptian ministers on the basis of securing Egypt’s future “autonomy.” By March of 1919 Cairo exploded in protest against Britain’s “illegal protectorate,” which continued nearly unabated through Britain’s unilateral declaration of independence in 1922 and the establishment of the Egyptian monarchy in 1923. Yet “independence” in 1922 paradoxically removed Egypt from the sphere of international politics and legal contest and publicity.

One might argue further that even after independence and the Treaty of Lausanne, where the Ottoman/Republican state relinquished legal claims to Egypt and Sudan, problems related to Ottoman sovereignty in Egypt persisted through a series of measures in the 1930s stemming from the Anglo-Egyptian Treaty of Alliance in 1936. The treaty opened the way to the Montreux conference on (April 12–My 8, 1937) which set the date to abolish the Capitulations – only twenty-three years after the Ottomans had done so and a full fourteen years after the Ottoman state had ceased to exist. Iraq also invited Egypt to join the League of Nations in February 1937, and the Republic of Turkey, itself a new member to the League, proposed that an extraordinary session should be held for the purpose. On May 26th, 1937, the Assembly of the League of Nation’s unanimously recommended Egypt as a League member. As one legal commentator noted, “Thus culminated the long progression of events which began with the establishment of Egypt’s special status within the Ottoman Empire in the middle of the nineteenth century.”

In many ways, in the area of international relations, the modern Turkish Republic, the core successor state to the Ottoman Empire, emerged as one of the great winners in

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this story. Outside of the Balkans, Turkey became one of the few properly independent states in the post-Ottoman Middle East and one with an existing bureaucracy and state institutions. At the same time nominal sovereignty held less meaning in a world where political power increasingly resided in states rather than empires. The Ottoman attachment to the territorial integrity of the Empire gave way to the Turkish Republic’s slogan emblazoned still today on the wall of the Grand National Assembly: “Sovereignty belongs to the nation without limits and without conditions.” Permanent European military occupations of Ottoman territory, the Capitulations, and other derogations of Ottoman sovereignty were rejected by Turkish Republicans as incompatible with the territorialized state in the new global order established after World War I.

6 This is one more reason to take Richard Bulliet’s question “What went right?” – versus “What went wrong?” more seriously in comparisons between Modern Turkey and modern Arab states. The Republic of Turkey had a functional and long existing bureaucracy, among other assets. Richard Bulliet, The Case for Islamo-Christian Civilization, (New York: Columbia University Press, 2006).

7 The original sign in the old Büyük Meclis in Ankara, before its present location, read “Hakimiyet milletindir.” Today it reads “Egemenlik, kayitsiz, sartsiz milletindir!”
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Yıldız Esas Evrakı (Y.EE) [Yıldız Palace - records of Abdülhamid II]

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Mısır Mühimme Defteri [Register of Important Affairs for Egypt]

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National Archives, London (NA)
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Autonomous Provinces in the Ottoman Empire

**North Africa and the Levant**
Mt. Lebanon (Mutasarrifiyya / Cebelliubnan) 1861-1920

Egypt (Mısır Hidivliği) 1840-1914

Tunisia (Tunus) 1937-1881

Autonomous Principality of Cezayir (Algeria)

Administration of Mecca (Mekteşirliği) (1827)-1916

**Greek Islands**
Principality of Samos (Sisam Beyliği) 1833-1912

Crete (Girit) 1978-1913

Cyprus (Kibris), occupied by Britain 1878-1914

**Balkan Provinces**
Principality of Serbia (Sirbiye Knezleri) 1829-1878

Principality of Montenegro (Karadağ Beyleri) 1830-1878

Principality of Bulgaria (Bulgaristan Prensleri) 1879-1908
Eastern Rumelia (Şarkı Rumeli) 1878-1887, occupied by Bulgaria

Principality of Moldavia (Boğdan Beyleri) 1834-1859

Principality of Walachia (Eflak Beyleri) 1834-1859

United Principalities of Moldavia and Wallachia / Romania
Principalities (Memleketeyn Voyvodaları) 1859-1978