

Rudolph Peters

CONTROLLED SUFFERING: MORTALITY AND LIVING CONDITIONS IN 19TH-CENTURY EGYPTIAN PRISONS

Whereas it is required by equity and justice that, in accordance with the principles of hygiene, the gaols in the governorate and the district capitals be clean and have access to so much fresh air that a person's health is not impaired, and whereas it has been noticed that some of these prisons do not satisfy these conditions, therefore the governors are instructed to conduct personally an examination and inspection of the prisons in their governorate, together with the chief engineer and the regional health officer.

—Order of the *Majlis al-Ahkām*, issued in 1849¹

Between 1829 and the 1870s, the administration of criminal justice in Egypt was rationalized and bureaucratized. The most prominent features of this reform were the emergence of a hierarchical judiciary consisting of judicial councils and shari'a courts with clearly circumscribed jurisdictions; the introduction and enforcement of penal codes with well-defined offenses and penalties; and, finally, the development of a system of punishment in which imprisonment had become the main penalty, corporal punishment had been abolished, and the death penalty had become rare.² As a result of these reforms, Egyptian criminal law during the second half of the 19th century was—at least, before the British occupation—not as cruel and arbitrary as European travelers and British colonial servants made it out to be. During this period of penal reform, prison conditions improved drastically, which resulted in a noticeable drop in prison mortality between the late 1840s and the early 1860s. In this essay I will argue that this improvement was the result not of a conscious policy of Westernizing reform introduced by Khedive Isma'īl but of a number of more general processes that had begun by the 1830s.

The first factor was the emergence of a public health service³ and the growing concern of health officers with prison conditions.⁴ A second development that contributed to the improvement of prison conditions was the better organization of the state, which resulted in a greater capability and efficiency of state services. Finally, it was a consequence of the ideas behind the penal reform—namely, the notion that judicial punishment must not be arbitrary but based on laws and that criminal sentences must specify and quantify the punishment that they impose so that a just quantity of suffering could be administered to individual offenders. The implementation of such an idea required control of prison

Rudolph Peters is a Professor in the Department of Arabic and Islamic Studies, University of Amsterdam, Spuistraat 134, 1012VB Amsterdam, The Netherlands; e-mail: r.peters@uva.nl.

conditions to provide minimum living standards for all prisoners and to obviate serious health risks that might result in unintended and gratuitous aggravation of suffering.

My main sources for reconstructing prison conditions are official documents, which give information on the institutional aspects but rarely on the experience of those who suffered punishment. By necessity, this study cannot offer more than a view from the outside. In addition to the printed texts of penal codes that I used (for a list of the relevant codes, see Appendix 1), these documents are located in the Egyptian National Archive (*Dār al-Wathāʾiq al-Qawmiyya*), in Cairo. They consist of unpublished decrees and khedival orders,⁵ correspondence among the various state authorities, and the sentences of the various judicial councils. Finding relevant material was complicated by the fact that prisons were administered by various departments, some of whose documents are not yet accessible. A rich source of information proved to be the few records of trials of prison guards for negligence, which I had the good fortune to come across. They often contain detailed reports on prison organization and the daily life of the inmates.

All this is supplemented by the scarce information that can be culled from the publications of contemporary Western observers. These sources, however, must be used with extreme caution. Most of these travelers did not know the local language and therefore had difficulty in interpreting what they saw. Moreover, they had preconceived notions of Oriental justice as being arbitrary and cruel, which demonstrably tainted their observations. To substantiate these notions, they had a tendency to present as eyewitness reports the cock-and-bull stories that they had heard or read.

THE PRISON SYSTEM

During the 19th century, imprisonment emerged as the main form of judicial punishment in Egypt.⁶ The penal reforms that brought this about were, at first glance, very similar to those introduced in Western Europe during the same period: the abolition of corporal punishment, with its concomitant spectacles of suffering, and its replacement by imprisonment. Michel Foucault analyzed this development in his study *Surveiller et punir* and argued that around 1800—at least, in France—the object of punishment shifted from the body to the soul as a result of the emergence of a centralized, powerful state with an effective police force for tracing criminals and enforcing the law.⁷ Punishment through publicly administered suffering was functional when the state was weak and there were no effective means to trace and apprehend offenders. In such a situation, deterrence was needed to restrain people from committing crimes. However, when the police became efficient and most criminals were caught, the aim of punishment became disciplining the offender instead of deterring the public. The state needed obedient and disciplined subjects, and the prison became—alongside the school, the conscript army, and the psychiatric hospital—a disciplining institution.

Elsewhere I have discussed in detail the extent to which Foucault's theories are relevant for explaining the Egyptian developments.⁸ Briefly, my conclusions are that the emergence of imprisonment as the main form of judicial punishment and the decrease in the number of executions in Egypt were indeed the result of the emergence of a strong, centralized state with a well-functioning police force.⁹ However, apart from a very short-lived experiment in the early 1860s, I have not found any signs of a conscious and deliberate policy of disciplining and rehabilitating prison inmates. Regarding the

abolition of the judicial penalty of flogging in 1862, this was caused by factors other than those mentioned in Foucault's analysis. The most important cause, in my view, was that social and economic changes in the countryside had reduced the need for official violence, especially in the domains of product extraction and the collecting of men for the military, whereas there was a growing awareness among parts of the administrative elite that corporal punishment was a sign of "backwardness," especially after its abolition in the Ottoman Empire in 1858. An additional factor was that the need for torture during the interrogation of suspects had decreased due to the adoption of scientific methods of forensic investigation.¹⁰ The result was that the role of violence diminished in legal proceedings. In the direct interaction between administrators and subjects, however, physical pressure was never totally abandoned.

The Egyptian prison system, as far as its punitive functions are concerned, was based on retribution, deterrence, and rehabilitation.¹¹ These objectives are usually briefly mentioned in laws and sentences but not elaborated into a detailed and coherent philosophy of punishment. Deterrence and rehabilitation were regarded as self-evident. Only the notion of retribution left a clear mark on the prison system. Its underlying principle was that punishment must be commensurate with the seriousness of the offense. The amount of suffering was conceptualized as a combination of the length of the prison term and the harshness of the prison regime. The latter depended primarily on the prison's distance from the prisoner's home and the type of labor that had to be performed. These factors structured the prison system and determined the relative severity of the various types of imprisonment, ranging from simple detention in one's district of residence, without work, to deportation with hard labor in Sudan. Not until the early 1860s do we see attempts to calibrate or fine-tune the amount of suffering by increasing it through the withholding of food or isolation for limited periods to inflict "a just measure of pain." This was done to enhance the effect of short terms of simple detention when flogging was abolished as a legal punishment and replaced by imprisonment.

Egyptian prisons were part of a four-tier hierarchy consisting of (1) labor camps in Sudan for those sentenced to hard labor with transportation, (2) national labor prisons in Egypt, (3) local labor prisons and factories at the provincial level, and (4) gaols for simple detention. Transportation to Sudan was introduced as a punishment in the early 1840s. We do not have any details of prison life there, but the distance from home and the working conditions must have made life very hard for the inmates. The introduction of transportation was motivated by two factors. First, it enabled the total exclusion of serious criminals from society, which could serve as a substitute for capital punishment. And second, there were economic considerations. Prisoners had to work in those areas where free labor was not available or not sufficiently available—in the gold mines and quarries in eastern Sudan and, later, in the reclamation projects in central Sudan. Because of the lack of information on the Sudanese labor prisons, I will not discuss them in this essay.

At the national level there were, at various times, three prisons for men. In addition, there was the spinning factory (*iplikkhāne, maghzal*) in Bulaq, established in 1856 as a national prison for women. The national prison that remained operative during the entire period under study was the one connected with the Alexandria arsenal, where convicts were originally employed in digging and moving earth in connection with the construction of a new harbor and later also in the arsenal's workshops. The prison accommodated 200–650 inmates. This prison fell under the jurisdiction of the

Department of the Navy (*Dīwān al-Donanma* or *Dīwān al-Baḥriyya*). The second national prison, located near the fortifications at al-Qanatir al-Khayriyya (called *al-Qalʿa al-Saʿīdiyya* or *al-Istiḥkāmāt al-Saʿīdiyya*), was operative from about 1853 until at least 1865.¹² Its inmates worked on the construction of the fortress. As a prison it was much bigger than the Alexandria arsenal. At some time, it housed up to 1,200 prisoners. Initially, it fell under the authority of the War Office (*Jihādiyya*), but in 1857 it was transferred to the Department of Industry (*Dīwān al-Wābūrāt wa-l-ʿAmaliyyāt*, also called *Dīwān al-Fābrīqāt wa-l-ʿAmaliyyāt*).¹³ Finally, there was, apart from the deportation camps, a national prison in Sudan, at that time under Egyptian rule. It held only Sudanese convicts until it was decided in 1857 that, to make the punishment more of a deterrent, serious offenders from Sudan would serve their terms in Alexandria, and those from Egypt would be sent to Sudan.¹⁴

The provincial prisons and various industrial establishments held less serious offenders sentenced to hard labor. Hard labor in factories and on construction sites goes back to the late 1820s, when convicts were sent to the iron foundry (*demürhâne* in Turkish) in Bulaq or to building sites in Alexandria (*Iskenderiye ebniyesi* in Turkish). Prisoners were put at the disposal of the Department of Industry. Hard labor in provincial gaols existed also at that time. It is defined in the Law of Agriculture (*Qānūn al-Filāḥa*),¹⁵ enacted in 1830, as “to be employed, with his feet in chains, on the government building site (*al-abniya al-maʿmūriyya*) in the district (*maʿmūriyya*) where he comes from” (Article 17). The Penal Code of 1845 (*Qānūn al-Muntakhab*) mentions expressly that these building sites are located both in Cairo and in the provincial centers (Article 192). Since this type of hard labor was served not too far from home, it was considered to be lighter than terms served in the national prisons. The Imperial Penal Code (*Qānūnnāme Sultānī*, introduced in Egypt around 1853) referred to it using the term “lowly jobs” (*khidamāt danīʿa* or *ashghāl suflīyya*). Convicts serving time in the provincial prisons were employed in sweeping, cleaning, and light construction labor.

Places for simple detention (*ḥabs*) without hard labor were the police prisons in the big cities, the prison in the Cairo Citadel, and prisons in the various provincial capitals. These prisons fell under the authority of the local police departments (*ḍabṭiyya*) or the provincial administrations (*mudīriyyāt, muḥāfazāt*). These provincial prisons also held inmates sentenced to hard labor. The police and provincial gaols were relatively small. In August 1859, about 100 prisoners were detained in the Cairo police gaol, among them those held for debt.¹⁶ The provincial prison of the Mudiriyya Bani Suwayf and Fayum housed seventy-four inmates in 1854.¹⁷ In Cairo, there were, in addition to the police gaols, prisons for debtors and gaols connected with the shariʿa court and the judicial councils.

For higher officials and military officers there was detention in the fortress of Abu Qir on the Mediterranean shore not far from Alexandria.¹⁸ This prison was in use until at least 1855.¹⁹ I have not been able to establish whether the detainees were forced to work. For some time after 1849 it was replaced by imprisonment in Aswan, with a reduction of half of the prison term because of the heat.²⁰

Prisons fell under various departments: the Ministry of War, the Ministry of Navy, and the Ministry of Construction; the various police departments; and city and provincial administrations. The organization of the prison system was therefore diverse. A small measure of uniformity was introduced by the appointment of a special inspector of

prisons in February 1865, with the task of checking the conditions of the prisons and the punctual release of the prisoners.²¹

MORTALITY

Among the catalogued holdings of the Egyptian National Archives are five unique registers listing the entries of prisoners in Egypt's principal national prison of the 19th century, the one housed in the Alexandria Arsenal (*tarsānat Iskandariyya*) and usually called *līmān* (or *lūmān*) *Iskandariyya*.²² It is possible—and, indeed, likely—that comparable registers for other prisons exist among the uncatalogued holdings of the archive. However, these have not yet been found. The Alexandria registers cover two periods: 16 February 1847 to 19 September 1852 and 25 January 1861 to 22 May 1869. They list the date of release or of death of the inmates and are thus a major source of information on the composition of the prison population and on prison conditions.

With the help of these registers I have calculated the mortality of the inmates in the Alexandria prison. For the late 1840s, I have followed eighty-six convicts with sentences of five years or more who entered the prison between 18 March 1847 and 27 September 1847. For the early 1860s I followed 108 prisoners who entered the Alexandria arsenal between 26 August 1863 and 6 September 1866; were sentenced to three years or more; and were not released during the first year. An exact comparison with the 1847 numbers was not possible: in the 1860s, the Alexandria arsenal was no longer used as a prison for convicts with long sentences, and most of them during that period were deported to Sudan. Prisoners who spent more than one year in the Alexandria prison were rare in this period.

As Table 1 shows, the average mortality rate during the first period was higher than 15 percent per year. Calculating the mortality of this group without taking into account the twenty-six inmates who were released before their term results in an even more dramatic mortality rate of 20 percent—that is, after five years, only one-third of the inmates were still alive (Table 2). The exceptionally high mortality rate of 25 percent in the second year of their imprisonment (see Table 1) must reflect the toll taken by the cholera epidemic that raged in Egypt during the summer of 1848.²³ But even if one disregards the second year, the average mortality rate is still over 13 percent. A comparison with the mortality rate in 19th-century European prisons puts these figures in perspective. In the most insalubrious *bagne* (hard-labor prison) in France, that of Rochefort, the mortality rate between 1816 and 1827 was 9 percent per annum, which was higher than that of all other French *bagnes*.²⁴ In 19th-century Dutch prisons, one finds such high numbers (up to 30 percent in some prisons) only in exceptional circumstances, such as during the years 1846–48, when prisons became overcrowded as a result of a rise in criminality due to bad harvests and famine. In ordinary years the mortality rate fluctuated between 3.5 and 6 percent.²⁵ The 13 percent mortality rate in Egyptian prisons in the late 1840s was very high in comparison and must reflect pernicious prison conditions.

Sixteen years later, the conditions in the Alexandria Arsenal must have improved a great deal, for the mortality rate had decreased to an average of 4.5 percent in the years 1863–1866 (Table 3), becoming roughly the same as the mortality rate in French and Dutch prisons (which varied from 2 to 9 percent for the French and from 3.5 to 6 percent for the Dutch prisons).²⁶ Although 4.5 percent is exactly as high as the overall death

TABLE 1. *Prison mortality (1847): Mortality and releases of eighty-six inmates sentenced to five years or more*

Year After Entry into Prison	Number of Deaths in that Year	Accumulated Number of Deaths	Number of those Released in that Year	Accumulated Number of Releases	Number of Prisoners Remaining at the End of the Year	Mortality ^a
1	9	9	12	12	65	10%
2	16	25	3	15	46	25%
3	7	32	5	20	34	15%
4	6	38	0	20	28	17%
5	3	41	3	23	22	11%

^aNumber of deaths during a year as a percentage of the number of prisoners present at the beginning of that year.

TABLE 2. *Prison mortality (1847): Mortality of sixty prisoners sentenced to five years or more and not released before the end of their term*

Year after Entry into Prison	Number of Deaths in that Year	Mortality ^a	Accumulated Number of Deaths	Number of Remaining Prisoners	Number of Prisoners as a Percentage of the Original Group
1	9	15%	9	51	85%
2	16	31%	25	35	58%
3	7	20%	32	28	45%
4	6	21%	38	22	37%
5	3	14%	41	19	32%

^aNumber of deaths during a year as a percentage of the number of prisoners present at the beginning of that year.

TABLE 3. *Prison mortality (1863–66): Mortality of 112 prisoners with sentences of three years or more, who were not released during the first year*

Year after Entry into Prison	Number of Deaths in that Year	Accumulated Number of Deaths	Number of those Released During That Year	Accumulated Number of Releases	Number of Prisoners Remaining at the End of the Year	Mortality ^a
1	10	10	0	0	98	8%
2	2	12	23	23	73	2%
3	2	14	38	61	33	2%
4	2	16	19	80	12	6%

^aNumber of deaths during a year as a percentage of the number of prisoners present at the beginning of that year.

rate of the entire Cairo population between 1868 and 1871, that comparison is misleading.²⁷ The prison population under consideration consisted of men with an average age of thirty-five years at the time of entrance. They were not affected by infant or old-age mortality or by perinatal mortality, which together made up a large part of the mortality of the overall population. Prison mortality was therefore still much higher than the overall death rate for the comparable age and sex group. As can be expected, those who died in the Alexandria prison were older than the others: their mean age was forty years old when they entered the prison, five years older than the mean age of the whole prison population at the date of entry.²⁸ Moreover, the time they had spent in prison before entering the Alexandria prison may have played a role. The average inmate had spent 370 days in custody, whereas those who died had been imprisoned for an average of 595 days.

Since no data exist for the other prisons, it cannot be excluded that this drop in mortality was restricted to Alexandria. The Alexandria prison might have received special attention from the government to create a model prison to impress European visitors, for most of whom Alexandria was the port of entry. However, this is not very likely, and there are several factors that make it plausible that these figures reflect a general trend. First, the Alexandria prison was not a separate institution but part of the arsenal, where, as I will show, the prisoners represented only a small part of the entire workforce. That its prison function was not very conspicuous is demonstrated by the fact that two very detailed recent studies of 19th-century Alexandria do not mention it.²⁹ Second, the attempts to show that Egypt was really part of Europe are associated with Khedive Isma‘il (r. 1863–79). Because the reduction in mortality had already set by 1863, the change of policy of which it was a result must have taken place before that year and thus cannot be ascribed to measures taken by Isma‘il. Finally, as I will show, there were general changes in the administration and government of Egypt that can explain the improvement of prison conditions and would apply to all prisons, not just the one in Alexandria.

PRISON CONDITIONS

In this section I will try to give an impression of what Egyptian prisons were like in the 19th century. Unfortunately, the source material is scarce and fragmentary, and many questions must remain unanswered. I will especially highlight those changes in prison conditions that may have had an effect on prison mortality.

Accommodation

By the end of 1850, officials of the State Health Inspection (*Taftīsh al-Ṣiḥḥa*) had examined the state of the Cairo prisons. Their findings were devastating. They observed that gaols were in an abominable state and so detrimental to the inmates' health that their lives were in jeopardy. The prisons were in need of drastic reconstruction, or even demolition and rebuilding, to satisfy health standards. However, since they realized that the budgets were limited, the health officials proposed only the most urgent alterations: one prison lacked latrines, which should be built, and in all others the accumulated excrement and urine needed to be removed. Some prisons lacked light holes, which should be remedied immediately. Certain wards were so small that the prisoners were

piled on top of one another. Finally, the officials discovered that in some gaols the inmates slept on damp floors because there were no stone or wooden platforms (*maṣṭaba*) to sleep on. Therefore, they recommended that the wooden benches stored in the Hospital of the Sultan Qalawun Mosque should be transferred to these prisons.³⁰

This report gives some impression of the state of prisons in the first half of the 19th century. It is not difficult to imagine the stifling atmosphere, the stench of unwashed bodies, the vermin and dirt in a ward without sanitary facilities and with a limited supply of water—all of which had to be brought in by water carriers—where many men were confined and one had to call for a guard to be taken to the latrines. There was little concern about prison buildings. Prisons were not specially constructed as prisons but established in ordinary houses that were bought or rented for the purpose,³¹ in wards such as those existing in the Cairo Citadel; in storehouses (*ḥāṣil*); and, in one instance, in a disused stable.³² They were often located on large guarded government compounds accommodating, apart from the prisons, administrative offices (*dīwān*) and police guardrooms.³³ Prisons were often ramshackle, which caused security problems. At one prison, the wooden walls were so dilapidated that prisoners managed to escape through them.³⁴ In 1856, all pertinent authorities were instructed to reinforce the prisons to prevent such escapes.³⁵

The prison inmates were locked up together in wards, not in separate cells. They slept on the floor or on wooden or stone platforms. Bedding seems not to have been provided.³⁶ Sometimes inmates were put in chains for the night. The idea of solitary confinement was not introduced until 1862 (when flogging was abolished as a legal penalty), and then only in special cases as a way to aggravate the punishment of simple detention (*ḥabs*) for certain types of offenders. It could not be imposed for a period of more than three weeks. Such prisoners were not allowed to have contact with relatives and friends.³⁷ I have not seen indications that the introduction of a system of solitary confinement with the objective of stimulating the inmates to repent or to enhance prison security was ever considered.

For rich prisoners the harshness of prison life could be mitigated. In 1845, a traveler observed, there were glaring differences between the conditions of rich and poor inmates. In Alexandria, the rich prisoners had their own furnished rooms and even servants or slaves and did not have to work, unless Mehmed ‘Ali had expressly ordered so. In the Cairo prison they had their own café and could have food brought in from outside, whereas the poor were detained in a dark ward without daylight and given only two round loaves of bread per day. At night they were chained to one another.³⁸ These observations have a ring of truth. Unfortunately, the author does not give a clue about the type of prisoners who enjoyed these privileges. It may well be the case that the possibility of acquiring better treatment was reserved for those held for debts or for the political hostages and not for those convicted for crime.

The 1849 order of the *Majlis al-Aḥkām* directing the regional authorities to examine the prisons together with health officers³⁹ heralds the beginning of official concern for the health conditions in the prisons—essentially, their cleanliness and access to fresh air and daylight. The report summarized at the beginning of this section is one of the examples of this new policy. I do not know the extent to which the recommendations of the health officials were implemented. Improvement of prison conditions must have been a slow but steady process. After his accession to the throne, the Khedive

Isma‘il gave this policy a new boost. A khedival order of 1863 instructed the prison authorities that all circumstances that were injurious to the inmates' health were to be eliminated; that all prisons had to be cleaned and repaired; and that inmates needed to have access to fresh air.⁴⁰ The prison authorities responded that rebuilding the prisons to bring them into agreement with these health standards would entail considerable expense, and it is not clear whether the necessary funds were allotted.⁴¹ However, one of the results of Isma‘il's new policy was that, in 1864, the Cairo Police Department received permission to renovate the police gaol because the stench and the filth were unsupportable.⁴²

Food

In principle, the inmates or their relatives had to provide their food.⁴³ This applied of course especially to the inmates of local and provincial prisons, whose relatives could regularly visit them. If prisoners could not support themselves, food for the men was provided by the local government and for the women by the Treasury (*Bayt al-Māl*).⁴⁴ During the 1830s, prisoners in the national prisons and those working for the Department of Construction received wages with which they could buy their food.⁴⁵ It is not clear when this was abolished and the inmates became dependent on government rations. In 1830, the standard daily ration for indigent prisoners was fixed at about 900 grams of coarse bread (*khubz jirāya*).⁴⁶ This was approximately the same quantity of bread that the inmates of the French *bagnes* were entitled to (917 grams), a quantity that had been constant since the 18th century.⁴⁷ Although this could point at some form of influence, a more obvious explanation is that it was a matter of experience that the hard physical work that the inmates had to perform would require such a quantity of calories. Occasionally, the inmates received an additional ration of meat.⁴⁸ A khedival decree of 1856 stipulates that hardtack was to be distributed to indigent prisoners sentenced to transportation to serve as provisions during the journey.⁴⁹ It is not clear how one should read this order. Perhaps the deportees previously received ordinary bread rations that went bad during the journey, whereas hardtack was supposed to keep well. But it is not unthinkable that, prior to this order, the deportees who could not provide for themselves did not receive anything and were left to beg.

In the early 1860s a marked improvement can be observed in the quality of food distributed to the prisoners. A khedival order of April 1863 states that the following monthly rations were already standard in the national labor prisons and lays down that these were henceforth to be distributed to all inmates of local and police prisons who could not support themselves:

- 28 kilograms of coarse bread (which amounts to the ration of about 900 grams per diem mentioned earlier)
- 3.7 kilograms of lentils
- 1.8 kilograms of rice
- 0.37 kilograms of clarified butter
- 0.88 kilograms of beef⁵⁰

This was a somewhat one-sided diet but adequate as far as caloric value is concerned. It is not very different from the rations provided to students in the state boarding schools

during the same period.⁵¹ The French *bagnes* provided a similar diet.⁵² We have no way to tell whether these rations ultimately reached the inmates. It is possible that part of it was appropriated by guards or other officials. The 1863 decree stipulates that storekeepers (*makhzanjī*) were to be appointed to supervise the distribution of food, implying that this task could not be entrusted to the guards.

From the early 1860s, all prisoners were entitled to adequate standard rations. For those held in simple detention, who did not have to work, rationing could then be used to increase the measure of suffering. This was indeed introduced by the 1862 ordinance abolishing corporal punishment, which stipulated that detention could be aggravated for some categories of offenders by putting them on “bread and water” (*ḥabs al-riyāḍa*). Until that time, this form of punishment was applied only to military and state officials. The idea behind it was that simple detention would not be a sufficient deterrent. The ordinance specified that such offenders would get about 450 grams of bread daily—that is, half the normal bread ration—and a jug with 1.2 liters of water. With regard to the latter, the instructions mention that, especially during summer, prisoners would get more water if they asked for it.⁵³

Work

Sometime in the early 1860s, Fadil Pasha, the governor of al-Minufiyya province, noticed that not all inmates in the provincial prison who were sentenced to “lowly jobs in the *mudīriyya*” were working. They should be employed in manufacturing mud bricks for the repair of the buildings of the provincial administration. When he pointed this out to the prison warden (*ma'mūr al-sijn*), the latter replied that he was short of staff. Apart from the common guards, there was only one sergeant-major (*bāshjawīsh*), who could not guard all prisoners that had to work outside the prison. Fadil Pasha then suggested that the warden himself could also take a batch of prisoners to their work, while the prisoners who did not have to work could be left in the prison with a few soldiers. There was no reason, he said, why the warden would sit idly in his office. The warden angrily rejected the suggestion, saying that he was a warden and not a common guard (*qawwās*). The warden must have been a stubborn man, because the case was finally brought before the *Majlis al-Aḥkām*, who decided that the warden should be reprimanded and instructed him to do as the governor had told him.⁵⁴

Apart from showing the arrogance of some petty officials, this story makes clear that the separation between those prisoners who had to work and those who did not was strictly maintained and that this work was carried out outside the prison. The work assigned to them, manufacturing mud bricks (*ḍarb al-ṭūb*) by filling molds and letting them dry in the sun, cannot have been very strenuous. Moreover, being outside the prison probably gave the inmates a chance to converse with friends and acquaintances and receive food. “Lowly jobs” in the provincial gaols was obviously much lighter than hard labor in Alexandria.

In Alexandria, prisoners were detained in the Navy arsenal, which was located on the western shore of the peninsula. They made up only a small fraction of all people employed there. In the late 1830s, there were about 200 prisoners in a total workforce of several thousand.⁵⁵ The prison was therefore only a small element in the whole establishment, to the extent that the gatekeepers were not especially instructed to guard the prisoners. When prisoners escaped and the Nubian gatekeepers were questioned,

they answered that their first duty was to protect government property and not to guard prisoners. For the latter task, they said, there were specially appointed military guards; the gatekeepers' only duty was not to allow prisoners to leave without someone to guard them.⁵⁶

The inmates were originally employed in spadework and carrying earth, activities connected with the construction of the new harbor and the docks. Later they were also employed in the various workshops of the arsenal, such as those for rope making, saddle making, sail making, painting, carpeting, and smithing, and in other activities such as loading and unloading ships and carts.⁵⁷ The available sources do not give information about how these jobs were assigned. It is plausible that the inmates could progress from strenuous and dirty jobs to more comfortable ones in the workshops. Every morning the prisoners were distributed over the various activities and workshops. The foreman of a workshop signed a receipt when the prisoners arrived, and the prisoners worked together with the ordinary workers but were not allowed to leave the workshop during the breaks (*ḥaydūs*, *ḥādūs*). Two of the ordinary laborers were placed near the doors of the workshop to prevent the prisoners from leaving and to accompany prisoners to the latrines. Prisoners also worked outside the arsenal, in which case each guard accompanied two prisoners chained together.⁵⁸

I have not been able to establish whether there was any change in the working conditions of the prisoners in the 1850s and early 1860s.

Medical Care

In the 1850s, the public-health administration became involved in the sanitary conditions of prisons. Khaled Fahmy attributes this to two factors: the growing prison population as a result of the decrease of capital sentences and sentences of flogging and as a result of the growing crime rate; and the close connection between law and medicine that had already been firmly established.⁵⁹ Overcrowding in prisons apparently became a problem, and from 1850 on we see health personnel beginning to play an active role in improving the living conditions of prisoners, as was shown in the section on housing. This concern was primarily informed not by humanitarian but, rather, by practical considerations: the unhealthy conditions in prisons were regarded as a possible source of epidemics and therefore as a health risk for the population as a whole. The involvement of the official health administration manifested itself in the attachment of medical doctors and orderlies to the various prisons and industrial establishments where prisoners worked.⁶⁰ They not only treated sick inmates; they were also expected to carry out daily medical inspections and to report the conditions of the prisoners, as laid down in the 1862 ordinance implementing the decree abolishing corporal punishment.⁶¹

Prisoners held in simple detention (*maḥbūsūn*) were entitled to a suspension of their punishment if they fell seriously ill. They were allowed to go home for medication on the condition that they could produce a guarantor (*ḡamāna qawiyya*). They would be visited every other week by an official of the civil administration (*ma'mūr al-umūr al-mulkiyya*) to ascertain that they were still sick.⁶² If convicts sentenced to hard labor became ill, they were treated in hospitals. Prison wardens appear to have been quick to send inmates to the hospitals even for light complaints such as scabies, ulcers, and sores. In 1865, the administration of the Civil Hospital in Cairo informed the War Department

that there were 130 convicts of the Tura Prison among its patients, most of whom were not seriously ill, and suggested that they be sent back to be treated by the medical staff of the prison.⁶³ This behavior on the part of the prison wardens may be explained by an eagerness to get rid of the responsibility for unproductive prisoners who also might die. In addition, inadequate medical facilities in the prisons may have played a role.

Guards and Security

The buildings where the prisons were housed did not offer much security. Preventing the inmates from escaping was achieved by the presence of gaolers (*sajjān*) or soldiers and by chaining the inmates. The police prisons in the cities and the provincial capitals were under the command of a gaoler or prison warden (*ma'mūr al-sijn*), who typically had at his disposal a number of ordinary soldiers for guard duty. Female prisons also had a male gaoler.⁶⁴ In the Alexandria prison there was a company of prison guards (*bulūk ghafar al-mudhnibīn*) staffed by regular soldiers.⁶⁵

Nevertheless, escapes were frequent. Inmates and their relatives used various means to get out of prison, including bribery, as in the following case:

A certain 'Abd Allah Jad al-Nabi, whose brother Ahmad was held in custody in the Khartoum gaol, feared that the latter would die in gaol. He, therefore, had bribed a certain Musa Ibrahim, a clerk in the provincial administration and given a sum of over 4,000 piasters so that the clerk would arrange the prisoner's release. When the prisoner was indeed set free, it turned out that this was because there was not sufficient proof against him and that the clerk had nothing to do with it. The brother protested with the clerk and demanded that he return the money that he had paid him. The clerk offered a deal: he would give him a Sudanese slave girl, worth 2,500 piasters, and would repay the rest later. This he accepted. However, soon it became clear that trade in Sudanese slaves was not permitted anymore and that the sale, therefore, was null and void. 'Abd Allah sued the clerk before the shari'a court and won his case: he returned the girl and received the amount he had paid the clerk. When the case was examined by the *Majlis al-Ahkām* and reviewed by the khedive, the clerk was sentenced to two years hard labor on the White Nile and fired from his office, and the money that was returned to 'Abd Allah was confiscated for the benefit of the *Bayt al-Māl*.⁶⁶

When prisoners fled, guards were often implicated.⁶⁷ If this could be proved, the guard faced capital punishment.⁶⁸ Otherwise, the guards were charged with negligence and had to complete the sentence that the fugitive was serving. This rule was actually enforced, although in some cases this entailed legal problems. For instance, when a murder suspect managed to escape due to the negligence of a guard, the guard first got a life sentence. Later it appeared that the fugitive was innocent and that the alleged victim had committed suicide. The charges against the accused were dropped, and, as a consequence, the sentence against the guard was commuted to five years at hard labor.⁶⁹

The guards were ordinary conscript soldiers without special training. Sometimes they do not seem to have been up to their duties, as in the following case:

On 15 Rabi' I 1275 [23 October 1858], Ahmad Hasan and 'Amr Hasan and two inmates of the Alexandria Prison were working outside the prison near the Abu Shahba Fort, close to the sea. They were loading stones onto a cart. When Muhammad Salim, the soldier who guarded them, told them that he wanted to relieve himself in the sea and that they should come with him, they

replied that they could be trusted and would wait for him. When he returned, Ahmad and ‘Amr had escaped. Muhammad Salim had failed to ask the soldier working close by to keep an eye on the prisoners. The latter had left the spot and gone to the fort’s storehouse (*jabkhāna*) because his prisoners had finished loading the cart and wanted a drink. Since the escaped prisoners were serving life sentences, the guard was sentenced to the same penalty, with the provision that, if the fugitives were found, his punishment would be reconsidered.⁷⁰

This story gives some insight into the relationship between the guards and the prisoners that were entrusted to them. They were often of the same class background, and their daily contact seems to have been characterized by a certain geniality. The soldier who let these inmates escape was probably extremely naive, but the example of the other, who at the request of his men went to the fort so they could have a drink, shows that gaolers and inmates were usually on good terms. The situation was no doubt different with regard to the officers commanding the guard units.

I have not found any documents concerning cases of violence committed by prison officials against the prisoners. The absence of evidence might point to the absence of excessive violence—that is, the absence of a level of violence higher than what was usual outside prison in the relations between officials and subjects. However, it might be the consequence of the prisoners’ lack of rights and the impossibility for them to submit complaints. The latter assumption can easily be shown to be false, though, because the holdings of the Egyptian National Archive include petitions and complaints submitted by prisoners. Therefore, however tricky and deceptive an argument *e silentio* may be, I am inclined to accept the first explanation.

In addition to the presence of guards, security was achieved by shackling and chaining the prisoners. This was standard practice during transportation, when the prisoners were chained to one another by foot irons (*ḥadīd, qayd*) or by iron neckbands (*tawq* or *al-ḥadīd bi-l-a‘nāq*). Both the foot irons and the neckbands could be attached to long chains (*zinjīr*). Sometimes the prisoners’ hands were attached to a wooden plank (*khashab*).⁷¹ The usual method of transportation of prisoners was by ship. Prisoners held in simple detention as a rule were not chained or were chained only at night.⁷² When they were allowed out to relieve themselves, to assist in bringing in and distributing food, or to be interrogated, they were accompanied by one guard and not chained. As many prisoners used this situation to escape, a khedival order of 1864 stipulated that in such situations a prisoner had to be accompanied by two guards and to be shackled.⁷³

Chaining could also be used as a means to increase punishment. The order of 1862 implementing the decree that replaced beating by detention laid down in Article 7 that the hands and feet of those held in simple detention could be shackled to make the punishment more severe.⁷⁴ For those sentenced to hard labor, being chained was part of their punishment. Article 198 of the Penal Code of 1845, enacted in 1844, expressly mentions that the practice of using foot shackles with metal balls attached to them was adopted after the European example. There are many articles in the successive penal codes enjoining that hard labor sentences be served in chains (*muqayyad, muqayyad bi-l-ḥadīd, muqayyad bi-l-zinjīr*). This was taken very seriously. Even when prisoners were transferred to a hospital the chains were not removed. When Clot Bey, the head of the health service, protested in 1857 that this could hinder medical treatment, the *Majlis al-Aḥkām* permitted the shackles to be removed at the request of the hospital’s chief

physician (*ḥakīm̄bāshī*) in serious medical cases.⁷⁵ In prison, the inmates were shackled two by two (called a *ḥabl* or *qatṛ*). If the nature of the work required it, they could be unlinked. This was done, for example, in the bakery of the Alexandria Arsenal, where each prisoner operated one bellows.⁷⁶ I have no idea how the chains were attached to the prisoners' feet. That they were forged or riveted around the ankles seems unlikely in view of the many cases I have come across where prisoners, during their escape, could get rid of them in a very short time.

A final security measure was the tattooing of the letter *lām* (for *līmān*) on the right shoulder of convicts serving life sentences. This was borrowed from the French Code Pénal, which actually prescribed branding.⁷⁷ That this measure was indeed applied—at least, between 1847 and 1852—is clear from the entry register of the Alexandria prison in which it was recorded whenever a prisoner was tattooed.⁷⁸ I have not been able to ascertain whether the prisoners wore special clothes, which, as in Western Europe and the United States also served as a security measure by marking prisoners.⁷⁹

CONCLUSION

How can we explain this improvement of prison conditions between roughly 1850 and 1865? In my view, three factors played a role: the growing involvement of the public-health service with prisons; the increased capabilities of the Egyptian administration; and, finally, a change in thinking about crime and punishment. The improvement was not the result of a specific policy of the khedives, except that Isma'īl actively supported the process during the first years of his reign. It was, rather, the achievement of a new class of Egyptian administrators who staffed the emerging rational bureaucracy. There is an interesting parallel here with the first wave of prison reforms in England in the 18th century. As Roy Porter has shown, these were not the result of a conscious policy from above; rather, they were the result of the efforts of those directly involved in prison administration:

Not from philosophies, prison reform arose from practicalities, and it was generated from below, in the localities. . . . It arose out of local crisis, it proceeded piecemeal. Traditionally, as everyone knows, criminals were hanged, transported, whipped, fined or accorded mercy. Few had ended up long gaol sentences. Most of those in gaol had been debtors or those awaiting trial. Therefore gaols had been small and ramshackle and their makeshift nature had not mattered much. In the second half of the [18th] century, things changed. Population rose, crime rose; the prison population grew, especially when transportation of felons was drastically interrupted by American Independence. . . . And the upshot of overcrowding was typhus.⁸⁰

In general, these conclusions apply also to Egypt. When Isma'īl became interested in prison conditions and issued orders to raise the living standards, the process of prison reform had already been under its way for more than a decade due to the efforts of lower-rank officials and administrators.

Of these, the health officials were the most important. In the late 1820s, a health service was established that worked not only in the field of curative medicine but also in public health and was intimately linked with the organs of law enforcement. From the 1850s on, health officials increasingly became involved in the conditions of prisons and were the motor behind the improvement of the conditions of the prisoners during the 1850s and early 1860s. They were prompted by official concern about the public-health

risks of prisons.⁸¹ Diseases due to the overcrowding of prisons must have been common in Egypt, too. Although there are no statistical data, it is plausible that the number of inmates rose from the late 1840s due to the rise of crime connected with urbanization and the gradual replacement of corporal punishment by imprisonment.⁸² By the end of the 1840s, the health situation in the Alexandria prison was critical, and this must have been true of most other prisons. As Khaled Fahmy has shown, this led to a growing involvement of the health authorities in prison conditions and, as a consequence, to their improvement.

That they could realize these improvements was a consequence of the increased capabilities of the state. Until 1840, Egypt was organized as a command economy. Production, marketing, and the allocation of labor to the industrial establishments were carried out by order of the Pasha. However, the administrative apparatus was small and in general lacked the skills of running such large-scale operations. Often, things went wrong, as becomes clear from the Pasha's frequent orders addressing with violent abuse officials who had committed mistakes or been negligent. This may well have affected the provisioning of the prisons, which was not a high political priority for Mehmed 'Ali in any case. The situation of prisons in the late 1820s is illustrated by the following incident:

When, somewhere during 1829, Khalil Bey, one of Mehmed 'Ali's aides (*mu'āwin*), was returning from an official assignment, he came upon a prison ward (*hāṣil*) with twenty starved, suffocating, and moribund prisoners and the bodies of three unfortunate prisoners who had already died. They had not been fed for some time, and the atmosphere in the shed was stifling. It seems that they had been forgotten by the official in charge. Khalil Bey reported the incident to Mehmed 'Ali, who then did not punish or reprimand the responsible official but just instructed him to show more compassion for the fate of these poor people.⁸³

Mehmed 'Ali's lukewarm reaction—so different from his usual rebuking of negligent officials, which was riddled with invectives—shows that the matter did not unduly worry him. With the growth of the administration and the appointment of officials not only on the basis of trust and loyalty, but also on the basis of training and skills,⁸⁴ the capabilities of the state increased, and the provisioning of prisons could be more efficiently carried out. This constituted a necessary condition for the introduction of the reforms proposed by the health officials. A final factor that made the improvements possible is the increase in state revenues due to the cotton boom that started in 1861.⁸⁵

Reforms to improve the living conditions in prisons were supported by the administration as a result of the spread of new ideas about crime and punishment that informed the penal system that emerged in Egypt after 1829. One of its characteristics was the notion of quantification of penalties to avoid arbitrariness in criminal justice.⁸⁶ After 1829, penal codes listed the punishment for each offense, and criminal sentences specified the penalties imposed. However, such a system can work only if prison conditions do not expose the inmates to serious health risks. In that case, imprisonment might result in excessive and gratuitous suffering or death, which would be in conflict with the idea of precisely quantified penalties. Control of suffering was therefore necessary so that a "just measure of pain" would be inflicted on every convict: convicts sentenced to the same type of imprisonment must be imprisoned under the same conditions. This required that prisons provide health standards, accommodations, and a subsistence-level diet that met, but did not exceed, that to which the lowest strata of society (the

prisoner's "honest neighbor," as Jeremy Bentham has expressed it) was accustomed. For in that case, imprisonment would lose its deterrent effect. These notions, although never explicitly formulated, must have been a strong justification for the improvement of prison conditions around the middle of the 19th century.

NOTES

Author's note: I thank the staff of the Egyptian National Archives for their assistance in making available the relevant documents for this study. All of the archival materials used for this study are in that archive. I owe a great debt of gratitude to Khaled Fahmy, who generously shared his extensive knowledge of these archives and helped me in many other ways during my research. Finally, I thank the anonymous *IJMES* readers for their comments.

¹*Majlis al-Ahkām*, Mahfaza 1, doc. 1/89, 16 Sha'ban 1265/13 June 1849, no. 451.

²For the development of criminal law in 19th-century Egypt, see Rudolph Peters, "Islamic and Secular Criminal Law in 19th Century Egypt: The Role and Function of the Qadi," *Islamic Law and Society* 4 (1997): 70–90; idem, "Administrators and Magistrates: The Development of a Secular Judiciary in Egypt, 1842–1871," *Die Welt des Islams* 39 (1999): 378–97; idem, "For His Correction and as a Deterrent Example for Others': Mehmed 'Alī's First Criminal Legislation (1829–1830)," *Islamic Law and Society* 6 (1999): 164–93.

³On the 19th-century public-health service, see Khaled Fahmy, "Medicine and Power: Towards a Social History of Medicine in Nineteenth-Century Egypt," *Cairo Papers in Social Science* 23 (2000); Laverne Kuhnke, *Lives at Risk: Public Health in Nineteenth Century Egypt* (Cairo: American University in Cairo Press, 1992).

⁴Khaled Fahmy, "Medical Conditions in Egyptian Prisons in the Nineteenth Century" in *Marginal Voices in Literature and Society*, ed. R. Ostle (Strasbourg: European Science Foundation/Maison Méditerranéenne des Sciences de l'Homme d'Aix-en-Provence, 2000), 135–55.

⁵Although the title "khedive" (*khidwā*) did not become official until 1867, when the Ottoman sultan conferred it to Isma'il Pasha, it was used by his predecessors. During Mehmed 'Alī's reign, the department of the interior was called (in Turkish) *Dīvān-i Hidvī*.

⁶For a detailed description of the development of the prison system, see Rudolph Peters, "Egypt and the Age of the Triumphant Prison: Legal Punishment in Nineteenth Century Egypt," *Annales Islamologiques* 36 (2002): 253–285.

⁷Michel Foucault, *Surveiller et punir: La naissance de la prison* (Paris, 1975).

⁸Peters, "Egypt and the Age of the Triumphant Prison."

⁹On the Egyptian police, see Khaled Fahmy, "The Police and the People in Nineteenth Century Egypt," *Die Welt des Islams* 39 (1999): 340–77.

¹⁰See idem, "The Anatomy of Justice: Forensic Medicine and Criminal Law in Nineteenth-Century Egypt," *Islamic Law and Society* 6 (1999): 224–71.

¹¹Egyptian prisons served not only as penitentiaries. Many prisons, especially the local ones, also held suspects in custody during police investigation, debtors, and political prisoners.

¹²See khedival order sending people to the Qanatir, 7 Safar 1282/22 July 1865, Amin Sami, *Taqwim al-Nil*, 3 vols. (Cairo: Matba'at al-Kutub al-Misriyya, 1928–36), iii/2:615.

¹³Khedival order of 16 Dhu al-Hijja 1273/7 August 1857, Ma'iyya Saniyya Turki, Mahfaza 14, leaf 132, doc. 398, Egyptian National Archive card index, s.v. "*sujūn*."

¹⁴Khedival order to *Mudīr* of Taka, 29 Jumada I 1273/24 February 1857, Majlis al-Ahkām, Daftar majmu' umur jina'iyya, 133.

¹⁵For a short survey of the 19th-century Egyptian criminal codes, see app. 1.

¹⁶Ma'iyya Saniyya to Dabtiyyat Misr, 4 Muharram 1276/3 August 1859, Majlis al-Ahkām, Daftar majmu' umur idara wa-ijra'at, Sin 7/33/1, 233.

¹⁷Khedival order to *Mudīr* Bani Suwayf and Fayum, 9 Dhu al-Qa'da 1270/3 August 1854, Ma'iyya Saniyya 1879 (old), *awāmir*, doc. 4, 4 (from Egyptian National Archive card index, s.v. "*sujūn*").

¹⁸Article 62 of the Penal Code of 1849 lays down that this is where officials with the rank of *qā'immaqām* (lieutenant-colonel in the army and a government official at the village level in the civil ranks) or higher were held.

¹⁹Khedival order to the Muhafazat Misr, 23 Safar 1272/4 November 1855, to send a certain village shaykh to the Abu Qir prison: Sin 1/1/5, 74. The *Qānūnnāme Sultānī* (hereafter QS) does not mention Abu Qir anymore.

²⁰Decree of the Majlis al-Ahkam, 8 Rajab 1265/30 May 1849, Majlis al-Ahkam, Daftar majmu'umur jina'iyya, 133.

²¹Appointment of Salim Pasha al-Jaza'irli, 9 Ramadan 1281/5 February 1865, Amin, *Taqwim*, iii/2:597.

²²For a detailed description of these registers, see app. 2.

²³Kuhnke, *Lives at Risk*, 57.

²⁴André Zysberg, "Politiques du bagne 1820–1850," in *L'impossible prison: recherches sur le système pénitentiaire au XIXe siècle*, ed. Michelle Perrot (Paris: Eds du Seuil, 1980), 191.

²⁵Herman Franke, *The Emancipation of Prisoners: A Socio-historical Analysis of the Dutch Prison Experience* (Edinburgh: Edinburgh University Press, 1995), 39–40.

²⁶*Ibid.*, 39, 94; Zysberg, "Politiques du bagne," 191.

²⁷Daniel Panzac, "Endémies, épidémies et population en Egypte au XIXe siècle," in *L'Egypte au XIXe siècle. Aix-en-Provence, 4–7 juin 1979* (Paris: Éditions du CNRS, 1982), 88.

²⁸This could only be established for the 1860s, since the register covering the late 1840s does not record the age of the inmates: see app. 2.

²⁹See R. Ilbert, *Alexandrie, 1830–1930*, 2 vols. (Cairo: IFAO, 1996); and Michael J. Reimer, *Colonial Bridgehead: Government and Society in Alexandria, 1807–1882* (Cairo: American University in Cairo Press, 1997).

³⁰Taftish Sihhat Misr to Diwan Khediwi, 19 Muharram 1267/24 November 1850 and 4 Jumada I 1267/7 March 1851, Mum 5/1 (old 163), Taftish Sihhat Misr, Sadir Taftish, doc. 47, 21; doc. 128, 62.

³¹Khedeival order to *Mudir* al-Rawda, 2 Jumada II 1272/9 February 1856: *Mudir* must find a solid building that can serve as a prison instead of the houses now used for the purpose (Ma'iyya Saniyya, Sadir al-ma'iyya, 1616 [old], doc. 3, 446); khedeival order to Muhafazat Iskandariyya, 7 Dhu al-Hijja 1272/9 February 1856: order to pay a rent of 37 piasters per month for a house used as a women's prison in Alexandria (Ma'iyya Saniyya, *awāmir*, 1884 [old], doc. 144, 46); khedeival order to the Muhafazat Misr, 23 Shawwal 1277/4 May 1861: to rent a house for 50–75 piasters to serve as a women's prison and appoint a guard with a monthly wages of 150 piasters, because the existing women's prison in the Police Department (*Dabtiyya*) is too close to the men's prison (Ma'iyya Saniyya, *awāmir*, 1894 [old], doc. 65, 125 [from Egyptian National Archive card index, s.v. "*sujūn*").

³²On the disused stable, see Fahmy, "Medical Conditions," 142.

³³For a precise description of the location of the provincial prison of Dumyat, see Majlis al-Ahkam, al-madabit al-sadira, Sin 7/10/15, 10 Rabi' I 1280/25 August 1863, no. 784, 51–55.

³⁴See, for example, *Majlis al-Ahkām* to Mudiriyyat Bani Suwayf and Fayum, 11 Jumada II 1267/13 April 1851, *Majlis al-Ahkām*, Mahfaza 4, doc. 3.

³⁵Khedeival order, 4 Jumada II 1272, Ma'iyya Saniyya, Sadir al-Ma'iyya, Daftar 1616 (old) (from Egyptian National Archive card index, s.v. "*sujūn*").

³⁶Coles Pasha mentions that during his time as an inspector of the Egyptian prison administration (1897–1913) this was not the case: C. E. Coles Pasha, *Recollections and Reflections* (London: Saint Catherine Press, 1919), 100.

³⁷*Layihat tabdil al-darb bi-l-habs* (11 Sha'ban 1278/11 February 1862), art. 11. This was an implementing order of the 1861 decree banning corporal punishment: text in Muhafazat Misr, *Lām* 1/20/8, doc. 3, 71.

³⁸Victor Schoelcher, *L'Egypte en 1845* (Paris: Pagnerre, 1846), 27–29.

³⁹*Majlis al-Ahkām*, Mahfaza 1, doc. 1/88, 16–8–65 (7 July 1849).

⁴⁰Khedeival order to *Majlis al-Ahkām*, 28 Rabi' I 1280/12 September 1863, Ma'iyya Saniyya, Qayd al-awamir al-karima al-Sadira min qalam majalis bi-l-mu'awana, Sin 1/19/2, doc. 1, 1.

⁴¹Fahmy, "Medical Conditions," 145.

⁴²Khedeival order to Muhafazat Misr, 23 Ramadan 1280/2 March 1864, Ma'iyya Saniyya, Sadir al-awamir al-'aliyya ila al-majalis wa-l-dawawin-wal-aqalim wa-l-muhafazat, Sin 1/1/24, doc. 23, 106.

⁴³See, for example, Dabtiyyat Misr, Sadir, *Lām* 2/6/2, 1–3, no. 99, 24 Ramadan 1264/24 August 1848: case of a women from Suez who was robbed of money and jewelry while sitting in front of the Cairo police gaol waiting to hand over bread and the valuables to her relatives in prison.

⁴⁴In 1834, the Pasha ordered to distribute meat twice monthly to the inmates of the Alexandria Arsenal and Abu Qir and to provide them with cloaks (*'abā'āt*) and hats (*ṭawāqī*): khedeival order of 5 Shawwal 1249/15 February 1834, Ma'iyya Saniyya, Sin 1/56/1 (1248–50), doc. 715. In 1836, the pasha approved the distribution of food rations to indigent prisoners: khedeival order to the wakil al-Majlis al-Mulki, 9 Ramadan

1252/18 December 1836; text also in Sin 7/33/1, Majlis al-Ahkam, Daftar Majmu' umur idara wa-ijra'at, 233. For the period after 1855, see QS chap. 3, arts. 15, 17.

⁴⁵In the 1247/1831–32, issues of *al-Waqa'ir al-Misriyya*, one often finds the formula “He was sent to the Diwan al-Abniya to work there for wages but under detention (*maḥbūs*) to punish him.” Bowring, writing about the late 1830s, reports that the “galley slaves employed in the different works” of the Alexandria Arsenal were paid four piasters a day, including provisions and clothing, which is only one piaster less than the other workers received: John Bowring, *Report on Egypt and Candia Addressed to the Right Hon. Lord Viscount Palmerstone* (London: Command Paper, 1840), 59.

In the 19th century French *bagnes*, the *forçats* were also paid: see Jacques Valette, “Le bague de Rochefort 1815–1852,” in *L'impossible prison*, 206–35.

⁴⁶This was a standard ration during most of the 19th century. It is mentioned in the *Qānūn al-Filāḥa* (1830), art. 48, laying down that local authorities must provide this ration to prisoners who are left with them by the army. See, further, Resolution of the Majlis Mulki of 1252/1836–37, Sin 7/33/1, *Majlis al-Ahkām*, Daftar majmu' umur idara wa-ijra'at, 233. The ration is described as charity (*ṣadaqa*) from the khedive: decree of the Majlis al-Ahkam, 19 Ramadan 1266/29 July 1850, *ibid.*, 234. The latter decree also mentions that the governors must inspect the gaols under their authority every two weeks and check whether the prisoners are getting their rations.

⁴⁷Valette, “Bague de Rochefort,” 209; Zysberg, “Politiques du bague,” 189. Spanish convicts received about 700 grams of hardtack in the late 18th century: Ruth Pike, *Penal Servitude in Early Modern Spain* (Madison: University of Wisconsin Press, 1983), 81. In the French *bagnes*, this amount of hardtack was regarded as equivalent to 900 grams of bread: Zysberg, “Politiques du bague,” 189.

⁴⁸Khedive to Burhan Bey, 5 Shawwal 1249/15 February 1834, ordering the distribution of meat twice a month to the inmates of the Tarsāna, the Līmān, and Abu Qir: Sin 1/56/1, doc. 715.

⁴⁹Ma'iyya Saniyya to Muhafazat Misr, 27 Jumada II 1272/5 March 1856, Ma'iyya Saniyya, Daftar 1616 (old) (from Egyptian National Archive card index, s.v. “*sujūn*”).

⁵⁰Khedeival order, 11 Dhu al-Hijja 1279/30 May 1863, Ma'iyya Saniyya, Sadir al-awamir al-'aliyya ila al-majalis wa-l-dawawm-wa-l-aqalim wa-l-muhafazat, Sin 1/1/23, 47, doc. 27.

⁵¹Monthly rations consisting of 23.2 kilograms of bread, 3.7 kilograms of lentils, 1.9 kilograms of ful, 0.9 kilograms of clarified butter, 1 kilogram of rice, and 2.2 kilograms of meat: Sami, *Taqwim*, iii/2:554, 1 Muharram 1281/6 February 1864.

⁵²27.5 kilograms of bread (or 21 kilograms of hardtack) and 3.6 kilograms of dry beans: Zysberg, “Politiques du bague,” 189. In late-18th-century Spain, prisoners received 20 kilograms of hardtack, 9 kilograms of dry beans, and 2.5 kilograms of rice: Pike, *Penal Servitude*, 81.

⁵³*Layihat tabdil al-darb bi-l-habs*, art. 11.

⁵⁴Majlis al-Ahkam, al-Madabit al-Sadira, Sin 7/10/17, no. 11, 3, 2 Rabi' II 1280/16 September 1863.

⁵⁵Bowring mentions 200 prisoners and more than 5,000 employees: Bowring, *Report*, 59. For other estimates of the number of employees in the Alexandria Arsenal (4,000–8,000), see Ilbert, *Alexandrie*, i:18; Reimer, *Colonial Bridgehead*, 56.

⁵⁶Majlis al-Ahkam, al-Madabit al-Sadira, Sin 7/10/23, doc. 893, 132, 28 Dhu al-Qa'da 1280/5 May 1864.

⁵⁷In the sentences pronounced during the first half of the 19th century, the following words are used: *naql al-turāb* (transporting earth), *ḥaml al-turāb* (carrying earth), *toprak hizmeti* (spade work). Later, they also worked in the workshops: see, for example, Bowring, *Report*; H. von Pückler-Muskau, *Aus Mehemed Alis Reich: Ägypten und der Sudan um 1840*, repr. ed. (Zurich: Manesse Verlag, 1985), 69. For a map of the Alexandria Arsenal as it existed in 1829, see Ilbert, *Alexandrie*, ii:766.

⁵⁸Unless otherwise indicated, the data on the organization of the Alexandria Arsenal are culled from the following trials of guards for negligence in guarding prisoners: sentence of al-Jam'iyya al-haqqaniyya, Sin 6/9/6, 8 Shawwal 1263, no. 2, 3; Sentence of Diwan al-Tarsane, Diwan al-Tarsane 1037 (old), 22 (30 Rabi' I 1275); sentences of Majlis al-Ahkam, Sin 7/10/15, 10 Rabi' I 1280, no. 784, 51–55; Sin 7/10/21, 10 Dhu al-Qa'da 1280, no. 750, 157; Sin 7/10/18, 13 Jumada II 1280, no. 336, 35; Sin 7/10/23, 28 Dhu al-Qa'da 1280, 133–36; Sin 7/4/33, 43.

⁵⁹Fahmy, “Medical Conditions.”

⁶⁰Khedeival order, 28 Rabi' I 1280/12 September 1863, Ma'iyya Saniyya, Sadir al-awamir al-'aliyya ila al-majalis wa-l-dawawm wa-l-aqalim wa-l-muhafazat, Sin 1/1/24, doc. 2, 8.

⁶¹*Layihat tabdil al-darb bi-l-habs*, art. 9.

⁶²QS, chap. 3, art. 16.

⁶³Muhafazat Misr to Diwan Jihadiyya, 28 Dhu al-Hijja 1281/24 May 1865, Muhafazat Misr, Sadir, *Lām* 1/4/3, doc. 48, 102.

⁶⁴See n. 31.

⁶⁵Ma'iyya Saniyya, Sadir al-awamir al-*al*iya ila al-majalis wa-l-dawawin wa-l-aqalim wa-l-muhafazat, Sin 1/1/30, doc. 14, 125, 3-8-82, correspondence regarding reinforcement of the detachment of soldiers in the arsenal for guard duties.

⁶⁶Ma'iyya Saniyya to hukumdar Sudan, 2 Jumada I 1282/23 September 1865, Ma'iyya Saniyya, Sin 1/1/31, 37, no. 8.

⁶⁷See, for example, Ma'iyya Saniyya to Mudriyyat Asyut, 3 Dhu al-Qa'da 1281, Sadir al-awamir al-*al*iya ila al-majalis wa-l-dawawin wa-l-aqalim wa-l-muhafazat, Sin 1/1/28, doc. 5, 18.

⁶⁸See, for example, khedival order, 3 Rabi' II 1272/13 December 1855, issued to the governor of the Qal'a Sa'idiyya to execute a soldier by shooting him. Ma'iyya Saniyya, Sadir al-awamir al-*al*iya, Sin 1/1/5, doc. 15, 144.

⁶⁹Majlis al-Ahkam, Sin 7/10/15, al-Madabit al-sadira, 10 Rabi' I 1280, no. 784, 51–55.

⁷⁰Diwan al-Tarsane, *sijill* 1037, Qayd al-qararat, 22, no. 12, 30 Rabi I 1275/7 November 1858.

⁷¹See, for example, Dabtiyyat Misr, Sadir, *Lām* 2/5/6 (old 23), doc. 13, 21, 27-1262/18 October 1846, Majlis al-Ahkam, Sadir al-aqalim al-Qibliyya, Sin/7/4/33, doc. 1, 43, 7 Jumada I 1281/8 October 1864, to hukumdariyya al-Sudan.

⁷²Schoelcher, *L'Egypte*, 27–29.

⁷³Khedival order to Mudriyyat Minufiyya, 4 Jumada II 1281/4 November 1864, Ma'iyya Saniyya, Sadir al-awamir al-*al*iya ila al-majalis wa-l-dawawin wa-l-aqalim wa-l-muhafazat, doc. 7, 49.

⁷⁴*Layihat tabdil al-darb bi-l-habs*, art. 11.

⁷⁵Diwan al-Jihadiyya, Sadir mashwarat al-tibb, 444 (old), doc. 43, 8, 8 Rajab 1273/4 March 1857; *ibid.*, doc. 125, 24, 15 Dhu al-Qa'da 1273/7 July 1857. See also Fahmy, "Medical Conditions."

⁷⁶Jam'iyya Haqqaniyya, Daftar Qayd al-Khulāsāt, Sin 6/9/6, 3, no. 2, 8 Shawwal 1263/19 September 1847.

⁷⁷124 QM, art. 124, corresponding with French Code Pénal, art 20.

⁷⁸The tattooing of prisoners was indeed practiced: see, for examples, Diwan al-Tarsane, 953, 7.

⁷⁹I have seen only one reference to the distribution of clothes, ordered in 1834. It is not clear whether these were conspicuous prison clothes: see n. 49.

⁸⁰Roy Porter, "Howard's Beginning: Prisons, Disease, Hygiene," in *The Health of Prisoners: Historical Essays*, ed. Richard Creese, W. F. Bynum, and J. Bearn (Amsterdam: Rodopi, 1995), 15–16.

⁸¹See Fahmy, "Medical Conditions."

⁸²See Peters, "Egypt and the Age of the Triumphant Prison."

⁸³Ma'iyya Saniyya to Ma'mur qism al-Ja'fariyya, 20 Dhu al-Hijja 1244/23 July 1829, Sin 1/47/13, Ma'iyya Saniyya, Sadir ifadat wa-awamir wa-mukatabat ila jihat mutafarriqa (1243–45), doc. 390.

⁸⁴See F. R. Hunter, *Egypt under the Khedives, 1805–1879: From Household Government to Modern Bureaucracy* (Pittsburgh: University of Pittsburgh Press, 1984), 80–85.

⁸⁵See E. J. R. Owen, *Cotton and the Egyptian Economy, 1820–1914: A Study in Trade and Development* (Oxford: Oxford University Press, 1969), chap. 4.

⁸⁶See Peters, "For His Correction."

APPENDIX 1: THE 19TH-CENTURY EGYPTIAN CRIMINAL LAWS

Penal Code of 1829 (PC 1829)

Turkish text and translation in R. Peters, "'For His Correction and as a Deterrent Example for Others': Mehmed 'Alī's First Criminal Legislation (1829–1830)," *Islamic Law and Society* 6 (1999): 164–93.

Qanun al-Filaha (Code of Agriculture) of 1830 (QF)

Text published as an appendix to *Layihat zira'at al-fallah wa-tadbir ahkam al-falah* (Bulaq, 1840–41). In 1845, it was included in the QM (Article 1–55).

*Al-Qanun al-Muntakhab (Code with Selected Penal Provisions)
of 1845 (QM)*

Text in Ahmad Zaghlul, *al-Muhamah* (Cairo: Matba'at al-Ma'arif, 1900), app. 100–55; also in Filib Jallad, *Qamus al-idara wa-l-qada'* (Alexandria, 1890–92), iii, 351–78.

Penal Code of 1849 (PC 1849)

Printed in a bilingual (Arabic and Turkish) edition by Dar al-tiba'a al-'Amira al-Miriyya in Bulaq on 8 Rajab 1265/30 May 1849.

Al-Qanunname al-Sultani (QS)

Text in Zaghlul, *al-Muhamah*, app., 156–78; Jallad, *Qamus*, ii, 90–102. Jallad also gives the administrative regulations (*ḥarakāt*) issued together with the code (pp. 102–11).

*Supplement of five articles to the QS drafted by the Majlis al-Aḥkām
in 1858*

Text in Amin Sami, *Taqwim al-Nil* (Cairo: Matba'at al-Kutub al-Misriyya, 1928–36), iii/1:294–97.

APPENDIX 2: A DESCRIPTION OF THE FIVE *SIJILLS* REGARDING
THE ALEXANDRIA PRISON

Dīwān al-tarsāna, 953–57 (old), *Qayd asmā' al-madhnūbīn bi-līmān tarsānat Iskandariyya*. This is the title as given on the first leaf of the *sijill*. On the cover, as in the index, this series is erroneously referred to as *Qayd asmā' al-madyūniyya bayān tarsānat Iskandariyya*.

Sijills:

- 953: 29 Safar 1263/16 February 1847 to 4 Dhu al-Hijja 1268/19 September 1852
- 954: 13 Rajab 1277/25 January 1861 to 5 Dhu al-Qa'da 1281/1 April 1865
- 955: 5 Dhu al-Qa'da 1281/1 April 1865 to 24 Rabi' I 1283/8 August 1866
- 956: 24 Muharram 1278/1 August 1861 to 26 Rabi' I 1285/17 July 1868
- 957: 26 Rabi' I 1285/17 July 1868 to 10 Safar 1286/22 May 1869

There is a gap between the first *sijill* (ending on 4 Dhu al-Hijja 1268/19 September 1852) and the second *sijill* (beginning 13 Rajab 1277/25 January 1861). The second through fifth *sijills* are consecutive. The fourth *sijill* seems to be an exception, as the third *sijill* ends on 24 Rabi' I 1283/8 August 1866, and the first entries of the fourth one are dated 24 Muharram 1278/1 August 1861. The reason is that the first twenty pages of the fourth *sijill* are a recapitulation of the previous *sijills*, listing by their date of entry, all prisoners present on 1 Jumada I 1283/11 September 1866, that is, all prisoners convicted for homicide who had not benefited from the amnesty of 5 Rabi' I 1283/18 July 1866.

The *sijills* give the following information:

Name

Beginning of detention spent before arrival

Personal characteristics and estimated age (this is lacking in the first *sijill*)

Short description of offense

Length of sentence

Date of arrival

Number and date of covering letter

Date of the end of the sentence

Date of release or decease, with date and number of pertinent correspondence