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Environment, Political Ecology, and the Culture of *Waqf* in the Eighteenth-Century Northern Egyptian Delta

In the summer of 1200/1786, following more than a decade of political stalemate with Qazdağlı Mamluk rulers in Cairo, the Ottoman central government launched a military and naval campaign to reclaim Egypt's provincial revenues and reassert the authority of Istanbul. The campaign was spearheaded by the Grand Admiral of the Ottoman navy, Ghāzī Ḥasan Pasha, who assumed the role of governor following the successful (but temporary) ousting of the Mamluk leaders from power. He spent a year reorganizing Egypt's finances and administration—lifting irregular taxes imposed by the Mamluk beys and imposing new ones benefitting the imperial treasury—before he was called away in August 1787, at the age of 74, to lead a naval campaign against the Russians.¹

One of Ḥasan Pasha's first acts in Egypt was personal and pious, rather than military or fiscal. It was also certainly political. He appeared at the highest court in Cairo, al-Bāb al-ʿĀlī, to register the endowment deed (*waqfiyah*) for a pious endowment (*waqf*, pl. *awqāf*) in the Nile-Mediterranean port city of Rosetta (Ar. Rashīd). The endowed property consisted of irrigated land southeast of the city, near the village of Kom al-Afrāḥ, and its proceeds were dedicated to the upkeep of a mosque complex that Ḥasan Pasha had built on the Aegean island of Kos (Tr. İstanköy) earlier that year.² Like many other property holders in Rosetta and its surrounding villages, Ḥasan Pasha endowed a mixture of orchard land (a garden planted with date palms, citrus trees, mulberries, sycamores, and grape vines) and irrigated agricultural land “dedicated to growing clover and other things,” that included a well, waterwheel, and underground cistern.³

¹For Hasan Pasha's tenure in Egypt, see ʿAbd al-Raḥmān al-Jabartī, *ʿAbd al-Raḥman al-Jabartī's History of Egypt: ʿAjā'ib al-athār fī'l-tarājim wa'l-akhbār*, ed. and trans. Thomas Philipp and Moshe Perlmann (Stuttgart, 1994), 2:108–47 (13 Ramaḍān 1200/10 July 1786–23 Dhū al-Ḥijjah 1201/5 October 1787); Daniel Crecelius, “Orders of Ghazi Hasan Pasha to the Egyptians (1200–1201 AH/1786–1787 AD),” *Arab Historical Review for Ottoman Studies* 17–18 (1998): 23–32.

²Dār al-Wathāʿiq al-Qawmīyah (hereafter DWQ) Maḥkamat Rashīd 346, case 215 (3 Dhū al-Ḥijjah 1200/26 September 1786). The case was copied into the *sjills* of Rosetta at the end of October: DWQ Maḥkamat Rashīd 346, case 237 (8 Muḥarram 1201/31 October 1786). The property he endowed consisted of three-quarters (18 *qirāṭs* out of 24) of a garden known as Ghayṭ al-Razzāz, the Rice-Merchant's Plantation.

³*Al-qīṭaʿah al-arḍ al-mawʿūd bi-dhikrihā aʿlá al-muʿiddah li-zirāʿat al-barsīm wa-ghayrihi*. Clover was frequently grown as a fodder crop in rotation with valuable cash crops, providing food for beasts of burden and binding vital nitrogen in overtaxed soil.



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Ḥasan Pasha's *waqf* in Rosetta is evidence of Egypt's position within an Ottoman statesman's mental geography of the reach of imperial power across the eastern Mediterranean at the end of the eighteenth century.⁴ But on a more fundamental level, Ghāzī Ḥasan Pasha's decision to endow orchards and irrigated land in Rosetta in perpetuity was simply following local custom. The countryside around Rosetta was controlled by local households who held rights to land, irrigation infrastructure, and horticultural property endowed as *waqf*. Households from across the spectrum of provincial property holders, including ulama and village elites, were well represented in the local landscape of *waqf*. Additionally, households affiliated with beylicate and the Ottoman military regiments (*ojāq*, pl. *ojāqāt*) had been establishing estates of *waqf* property in the northern Delta since the second half of the seventeenth century. Indeed, Ḥasan Pasha had obtained the land and irrigation equipment for his *waqf* from a member of the local 'Azabān regiment.

This article explores the appeal of *waqf* as a property regime for the control of land and water resources in the eighteenth-century Egyptian Delta. Specifically, it focuses on the socio-economic and legal logics that informed local households' use of *waqf* around the cities of Rosetta and Damietta (Ar. Dimyāṭ) in the northwestern and northeastern Delta, respectively (Fig. 1). *Waqf* was part of a strategy of capital accumulation, household formation, and social reproduction in Egypt, as it was throughout the early modern Ottoman Empire. Drawing on the rich surviving records (*sijillāt*, sing. *sijill*) of the Islamic courts (*al-maḥkamah al-shar'īyah*, pl. *maḥākim*) of Rosetta and Damietta, I analyze a market in *waqf* property that in many ways approximated a regime of private property. The culture of the Islamic courts and the priorities of property holders in the northern Delta form the subject of the first three sections of this article.

I also explore the environmental, geographic, and political limits of *waqf* property for creating and maintaining a stable land regime in the Delta at the end of the eighteenth century. In the final two sections, I discuss a divergence in the economic fortunes and political profiles of Rosetta and Damietta, two seemingly similar regions in the Egyptian Delta. This comparison sheds light on the local factors that shaped the implementation of *waqf* as a strategy for controlling land and water prior to the widespread introduction of private property on agricultural land in the nineteenth century.

⁴For further discussion, see Zoe Griffith, "Egyptian Ports in the Ottoman Mediterranean, 1760–1820," Ph.D. dissertation, Brown University, 2017.



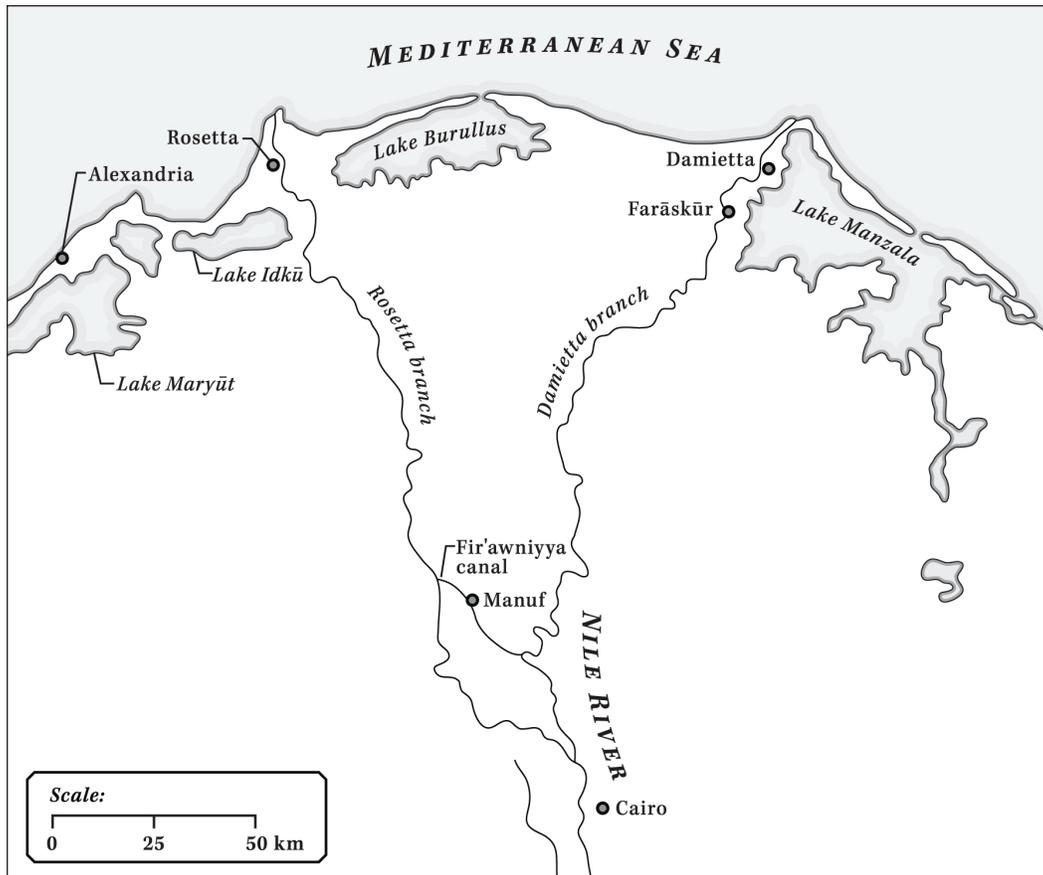


Fig. 1. Map of the Egyptian Delta showing the location of Rosetta and Damietta as well as coastal lakes and major canals.

WAQF IN THE LAND REGIME OF OTTOMAN EGYPT

Waqf—personal property placed in trust as a pious endowment—has been a favored lens for historians of Islamicate societies since the field’s turn to economic and social history in the 1980s and 1990s. By the Ottoman period (extending from the fourteenth century to World War I in some regions), *waqf* was widespread in the empire’s major and secondary cities; *waqf* provided for the poor and the sick, supported education and the learned ulama, erected and embellished cityscapes, and immortalized personal and family legacies from the Balkans to the Hijaz.⁵ Prior to the Tanzimat reform period (1839 to 1876), between

⁵Scholarship on *waqf* in the Ottoman Empire, even limited to the Arab provinces, is too extensive to list here. For a recent discussion of the “Centrality of *Waqfs*” in Ottoman society and historiography, see Beshara B. Doumani, *Family Life in the Ottoman Mediterranean: A Social History* (Cambridge, 2017), 83–100. For important volumes bringing together scholarship on *waqf*, see *Le*



one-third and one-half of arable land and urban property throughout the Ottoman Empire was endowed as *waqf*.⁶ Not all types of property were equally eligible for endowment, however. According to Islamic jurisprudence, a *waqf* could only be created out of property that was already held by its owner as fully alienable private property, or *milk*. Urban real estate (houses, shops, ateliers, and industrial property) was classified as *milk* by default, and its conversion into *waqf* was unproblematic. By contrast, the default status of agricultural land was *mīrī*, or state land, taxation of which was essential to public welfare, and it was therefore not generally eligible for endowment as *waqf*.

Nevertheless, at the time of the Ottoman conquest of Egypt in 1516, approximately 40 percent of the province's agricultural land was said to be endowed as *waqf*.⁷ During a process of "waqfization" of taxable (*kharājī*) agricultural land in the second half of the fourteenth century, revenues from Egypt's productive land were endowed to the *waqfs* of the Mamluk sultans.⁸ The Ottomans put forth legal claims—based on Hanafi jurisprudence and Ottoman administrative law (*kanun*)—to the land they found tied up in *waqf* and succeeded (from Istanbul's perspective) at reclassifying some of this as taxable state land.⁹ Nevertheless, more than 20 percent of arable land in Egypt was still classified as *waqf* at the turn of the nineteenth century.¹⁰

Meanwhile, Ottoman jurists expanded the classification of *milk* to include the intensively irrigated lands encircling many of the empire's cities and towns: the

Waqf dans l'espace islamique: outil de pouvoir socio-politique, ed. Randi Deguilhem (Damascus, 1995), and *Held in Trust: Waqf in the Islamic World*, ed. Pascale Ghazaleh (Cairo, 2011).

⁶Astrid Meier, "Waqf Only in Name, Not in Essence: Early Tanzimat Waqf Reforms in the Province of Damascus," in *The Empire in the City: Arab Provincial Capitals in the Late Ottoman Empire*, ed. Jens Hanssen, Thomas Philipp, and Stefan Weber (Beirut, 2002), 202. Efforts to monitor and systematize revenues endowed to the imperial *waqfs* in Istanbul began as early as the 1770s, opening the door to more extensive efforts to centralize authority over provincial *waqfs* during the Tanzimat period.

⁷Muḥammad 'Afīfī, *Al-Awqāf wa-al-ḥayāh al-iqtisādīyah fī Miṣr fī al-ʿaṣr al-ʿUthmānī* (Cairo, 1991), 9, citing the seventeenth-century historian Iṣḥāqī.

⁸ʿImād Badr al-Dīn Abū Ghāzī, *Taṭawwur al-Ḥiyāzah al-Zirāʿīyah fī Miṣr Zaman al-Mamālīk al-Jarākīshah* (Cairo, 2000); Igarashi Daisuke, *Land Tenure and Mamluk Waqfs* (Berlin, 2014).

⁹For an important discussion of the juridical debates over the legal status of *waqf* property in the former Mamluk territories of Egypt and Syria, see Kenneth Cuno, "Was the Land of Ottoman Syria *Miri* or *Milk*? An Examination of Juridical Differences within the Hanafi School," *Studia Islamica* 81 (1995). For a more in-depth treatment of the legal-juridical debates among scholars of different Sunni *madhhabs*, see Baber Johansen, *The Islamic Law on Land Tax and Rent: The Peasants' Loss of Property Rights as Interpreted in the Hanafite Legal Literature of the Mamluk and Ottoman Periods* (London, 1988), 81–82.

¹⁰Kenneth Cuno, *The Pasha's Peasants: Land, Society, and Economy in Lower Egypt, 1740–1858* (Cambridge, 1992), 103.



bostans of Istanbul, the Ghouta region outside of Damascus, and the “green belt” around Tripoli in modern-day Lebanon are some of the better-known examples of these semi-rural landscapes of gardens, orchards, vegetable patches, and agricultural land.¹¹ As *milk*, this property was eligible for endowment, and represented reliable and lucrative investments for households engaged in both trade and commercial agriculture.

The widespread conversion of irrigated semi-rural land into *waqf* has been documented as part of a process of “re-Ottomanization” in the provinces of Greater Syria in the seventeenth century.¹² A related phenomenon can be observed in Egypt around the port cities of Rosetta and Damietta where, beginning in the second half of the seventeenth century, households affiliated with the Ottoman regiments (especially the ‘Azabān and Mustahfizān—the Egyptian term for the Janissaries) converted land and irrigation infrastructure into pious endowments that would embed their descendants on the Egyptian coast for a century or more.¹³ The timing of these endowments corresponds to the arrival in Egypt of waves of demobilized Anatolian troops following the (long but successful) Ottoman campaign in Crete from 1645 to 1669 and the second (failed) siege on Vienna in 1683. As Anatolian soldiers joined the Ottoman regiments in Egypt, it elevated the status and clout of officers of the Mustahfizān and ‘Azabān corps.¹⁴ Military office brought access to tax farms, including the customs offices of Egypt’s ports and control of the booming Red Sea coffee trade. The profits generated by these endeavors could be safely secured as *waqf* in the fertile zones around Egypt’s bustling Mediterranean ports.

Following a tumultuous period in the early seventeenth century in which the local regiments and beylical households vied amongst themselves and with the Ottoman government for control in Cairo, the Ottoman central state stabilized its grip on Egypt’s revenues and administration. The reassertion of Ottoman sovereignty in late seventeenth-century Egypt has been documented through the lens of political households, legal culture,¹⁵ and attention to public irrigation works.¹⁶

¹¹Doumani, *Family Life*, 231. Doumani draws here on the work of Baber Johansen, *Contingency in a Sacred Law: Legal and Ethical Norms in the Muslim Fiqh* (Leiden, 1999). For Istanbul’s Ottoman-era *bostans*, see Aleksandar Shopov, “When Istanbul Was a City of *Bostāns*: Urban Agriculture and Agriculturalists,” in *A Companion to Early Modern Istanbul*, ed. Shirine Hamadeh and Çiğdem Kafesçioğlu (Leiden, 2021), 279–307. For the Ghouta region of Damascus, see James A. Reilly, “Status Groups and Propertyholding in the Damascus Hinterland, 1828–1880,” *International Journal of Middle East Studies* 21, no. 4 (1989): 517–39.

¹²Doumani, *Family Life*, 165–69.

¹³Griffith, “Egyptian Ports,” Chapter 2.

¹⁴Jane Hathaway, *The Politics of Households in Ottoman Egypt: The Rise of the Qazdağlıs* (Cambridge, 1997), 13.

¹⁵James E. Baldwin, *Islamic Law and Empire in Ottoman Cairo* (Edinburgh, 2017).

¹⁶Alan Mikhail, *Nature and Empire in Ottoman Egypt: An Environmental History* (Cambridge, 2011).



Egypt's "re-Ottomanization" can also be observed through the lens of property, kinship, and a legal culture of *waqf* endowment in regions of the northern Egyptian Delta that were tightly integrated into Ottoman circuits of domestic trade and provisioning at this time. Ottoman sovereignty remained relatively stable in Egypt until at least the 1740s, with the consolidation of the Qazdağlı Mamluk household and its rise from the ranks of the *Mustahfizān* into the beylicate.¹⁷

Waqf was a ubiquitous institution throughout the Ottoman provinces, but the "culture of *waqf*"—what kinds of things could be endowed, with what tools, toward what end, and over whose objections—was regional, if not intensely local.¹⁸ The Islamic court was meticulous in recounting the details of any transaction involving *waqf* property, since these details could prove crucial to the claims of dozens or even hundreds of living and future beneficiaries enmeshed in sometimes elaborate networks of kin and clientage. The court recounted (and, in a sense, constituted) entire family trees in order to protect the beneficiary claims of rightful heirs, as much as to preclude unlawful claims by those excluded from the *waqf*.¹⁹ In sufficient numbers, these transactions can provide a surprisingly clear portrait of the local social order, including kinship networks, business relations, intermarriage, status, and changing fortunes, at least among the property-holding echelons.²⁰ Ultimately, attention to the domain of *waqf* proves invaluable to reconstructing the social history of provincial "secondary cities" like Damietta and Rosetta, for which no local histories or chronicles have survived.²¹

¹⁷Hathaway, *Politics of Households*.

¹⁸For example, Murat Çizakça notes that cash *waqfs* (endowments of cash that could be loaned out at interest), were relatively widespread in the Balkans and Anatolia, but long believed to be absent in the "more pious Arab regions." This view has been disproven by evidence of cash *waqfs* in Aleppo. Murat Çizakça, "Cash *Waqfs* of Bursa, 1555–1823," *Journal of the Economic and Social History of the Orient* 38, no. 3 (1995): 313. Beshara Doumani explores the importance of local political economy and norms of social reproduction for the gendered realm of *waqf* beneficiaries in "Endowing Family: *Waqf*, Property Devolution, and Gender in Greater Syria, 1800–1860," *Comparative Studies in Society and History* 40, no. 1 (1998): 3–41.

¹⁹Doumani elaborates on the "mutually-constitutive relationship between kin and court" in *Family Life*, for example, p. 48. These transactions thus nearly always detailed the name of the founder of the *waqf* and the foundation date, the precise contents and demarcation of boundaries of the property, in addition to sometimes dizzying lines of succession down to fractions of fractions of a share (*qirāt*, pl. *qirārīt*).

²⁰Pascale Ghazaleh discusses the significance of these extra-familial networks, which often led to unexpected endowments left to non-biological kin in late eighteenth- and early nineteenth-century Cairo, in *Fortunes urbaines et stratégies sociales: généalogies patrimoniales au Caire, 1780–1830* (Cairo, 2010), Chapter 7.

²¹Egypt's surviving literary output from the early modern period is notably Cairo-centric. Nelly Hanna believes there may be a rich manuscript tradition awaiting discovery, possibly includ-



Rosetta and Damietta were both Nile-Mediterranean ports representing vibrant centers of commercial, social, and political life in early modern Egypt.²² The lowlands of the northern Delta enjoyed almost year-round access to the Nile, the waters of which were distributed through an intricate capillary system of canals, wells, and irrigation ditches. Reliable and plentiful access to water, as well as easy access to the markets of the enormous population centers of Cairo, Istanbul, and elsewhere in the Mediterranean, primed the Delta for intensive cultivation of cash crops like rice and linen. Damietta had a long history as a port city, but Rosetta's fortunes were entirely transformed under Ottoman rule. Rosetta had been a minor riverside settlement prior to the Ottoman conquest of Egypt in 1517, but its importance rose rapidly as the site of the Ottoman imperial storehouses (Tr. *Anbar-ı Amire*) for Egyptian produce awaiting shipment to Istanbul. (Figs. 2–3).

These port cities were home not only to maritime merchants and seamen, but to households of political grandees, agricultural brokers, and ulama who invested in landed wealth as well as in Mediterranean trade. Rural elites—village shaykhs as well as Bedouin leaders—also invested in agricultural and horticultural property in the cities' outskirts. Private property-holding in Rosetta and Damietta included irrigated land—gardens, orchards, and even agricultural land for cash crop production—and the accoutrements of rice production in the towns—industrial structures such as bleaching mills, storerooms, and livestock facilities.

We turn now to the landscape of *waqf* property in the eighteenth-century northern Delta, which exhibited clear patterns reflecting the interests of Ottoman-era provincial elites. By the end of the eighteenth century, very few surviv-

ing more provincial chronicles and “commoner chronicles,” written by figures outside of the military and religious sectors, but these still await discovery. Nelly Hanna, “The Chronicles of Ottoman Egypt: History or Entertainment?,” in *The Historiography of Islamic Egypt, c. 950–1800*, ed. Hugh Kennedy (Leiden, 2001), 237–50. Compare with Dana Sajdi, *The Barber of Damascus: Nouveau Literacy in the Eighteenth-Century Ottoman Levant* (Stanford, 2013).

²²Scholarship on Rosetta and Damietta is uneven, although Rosetta remains better studied in Arabic-language scholarship and Damietta better studied in Western languages. For Rosetta, see Jalīlah Jamāl al-Qāḍī, Muḥammad Ṭāhir al-Ṣādiq, and Muḥammad Ḥusām al-Dīn Ismā‘īl, *Rashīd: al-nash’ah, al-izdihār, al-inḥiṣār* (Cairo, 1999); Nīvīn Muṣṭafā Ḥasan, *Rashīd fī al-‘aṣr al-‘Uthmānī: dirāsah tārikhiyah wathā’iqiyah* (Alexandria, 1999); ‘Alī Ṣalāḥ Aḥmad Harīdī, “Al-Ḥayāh al-iqtisādiyyah wa-al-ijtimā‘iyah fī madīnat Rashīd fī al-‘aṣr al-‘Uthmānī, dirāsah wathā’iqiyah,” *Egyptian Historical Review* 30–31 (1983–84): 327–78; A. Lezine and A. R. Abdul Tawab, “Introduction à l’étude des maisons anciennes de Rosette,” *Annales Islamologiques* 10 (1972): 149–205. For Damietta, see Niqūlā Yūsuf, *Tārikh Dimyāt mundhu aqdam al-‘uṣūr* (Damietta, 1959); Daniel Crece-lius and Ḥamzah ‘Abd al-‘Azīz Badr, “French Ships and Their Cargoes Sailing Between Damiette and Ottoman Ports, 1777–1781,” *Journal of the Economic and Social History of the Orient* 37, no. 3 (1994): 251–86; Peter Hill, “The First Arabic Translations of Enlightenment Literature: the Damietta Circle of the 1800s and 1810s,” *Intellectual History Review* 25, no. 2 (2015): 209–33.



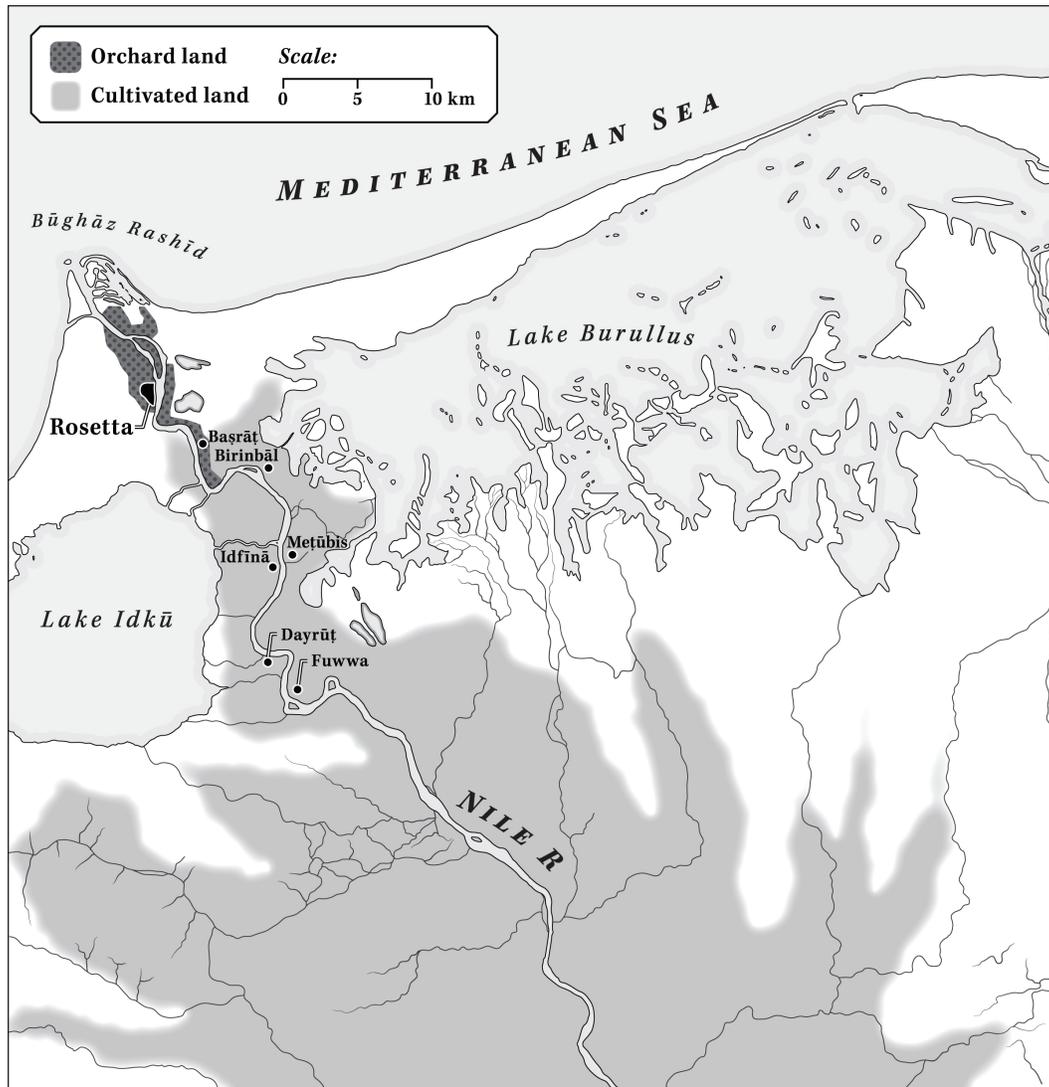


Fig. 2. Map of Rosetta and surrounding area indicating land use.

ing *waqfs* in and around Rosetta and Damietta dated to the sixteenth century or earlier. Notable exceptions include properties endowed to the Mamluk-era sultan *waqf* of Qāyṭbāy (r. 1468–96).²³ Endowing personal property to a chari-

²³For example: DWQ Maḥkamat Rashīd 348, case 83 (11 Dhū al-Qa‘dah 1204/23 July 1790): Šāliḥah Khāṭūn bint Muḥammad al-Khaṭīb, the wife of Amir Muṣṭafā Aghā, *qā’immaqām* of Birinbāl, rented a piece of irrigated land northwest of Rosetta endowed to the *waqf* of Qāyṭbāy from Amir Khalīl Aghā, commander of the Rosetta citadel. For Qāyṭbāy’s *waqf* properties in Damietta, see DWQ Maḥkamat Dimyāṭ 272, case 231 (date missing, sometime between the end of Jumādā I and the beginning of Rajab 1187/mid-August to mid-September 1773), in which Badawī ibn Shaykh



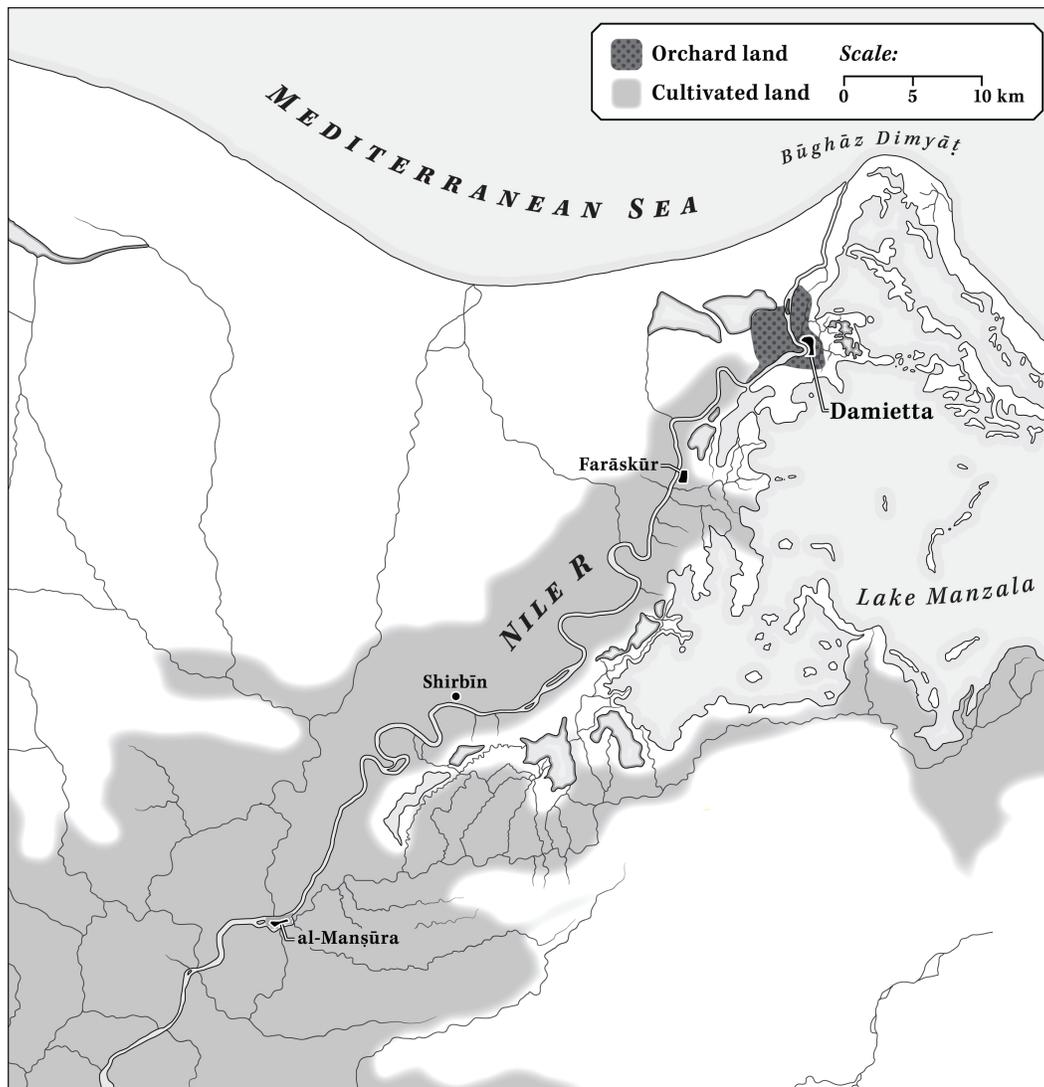


Fig. 3. Map of Damietta and surrounding area indicating land use.

Muḥammad al-Aṣīlī claimed that Ḥasan Aghā ibn Yūsuf Shaqdaq owed him 172 *riyāls* for use of agricultural land (*ard filāḥah*), a well, and a waterwheel endowed to the *waqf* of Qāyṭbāy; DWQ Maḥkamat Dimyāṭ 287, case 83 (16 Rabīʿ II 1202/24 January 1788), in which al-Zaynī Maḥmūd ibn ʿAlī al-Ghayṭānī purchased 2.25 shares of a field endowed to the *waqf* of Qāyṭbāy from Aḥmad al-Badawī ibn Ramaḍān al-Jazīrī for 200 *riyāls*. See also DWQ Maḥkamat Dimyāṭ 287, case 245 (date missing, around May 1788); DWQ Maḥkamat Dimyāṭ 288, case 206 (date missing, around fall 1789). Mamluk-era *waqfs* were more common in Damietta, which had been an important port prior to Egypt's incorporation into the Ottoman Empire. The ʿAbbāsī coast near Damietta (al-shāṭiʿ al-ʿAbbāsī) housed the estates of many of the port's urban elites, including the *waqf*-estate of Shaykh Shams al-Dīn al-Dayrūṭī al-Shāfiʿī, established in 1504.



table cause (*waqf khayri*), such as the upkeep of a mosque or support for the poor, was a pious act. A number of households in Rosetta endowed date palm orchards surrounding the port to the holy cities of Mecca and Medina²⁴ and at least one endowed rice paddies to benefit the Mosque of al-Azhar in Cairo.²⁵ Ḥasan Pasha endowed his *waqf*, as we saw at the beginning of this study, to the upkeep of the mosque he had recently erected on the island of Kos. Denizens of Rosetta and Damietta generally kept their charity close to home, endowing rents from shops, apartments, rice mills, gardens, and plantations to the upkeep of smaller, local mosques.

Even closer to home, in fact, the overwhelming majority of *waqfs* in Rosetta and Damietta were so-called “family *waqfs*,” (*waqf dhurrī* or *waqf ahlī*), the proceeds of which went to the benefit of the endower and his or her descendants.²⁶ Endowing a family *waqf* carried the same pious association as any other *waqf*, since its proceeds would eventually devolve to a charitable cause upon the death of the endower’s final heirs.²⁷ The benefits to endowing personal property—orchards, shops, mills, waterwheels, gardens, the family house, even agricultural land—were obvious. *Waqf* property was protected from confiscation by the state or political rivals. This was important for elites affiliated with the Ottoman regiments or Mamluk households, since the wealth of statesmen could be seized by the treasury (*bayt al-māl*). This could also be a consideration for wealthy civilians who had no living heirs and wanted to leave their wealth to unrelated household members like manu-

²⁴DWQ Maḥkamat Rashīd 346, case 1034 (15 Shawwāl 1203/9 July 1789): Ibrāhīm al-Jammāl rented eight shares of a plantation called al-Ḥaramayn al-Sharīfayn planted with date palms; DWQ Maḥkamat Rashīd 348, case 709 (*ghurrat* Jumādā I 1198/22 March 1784) ‘Abd al-‘Āl ibn ‘Alī Faraḥāt endowed a *waqf* including seven shares of a plantation that had originally been included in the al-Ḥaramayn al-Sharīfayn *waqf*.

²⁵DWQ Maḥkamat Rashīd 350, case 141 (*ghāyat* Jumādā I 1208/3 January 1794). The details of this *waqf* (endower and endowment date) are unavailable. The Janissary *waqf* of ‘Abdallāh Çorbacı Tutmaksız, established in Rosetta in 1763, contained rice mills and caravansaries (*wikālāt*) along with orchards and irrigated fields—a fairly typical profile for a household *waqf* in Rosetta in the eighteenth century. The commercial structures were constructed alongside rice fields endowed by a different household to the Mosque of al-Azhar in Cairo.

²⁶Van Leeuwen notes that this function developed early in *waqf* jurisprudence, allowing families to retain trusteeship over household wealth in perpetuity despite having given up legal ownership. Legally speaking, however, there was no difference in Islamic jurisprudence between a “charitable” *waqf* and a “family” *waqf*; all *waqfs* were considered charitable (Richard Van Leeuwen, *Waqfs and Urban Structures: The Case of Damascus* [Leiden, 1999], 12). Ghazaleh discusses the modern distinction between “charitable” and “family” *waqfs* in *Fortunes urbains*, 436, n. 42.

²⁷Meier, “*Waqf*,” 205.



mited slaves.²⁸ *Waqf* property was not subject to Islamic laws of inheritance, which demanded the division of wealth, including real estate, among heirs according to strict proportions. Endowing property as *waqf* was thus an opportunity to enforce or reshape the contours of family: one could stipulate that sons and daughters should benefit from the *waqf* equally, or that daughters should not benefit at all. Manumitted slaves could be included as beneficiaries, linking the fortunes of the formerly enslaved and their descendants to the endower's household in perpetuity. Taken together, these features of *waqf* property offered households greater control over wealth both during the endower's lifetime and in future generations.²⁹

On the other hand, once a property was endowed, it could no longer be alienated since its revenues were dedicated to the upkeep of a pious cause. In this sense, *waqf* property was less flexible (a less liquid form of capital) than *milk* property. However, as the work of innumerable social and economic historians of the Islamic world has demonstrated, the loss of flexibility that came with the formal exclusion of *waqf* property from the market was easily overcome through the use of specialized contracts executed in the Islamic court. It is to the legal practice of *waqf* in the northern Egyptian Delta that we now turn.

LEGAL CULTURES OF WAQF PROPERTY IN THE DELTA

The privatization of land controlled as tax farms (*iltizām*) is key to understanding the hegemony of Mamluk households in eighteenth-century Egypt.³⁰ Indeed, privatization of state revenues underpinned the rise of local power holders throughout the Ottoman empire in the seventeenth century, and intensified after the introduction of life-term tax farms (*malikâne*) in 1695.³¹ It is in this context—the privatization of public revenues—that we can better understand a concurrent process by

²⁸ Ghazaleh, *Fortunes urbains*, 455.

²⁹ Doumani, "Endowing Family," 6.

³⁰ 'Abd al-Raḥīm 'Abd al-Raḥman 'Abd al-Raḥīm, *Al-Rif al-Miṣrī fī al-qarn al-thāmin 'ashar* (Cairo, 1974), 69; Cuno, *Pasha's Peasants*, 33.

³¹ Under the *iltizām* system, land remained legally in the possession of the Ottoman imperial treasury, which sold the rights to collect taxes on a particular parcel of land to the highest bidder in exchange for a cash payment up front. Though bidding was supposed to occur at regular intervals (originally 1–3 years), tax farms became functionally heritable by the eighteenth century. Taxation rights could be held by an individual for life, and could pass to his (or, less often, her) heirs for a fee. The Ottoman government introduced the *malikâne* (which continued to be called *iltizām* in Egypt) to raise cash and encourage good stewardship by tax farmers. See Mehmed Genç, *Osmanlı İmparatorluğu'nda Devlet ve Ekonomi* (Istanbul, 2000); Ariel C. Salzman, "An Ancien Régime Revisited: Privatization and Political Economy in the 18th-Century Otto-



which valuable irrigated property was obtained by members of the state apparatus (Ottoman regiments and Mamluk households) in the Arab provinces and endowed as *waqf* in perpetuity for the benefit of their descendants.

While reaping benefits such as protection from confiscation and flexibility in matters of inheritance, the endowers and beneficiaries of *waqf* used specialized contracts to transact *waqf* property much like private property. Using legal contracts like long-term lease (*tawājūr*), exchange (*istibdāl*), and relinquishment of beneficiary rights (*isqāt*), *waqf* holders could liquidate their real estate holdings in what Nelly Hanna has termed “semi-alienation”: *waqf* property circulated easily on the market without violating the legal non-alienability of *waqf* status.³² These contracts are especially evident in the court records from Rosetta, where regimental households began to liquidate their rice mills, plantations (*ghayt*), and even agricultural land along the Nile towards the end of the eighteenth century. Much of this property was scooped up by Rosetta’s rice brokers, who had cash in hand but lacked political title that offered access to other forms of landed property.³³

The most common type of semi-alienation contract in the Egyptian Delta was the long-term lease, or *tawājūr*, which could be signed for up to 90 years on property endowed as *waqf*. Muḥammad ‘Afifī has posited that one- to three-year leases were typical for property endowed as *waqf* in Egypt, but I have seen almost no examples of leases shorter than 10 years in the court records of Rosetta and Damietta in the eighteenth century; most rentals were longer than 40 years.³⁴ In fact, long-term leases were so common on *waqf* land in Rosetta that short-term leases were a distinct anomaly requiring specific provision. In 1703, Ḥājj Abū al-‘Izz ibn ‘Abd Allāh ibn ‘Abbās endowed several waterwheels and land for the cultivation of rice and clover.³⁵ He wrote a condition (*shart*) into the endowment deed stipulating that no part of the *waqf* could be rented out for more than three years at a time and explicitly forbade the stringing together of multiple three-year contracts. In 1772, ‘Āishah Khātūn, the great-granddaughter of Ḥājj Abū al-‘Izz and the superintendent (*nāzirah*) of his *waqf*, raised a claim in al-Bāb al-‘Ālī in Cairo against one Ḥājj Ḥusayn ibn ‘Alī Nūr al-Rashīdī. She accused Ḥājj Ḥusayn of taking possession of one-third (eight *qirāts*) of the property seven years prior and withholding the land tax (*kharāj*) levied on the property for himself. She demanded that he cede his claim to the property and repay 760 *riyāls* of tax and 10 *ardabbs* of rice produced

man Empire,” *Politics & Society* 21 (1993): 393–423; Dina Rizk Khoury, *State and Provincial Society in the Ottoman Empire: Mosul, 1540–1834* (Cambridge, 1997), Chapter 4.

³²Nelly Hanna, *Habiter au Caire: la maison moyenne et ses habitants au XVII et XVIII siècles* (Cairo, 1991), 32. See also ‘Afifī, *Al-Awqāf*, 155–56.

³³Griffith, “Egyptian Ports,” Chapter 2.

³⁴‘Afifī, *Al-Awqāf*, 145–47.

³⁵DWQ Maḥkamat Rashīd 333, case 272 (8 Jumādā II 1186/5 September 1772).



by the land on behalf of the *waqf*. Ḥājj Ḥusayn protested that he had obtained legal rights to the property from ʿĀʾishah’s cousin Ibrāhīm; specifically, Ibrāhīm had rented his share of the property to Ḥājj Ḥusayn in a 40-year lease and relinquished his beneficiary rights for a large sum of 1,400 *riyāls*. However, the court declared the transactions between Ḥājj Ḥusayn and Ibrāhīm invalid (*bāṭil*) and sided with ʿĀʾishah Khātūn on the basis of the three-year maximum condition written into the endowment deed. This is the exception that proves the rule in Rosetta; only in a case involving an air-tight stipulation against the practice of long-term lease was the court called on to intervene. Apart from this example, the use of multi-decade contracts on *waqf* property, including life-term (90-year) *tawājur* contracts, was exceedingly common.

The frequency of semi-alienation contracts in Rosetta’s Islamic court is striking and requires interpretation. On a basic level, it reflects a socio-legal sphere well-equipped to handle an economic regime based on *waqf* property, and a population carefully attuned to the nuances of *waqf* as a means of capital accumulation. For example, the rule of *istibdāl* (“exchange” or “substitution” of *waqf* property) allowed *waqf* holders to convert their property into a marketable asset. Rosettans used *istibdāl* to transact irrigated land with a freedom that belied the legal status of *waqf* property. The rule of *istibdāl* held that “a *waqf* object can regain its status of *milk* [private property], on condition that it is exchanged for another object which then becomes *waqf*,” or even that, “an *istibdāl* for money is allowed if a substitute is bought and subsequently turned into *waqf*.”³⁶ In Rosetta, the practice of “exchange” nearly always involved the transfer of a piece of *waqf* property for a cash sum, little different from an outright sale. Afīfī notes that some Muslim scholars considered such exchanges “legally reprehensible” (*makrūh*).³⁷ But in practice, these mechanisms were often sanctioned by the local ulama, who presided over the signing of these contracts, and employed these same rules to manage their own landed properties. For example, Aḥmad al-Razzāz ibn ʿAlī Abū al-Suʿūd used such an exchange to alienate urban *waqf* property to Shaykh Ṣāliḥ ibn Shaykh Aḥmad al-Bannā, a Hanafi mufti in Rosetta, in 1796.³⁸ These contracts were not just a reflection of Rosettans’ legal and economic savvy; Beshara Doumani describes the frequent appearance of *istibdāl* cases as a sign of “the rapid rise or grafting of a new elite on to the existing power structure,” as actors with access to cash and influence vied for control over limited propertied assets.³⁹ This was certainly the case in Rosetta at

³⁶ Van Leeuwen, *Waqfs and Urban Structures*, 41, citing the opinion of the eighth-century Hanafi scholar Abū Yūsuf (d. 798).

³⁷ Afīfī writes extensively on the use of *istibdāl* for urban property (*Al-Awqāf*, 174–81) and for land (*ibid.*, 198–200).

³⁸ DWQ Maḥkamat Rashīd 350, case 812 (3 Rabīʿ I 1211/5 September 1796).

³⁹ Doumani, *Family Life*, 99.



the end of the eighteenth century, as a longstanding Ottoman regimental elite was supplanted by commercial and Mamluk interests.

Similar to *istibdāl*, the rule of *isqāt* (“relinquishment”) enabled beneficiaries of a *waqf* to renounce their beneficiary rights for a cash sum.⁴⁰ Ghāzī Ḥasan Pasha’s *waqf* provides an example of the rule of *isqāt*. The endowment deed stated that the properties endowed to Ḥasan Pasha’s *waqf* in Rosetta had already been endowed to the *waqf* of Aḥmad ibn Ḥasan Çavuş; the land had been held in a 90-year lease by Amir Sulaymān Çorbacı, a commander in the ‘Azabān corps, since 1765. If the deed is to be believed, the buildings and fruit trees endowed to the *waqf* had fallen into ruin and neglect—the implication being that the property was no longer generating revenues intended for the upkeep of the *waqf*. Ḥasan Pasha had gained possession of these properties “via legal *isqāt*” from Amir Sulaymān, giving him the right to endow them as his own *waqf*. Such claims of ruination and decrepitude were common in legal cases involving the transfer of *waqf* property, though it is impossible to know whether this was a description of fact, or mere pretext.⁴¹ Signs certainly point to pretext in the case of Ḥasan Pasha’s *waqf*; if the orchard and structures were too decrepit to support the *waqf* of a provincial *çavuş*, why should they be suitable for the triumphant Ottoman governor of Egypt?

The semi-alienation of *waqf* property, including irrigated land, was a notable feature of Rosetta’s legal and economic culture by the second half of the eigh-

⁴⁰The use of *isqāt* to turn *waqf* property into a more freely transactable form of property right was widespread among Rosetta’s property-owning households towards the end of the eighteenth century. In 1792, Muḥammad al-Ḥasrī relinquished his rights to two *qirāṭs* of a property containing an orchard and waterwheel to Šālīḥah bint Shaykh Muḥammad al-Khaṭīb, the wife of the deputy governor (*qā’immaqām*) of the rice-producing village of Birinbāl (DWQ Maḥkamat Rashīd 348, case 419 [ghurraṭ Şafar 1207/17 September 1792]). In 1797, the brothers Muşṭafā and ‘Abd al-Karīm ‘Abbāsī relinquished their cousin’s share in the *waqf* that they co-supervised (DWQ Maḥkamat Rashīd 350, case 908 [6 Sha‘bān 1211/3 February 1797]). This share consisted of one-third (eight *qirāṭs*) of a garden called Awlād Rūm containing date palms and other fruit-bearing trees, a well with its wooden waterwheel, and a storeroom for tobacco. ‘Uthmān Aghā Khojā gave the brothers 1,450 *riyāls* for the property. Later in the same year, ‘Uthmān Khojā returned to the court with the ‘Abbāsī brothers to draw boundaries across the property, dividing it into equal thirds (DWQ Maḥkamat Rashīd 350, case 976 [no date]). ‘Uthmān Khojā received the westernmost third bordering another property in his possession and measuring approximately half a *faddān* (about 2,400 square meters).

⁴¹For example, DWQ Maḥkamat Dimyāt 272, case 198 (12 Jumādā I 1187/1 August 1773); DWQ Maḥkamat Dimyāt 282, unnumbered after case 83 (16 Rabī‘ II 1202/24 January 1788); DWQ Maḥkamat Dimyāt 282, case 221 (9 Shawwāl 1202/12 July 1788); DWQ Maḥkamat Rashīd 346, case 926 (no date but around January–February 1789); DWQ Maḥkamat Dimyāt 290, case 69 (28 Dhū al-Qa‘dah 1210/3 June 1796); DWQ Maḥkamat Rashīd 350, case 918 (27 Ramaḍān 1211/25 March 1797); DWQ Maḥkamat Rashīd 350, case 934 (23 Shawwāl 1211/21 April 1797); DWQ Maḥkamat Rashīd 350, case 1062 (14 Jumādā II 1212/3 December 1797); DWQ Maḥkamat Rashīd 355, case 37 (18 Rabī‘ II 1219/26 July 1804).



teenth century. The frequency of these transactions challenges the view of institutionalists like Timur Kuran, who have interpreted the legal injunction against the alienation of *waqf* property at face value.⁴² Legally speaking, there was little standing in the way of Rosettans who wished to profit from their wealth in *waqf*. But we should not therefore assume that individuals and households endowed their homes, orchards, plantations, and mills as cold investments or objects of speculation. As noted above, and as I have written about at greater length elsewhere, the frequency of semi-alienation contracts in Rosetta likely represents a degree of upheaval in the political and economic fortunes of one group of local elites (the Ottoman regiments) and the rising fortunes of another (specifically the city's Muslim agricultural brokers and perhaps higher-ranking Mamluks.) Rather than evidence of nascent capitalism or a "modern" regime of private property, we should understand privatization in the eighteenth-century Delta as a response to many of the same factors that fueled the rise of private property elsewhere during the early modern period: commercialization creating new alliances of wealth and power within and against the patrimonial state.⁴³

HORTICULTURAL WEALTH ON IRRIGATED ESTATES

In light of the unique geography of Rosetta and Damietta, situated at the water-rich, commercialized nexus of the Nile and Mediterranean, one important feature of land transactions in the local *sijills* was the nearly ubiquitous inclusion of the tools necessary for intensive artificial irrigation: wells, waterwheels, dikes, canals, and corrals for housing large livestock. Alan Mikhail has argued that Egypt's agricultural economy in the early modern period relied on a system of great ("sultanic," or *sulṭānī*) and subsidiary ("local," or *baladī*) irrigation canals, built and maintained through the coordination of state resources and local labor and knowledge.⁴⁴ Here we find that wealthy households in the low-lying landscape of the northern Delta also held irrigation infrastructure—wells, waterwheels, cisterns, and water use rights—for private use, as an important component of their landed estates.

Until the final years of the eighteenth century, the *sijills* from Damietta and Rosetta provided detailed descriptions of irrigated properties, elaborating upon their attributes and boundaries, but did not systematically measure their size or

⁴²Timur Kuran, *The Long Divergence: How Islamic Law Held Back the Middle East* (Princeton, 2010), Chapters 6–7.

⁴³See Baki Tezcan, *The Second Ottoman Empire: Political and Social Transformation in the Early Modern World* (Cambridge, 2010).

⁴⁴Mikhail, *Nature and Empire*, 42.



dimensions.⁴⁵ One way to gauge the relative size of an irrigated estate is by the description of multiple wells and waterwheels required to irrigate the land. For example, the Dayrūṭī *waqf*, endowed near Damietta in 1504, included five irrigation wells by the end of the eighteenth century, each affixed with its own wooden waterwheel.⁴⁶ The age of the *waqf* and the need for five waterwheels suggests that this was a sizable property, certainly larger than the average plot, which typically made do with one or two waterwheels. The *waqf* of Amir Sulaymān Ḥorbacī ‘Abāza, endowed in Damietta’s hinterland in 1677, contained seven wells and waterwheels by the end of the eighteenth century.⁴⁷ The agricultural land endowed to the *waqf* of Ḥājī Abū al-‘Izz, who embedded the three-year maximum lease condition in his endowment deed from 1703, included 12 waterwheels, individually named and collectively known as “the Mothers” (*ummahāt*).⁴⁸

As Nile-Mediterranean ports with rice-growing hinterlands, Rosetta and Damietta had similar political ecologies. However, norms and techniques surrounding irrigation differed between the two regions, perhaps according to local legal culture, or perhaps due to topography and proximity to the Nile. When the beneficiaries of the Dayrūṭī *waqf* alienated the property via an *istibdāl* contract in 1787, the alienation of water use rights was specified along with the material tools of irrigation: included along with the land, wells, and waterwheels was also “the flow of [the land’s] waters and the rights to [the water] entering the property and leaving it” (*majārī miyāhā wa-huqūqahu kullahā al-dākhilah fihi wa-al-khārijah ‘anhu*) along with a canal (*jisr*) connecting the property to the public canal (*al-jisr al-‘āmm*).⁴⁹ When a fourteenth-century *waqf* containing irrigated

⁴⁵Further research would be needed to establish precisely when (and why) the use of area measurements became standard in the court records, but the shift seems to have begun in the 1790s. While the *faddān* was the typical measure of agricultural land held as *iltizām*, this unit almost never appears in the court. When area measurements begin to appear in the court records, the units given are the *qaṣabah* (a length ranging from 3.5 to 4 meters) and the *dhirā‘* (between 58 and 68 centimeters). At the turn of the nineteenth century, the *faddān* ranged in size from 4,200 to nearly 6,000 square meters depending on the quality of the land. There were between 267 and 333 *qaṣabahs* per *faddān*, and between 6.5 and 6.75 *dhirā‘*s per *qaṣabah*. For the complicated and variable relationship between the *dhirā‘*, *qaṣabah*, and *faddān*, see Stanford Shaw, *The Financial and Administrative Organization and Development of Ottoman Egypt, 1517–1798* (Princeton, 1958): 72–73.

⁴⁶The endower’s descendants effectively alienated a majority share of the land along with its wells and waterwheels to Mustafa Çelebi ibn Amir Ismail Odabaşa, the grandson of one of the tax farmers of Damietta’s rice market, in 1787. DWQ Maḥkamat Dimyāṭ 285, case 151 (no date, 1201/1786–87).

⁴⁷DWQ Maḥkamat Dimyāṭ 287, case 66 (7 Jumādā II 1202/15 March 1788), and DWQ Maḥkamat Dimyāṭ 285, case 195 (undated, 1201/1787).

⁴⁸DWQ Maḥkamat Rashīd 350, case 604 (25 Jumādā II 1210/6 January 1796).

⁴⁹DWQ Maḥkamat Dimyāṭ 285, case 151 (date missing, 1201/October 1786–October 1787).



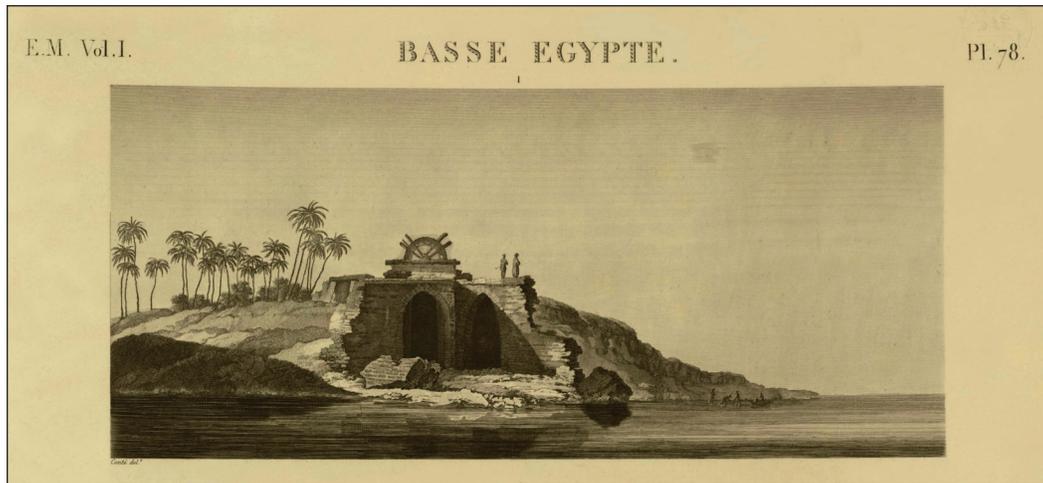


Fig. 4: “Vues de Beni Salameh et d’un puits sur la branche de Rosette” (Views of Beni Salameh and one of the wells on the Rosetta branch). From *Description de l’Égypte, État Moderne* I, 82. (Scan provided by The Library of Congress, <https://www.loc.gov/item/2021669727>)

land outside of Damietta was rented for 90 years in 1816, the rental also included “what [goes with the land] in terms of benefits and obligations and the rights to water flowing onto the property and out of it.”⁵⁰ This phrasing, specifying the landholder’s right to the use of water flowing on the land, appeared regularly in court cases in Damietta, but never in Rosetta. Whether this represents a difference in recording practices between the two Islamic courts, or whether Damiettans in fact claimed greater control over water resources on their property is a question for further research.

Local terminology for irrigation equipment also differed. In describing the irrigation wells located on elite estates, the Damietta court records always refer to “wells enclosed with brick and mortar” with wooden waterwheels erected over their openings.⁵¹ In Rosetta, meanwhile, the court exclusively refers to “*baḥrānī* wells” (*biʿr baḥrānī*) with wooden waterwheels as the standard tools of irrigation on local landed estates.⁵² The meaning of *baḥrānī* here is unclear, but may be a reference to the Nile (*Baḥr al-Nīl*) itself as the water source, rather than a canal. Fig. 4 comes from the *Description de l’Égypte* and depicts a well and waterwheel

⁵⁰ *Wa-mā li-dhālik min al-manāfiʿ wa-al-lawāzim wa-al-huqūq majārī miyāhihi huqūqahu kullahā al-dākhilah fīhi wa-al-khārijah ʿanhu*. DWQ Maḥkamat Dimyāṭ 305, case 94 (9 Jumādā I 1232/27 March 1817). The *waqf*, consisting of a garden and plantation, was endowed by Qadi ʿAbd al-Laṭīf ibn Muḥammad al-Ṣamīdī al-Nūrī al-ʿAnṣārī in 791/1389.

⁵¹ *Biʿr maṭwī bi-al-ʿajar wa-al-mawn al-murakkab ʿalā fūhatihi sāqiyah min al-khashab*.

⁵² *Biʿr baḥrānī murakkab ʿalā fūhatihi sāqiyah min al-khashab*.



constructed directly on the banks of the Rosetta branch of the Nile to draw up water from the river.

The French engineer Pierre-Simon Girard remarked that irrigation wells in the northern Delta were dug very shallow, allowing for the use of water-wheels with affixed buckets to raise the water from the river, rotated by oxen or buffalo. This was likely the method used on the rice paddies that dominated the region. Plots of land located further away from the banks of the river were irrigated using water “drawn up from the bottom of wells by means of a circle of rope affixed with ceramic pots” and rotated by beasts of burden. The pot-wheel system was used for “all the enclosed gardens near the cities, especially the most affluent ones.”⁵³

Irrigation infrastructure was included in every land transaction in the *sijills* for Rosetta and Damietta in the eighteenth century. This is unsurprising, since control of irrigation represented a crucial element of agricultural and horticultural productivity on elite estates. A more perplexing feature of legal culture found only in Rosetta was the listing of date palms (*inshāb nakhīl balah*), vines, and other fruit trees in every transaction regardless of the category of the land—garden (*bustān, junaynah*), plantation (*ghayṭ*), or farm lands (*ṭīn*, pl. *aṭyān*)—or quality of the soil—sandy (*arḍ raml*), arable (*sawād*), or rice paddy.

References to fruit trees vastly outnumber references to rice or any other agricultural product, creating a sort of dissonance between the forests of trees thicketing the *sijills* and French and Ottoman observers’ obsessive focus on the Delta’s production of rice and grain. This is a distortion created by a legal culture, which highlights deeper challenges of understanding agricultural production and consumption through Islamic court records. Although productive trees dominate local land transactions, these records almost never mention the economic profit of their fruits, let alone the process of cultivation.⁵⁴ Recounting his travels in the 1780s, Constantin-François Volney called the gardens and orchards surrounding Rosetta “astonishingly delightful” but does not comment on their economic importance. One of the authors of the *Description de l’Égypte* noted “the remarkable sobriety of the inhabitants of Rosetta” for whom “the fruit of the date palm seems to be the principal food, formed into thin,

⁵³*Description de l’Égypte: ou, recueil des observations et des recherches qui ont été faites en Égypte pendant l’expédition de l’armée française* (Paris, 1809–28; digital edition, access via Library of Congress), vol. 5, État Moderne I, 508–10.

⁵⁴Cuno notes that under Mehmed Ali Pasha’s system of agricultural monopolies, the tax levied on date palms rose from .5 to 2 piasters (*ghurūsh*) per year in 1821–22 to 1 to 2.5 in 1836–44. Part of this tax was levied in kind, and products of the bark and fronds were placed within the pasha’s monopoly system (Cuno, *Pasha’s Peasants*, 130). This suggests that the state considered the date palm an important part of its strategic inventory, presumably for necessary items like rope and storage baskets.



little, round cakes and eaten with a bit of unleavened bread.”⁵⁵ But local consumption probably did not motivate the landed elite’s investment in trees. In the seventeenth and eighteenth centuries, dates were exported from Egypt to the Ottoman imperial pantry, albeit as more of an incidental than a principal item of commerce. Evliya Çelebi, the famous Ottoman traveler and a notorious gourmand, known for making special note of local delicacies on his travels, had once admiringly noted the seventeen distinctive varieties of dates cultivated in Egypt that were not found in Basra or Baghdad. The Ottoman kitchens demanded 500 woven palm baskets-full each year.⁵⁶ In the nineteenth century, ‘Alī Mubārak described the quality and variety of Rosetta’s date harvest, most of which by that time was destined for markets in Cairo and Alexandria.⁵⁷ The annual produce of a healthy date palm was valued at around 150 silver *paras* in 1800, less than half the value of an *ardabb* of wheat in the same period.⁵⁸ Date trees were undoubtedly a valuable form of wealth, but their towering profile in the Rosetta *sijills* still seems disproportionate to the relatively modest economic importance of date production.

One challenge in establishing the value of horticultural property relative to other types of property (land and irrigation infrastructure) in the Delta economy is simply the nature of plants themselves. Fruit-bearing trees were almost never enumerated, even when the boundaries and contents of a given property were otherwise meticulously described to prevent future disputes in court. This may be because the natural growth cycle of trees and vines made it difficult to keep accurate tallies on landed property that might be rented out for decades.

⁵⁵ Constantin-François Volney, *Travels Through Syria and Egypt, in the Years 1783, 1784, and 1785* (New York, 1798), 12; Jean-Baptiste Prosper Jollois, in *DE*, vol. 7, *État Moderne II*, 351.

⁵⁶ The woven palm baskets used to transport dry goods were called *zenbil* in Turkish, *qafaş* in Arabic. Evliya Çelebi, *Evliya Çelebi Seyahatnamesi*, ed. Seyit Ali Kahraman, Yücel Dağlı, and Robert Dankoff (Istanbul, 2007), 10:242.

⁵⁷ ‘Alī Pāshā Mubārak, *Al-Khiṭaṭ al-tawfiqīyah al-jadīdah li-Miṣr al-Qāhirah wa-mudunihā wa-bilādihā al-qadīmah wa-al-shāhirah* (Bulaq, 1886–89), 11:76. He lists the varieties of dates produced around Rosetta. The thin, oblong Zaghlūl dates, bright red when fresh, are still some of the first to ripen and most popular in Cairo markets. Because of the more temperate climate of the Mediterranean coast, Rosetta’s date crop ripened about a month later than harvests elsewhere in the country.

⁵⁸ The silver *para* (also called the *niṣf fiḍḍah* in Arabic or the *médin* by the French) was the most commonly used coin in eighteenth-century Egypt. For the *para* and other currency at the turn of the nineteenth century, see Cuno, *Pasha’s Peasants*, 211–13. The *ardabb* was a unit of dry volume that differed according to locality (the Cairo *ardabb* being different from the Rosetta *ardabb*, for instance) and for each grain (wheat, rice, etc.). In 1800, the Cairene *ardabb* for wheat was 184 liters (*ibid.*, 209). For the value of dates, see *DE*, vol. 6, *État Moderne II*, 551. For the value of wheat, see André Raymond, *Artisans et commerçants au Caire au XVIII^e siècle* (Damascus, 1973), 1:53.



The average productive lifespan of a date palm is about 40 to 50 years, while many long-term rentals lasted 80 to 90 years. In mid-summer 1773, the qadi of Damietta launched an investigation (*kashf*) of *waqf* property at the behest of a rescript (Tr. *buyuruldu*) from the governor's council in Cairo, al-Dīwān al-ʿĀlī.⁵⁹ The governor had ordered the investigation to examine the old trees of the orchard endowed to the *waqf* of one ʿAbd al-Ḥamīd ibn Mutāʿ Allāh Rajīḥ. The trees at that time were in the possession of a Janissary officer, Amir Muḥammad Çorbacı al-Ḥammāmī, but the *waqf* was supervised by two of the endower's grandsons; presumably it was they who had requested the investigation in the first place. A party of local notables, deemed to be experts in such matters (mostly members of the local regiments), went out to inspect the trees.⁶⁰ Upon their return to the courthouse, they testified that the trees endowed to the *waqf* of ʿAbd al-Ḥamīd Rajīḥ had grown old, and listed the new trees that had sprouted up in their place: thirty lemon trees and two bitter oranges (*naranj*), an olive tree, a carob, and a tamarind.⁶¹ The experts declared that, according to the “customary law in such situations,” (*al-qānūn al-jārī bi-hi al-ʿādah fī mithl dhālik*) half of the newly sprouted trees belonged to the *waqf* of ʿAbd al-Ḥamīd “according to their origins” (*tabʿan li-aṣlihā*), while the other half belonged to Muḥammad Çorbacı according to the rule of *musāqāh*, a type of sharecropping contract.

Given the value and prevalence of horticultural property as a form of wealth, it is not surprising that Ottoman and Islamic law developed specific rules to manage the ownership and care of productive plants. The private property status of fruit trees and vines in Ottoman law (*kanun*) was established under the Hanafi jurist Ebüssuūd Efendi (d. 1574) in the mid-sixteenth century.⁶² The *milk* status of trees and vines was independent of the status of the land (whether *mīrī*, *waqf*, or *iltizām*) on which they grew. Productive trees and vines could easily be endowed as *waqf*, but trees held as *milk* just as often grew on *waqf* land, retaining their separate legal status. In such cases, productive trees were generally sold to the party who had acquired long-term lease rights to the underlying land without acquiring outright ownership of the land itself. Horticultural property constituted a valuable sector of the “layered” system of property rights that dominated Ottoman land law until the mid-nineteenth century: legal title to the land could be held separately from the legal right of surplus

⁵⁹DWQ Maḥkamat Dimyāṭ 272, case 198 (12 Jumādā I 1187/31 July 1773).

⁶⁰The qadi was accompanied by Amir Muḥammad Çorbacı, the *sirdār* of the ʿAzabān; Hājj Ḥusayn Ayık Çavuş of the Mustahfizān; ʿAlī Çelebi al-Ḥammāmizādah; and Abū Bakr al-Jūkhḍār.

⁶¹*Anna al-ashjār al-qadimah al-jāriyah bi-waqf ʿAbd al-Ḥamīd al-madhkūr uzilat min ṭūl al-muddah w-nabbata min uṣūlihā...*

⁶²Colin Imber, “The Status of Fruit Trees and Orchards in Ottoman Law,” *Tarih Enstitüsü Dergisi* 12 (1981–82): 763–74; idem, *Ebu's-su'ud: The Islamic Legal Tradition* (Stanford, 1997).



extraction, from the legal ownership of trees and irrigation infrastructure, and from the rights of usufruct.⁶³

The rule of *musāqāh* was a form of co-cultivation or sharecropping contract that applied exclusively to the upkeep of trees and vines requiring irrigation (the term *musāqāh* deriving from the same Arabic root as the verb *saqá*, to irrigate.) In theory, a *musāqāh* contract was valid for one harvest but applied to the upkeep of “anything planted with the intention of leaving it in the ground for a year or more.”⁶⁴ In other words, it applied to orchards and vineyards, but not to annual crops like wheat or rice that had to be sown anew for each harvest. The owner of the trees (typically the landowner or tax farmer) would contract the work and expenses of their maintenance (irrigation, pruning, and harvesting) to a laborer in exchange for a designated portion of the harvest (for example, one-half or three-quarters of the fruit). In some parts of the Ottoman Empire, such as the green belts around Damascus and Tripoli, *musāqāh* contracts regulating the relationship between the owner of productive trees and rural labor were codified into modern legal systems as part of the Ottoman Land Law of 1858.⁶⁵

But *musāqāh* took on a different function in the hands of Rosetta’s plantation and estate holders in the eighteenth century. These contracts are a staple feature of Rosetta’s legal culture, but never, as far as I have seen, to deal with hired labor.⁶⁶ Instead, such arrangements were set up to facilitate the transfer of horticultural property endowed as *waqf* in cases of long-term rentals of the underlying land. Instead of a contract signed between a landholder and rural laborer, a Rosettan *musāqāh* defined the relationship between a *waqf* and a wealthy lessee. A *musāqāh* agreement signed in 1793 between Ibrāhīm ibn Yūsuf Zaytūn and Ḥasan ibn ‘Alī Çorbacı, the superintendent of the *waqf* of his great-grandfather Qāsim Çorbacı, is perfectly typical of the role of *musāqāh* in Rosetta’s legal regime. Ibrāhīm Zaytūn, a rural shaykh, signed a 90-year lease on a garden and

⁶³Martha Mundy and R. A Pottage, eds., *Law, Anthropology, and the Constitution of the Social: Making Persons and Things* (Cambridge, 2004), especially Chapter 5: Martha Mundy, “Ownership or Office? A Debate in Islamic Hanafite Jurisprudence over the Nature of the Military ‘Fief’, from the Mamluks to the Ottomans.”

⁶⁴M. J. L. Young, “Musāqāḥ,” *Encyclopaedia of Islam*, 2nd ed., http://dx.doi.org/10.1163/1573-3912_islam_SIM_5574.

⁶⁵For Syria, where the *musāqāh* survived enshrined in the local legal system into the French Mandate period in the 1930s, see André Latron, *La vie rurale en Syrie et au Liban: étude d’économie sociale* (Beirut, 1936), 51–58; for Lebanon, see Kais Firro, “Silk and Agrarian Changes in Lebanon, 1860–1914,” *International Journal of Middle East Studies* 22, no. 2 (1990): 151–69.

⁶⁶If Rosettans also used *musāqāh* contracts for rural labor, then we must assume that these contracts were recorded elsewhere than in the *sijills*, perhaps kept in the records of private households.



a sandy field near the Rosetta citadel, and an adjacent piece of fertile land prepared for rice cultivation containing wells and waterwheels.⁶⁷ All of the properties—land, water, and fruits of the garden—were endowed to the *waqf* of Qāsim Çorbacı. As in all such cases, the 90-year lease (semi-alienation, tantamount to a sale) covered Ibrāhīm Zaytūn’s rights to the land and irrigation infrastructure, but not to the date palms, citrus trees, and grape vines which presumably constituted a significant part of the property’s overall value. To bring this horticultural wealth under Ibrāhīm Zaytūn’s control, the two men signed a separate *musāqāh* contract: the lessee, Ibrāhīm, would be responsible for the maintenance of the trees endowed to the *waqf*, whose land was now in his long-term possession. For the duration of the contract (90 years), the produce of the trees was to be divided into one thousand shares. One share of the produce would go to Ḥasan the superintendent for the benefit of the *waqf*, while the remaining 999 shares of the produce were for Ibrāhīm Zaytūn to keep. This 1:999 split is the only form of *musāqāh* contract found in the Rosetta *sijills* in the eighteenth century, and is also tantamount to a sale of horticultural *waqf* property in cases of long-term rental of the underlying land.⁶⁸

I did not find any examples of *musāqāh* contracts in the records from eighteenth-century or early nineteenth-century Damietta. Perhaps Damietta’s legal culture simply extended the terms of a land rental to the trees and vines that grew on it. Damietta’s “green belt” of horticultural land was smaller than Rosetta’s (compare Figs. 2 and 3), but this would not account for a complete absence of *musāqāh* contracts on its own. The absence of *musāqāh* may reflect deeper absences, such as a lack of interest among people with ready cash to acquire horticultural property in Damietta for reasons that I discuss below. In any case, this is one of several stark differences in the legal culture of *waqf* between two cities with otherwise similar political ecologies.

The relationship between agriculture and horticulture on landed estates in the Ottoman Arab provinces merits further research. In their composition, combining wealth in date palms and rice paddies, Rosetta’s landed estates were strikingly similar to what Dina Rizk Khoury has documented during “a strong

⁶⁷DWQ Maḥkamat Rashīd 348, case 656 (17 Ramaḍān 1207/28 April 1793).

⁶⁸‘Afīfī treats this 1:999 split as typical for the produce of *waqf* property placed under *musāqāh* in Egypt, although this practice seems to have differed significantly in greater Syria. For other examples of *musāqāh* featuring this 1:999 split: DWQ Maḥkamat Rashīd 330, case 260 (13 Jumādā I 1178/7 November 1764); DWQ Maḥkamat Rashīd 346, case 1282 (6 Dhū al-Qa’dah 1204/19 July 1790); DWQ Maḥkamat Rashīd 348, case 264 (*ghurra*t Ramaḍān 1206/23 April 1792); DWQ Maḥkamat Rashīd 348, case 656 (17 Ramaḍān 1207/28 April 1793).



commercial revival” in seventeenth-century Ottoman Basra.⁶⁹ Although rice was king in the irrigated economy of the northern Egyptian Delta, it was the date orchards shading Rosetta’s agricultural estates that left their mark most clearly in the *sijills*. The prevalence of horticultural property in the *sijills* was at least in part a matter of legal and archival practice: dates and other fruit-bearing trees had to be listed as attributes of every parcel of land on which they grew—whether there were two trees or 200, and whether the land was classified as *waqf*, *milk*, or *iltizām*.

The *sijills* depict a city obsessed with palms. Visitors to present-day Rosetta might come away with the same impression, as the city is still surrounded by miles of date orchards—an ocean of palms stretching from the Nile’s west banks to the coast of the Mediterranean Sea. But there is a risk of missing the forest for the trees, at least when studying the eighteenth century. Rice, sown anew in the spring and harvested in the fall, had no legal status on the land. As far as the Islamic court was concerned, rice represented property in the form of agricultural credit during the spring planting season, and then as woven crates full of harvested grain in the fall, but paddy rice was not itself an attribute of landed estates. If the Islamic court during the Ottoman period primarily represented the interest of the propertied classes, then the “absence” of agricultural production in the historical land record raises methodological questions for historians: when does wealth become “property,” and what types of property needed to be documented for posterity?

CRISIS AND DIVERGENCE IN THE NORTHERN DELTA

So far, this study has explored the ways in which propertied households in the northern Delta employed *waqf* as a form of property right on land, trees, and the tools of irrigation, at once more secure and more flexible than other forms of property in eighteenth-century Egypt.

In simple geographic terms, it is easy to consider Rosetta as the mirror image of Damietta. Both cities performed dual functions as river ports for goods traveling up the Nile, and also as Mediterranean seaports connected to wider regional markets. Both cities combined these port functions with diverse other industries, particularly textile manufacturing.⁷⁰ Both cities cultivated rich

⁶⁹Dina Rizk Khoury, “Administrative Practice Between Religious Law (*Shari’a*) and State Law (*Kanun*) on the Eastern Frontiers of the Ottoman Empire,” *Journal of Early Modern History* 5, no. 4 (2001). She notes that “It is not clear what legal underpinnings defined ownership rights on these estates. In other words, we do not know whether there was a regime of absolute ownership of land or a regime of entitlement to rents of the land (as was the case in other parts of the Empire where commercialization took place)” (*ibid.*, 317).

⁷⁰Alī Pāshā Mubārak, *Al-Khiṭaṭ al-tawfiqīyah*, 11:72.



“green belts” of orchards, gardens, and date palm groves, which constituted a substantial bank of investment for the wealth of local inhabitants. Both were urban centers of regions dedicated to the capital-intensive endeavor of cultivating rice, the most lucrative product of the northern Delta.

But by the final decades of the eighteenth century, similarities between Rosetta and Damietta were clouded by an apparent divergence in their functions and fortunes. From the mid-1780s, Egypt weathered a series of ecological troubles: after a serious famine in 1784 and 1785, the province was hit by a major epizootic that decimated the livestock population, the motor of Egypt’s rural economy.⁷¹ Livestock were imported from Anatolia to plow the fields and turn the water-wheels and millstones on which Egypt’s human population depended for their livelihood, but scarcity, high food prices, and alternating years of excessive and insufficient Nile inundation left populations vulnerable to outbreaks of plague in Cairo in 1787 and 1788. Another outbreak that swept through the capital in 1791 was more virulent than any in living memory.⁷² It claimed the life of Ismā‘īl Bey, the Qazdağlı ruler elevated to power following Ghāzī Ḥasan Pasha’s campaign in 1786, and decimated his household. The void at the Cairo citadel was filled once again by Ibrāhīm and Murād Bey, whose tyranny and misrule had spurred Ḥasan Pasha’s “reconquest” of Egypt in the first place.

During this period, French observers noted drastic depopulation in Rosetta, Damietta, and the surrounding countryside. In 1794, Guillaume-Antoine Olivier, a French naturalist traveling through Egypt, noted that famine and plague had roughly halved Rosetta’s population: only 12,000 inhabitants remained, down from 25,000 in 1780.⁷³ In Damietta, Napoleon’s *savants* blamed depopulation on the breakdown of the canal system and the impact of repeated Bedouin invasions on villagers and cultivated land.⁷⁴ Such observations should be read critically, since they were part of a larger French discourse seeking to justify French interference in Egypt, a province that still very much belonged to their Ottoman allies. The Beys’ neglect of Egypt’s irrigation system is cited along with their oppression of the local and European merchant communities as their greatest contribution to the collapse of Egypt’s economy and French imaginings of Egyptian conquest in the 1790s.⁷⁵

⁷¹ Alan Mikhail, “Unleashing the Beast: Animals, Energy, and the Economy of Labor in Ottoman Egypt,” *The American Historical Review* 118, no. 2 (2013): 317–48.

⁷² For a description of the 1791 plague, see Mikhail, *Nature and Empire*, 221–26.

⁷³ G. A. Olivier, *Voyage dans l’empire Othoman, l’Égypte et la Perse* (Paris, 1800), 51.

⁷⁴ *DE*, vol. 5, *État Moderne I*, 280. The author lays blame on the Bedouin tribes, but one could, of course, consider the military campaigns of the Ottomans in 1786 and the French in 1798.

⁷⁵ For the Beys’ abuse of the urban commercial population and dramatic price inflation, see Raymond, *Artisans et Commerçants*, 2:806–8 and 2:817–20; Daniel Crecelius, *The Roots of Modern*



But such observations also offer a valuable framework within which to consider local particularities of geography and *histoire evenementielle* as they relate to the widespread use of *waqf* as an instrument for capital accumulation and social reproduction in the early modern Ottoman Empire. I have already remarked that populations in Rosetta and Damietta employed different language and different tools in establishing and maintaining irrigated estates of *waqf* property. By tools, I am referring both to infrastructure, such as different types of wells, as well as legal instruments like the common use of *musāqāh* in Rosetta and its absence in Damietta. Local differences infuse the material realm of the court records themselves: one is struck by the poor condition of Damietta's *sijills* for the 1780s and 1790s, which are sparse and disorganized. While this may reflect archival practice and poor preservation from later decades, there is also evidence of divergence at the time of composition: entries in the Rosetta *sijills* are significantly longer, and recount more extensive lineages of household wealth dating back generations. The value of land and urban property in eighteenth-century Damietta was lower on average than what we find in Rosetta. The Damietta *sijills* recorded few property transactions in the 1780s and 1790s, and structures like waterwheels and rice mills were often described as “*khirbah*” or “*mutakharrab*” (in ruins), echoing the observations of outside observers.⁷⁶ The general picture that emerges is that the port city of Damietta suffered significant economic ruination by the 1790s.

In the absence of local chronicles, the extent, value, and transactability of landed *waqfs* can offer clues into the fortunes of local populations during a period of political and environmental turbulence at the end of the eighteenth century. In Rosetta, the late eighteenth century saw the displacement of some of the town's longstanding regimental households by a rising Muslim commercial elite who used the legal tools of *tawājir*, *istibdāl*, *isqāt*, and *musāqāh* to acquire productive *waqf* property. No equivalent social reshuffling occurred in Damietta, where the intensification of French trade and the strength of Mamluk-allied Syrian Christian customs officials suppressed the rise of a local Muslim bourgeoisie.⁷⁷

Egypt: A Study of the Regimes of 'Ali Bey al-Kabir and Muhammad Bey Abu al-Dhahab, 1760–1775 (Minneapolis, 1981), 82–86.

⁷⁶The above observations are based on a close reading of the records of the Islamic courts of Rosetta and Damietta for nearly all of the years between 1780 and 1805 for which the records were available at the time of research. For Rosetta, those years covered 1774–76 and from 1785 onwards. For Damietta, the years covered are 1780–1803 and 1805. Research for this project was conducted in the Egyptian National Archives between July 2011 and July 2015.

⁷⁷Thomas Philipp, *The Syrians in Egypt: 1725–1975* (Stuttgart, 1985).



The one group that apparently benefitted from urban instability in Damietta was the Bedouin rulers of the region around Lake Manzala, as they expanded their authority into Damietta's hinterland. The household of the Bedouin chief (Shaykh al-ʿArab) Ḥasan Ṭūbār used the same strategies as contemporary urbanites to form irrigated estates out of *waqf* property. Ḥasan Ṭūbār held the tax farm for fishing and hunting rights on Lake Manzala, making him one of the most powerful figures in the eastern Delta. Juan Cole claims that Ṭūbār was “one of the few to accumulate large estates under the nose of the Cairo magnates [the Qazdağlıs],” because he paid significant tribute to the Ottoman government in Istanbul, rendering him an “Ottoman vassal.”⁷⁸ One way that the Ṭūbār household acquired and maintained these estates seems to have been through its members' concerted interest in accumulating *waqf* property in Damietta's irrigated green belt.

In the decade leading up to the French invasion, men of the Ṭūbār household acquired shares in over a dozen orchards and irrigated fields containing at least 22 wells and waterwheels in the district of Qubbat al-ʿAbbās, concentrating their holdings along one of the major sultanic canals linking the villages of Damietta's hinterland to the Nile.⁷⁹ In 1787 and 1788, Ṭūbār's son rented several parcels of irrigated land from the seventeenth-century *waqf* of Muḥammad Çorbacı, a member of the Janissary (Tr. Yeniçeriye) regiment in Cairo.⁸⁰ The Ṭūbārs purchased wells, waterwheels, and the water use-rights to a garden attached to the *waqf* of Shaykh Muḥammad ibn Shaykh ʿAlī ibn ʿAbdu.⁸¹ In 1788 and again in 1796, the Ṭūbārs entered into life-term leases on several properties endowed to the *waqf* of Qadi Muḥammad ibn ʿAbd al-Ḥalīm al-Khaṭīb al-Ḥanafī, established in 1614.⁸² The rentals included a number of gardens, extensive horticultural property, and at least six waterwheels. This was an old and prominent *waqf*, apparently such a fixture in Damietta's social and legal geography that the court scribe cut himself some slack as he noted that, “the boundaries of all these gardens are well known and do not need to be described.” Another Bed-

⁷⁸Juan Cole, *Napoleon's Egypt: Invading the Middle East* (New York, 2007), 162. Cole calls him the “virtual king of the northeast Delta region.” Ṭūbār is best remembered for waging a resistance campaign against Napoleon's forces in Damietta during the French occupation of Egypt.

⁷⁹DWQ Maḥkamat Dimyāṭ 287, unnumbered (but following case 83) (date missing, but probably sometime between Rabīʿ II and Ramaḍān 1202/January–June 1788); Maḥkamat Dimyāṭ 289, case 282 (29 Jumādā I 1201/19 March 1787).

⁸⁰The *waqf* was established in 1073/1662–63. DWQ Maḥkamat Dimyāṭ 285, case 47 and case 456 (undated, 1201/1787); DWQ Maḥkamat Dimyāṭ 287, case 68 (16 Rabīʿ II 1202/25 January 1788).

⁸¹DWQ Maḥkamat Dimyāṭ 288, case 91 (12 Jumādā II 1203/9 March 1789); DWQ Maḥkamat Dimyāṭ 288, case 219 (28 Rajab 1202/3 May 1788).

⁸²DWQ Maḥkamat Dimyāṭ 287, case 34 (10 Rabīʿ II 1202/19 January 1788); DWQ Maḥkamat Dimyāṭ 291, case 2 (13 Şafar 1211/17 August 1796).



ouin family from al-Manzala, Shaykh al-‘Arab Salāmah ibn Ni‘mat Allāh ‘Ajlān and his brother ‘Alī, acquired land in the rice-growing region of Fāraskūr from the late seventeenth-century *waqf* of Amir Ḥusayn Çorbacı Arnavut, *baş çavuş* of the Gönülliyân regiment.⁸³ It seems that, amidst the political and economic re-orderings of the Ottoman empire and the province of Egypt at the end of the eighteenth century, *waqf* became a less tenable investment for political grantees, but a more attractive prospect for agricultural brokers in the northwestern Delta and for powerful Bedouin families around Lake Manzala.

LESSONS FROM THE FIR‘AWNĪYAH CANAL

While it is difficult to gauge the local impact of the overlapping crises that befell Egypt in the 1780s and 1790s (drought, famine, plague, and political dysfunction), a conflict over one of the Delta’s largest canals may offer some insight into the divergent fortunes of Rosetta and Damietta. The long-running saga of the Fir‘awnīyah (Pharaonic) Canal is an illustration of the contingent and interconnected effects of local geography, commercial interests, and political power in the northern Delta at the turn of the nineteenth century. The Fir‘awnīyah Canal was a major *sulṭānī* canal that traversed the Delta diagonally, southeast to northwest, to connect the Damietta branch of the Nile to the Rosetta branch (Fig. 1). According to customary usage in the eighteenth century, the levees on the Damietta branch would be closed at the beginning of the Nile’s yearly inundation, directing floodwaters north to the rice growing lands of Fāraskūr and al-Manzala. The levees would be cut when the waters began to subside, allowing water to cross the Delta.⁸⁴ By the end of the eighteenth century, however, observers commented that the levees were allowed to remain perennially open, allowing the waters of the Damietta branch to flow towards the lower-lying lands of the Rosetta branch and north to the Mediterranean Sea.⁸⁵

The Qazdağlı commander, Murād Bey, went to inspect the levees in April 1786 as they “had not held water back for years.”⁸⁶ Al-Jabartī describes “tremendous piles of sand from the Nilometer to the Mediterranean” where the Nile waters

⁸³DWQ Maḥkamat Dimyāṭ 287, case 131 (9 Şafar 1202/20 November 1787). Shaykh Salāmah rented shares in the property for 70 years from the *nāẓir* of the *waqf*, who was the grandson of the endower’s manumitted slave and one of its beneficiaries. DWQ Maḥkamat Dimyāṭ 287, case 152 (2 Rabī‘ II 1202/11 January 1788). Shaykh Salāmah’s brother ‘Alī rented additional shares in the same property for 90 years from the descendant of another of the endower’s manumitted slaves.

⁸⁴Alexandre Berthier, chef de l’État-major general, in *DE*, vol. 5, État Moderne I, 115.

⁸⁵*DE*, vol. 6, État Moderne II, 521. Rice cultivating land around Rosetta was at lower elevations than Damietta, and thus required less animal and human energy to move water to the land.

⁸⁶Al-Jabartī, *Al-Jabartī’s History*, 2:105 (1 Rajab 1200/20 April 1786).



were supposed to run. The level of the Damietta branch had been so depleted that seawater from the Mediterranean had encroached as far south as al-Manzala and Fāraskūr, ruining agricultural land and causing peasants to flee their villages.⁸⁷ In 1795, the Ottoman Porte remarked with alarm that failure to repair the levees on the Fir‘awnīyah Canal had led to decreased rice harvests in Damietta and al-Manzala.⁸⁸ As Stuart Borsch has illustrated for early fifteenth-century Egypt, the breakdown of the province’s *sulṭānī* canals (whether due to population loss from *Yersinia pestis* or, here, to political dysfunction) was a matter of existential concern, rendering cultivation impossible on any lands not directly abutting the Nile.⁸⁹

And yet, efforts to repair the levees had been stalled by competing interests on the ground: while villagers, landholders, and revenue collectors on the eastern branch of the Nile suffered, those to the west saw the situation as a boon. Al-Jabartī blamed one of the amirs, Ayyūb Bey al-Ṣaghīr, for undermining repairs of the dams on at least two occasions. He held tax farms in villages that had prospered from the free flow of the canal towards the west, so he ordered the dams pierced anew—in 1792 and again in 1797—after they were freshly repaired under the orders of Ibrāhīm Bey and Murād Bey.⁹⁰

French engineers studied the canal closely during the French occupation, keen to understand both its importance for cultivation in the Delta and its potential as part of a larger scheme to link the Red Sea to the Mediterranean.⁹¹ Under French supervision, dikes were constructed on the Damietta branch, and the governor of the province of Manūfiyah stationed a permanent guard to prevent further interference. Now it was the turn of populations in Rosetta and Alexandria, along with notables in the western province of Buḥayrah, to complain of a lack of water, prompting an investigation under the supervision of Napoleon’s deputy in Manūfiyah. They assembled the commanders of all the Delta provinces to determine the impact of rerouting the Nile’s course and the possibilities

⁸⁷DE, vol. 5, État Moderne I, 120–21.

⁸⁸Başbakanlık Osmanlı Arşivleri (BOA) Cevdet Saray 15.795 (*ghurra*t Jumādā I 1210/12 November 1795); BOA Mühimme-i Mısır Defteri 10.502 (*awāsīṭ* Jumādā II 1210/late December 1795). They called upon the seated Ottoman governor, Ṣāliḥ Pasha, to purchase rice and lentils directly from the cultivators and merchants to make up the shortfall from what had been missing from the annual remissions from the previous two years.

⁸⁹Stuart J. Borsch, “Environment and Population: The Collapse of Large Irrigation Systems Reconsidered,” *Comparative Studies in Society and History* 46, no. 3 (2004): 458–61, and idem, “Nile Floods and the Irrigation System in Fifteenth-Century Egypt,” *Mamlūk Studies Review* 4 (2000): 131–45.

⁹⁰Al-Jabartī, *Al-Jabartī’s History*, 2:240; 4:9.

⁹¹DE, vol. 5, État Moderne I, 114–18.



for cultivation on either side of the Delta.⁹² During the summer inundation in 1799, M. Le Père, the chief engineer, promised to weigh the self-reported benefits and harm on each side, and to compile a report “within the year.”

Controlling the flow of the Nile along its western and eastern branches had direct consequences for the Delta economy into the first decade of the nineteenth century. By 1806, improper repairs on the Fir‘awnīyah canal meant that rice fields were still “left uncultivated, the countryside on the eastern branch became parched and the people drank...from wells and irrigation ditches.”⁹³ One year after Mehmed Ali Pasha assumed the governorship of Egypt, the *shāhbandar* of Cairo’s merchant community, Muḥammad al-Maḥrūqī, took command of efforts to fix the Fir‘awnīyah Canal once and for all.⁹⁴ Al-Maḥrūqī held an *iltizām* in Fāraskūr until Mehmed Ali Pasha abolished the tax farming system in 1810.⁹⁵ His personal investment in the prosperity of Fāraskūr, one of the regions most affected by the breakdown of the Fir‘awnīyah Canal, would explain why he assumed responsibility for its repair and upkeep after 1806. Of course, it was villagers who paid the ultimate price, as they were forced to haul stones for the dam from the Muqaṭṭam hills outside of Cairo. The task was completed in April 1809 “at an enormous cost” of 800 purses and much human suffering.⁹⁶

We cannot know with any precision how the saga of the Fir‘awnīyah Canal impacted Rosetta, Damietta, and their respective hinterlands at the turn of the nineteenth century. To the best of my knowledge, Napoleon’s engineers never filed the report that they promised, in 1799, to compose “within the year” on precisely this question. What the saga does reveal, however, is a complex landscape of local differences—in geography, legal culture, social structure, and political clout—that shaped how land and water resources were managed in the Delta’s twin cities of Rosetta and Damietta. From the competing interests of tax farmers in large-scale irrigation projects like the Fir‘awnīyah Canal to the private fortunes secured by the religio-legal system of *waqf*, it is important to recognize contingency at different levels to avoid

⁹²“Ordre du jour, du quartier general de Menouf, le 5 fructidor an 7 (22 August 1799),” *DE*, vol. 5, *État Moderne I*, 115.

⁹³Al-Jabartī, *Al-Jabartī’s History*, 4:9.

⁹⁴See BOA Cevdet Maliye 523. 21398 (18 Sha‘bān 1219/19 January 1805). Pascale Ghazaleh analyzes the networks of Egypt’s great merchants, including the al-Maḥrūqī household, from the eighteenth to the mid-nineteenth centuries in *Fortunes urbains*.

⁹⁵Fāraskūr was seized from al-Maḥrūqī’s possession and given to the Bedouin chief Aḥmad al-‘Ashmāwī. DWQ Maḥkamat Dimyāṭ 301, case 559 (18 Jumādā I 1225/20 June 1810).

⁹⁶Al-Jabartī, *Al-Jabartī’s History*, 4:91 (18 Rabī‘ I 1224/30 April 1809); 4:98 (1 Jumādā I 1224/13 July 1809).



the teleology that looms over Egypt's history at the turn of the nineteenth century. The invasion of Napoleon's army in 1798 and the violence of Mehmed Ali Pasha's encroaching bureaucracy after 1805 both attempted to dominate and standardize a large and diverse province. As we have seen in the case of the northern Delta in the eighteenth century, local populations employed strategies suited to local conditions in their attempts to capitalize on the obstacles before them. When households in Damietta and Rosetta came to the local courthouse to secure their wealth as *waqf*, or to cash out, they did so with the painful knowledge that disease had carried off their livestock and that of all their neighbors, that the patriarch of the household had recently succumbed to plague, or that their once-fertile lands were turning to salt.

Ultimately, the northern Delta was an important region of the Ottoman-Egyptian political economy, one in which the inhabitants of Rosetta in particular employed the legal tools of *waqf* to protect their property rights in the context of a highly commercialized but politically and environmentally tumultuous regime of cash crop production. The point is not to discourage readers by arguing that "nothing is like anything else," or that observations based on one local setting cannot be generalized beyond their local context. Rather, it is to highlight the historical magnitude of even seemingly small differences in local topography, culture, and demography in the years prior to the centralizing state reforms of the nineteenth century.

