



## Intercommunal Relations in Jerusalem during Egyptian Rule (1834-1841)

Judith Mendelsohn Rood

Statue of Ibrahim Pasha in the Cairo Citadel on Muqattam Mountain, built to commemorate his military victories in Syria and Palestine (1831-1840).

Source: S. Tamari

In my book *Sacred Law in the Holy City*, published in 2004, I presented a detailed analysis of the relationships of Jerusalem's traditional Muslim elite with the Khedival regime of Muhammad 'Ali Pasha, the Albanian governor of Egypt who rebelled against the Ottoman Sultan and invaded present-day Israel, Jordan, Palestine, Lebanon, and Syria in 1831. Here, I present material drawn from that book pertaining to the relations of Jews and Europeans with the Muslim elite of Jerusalem during the period 1834-1841 in order to more closely scrutinize the experiences of these Europeans as they began to make their presence felt in the city through the purchase of real estate. Readers familiar with European contact with Jerusalem in this period will be quite intrigued by the perspective that the Islamic court records give us about several well-known personalities and events. This evidence shows the great change that these foreigners brought to the holy city, change perceived as threatening by the local Muslim elite, despite the fact that both the Egyptian

regime occupying the city and the Ottoman Empire itself permitted the ‘alienation of land from imperial Islamic foundations (known as ‘*waqf*’ in order to permit economic redevelopment and growth in the city and its environs and to provide for the needs of resident ‘aliens. In this article, readers will learn much about the Islamic political and socioeconomic context that Europeans encountered during a time of rapid political, economic, and social change in the city, but which they only imperfectly came to understand.

## **Jews and Christians Living Under Islam**

The dynamics of the Khedival period resulted in the reorganization of the socioeconomic framework of the empire under the Tanzimat. During the 1830s, the presence of Western interests in Palestine was expanding at a time when the region in general was suffering from the decimation of the Muslim community by Muhammad ‘Ali, who conscripted large numbers of men and boys into the Egyptian army and forced them into corvée labour. The depopulation of Muslim cities, towns, and villages that resulted from the Khedivial regime’s policies had created the need for new inhabitants, inhabitants who would be compliant and productive, unlike the rebellious elites and peasants who had rebelled against the Egyptian regime in 1834. One of the manifestations of that presence was the immigration of European Jews (Ashkenazis) into Jerusalem. Some of these immigrants came not as simple pilgrims, but as entrepreneurs interested in finding commercial opportunities in Syria.

Thus, the identity of established and new social groups in Jerusalem emerged as a mutable concept transformed by changing political and economic circumstances throughout the region resulting from the policies of Muhammad ‘Ali. This is nowhere more clear than the use of the term ‘*millet*’ in the Jerusalem of the late 1830s. It was during this time that non-Muslims taxpayers were differentiated from Muslims in accordance with the classical Islamic distinction between the *ahl al-milla* and the *ahl al-dhimma*: the people of Islam and the people under the Islamic covenant of protection on the basis of religion.<sup>1</sup> As the privileges of Ottoman subjects and non-subjects began to merge, the former social structure of the city began to be overturned and religious identifications became increasingly more important politically.

The growing presence of foreigners (*musta’minin*), in the person of consular officials representing Western political interests and Western immigrants looking for commercial opportunities in Syria during the Muhammad ‘Ali period changed the dynamics that had regulated minority relations in Jerusalem since the beginning of Ottoman rule in 1517. Western observers in the nineteenth century, for both religious and political reasons, analyzed Syrian society along religious lines, focusing upon the position of religious communities as oppressed minorities. They misconstrued the Ottoman term ‘*ri’aya*’ to mean only the Christian and Jewish communities of

the empire, obfuscating the Ottoman sense of the word, with its reference to all productive, tax-paying residents of the empire, Muslim, Jewish and Christian.

By separating the Jewish and Christian minorities from the Muslim majority in this political sense, the Khedival regime adopted the same distinction. As the Western powers began to press for 'equal rights' for the communities that they sought to protect from Muslim despotism, they unintentionally sundered the organic connections of Mizrahi and Sephardic Jews with the rest of the population. The Europeans did not notice that all of the *ri'aya* could have benefited from the extension of political rights: protection from over-taxation, preservation of property, and the right to have their interests represented in the government. Instead, they focused upon Jews and Christians, who were clearly treated as inferiors by the Muslims. The Ottoman reformers, who began their efforts to address this split between the Muslims and the 'people of the book', initiated the long process of reform known as the *Tanzimat* with the 1839 Rescript of Gülhane, according all Ottoman subjects equal rights, abolishing both the *'askari* and the *ri'aya* classes, and including Jews and Christians with Muslims as equal citizens. Thus, the 1830s concept of 'millet' was rejected by the Tanzimat Ottoman government, since it was contributing to the political idea of corporate nationalism inspired by Napoleon throughout the Ottoman Empire, rather than developing a multi-ethnic concept of citizenship that disregarded religious affiliations in favour of strengthening a secular idea of government.

Ultimately, Sultan Abdul Hamid overturned the Tanzimat reforms because they had failed to prevent the rise of independent Christian states in the Balkans forcing the Ottomans out of Europe. This process convinced him that the idea of a multiethnic empire was unworkable, and that Christian communities presented a continuing danger to the territorial integrity of the Anatolian territories of the Ottoman Empire; the perceived danger that the Arab Muslims also posed to the Porte only emerged with the First World War. European political ambitions and rivalries relating to the 'sick man of Europe' exacerbated the political failure of the Tanzimat to channel ethnic identities away from political self-government, and led to increasingly anti-Christian Ottoman policies. These policies culminated in the genocide of the Turkish Armenians, under Abdul Hamid; after the abolition of the Caliphate, by the Young Turks; and even under Atatürk, in the context of Turkish wars with Greece and Russia before and during World War I.

When the distinction between *'askari* and *ri'aya* was nullified by the Gülhane Rescript, the Ottomans in a sense were following the same logic that had propelled Muhammad 'Ali in his policies regarding Christians and Jews: increasing the economic resources and potential of the state by encouraging commercial expansion by strengthening the economic position of Christian and Jewish populations of the Levant.

Jerusalem was both a small provincial city, and a place of great religious and symbolic importance in the 1830s. This was reflected in an order appointing the deputy-governor of Jerusalem, which stated: “This city is among the noble places, and is a destination for all the nations of the world.”<sup>2</sup> In 1831, Muhammad ‘Ali, the Ottoman governor-general (*wali*) of Egypt, had invaded and occupied all of *Bilad al-Sham*, or the territories comprised of today’s Israel, Gaza, the West Bank, Lebanon, Jordan, and Syria. In 1834, a major rebellion broke out against Muhammad ‘Ali.

Muhammad ‘Ali did not merely overturn the political order of Ottoman administration in geographical Syria (*Bilad al-Sham*). Rather, he instituted policies that effectively cut the local Palestinian political elite off at the knees. The decrees and policies enacted by Muhammad ‘Ali were self-consciously styled as the laws of a new polity, at first called “the Just Egyptian State,” (*al-dawla al-misriya al-’adala*) or the “Just State” (*al-dawla al-’adala*) but which soon would be referred to as “Khedival”.<sup>3</sup> Muhammad ‘Ali is often credited with beginning the modernization of Syria, and for that reason this historical period has received much scholarly attention. Moshe Ma’oz led a generation of scholars in seeing the years 1840-1860 as the beginning of the modern period of Palestinian history, a transitional period “with some of its roots in the short period of Egyptian rule during the 1830s” which “brought about an end to centuries of confusion and backwardness and opened a new age of stability and modernization. During these years local forces were destroyed, regional autonomies undermined, and a solid foundation of Ottoman direct rule was established.”<sup>4</sup> In a provocative essay Shimon Shamir proposed that it was during the period of Egyptian rule that the “Modern History” of Palestine began.<sup>5</sup> Within the broad lines of Palestinian history, Shamir identifies a number of policies adapted by the commander of Muhammad ‘Ali’s armies and governor of his Syrian territories—which included Palestine and the administrative district of Jerusalem—his son, Ibrahim Pasha. These policies characterize ‘modernization’ in the Middle East, according to Shamir: the systematic attempt to integrate local elites into a centralized government; to separate civilian and military authority; to establish a stable regional subdivision under a centralized provincial governor; to recruit local people into the regional government; to supervise the integrity and efficiency of its functionaries; to frame a policy for the region as a “territorial *state*” [*sic*]; to establish representative assemblies; to improve the status of Christians and Jews; to increase population in towns and villages; and finally, to benefit from European expertise in the improvement of sanitation, transportation, communications, education, agricultural, industrial, and commercial relations.<sup>6</sup> Shamir concluded that “[i]n some ways, then, the Egyptian invasion is comparable to the expeditions of Napoleon to Egypt and Perry to Japan, for it opened the area to foreign, modernizing and disrupting influence on a scale not known before.”<sup>7</sup>

Certainly the ever-increasing influence and presence of Westerners in Palestine during this period contributed to the transformation of the social and political makeup of the area, but it must be emphasized here that these factors were only one dimension of

the process. There were local, regional, and international pressures on the status quo of the early nineteenth century. Political struggles between local commanders and their followers in the Nablus region, struggles that were amplified as the different factions jockeyed for support from the region's provincial governors-general, led to ongoing skirmishes in the region of Jerusalem through the 1820s. Napoleon's invasion of Egypt and Syria, and the French occupation of Egypt, reminded everyone of the international significance of Jerusalem and Syria. Provincial militias challenged the command structures of the Ottoman state led by provincial governors-general who rivalled one another in their contests for wealth and power. Illegal and excessive taxes led to disturbances in villages, and the failure of the state to pay its clients led to the emergence of banditry by both village-based elites and nomadic tribes. In the 1820s, Ottoman control of Syria seemed tenuous at best. The imposition of Khedival control in Palestine irreversibly changed the nature of local politics in Jerusalem.

### **Demography in *Bilad al-Sham***

The greatest single impact that the Khedival government had in *Bilad al-Sham*, including Jerusalem, was demographic. Conscription, war, disarmament, and the economic policies of Muhammad 'Ali caused enormous disruptions throughout the region.

Indeed, one European estimated that the entire male population of the *sanjaqs* of Nablus, Jerusalem, Gaza, Jaffa, Lod, Ramla, and Hebron had either fled, or had been sent to Egypt to the factories or navy, or conscripted, reducing the whole male population and productive power of the area by one fifth.<sup>8</sup> Villagers fled their homes, abandoning their fields and joining the Bedouin as outlaws; urban dwellers, without their executed or exiled leadership, became the prey of both the government and its fragmented opposition. Ibrahim Pasha destroyed abandoned villages and those of rebellious peasants, preventing the return of their original inhabitants.

The depopulation of south-western *Bilad al-Sham* following the rebellion against Ibrahim Pasha in 1834 alarmed the Khedival government as well as European observers. Two documents relate to the decision of the Khedival government to enact a policy to encourage the repopulation of the area. Khedival reaction to the serious demographic situation is reflected in an order from the Superior Consultative Council of Damascus (*diwan al-shura [sic] al-Sham al-'ali*) in the name of Ibrahim Pasha. The order, sent by the *hikimdar*, Muhammad Sharif Pasha, to Jabr Abu Ghush, the *mutasallim* of Jerusalem, was recorded in the court registers on 13 *Shawwal* 1250/12 February 1835.<sup>9</sup> This important document represents Ibrahim Pasha's response to a real problem, which, according to the order, went counter to Islam (*al-sunna al-mar'iyah*—"the observed precedent," based upon the sayings and practices of the Prophet Muhammad).

The order was concerned with “the surplus of unmarried women and lack of men to marry them, resulting in decreased reproduction and a deficit of youth, . . . contrary to the wellsprings of civilization.” The cause of this problem according to this order, however, was not war, conscription, over-taxation, or flight. Rather, Ibrahim Pasha concluded that this phenomenon was the result of local practice among the peasants (*fallahun*)– “undesirable ways in some of the villages of the Province of Damascus”. That is, the rates for the dowry given to brides were set so high that their payment amounted to nothing less than “bribes, payoffs, ‘gifts’ of clothing, and other illegal extortions” for the benefit of the brides’ guardians and the officials officiating over weddings.

For these reasons, Ibrahim Pasha stated that he had decided to have the Superior Consultative Council issue an order “organizing a system [for the payment] of the dowry to women and virgins.” The order nullified “all of those damaging customs completely” and forbade high rates “in all of the villages of Syria for the sake of the young men who will not be deterred from marriage, and in order to achieve natural increase through marital relations.” The order cites a *hadith* attributed to the Prophet as precedent for this policy: “Marry, reproduce, and multiply, and I will boast of you among the nations on the Day of Resurrection.”<sup>10</sup>

To reassure the peasants that they would not suffer losses as a result of this decision, Ibrahim Pasha abolished “the unjust and illegal customary costs associated with the dowry” and enacted a new system. The order decreed three legal rates under “the Just Egyptian Laws” (*al-ahkam al-'adila al-misriya*) and “in accordance with Islamic law”: 1,000 *qurush*; 750 *qurush*; and 500 *qurush*.<sup>11</sup>

To insure compliance with his order, Ibrahim Pasha urged the leaders of the community to supervise the actions of grooms and their families and to hold them to these rates, and expressly forbade them to give “robes of honour” or other emoluments to the families of the bride. Those who ignored the law would face exemplary punishments, detailed in the second half of the decree, where it is stipulated that those persons permitted by Sultanic decree to charge a fee for conducting a marriage could accept only 10, 15, or 25 *qurush* for such service. The order forbade absolutely the sale of daughters among the peasants, a practice forbidden by Islamic law. It explains that these measures were undertaken not to diminish the value of the trousseau to be given to a bride, but to insure that young men could afford to marry. The decree was to be made known to all of the *mutasallims* and other officials in the region, who warned to heed the new regulations and to monitor those who conduct the wedding service: the ‘*ulama*’, marriage witnesses, and religious leaders (*riyasat al-din*) from other religious communities.<sup>12</sup> The order instructed the *mutasallims* to halt weddings and warn the offenders if they observed transgressions of this decree. If these officials persisted in disobedience and did not apologize, the *mutasallims* and other officials were authorized to punish whoever was at fault, be he suitor, member of the ‘*ulama*’,

or anyone else who had taken anything exceeding the established rates for performing a wedding. If any official discovered that out of fear, evasion, or pride, such an act had been concealed by either a judge (*hakim*) or a *mutasallim*, such negligence was punishable by exile to Acre for one year; if, however, the groom paid in excess of the three established rates for bride prices, or if he resorted to bribes, payoffs, or other illegal emoluments, he was to receive 500 lashes of the bastinado (*kirbaj*), and the guardian of the bride who demanded more than the permitted amount was to receive 1000 lashes, after it was proven that he had acted contrary to this order.<sup>13</sup>

Since this decree envisioned improvement “for all,” Ibrahim Pasha explained, it was to be applied in rural areas where, in his view, local customs were preventing population growth, namely, Nablus, the vicinity (*dawahi*) of Jaffa, Gaza, and the “Holy Land” (*al-bilad al-qudsiya*) a specific reference to the administrative district of Jerusalem. It also applied to the villages along the maritime coast of the Province of Sidon and other areas where these customs “were not unknown: the country of Safad, Tibnin, and the vicinity of Shaqif and Jaba’; it was also to be made known in Jabal Shuf, and the area of Kisrawan, as well as the country around Tripoli (Lebanon), the city of Ladaqiya, and as far away as the country of Aleppo, “wherever young men were hindered from getting married.”

This order provides important evidence of the depopulation of geographical Syria as a result of the military policies of the Khedival regime and popular resistance to them, and the effort of the Khedival regime to encourage repopulation. Ibrahim Pasha’s use of the *shari’a* to legitimize a policy that he had enacted in the highest administrative council in Syria is striking. Everyone involved in the act of marriage, from the groom and his family to the officials who conducted the ceremonies, were held responsible for upholding a law aimed at benefitting the population of Syria. Although this decree was promulgated by the Consultative Council administered by the Khedival government, at the direction of the *ser’asker*, Ibrahim Pasha, and the punishments specified in the order were to be executed by the *mutasallims* of the Khedival government, it was the *shari’a*, and more importantly, the Prophet himself, to whom Ibrahim Pasha turned for legal sanction. The ‘*ulama*’ clearly had no role in the making and implementation of this new policy, and they themselves were addressed in the decree as liable for punishment if they failed to abide by it.

This legislation aimed at ending rural customs at variance with the *shari’a*. At the direction of Ibrahim Pasha, the Consultative Assembly, overseen by the *hikimdar*, Muhammad Sharif Pasha, had assumed the Sultan’s prerogative to legislate administrative decrees. Although Ibrahim Pasha sought authority for the order in Islamic law, its enforcement did not rest with the ‘*ulama*’. Indeed, it was directed at them, warning them to abide by its stipulations or face corporal punishment and prison. Although the religious leaders of the various communities continued to conduct marriages, annulments, and divorces, the Khedival government assumed the power

to legislate and uphold laws governing personal status, an area of law heretofore the exclusive domain of the *'ulama'*.<sup>14</sup>

Ibrahim Pasha ordered the leaders of all of the religious communities in Syria to obey this decree. The Khedival government thus encouraged the natural increase of Christians and Jews as well as Muslims to solve the demographic problems it had caused throughout Syria as it implemented its military and political policies, although Ibrahim Pasha and his regime never explicitly acknowledged responsibility for this.

Following the withdrawal of the Khedival armies from Syria, the Ottomans did not have difficulties establishing control because Muhammad 'Ali had transformed their role and position in society so completely. One result was the establishment of Western consulates in the city, which is linked to the improved station of Jews and Christians in the city, evidenced by their increasing population and prosperity. A thorough survey of Western consular records and travellers' accounts reveals a singular disinterest in, and often antipathy to, the Muslim community of Jerusalem. This is unlike the situation with other cities such as Istanbul, Damascus, Cairo, and Aleppo, where Europeans could be found who were at least fascinated with, if not enchanted by, Muslim society. In Jerusalem, the situation was quite different. Christian and Jewish travellers alike, the majority of whom were unfamiliar with non-European cities and cultures, and who held romanticized ideals of Jerusalem, lamented the apparent ruin of the Holy Land by the "infidel Turk." Their comments were often general and overwhelmingly negative, filled with misconceptions and misinformation. Even relatively unbiased observers had difficulties overcoming their distrust of the Muslims given the straitened political and economic conditions of the time.

The first British Consul in Jerusalem, William T. Young, instructed by his superior Lord Palmerston to "make it your business to cultivate a friendly feeling toward Great Britain amongst the inhabitants of the Country ... " was unable to develop good relations with Muslims.<sup>15</sup> He wrote, "hitherto I regret to say, that I have on every occasion been met by the local authorities, *in the most unconciliating and often the most vexatious spirit [sic]*."<sup>16</sup> He and his successor, James Finn, offer remarkably little detail on the individual personalities, traditions, institutions, and opinions of the Muslims living in the city. The little information that is related describes conflicts and misunderstandings between the newcoming Westerners and the Muslims, or between local Christians and Jews and the Muslim authorities, information pointedly emphasizing misrule and the need for extending 'protection' to non-Muslims. As for secondary sources concerning this period, many of the standard works on Palestinian history and society lack detailed information about the Muslim community of Jerusalem in the early nineteenth-century. Studies such as those by Ma'oz, Cohen, and Migdal contain little information on the Muslims of Jerusalem in the period before the Ottoman *Tanzimat* in 1841.<sup>17</sup> The plethora of recent works underscores both the renewed interest in nineteenth century Jerusalem and the acuteness of the need for

a study balancing Muslim sources against Western travellers' accounts and consular reports.<sup>18</sup> There were notable exceptions to this bias: Edward Robinson showed sensitivity to and interest in the Muslim community, as did the American missionaries William Thompson and John F. Lanneau.<sup>19</sup> Indeed the same misconceptions first penned by badly informed nineteenth-century observers constantly reappear in modern writings on the Middle East.

Unfortunately we have no contemporary chronicles written about Jerusalem by a Muslim during this period, nor were there any journals or newspapers published in the region.<sup>20</sup> The availability of archival material in the Islamic Court of Jerusalem thus enabled me to make those records the backbone of my research.<sup>21</sup> This vast and stimulating corpus of evidence throws considerable light on the workings of the administration of the city and its institutions and the relationship of the city to Ottoman and regional centres of power.

### **The Muslim Community of Jerusalem and its Relations with Jews and Christians**

Of all the issues pertaining to Ottoman Jerusalem, it is the status of the religious minorities that has drawn the most attention from Western observers and scholars. In this section, documents pertaining to the relations of these minorities with the Muslim majority will be analyzed within the context set out in this study. These documents serve to provide us with contemporary and indigenous materials that give us a new perspective from which to understand these relationships. It is clear that the very misunderstandings of the Europeans about Islamic government fuelled the changing relationship of Muslims and non-Muslims in the years following the 1834 rebellion.

Throughout this discussion, the changing status of the Muslim community itself under the Khedival regime must be borne in mind. That once-dominant community was itself retrenching, adapting itself to a new fiscal regime and a new political and military order. Ottoman and European diplomatic pressure upon Muhammad 'Ali continued until war would once again flare up in 1840. The years 1834-1839, then, must be understood as exceptional ones, as Muhammad 'Ali attempted to strengthen his position in Syria and as the residents of *Bilad al-Sham* attempted to find their places in the new order.

In this section, we will examine a number of court cases documented in the Islamic court archives which will give us windows into the life and times of Jews and Christians following the rioting in the city of Jerusalem in 1834.

## The Case of the Notebook: Isaac Makes an Accusation

Before that rebellion was even suppressed, a remarkable case was brought to the Islamic Court concerning damages for the loss and destruction of property. Unlike an earlier case, which was resolved in favour of the plaintiffs, members of Jerusalem's military elite against peasants from a nearby village, this case was not. In this case, dated 15 *Rajab* 1250/17 November 1834, Ishaq ibn Ya'aqub al-Yahudi, Isaac the son of Jacob, the Jew, accused al-Hajj 'Ali al-Ja'uni, al-Sayyid 'Abdullah al-Ja'uni, and al-Sayyid 'Uthman al-Ja'uni, three members of an important Jerusalem military family, of taking property from him, "when the peasants entered Jerusalem."<sup>22</sup> Ishaq brought with him to the court a notebook listing the items stolen from his house, which he presented as he made his accusation against the three. They were asked about the charge, and denied it. Witnesses "from among the Muslims and the Jews" testified that the accused had not taken anything listed in the notebook from the plaintiff. These witnesses were: Muhammad Effendi Binbashi, a military officer; 'Abdullah Bashi Agha al-Baghdadi Yuzbashi, another ranking officer; the Jewish community's leader in Jerusalem, the official translator for the Jewish community in Jerusalem, the son of the community's representative, "al-Khakham Shelbun," (the only one whose given name is listed in the document), and "other Jews". These witnesses all testified that the plaintiff, present in the court, had admitted that the three accused did not have any of the things listed in the notebook. The judge then asked the plaintiff for a statement, and he answered that he had no witness that any of the three accused had taken his belongings from the peasants who had entered Jerusalem; the judge then asked him to state if he had seen them take any of the things, and the plaintiff admitted he had not. So the judge made the plaintiff acknowledge that he had no right to make a claim against the three, and that no further action could be brought against them.

This case, in which a single Jew accused three military officers, notable Jerusalemites all, of receiving stolen goods or actually stealing them themselves during the looting of the city, is remarkable. It is doubtful that he would have brought the case to court unless he had some reason to believe that he could win the suit, despite the fact that he had no witnesses to corroborate his claims. This, in accordance with Islamic laws of evidence, would have been enough to dismiss the case. However, some big guns were brought out to refute his case: reputable witnesses from the military and from the Jewish community itself testified that the plaintiff had no case against the three. The dispute was resolved in the defendants' favour, and the looting victim received no compensation for the losses he had claimed. Without further evidence, we cannot speculate more about this case. Nevertheless, it is interesting that it was brought and that it was heard. No other cases stemming from the violence of the rebellion in Jerusalem were recorded in the *sijillat*. However, we can draw one conclusion: unsettled by the political struggle going on between Muhammad 'Ali and the Sultan, the Muslim residents (*ahali*) of Jerusalem and their neighbours, as we have seen, had lost their established prerogatives as a privileged, tax-exempted group. These Muslim

residents of Jerusalem now were forced to adapt themselves to the policies of Muhammad ‘Ali’s regime, policies which aimed at changing the fundamental structures of law and government in Syria. It is in this context that we must understand the Western arrival in the city.

## Ashkenazi Entrepreneurs Arrive in Jerusalem

Another area which the court records throw light upon is the growing interest of foreigners in taking part in the economy of the city. A key to understanding this issue is an important document recorded on 19 April, 1838.<sup>23</sup> It relates to an order issued on May 28, 1837 by the *hikimdar* to the *mutasallim* of Jerusalem, Mustafa Agha al-Sa’id. The *majlis al-shura* of Jerusalem had written to the *mutasallim* regarding a letter addressed to them by Bahri Bey, the treasurer of the Khedival government, concerning a petition of complaint (*jirnal*) that the *majlis* had sent to him.<sup>24</sup> This petition was written in response to a request submitted to the *majlis* by the representative of the community of Ashkenazi Jews in Jerusalem (*wakil çta’ifat al-skinaj b’il-quds al-sharif*). The *majlis* had sent its petition to Bahri Bey with the intention of rejecting the Ashkenazi’s request, as *musta’minin*, to purchase private property and arable land, to pursue agricultural activities, to buy and sell, to trade sheep and cows, to produce soap and build buildings for oil presses (*mu’asar bina*) so long as they would pay the appropriate *miri* taxes, as did the *ri’aya*. In this context the use of the word *ri’aya* specifically concerned that group that paid the *miri* taxes, both Muslims and *dhimmis*.

This request from the Ashkenazis represented a problem that was similar to an issue that had arisen in 1832. In that case, dated 24 August 1832, permission was granted to ‘Senator’ Jasper Chasseaud, (*sanatwir Shasun qunsulus dawlat al-amirkan*) the American consul, to appoint ‘Senator’ David Darmon (*santwir Dawid Darmun*), a Jew of French nationality as his agent in Jerusalem.<sup>25</sup> Chasseaud had contacted the Khedival government to request that Darmon be given the right to serve as his consul by fulfilling the duties he was instructed to perform by order of the American government. The document that certified this permission instructed the *mulla qadi*, *mufti*, *naqib al-ashraf*, and the *mutasallim* to allow him to conduct his business “as the rest of our beloveds like him (i.e. other consuls in the Empire), as well as his relatives.” The officials were to protect and guard him and those seeking shelter with him, and to help him perform the rest of his duties according to his “right” (*haqq*) as consul. Furthermore, they were instructed to make sure that his requests and pursuit of issues relating to his group (*ta’ifa*)—witnesses, visitors, and residents in Jerusalem—were unhindered. In these two cases, the people involved were categorized as “groups” of non-Ottoman residents.

In the case concerning the Ashkenazis, there was understandable confusion regarding the question, as is clear from the continuation of the *majlis*' petition to the *mutasallim*.<sup>26</sup> The *majlis* wrote that "we understand the directions" given in the answer to its questions by Bahri Bey, but that the response was inadequate since

*the lands of this region are miri and waqf, and their request in this regard does not agree with the shari'a administration and goes beyond the practice of buying and selling and in trading what they bring with them from their countries for all manner of trade and governs their peers, the dhimmis, in the market. These agents ('ummal) undertake these commercial practices now, and no one prevents them in this.*

The *majlis*' response to Bahri Bey's order was summarized and sent to another unidentified Khedival official, and was then responded to from Egypt. The response was to reaffirm the original order even if the rights that they had requested went against the *shari'a*. The Ashkenazis were to be able to enter into trade along with their co-religionists, despite the legal distinction in their status in the Ottoman Empire. The order then informed the members of the *majlis* that there was to be no further opposition to the Khedival order which permitted the Ashkenazi *musta'min*, along with the *dhimmis*, to have the commercial rights that they had requested. This case illustrates the resistance to opening the society and economy to outsiders even by the members of the Khedival *majlis al-shura* itself, and the strong will of the Khedival government to have its decisions implemented nevertheless. The Muslim concern about threatened competition was articulated in a concern about the confusion of the rights of the subjects of the Ottoman Empire and those of the *musta'min*.

### **A Juvenile Delinquent Makes Trouble for His People**

An example of the relations between the Muslim community of Jerusalem and the Khedival government is a case involving the Jewish community. On 11 July, 1833, in the period before the 1834 rebellion, a group of Khedival soldiers, along with a servant of the al-Aqsa Mosque escorted a Jewish youth, aged 15, to the *shari'a* court.<sup>27</sup> They explained that some workers had found him in the draperies of the windows in the mosque. The *mutasallim* decided that the court should consider the case, and called for an investigation to be conducted by himself and a group of Muslims to ascertain what the "scoundrel," who is not named in the document, did. The investigators found that the youth had broken most of the stained glass in a large window above the *mihrab*, as well as damaging the tops of some of the columns above the *mihrab* which were found crushed and broken. They also found three broken windows to the right of the *mihrab* above the school door. The stained glass in question "had been fashioned in an adroit way out of coloured gypsum in a strange and wonderful form long ago; this method is no longer used in this city." They also found that the youth had come

from the *Maghariba* quarter through a garden known as the *Khatuniya* and from there through the school known as *Dar al-Aqsa*, which is attached to the *mihrab*.

This alleged vandalism had caused chaos (*balbala*) and the document records that “it seemed proper to turn the case over to highest authority because such a thing had never before been encountered.” According to the document, “[a]ll of the people of Islam grieved over this, and everyone lamented the contempt that was shown for the al-Aqsa Mosque whose virtues cannot be counted.” The mosque “had to be restored, and the scoundrel detained.” The *mutasallim* would detain him until an order would be issued concerning the correct course of action had been determined.

The next morning, another Jewish youth was found inside the mosque, and he too was arrested. The *mutasallim* asked what to do about this and the *mulla qadi* answered that Istanbul had to be contacted since this was a strange occurrence because the Jews did not “usually enter the *Haram*” (because of Rabbinical law concerning the holiness of the site and the danger that a Jew might inadvertently step upon the Holy of Holies, a law with the Muslim authorities were familiar) and because “they lived far from the place”. Therefore, the case was to be judged at the highest level. Unfortunately, neither the court registers nor other records reveal the outcome of these cases. However, it appears that the Khedival authorities, working with the Ottoman chief judge of the city, prevented any kind of mob action and maintained public order in the city, since there is no mention of an outbreak of violence during this incident in contemporary accounts of this period.

In addition to revealing some interesting architectural details, and their appreciation by the Muslims of Jerusalem, this document also gives us a glimpse of the significance of the al-Aqsa mosque to the Muslims in Jerusalem. The Khedival authorities in Jerusalem clearly recognized the importance of this case to the Ottoman authorities, and referred the case to them, rather than to Ibrahim Pasha or the *hikimdar*. It was only on this symbolic level that the Khedival government conceded the authority of the Ottoman State.

The rich documentary evidence available in the *sijill* of the law court of Jerusalem shows clearly that the *shari'a* was not the sole concern of the court under Ottoman and Khedival rule. The *mahkama* during this period became an instrument of Khedival policy. It became the place of record, where Khedival policies of all types were announced and registered, where *shari'a* cases were heard by the *qadi*, where petitions and requests to the *majlis al-shura* were recorded, where cases of various types were heard and decided. It was here that the consequences of policies could be felt, and where men and women of all backgrounds came to find redress for grievances and to register agreements. And it was in the *mahkama* that the full force of the meaning of the Khedival occupation could be understood. This was the time when new actors could attain political power, as the relations of urban and military elites with the

countryside were altered by Khedival policies and actions. The increasing political power of Christian and Jewish merchants and the diminution of the influence of the traditional elites would be a process that would continue under the Ottomans following their restoration.

## **The Other: On Muslim Outsiders in Jerusalem**

These cases occurred long before the rise of political Zionism or the establishment of the State of Israel. Yet we can see that American and European diplomats and missionaries arrived in Jerusalem along with an influx of Ashkenazi Jews who joined the ranks of other resident aliens in the city. They associated themselves closely with the long-established Christian and Jewish communities. The fact that the local Muslims viewed these developments with resistance and anxiety is clear, but it has not been as clear that the Ottoman and Khedival governments permitted these newcomers to purchase property in order to encourage economic redevelopment and investment. Motivated by the need for taxes and a compliant population to pay them, these governments facilitated the immigration of Jews and Christians in order to help rebuild the Palestinian economy.

What also has not been clear is that the Muslims of Jerusalem were threatened even by *Muslim* newcomers to Jerusalem who were appointed to administer local institutions by the Islamic bureaucracy itself. In an echo of the change in the traditional appointment of custodians of Islamic institutions in this period, one document records the complaint of a Yusuf al-Khalili, a cousin of the deceased custodian (*wali*) and *shaykh* Husayn ibn Muhammad al-Hidmi of the *sufi* lodge, al-Adhamiya, also called the *zawiya* of Ibrahim ibn Adham, just outside of the walls of Jerusalem. He challenged the *qadi's* appointment of his cousin Muhammad 'Awda to the post. In the *fatwa* that was issued in response to al-Khalili's query, al-Sayyid al-Hajj Muhammad Tahir al-Husayni, the *mufti* of Jerusalem, answered a query about this appointment that the appointment of the "foreigner" (*al-rajul al-ajnabi*) from "another place" (*fi ghayri mahallati*) was in accordance with the law, so long as he was related to the uncle who had passed away leaving the post vacant.<sup>28</sup>

The two cousins appeared in court and Yusuf al-Khalili accepted the appointment of Muhammad 'Awda before the judge, who forbade any further contest regarding the matter. Thus, even though his relative was not from the vicinity, and therefore was perhaps unfamiliar with the administration of the *zawiya*, the court ruled that the appointment remained acceptable because it remained within the family, according to Sultanic order.

However, in a later case, dated 15 May, 1839, the same dispute concerning the appointment of a "foreigner" to the post of custodian of the Adhamiya order again

arose in the court.<sup>29</sup> The *qadi* appointed Yusuf Afandi al-Khalili as the *wali* and *shaykh* of the *zawiya* of Ibrahim Ibn Adham, in accordance with a *shari'a* court document dated July 17, 1835. Yusuf, still dissatisfied with the previous decision, had rallied his resources to again contend with the *qadi*. The court then set upon a further review of the case.

It found that in 1837 another individual, named Muhammad Agha al-Shamluji, had been appointed to the position by the court, but that this appointment had also been contested because he was not considered qualified for the post since “he was not from the people of Jerusalem” (*laysa min ahali al-quds al-sharif*).

However, the post did not remain vacant, because Yusuf al-Khalili was apparently appointed internally to fill it. Since he was qualified for the post, he was not dismissed from it. Furthermore, if the judge did dismiss him, it would not be in accordance with two *fatwas* that had been issued supporting Yusuf regarding this matter. The first of the *fatwas* was issued by Muhammad Tahir al-Husayni, the Hanafi *mufti* of Jerusalem, and the second was from Husayn Salim Afandi al-Dajani, the Hanafi *mufti* of the Port of Jaffa.

The first *fatwa* stated:

*The position goes to whom the qadi appoints because of the Sultan's order that when one dies leaving the position vacant, then it should go to his son, and if he has no son then to his brothers, and if he has no brothers then to his relatives, especially to he who is from the people of Jerusalem in honour of the Holy City and thus taking the opportunity to heed their pleas for their weak and the poor and not to bring in foreigners for this position. And as for the stranger to them, the court should expel him from that position. This is what is customary law ('urf) in our noble city (baldatina al-sharif).*

The second *fatwa* cited the *Shaykh al-Islam* who had issued the legal opinion that such an expulsion is not valid and that there is no succession except on the basis of the *shari'a*. If such a basis could not be found then he should keep the position with no reservations, the *fatwa* continued, “as it is written in the opinions of Abu Yusuf in his book “*Kitab al-Khara'*” where he wrote ‘it is not permissible to eliminate a position from its holder without his commission of an infraction (*junhah*),’ and as he said in “*al-Bahr*” that “if the *qadi* dismissed a guardian and stipulated that an infraction had been committed,” and proved that “there was another who would benefit the esteem of the guardianship without deception or lies,” then the appointment could be withdrawn. If the appointment was not a member of the Muslim community of Jerusalem (*ghayr ahl*) who was not from the people, then he should be expelled. The *fatwa* stated that “if there was revenue which the guardian controlled, then he must be trustworthy because

the income of the *waqf* is dedicated to the destitute (*masakin*) and an unreliable person would not safeguard it from being wasted or sold.”

However, the final decision was based upon the instructions sent in summary form (*khulasa*) to the *qadi* by the Consultative Council (*Diwan al-shawara* [sic]) in Jerusalem. The *qadi* acquiesced and gave permission confirming Yusuf al-Khalili’s right to retain the directorate (*mubashira*) of the affairs of the *zawiya* and to control whatever concerned it.

The resolution of this dispute is interesting on many counts. Most importantly from the standpoint of understanding the values of the ‘*ulama*’ in Jerusalem were the *fatwas* issued by the *muftis* of Jerusalem and Jaffa. Their belief that only someone from Jerusalem would be able to answer the needs of the people who would benefit from the *Adhamiya Waqf* gives us a new perspective with which to view the attitude of the *afandiyat* to all outsiders, including Muslims from outside of Jerusalem. The Muslims of Jerusalem were part of a unique community that adhered to customary law—*urf*—as well to the *shari’a* and the *qanun*. Al-Sayyid al-Shaykh Tahir Afandi al-Husayni, the Hanafi *mufti* of Jerusalem, and head of the *majlis*, had seen much during the past few years. He had been arrested and exiled following the rebellion in 1834, but had been allowed to return to Jerusalem after a short time. The last line in his *fatwa* is resonant: “This is what is customary law in our noble city.” A combination of pride and resolution can be heard in those words. The *mufti* wanted to assert the character of his community in the face of the erosion of the position of the ‘*ulama*’ and the *ashraf* in the past five years. His junior colleague in Jaffa sought to buttress al-Khalili’s position by finding support in the great Hanafi legist Abu Yusuf, upon whose works of jurisprudence the Ottoman legal structure was based. Both *muftis* underscored the function of the *zawiya* in providing for the poor. But it is Tahir Afandi’s statement that most aptly summed up the feelings of the Jerusalem Muslim establishment under Khedival occupation and asserted their determination to defend their role in the city.<sup>30</sup>

However, it was not the opinions of the *muftis qua muftis* which decided the matter. Indeed, the *qadi* was instructed to comply with the decision of the *majlis al-shura*, a decision that was made outside of the *shari’a* court. The authority of the ‘*ulama*’ within the political context had changed: their ability to function within the new administrative hierarchy is what would guarantee them influence in the Khedival system. Unfortunately we do not have a document illuminating the reasons that the *majlis* sided with Yusuf al-Khalili.

Finally, this resistance to an outsider, even a Muslim outsider, taking over an Islamic institution is remarkable enough. How much more would the ‘*ulama*’ resist non-Muslims who sought to control the land and property that the *afandiyat* guarded for the sake of the Muslim community! However, at that time such an attitude was

accepted as normal. Even the Ottoman Ministry for Imperial Religious Foundations had originally “hoped that by appointing local notables to the administration of evkaf in their district, sound management of evkaf would thereby be insured.”<sup>31</sup> Ultimately, however, the ministry deemed provincial notables unfit for this responsibility and turned to the Porte’s civil service for what they considered to be reliable candidates.<sup>32</sup>

*Judith Mendelsohn Rood is Associate Professor of History and Middle Eastern Studies and teaches courses in world civilizations, history, and Middle Eastern studies at Biola University in California.*

### Endnotes

<sup>1</sup> F. Buhl and C. E. Bosworth, “Milla,” *Encyclopaedia of Islam*, 2d ed., II:61.

<sup>2</sup> “... hadhahi al-madina min al-amakani al-musharifati wa-hiyya mauridan li-jamiya ajnasi al-’alam ...” *Law Court Record of Jerusalem* (hereafter *LCRJ*) Volume 321, page 5 (hereafter 321, 5). 5 *Ramadan* 1252/15 December 1836.

<sup>3</sup> *LCRJ* 317, 39, 49, 60; 318, 70, 110; 320, 34-5, 82, 171; 321, 234; 323, 33, spanning the years 1832-9.

<sup>4</sup> Ma’oz, v-vi. Khaled Fahmy’s *All the Pasha’s Men* (Cambridge: Cambridge University Press, 1997) carefully treats Muhammad ‘Ali (Mehmed Ali) not as the “founder of Modern Egypt” but instead challenges the powerful nationalist discourse in Egyptian and European historiography by focusing upon the armies and their training under his regime as a way to understand the introduction of modern concepts and methods in Egypt.

<sup>5</sup> Shimon Shamir, “Egyptian Rule (1832-1840) and the Beginning of the Modern History of Palestine”, in Cohen and Baer, eds., *Egypt and Palestine: A Millennium of Association*, 214-31. Butrus Abu-Manneh thought that instead, Jerusalem’s elevation to capital of the southern Syrian *sanjaqs* of Nablus, Gaza, and Jaffa in 1841 with the restoration of Ottoman rule could mark the beginning of the “modern history of Palestine.” Abu-Manneh, 1990, 9.

<sup>6</sup> Shamir, 219-29. For a more general treatment of this topic, see Immanuel Wallerstein, *The Modern World-System* (San Diego, 1989); Roger Owen, *The Middle East and the World Economy 1800-1914* (London: Methuen, 1981); William R. Polk and Richard Chambers, eds., *Beginnings of Modernization in the Middle East: The Nineteenth Century* (Chicago: University of Chicago Press,

1968); Michael C. Hudson, *Arab Politics: The Search for Legitimacy* (New Haven: Yale University Press, 1977); Huri Islamoglu-Inan, ed., *The Ottoman Empire and the World-Economy* (Cambridge: Cambridge University Press, 1987); R. Kasaba, *The Ottoman Empire and the World Economy: The Nineteenth Century* (New York, 1988); and Samir Amin, *The Arab Nation* (London: Zed Press, 1978).

<sup>7</sup> Shamir, xix.

<sup>8</sup> F.O. 78/262 Damascus 30 January 1835 Farren to Palmerston. Farren also provided a useful breakdown of the “former male population of 14+ years, exclusive of the town of Jerusalem itself which being chiefly inhabited by devoted monks, Jews, and Christians and subsisting chiefly on the pilgrims it was omitted in the census” reproduced here as Table 2.

Table 2 Farren’s table, entitled “Former Male Populations of Southern Sanjaqs, Excluding the City of Jerusalem” referring to the period immediately preceding the rebellions of 1834.

Provinces	Villages	Males
Nablous	202	15,795
Jerusalem	121	7,319
Gaza	62	6,916
Jaffa	14	1,466
Lyd	11	1,041
Ramla	42	2,043
Hebron	14	1,855
	466	36,435

See also Beshara Doumani, "The Political Economy of Population Counts in Ottoman Palestine: Nablus, circa 1850," *International Journal of Middle Eastern Studies* 26 (February 1994): 1-17.

<sup>9</sup> *LCRJ*, 319, 80-1. Note that in this volume, there are two consecutive pages so numbered; please refer to the second. My thanks to David Powers for his assistance with this chapter.

<sup>10</sup> This hadith is attributed to Al-Ghazali, *Ihy' a Oulum el-Dine [sic]* (Cairo, 1939) by Nawal el-Saadawi, *The Hidden Face of Eve: Women in the Arab World* (Boston: Beacon Press, 1981), 66.

<sup>11</sup> A *qurush asadi*, sometimes transliterated as *grush*, was a common silver coin valued at 120 'uthmaniyas or *akces*, and is sometimes called a *piastre*. I. Metin Kunt noted that in the sixteenth century Ottoman Empire, the rate for fines for various crimes and transgressions changed, sometimes conforming to the 1:2:4 ratio used in the *cizye*, but sometimes closer to 1:2:3. The first article of the criminal code, published by Heyd, specifies what is meant by these categories: "rich means possessing 1,000 *akce* or more", middle level is having "property amounting to 600 *akce*," while a poor man has property amounting to 400 *akce*. There is a fourth category here, not employed for tax purposes, that might be called "destitute," consisting of those in worse circumstances: the "official poor." I. Metin Kunt, *The Sultan's Servants* (New York: Columbia University Press, 1983), 52.

<sup>12</sup> "*baqi [sic for baqa' or baqiya] al-çtawayifi [sic for tawa'if] w'al-milali.*" Note the use of the plural of "*millet*." Note that in these documents the "hamza" is often changed to a "ya."

<sup>13</sup> The corporal punishment by the Khedival government was renowned for its harshness.

<sup>14</sup> J.C.B. Richmond, *Modern Egypt: 1798-1952* (New York: Columbia University Press, 1977), 62-3.

<sup>15</sup> Great Britain, Public Record Office, Foreign Office Series, (hereafter FO) 78/340 Pt. 1. Palmerston to Young (draft) 19 September 1838.

<sup>16</sup> FO 78/413 Young to Palmerston, Jerusalem, 30 June 1840.

<sup>17</sup> Moshe Ma'oz, *Ottoman Reform in Syria and Palestine 1840-1861* (Oxford: Clarendon Press, 1968); Amnon Cohen, *Palestine in the Eighteenth Century* (Jerusalem: Magnes Press, 1973) and *Economic Life in Ottoman Jerusalem* (New York: Cambridge University Press, 1989); Joel Migdal,

*Palestinian Society and Politics* (Princeton: Princeton University Press, 1980).

<sup>18</sup> A. Scholch, "The Emergence of Modern Palestine (1856-1882)" in H. Nashabe (ed.), *Studia Palestina, Studies in Honour of Constantine Zurayk* (Beirut: 1988), 69-82; Yehoshua Ben-Arieh, *Jerusalem in the Nineteenth Century: The Old City* (New York: St. Martin's Press, 1984); Martin Gilbert, *Jerusalem: Rebirth of a City* (New York: Viking Press, 1985); Arnold Blumberg, *Zion Before Zionism: 1838-1880* (Syracuse: Syracuse University Press, 1985); K. J. Asali, ed., *Jerusalem in History* (New York: Olive Branch Press, 1990); Donna Robinson Divine, *Politics and Society in Ottoman Palestine: The Arab Struggle for Survival and Power* (Boulder: Lynne Rienner Publishers, 1994); and Baruch Kimmerling and Joel S. Migdal, *Palestinians: The Making of a People* (New York: The Free Press, 1993).

<sup>19</sup> Edward Robinson, *Biblical Researches in Palestine, Mount Sinai, and Arabia Petraea* (London: John Murray, 1841), and dispatches published by Thompson and Lanneau in *The Missionary Herald* during the 1820s and 30s.

<sup>20</sup> It would not be until after 1908 that Arabic newspapers were published in Jerusalem—beginning with *al-Quds* and followed by the appearance of *Filastin* in 1911. There was a gazette published in Turkish and Arabic, but it was not a true newspaper. See Neville J. Mandel, *The Arabs and Zionism Before World War I* (Berkeley: University of California Press, 1976), 81, 128-9. However, a contemporary Lebanese chronicle of the period of Muhammad 'Ali in Syria does exist: see below.

<sup>21</sup> The original registers are located at the Islamic Court in East Jerusalem. Facsimiles of the court have been collected and are housed at the University of Jordan's Documents and Manuscripts Centre (*Markaz al-Watha'iq w'al-Makhtutat*). This collection has been catalogued by Muhammad Adnan Bakhit et al., in *Kashshaf ihâ'a'i zamani li-sijillat al-mahakim al-shari'ya wa'l-awqaf al-islamiya fi Bilad al-Sham* (Amman: University of Jordan, 1984). Facsimiles are reputedly housed at The Centre for the Revitalization of Islamic Studies (*al-Markaz li-'ihiya' al-dirasat al-Islamiya*) at Abu Dis, but are generally inaccessible. My thanks to the centre's librarian, Fahmi Ansari, for sharing his grandfather's notebook of important Jerusalem court documents from the Muhammad 'Ali period with me—these were used by Asad Rustum for his collection of

documents—*Al-Uul al-'arabiya li-ta'rikh Suriya fi-'ahd Muhammad 'Ali*, 5 Vols. (Beirut: American Press, 1930-1934). Hereafter *Uul*. See Appendix A, “A Note on Transliterations” and Appendix C, “A Note on the Islamic Court Records as a Source.”

<sup>22</sup> *LCRJ* 319, 48.

<sup>23</sup> *LCRJ* 321, 96. 24 *Muharram* 1254. Also found in Rustum, *Uul*, III, No. 315, 65 and Aref al-'Aref, *Mufa'al al-Quds*, 291. The latter is an inaccurate copy. Rustum's is far closer to the original, since he merely corrected improper grammar. These Ashkenazis unfortunately were not named in the document.

<sup>24</sup> Jacob Landau pointed out the specific meaning of the term “*jirnal*” in Ottoman usage.

<sup>25</sup> *LCRJ* 317, 109. 26 *Rabi' I* 1248. See Kark, 81. Caesar Farah mentioned “James” Chasseaud in his article “Protestantism and Politics: The Nineteenth Century Dimension in Syria,” in David Kushner, ed., *Palestine in the Late Ottoman Period: Political, Social and Economic Transformation* (Leiden: E. J. Brill, 1986), 320-340, 322. Also Rustum, *Uul*. No further references to David Darmon have been located.

<sup>26</sup> *LCRJ* 321, 96.

<sup>27</sup> *LCRJ* 317, 123. 23 *Safar* 1249.

<sup>28</sup> *LCRJ* 322, 66-7. 17 *Jumada I* 1254/8 August 1838.

<sup>29</sup> *LCRJ* 322, 206. beg. *Rabi' II* 1255/14 June 1839.

<sup>30</sup> On the use of *'urf* to justify the continuation of practices considered desirable by the local elite in the face of demands by the central government for compliance with new laws governing economic activities in Nablus, see Doumani, 223-31, 241.

<sup>31</sup> Barnes, 131. The same could be said for most organizations of the twentieth century—many a consultant has suffered the wrath of employees who resented the intrusion of an outsider into their affairs!

<sup>32</sup> *Ibid.*, 131-2.