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SLAVE TRADE. No. 2 (1884).

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DESPATCH

FROM

SIR E. BARING

RESPECTING

SLAVERY IN EGYPT.

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*Presented to both Houses of Parliament by Command of Her Majesty.*  
1884.

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LONDON.

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## Despatch from Sir E. Baring respecting Slavery in Egypt.

*Sir E. Baring to Earl Granville.—(Received March 4.)*

My Lord,

Cairo, February 25, 1884.

I HAVE the honour to reply to your Lordship's despatch of the 4th ultimo.\*

If I do not in the present despatch go very fully into the question of slavery, I trust that your Lordship will not consider that I fail in any way to appreciate the importance of the subject, or that I am not earnestly desirous to assist, so far as it may be in my power to do so, in the execution of such measures as may eventually lead to the complete abolition of slavery in Egypt.

Your Lordship has called upon General Gordon to report upon the measures which, in his opinion, may advantageously be taken to check the increased activity in the Slave Trade from the Soudan, which may be expected to result from the withdrawal of the Egyptian Government from that country.

I do not therefore, in the present despatch, propose to enter into nearly all the points which would be involved in a thorough and exhaustive discussion of the subject. On many of those points General Gordon will be able to speak with far greater knowledge and experience than any to which I can pretend. In respect to others it appears to me that some while must yet elapse before it will be possible to decide definitely upon the best measures to be taken, in view of the changed relations which will for the future exist between Egypt and the Soudan.

Upon certain branches of the subject, however, I am already in a position to offer a definite opinion.

It has been very frequently pointed out that, so long as the demand for slaves exists, the supply will be forthcoming.

The question I propose to consider is the best means which can be adopted with a view to checking the demand for slaves in Egypt.

Lord Dufferin, in his Report of the 6th February, 1883, said :—“Slavery might be abolished by Khedivial Decree, but a Convention is so much more formal and binding that it would seem preferable. I would therefore propose that a new Convention be entered into between Great Britain and Egypt, by which slavery would entirely cease in Egypt and its dependencies seven years after the date of signature. This would entail no great hardship on the slave-owners, and get rid of the question of compensation.”

After careful consideration I am of opinion that it would not be possible to abolish slavery by a Khedivial Decree or by a Convention. Slavery does not exist in Egypt by virtue of any act of the Executive Government. It is recognized by the Mahommedan religious law, which could not be abrogated by a mere declaration in a Decree or Convention to the effect that slavery was abolished. Under that law a slave cannot marry or inherit property without the consent of the master. The new Native Tribunals are obliged to recognize the status of slavery. I consulted Sir Benson Maxwell on the power of these Tribunals, and I have the honour to inclose a copy of his reply. “If,” he says, “a slave sued his master for beating him, I presume the Court would have to decide whether the beating was allowed by the Mahommedan law of master and slave. If the slave died rich, the master would inherit to the exclusion of the wife and children of the slave.”

I have also consulted Mr. Sheldon Amos. His views as regards the present state of the law agree with those of Sir Benson Maxwell.

I have no doubt as to the most effective remedy which could be applied to this state of things. If an enactment were passed similar to Act V of 1843, of the Indian Legislature, a blow would be struck at the institution of slavery in Egypt which would almost certainly before long prove fatal. That Act declared :—(1.) That no rights arising out of an alleged property in the person and services of another as a slave should be enforced

\* See “Egypt No. 1 (1884),” No. 214.

† See “Egypt No. 6 (1883),” p. 72.

by any Civil or Criminal Court or magistrate within the territories of the East India Company. (2.) That no person who may have acquired property by his own industry, or by the exercise of any art, calling, or profession, or by inheritance, assignment, gift or bequest, should be dispossessed of such property or prevented from taking possession thereof on the ground that such person, or that the person from whom the property may have been derived, may have been a slave. (3.) That any act which would be a penal offence if done to a free man should be equally an offence if done to any person on the pretext of his being in a condition of slavery.

An enactment of this sort would involve bringing under the jurisdiction of the Tribunals a portion of the Mahomedan personal law, which includes guardianship, marriage, and divorce, and succession, whether testamentary or intestate.

Whilst, however, I have no doubt as to the most effectual method which could be adopted to attain the object in view, I have equally little doubt that it would be most unwise to attempt at present the introduction of so radical a reform as that indicated above. The difficulties with which we have to contend in Egypt at present are sufficiently great without adding to them. I fully sympathize with the view generally entertained by Englishmen on this subject, but it is also necessary to consider the question from the point of view of local circumstances and of local opinion. It cannot be denied that there is at present great discontent amongst almost all classes in Egypt. The people, moreover, have not remained altogether indifferent to the successes of the Mahdi. Any measures likely to lead to a recrudescence of Mahomedan fanaticism is much to be deprecated.

Under these circumstances I am of opinion that it would be most unwise at present to adopt a measure which would put every Mahomedan in the country against us. I say advisedly every Mahomedan in the country, for even those who are not interested in the maintenance of slavery would resent on religious grounds that interference in the Mahomedan law which, as I have already stated, would in my opinion be the most effectual method to check the demand for slaves. It is also to be borne in mind that the Legislative Assembly, to whom the matter would of necessity have to be referred, would certainly oppose to the utmost of its ability any enactment at all similar to the Indian Act of 1843.

I have spoken to some of the leading religious authorities amongst the Mahomedan community of Cairo on this subject. The present is not an opportune moment to invite their co-operation, but it might, perhaps, be possible at some future time to obtain their assistance so far as to get them to use their influence in the way of encouraging the liberation of slaves as a voluntary act. This, as is well known, would be in harmony with the teaching of Mahomet. A well-known Indian Mahomedan lawyer, Syúd Amír Ali, says: "The enfranchisement of slaves was pronounced (by Mahomet) to be the highest act of virtue." ("Personal Law of the Mahomedans," p. 36.)

But further than this I feel convinced that they would not go. Any attempt to override the Mahomedan law and to enforce the liberation of slaves would be strongly resented, and would certainly be opposed by the religious leaders of the Mahomedan population. "Mahomet," many of them have said to me, "although he did not encourage slavery, did not prohibit it; we, therefore, cannot prohibit it."

I do not say that the state of things which I have described above is a reason why slavery should always continue to exist in Egypt. In spite of its theoretical immutability, even the Mahomedan religious law has been obliged to some extent to conform itself to the spirit of modern times. For instance, under that law a Mahomedan who becomes a Christian should be put to death. I pointed out to a leading Mahomedan lawyer here, who is a man of considerable intelligence, that conversions to Christianity occasionally took place, and that, of course, in no part of the Ottoman dominions would the death of a convert be tolerated. I asked him how he reconciled this with the alleged impossibility of changing the Mahomedan law. He replied that the Mahomedan judicial and religious authorities had nothing to do with the execution of a judicial sentence, which only concerned the Executive Government.

Possibly if it were made quite clear that an enactment such as the Indian Act of 1823 had to be passed, some ingenious sophism of this sort would be found which would sanction the change without apparently violating the Mahomedan law. But, if not, a time might come when, if the Mahomedan law could not conform itself to the spirit of modern times, so much the worse for the Mahomedan law. It would have to go to the wall. I do not, however, think that that moment has yet arrived in Egypt. Some "time and patience," as Sir Benson Maxwell says, are required. It is to be borne in mind that the English Government had been established for the best part of a century in India before they ventured to pass the Act of 1843. I do not say that, before the

British Army of Occupation is withdrawn, an effort should not be made to eradicate slavery in Egypt altogether. That is a point on which I should wish to reserve my opinion. For the present, however, I consider that the predominant influence of Her Majesty's Government in Egypt may most usefully be employed in ameliorating the lot of the so-called free man, whose condition, save in name, is often much worse than that of the slave, and that, as far as any such radical solution as that which I have discussed above is concerned, the question of slavery should be allowed to stand over.

This expectant attitude does not, however, by any means imply that nothing can be done towards the abolition of slavery short of so radical a measure as legislation in the sense of the Indian Act of 1843. I propose to allude in the present despatch to one only of the measures which I believe would be productive of some good.

I am not quite sure whether it is fully understood in England that any slave who applies to the British Consulate or to one of the bureaux of manumission, of which there are four in the country, can at once obtain his freedom. Appendix No. 4 to Lord Dufferin's Report\* shows that from August 1877 to the 30th November, 1882, 8,092 slaves, of whom considerably more than one-half were women, were freed through the action of these bureaux. In a subsequent despatch I will furnish your Lordship with later figures, showing the number of slaves freed since November 1882. It may be said, therefore, that the fact of any one remaining in a condition of slavery must be due to one of three causes: either they do not wish to acquire their freedom, or they are unable to escape from their masters with a view to obtaining it, or else they do not know the means by which their freedom may be obtained. How far the two latter reasons exercise a deterrent effect upon the action of the bureaux I am unable to say with confidence. Mr. Borg, however, who speaks with great experience on this subject, is of opinion that throughout the harems the means by which freedom may be obtained are well known.

As regards the first reason, viz., indisposition to regain freedom, it may be that the fact, which applies especially to the cases of female slaves, that when a slave has gained her freedom she but too often finds she has no means of getting a livelihood, and is therefore almost of necessity plunged into a life of misery, if not of vice,—is one of the causes which hinders slaves from applying to the bureaux of manumission. Some influential ladies and gentlemen, both here and in England, have recently been endeavouring to establish a home for female slaves, with the object of taking charge of them immediately after they regain their freedom, and of eventually providing them with employment. I think this scheme is one which deserves every encouragement. If the requisite funds can be found it is likely to do much good. I may mention that I am about shortly to preside at a meeting with the object of arranging some preliminary measures in connection with this scheme. A considerable sum has already been subscribed. I inclose a further note on this branch of the subject, which I have received from Sir Benson Maxwell, and which may prove of interest to your Lordship.

Your Lordship will, of course, understand that the manumission bureaux, although they may do a great deal of good, can never insure freedom to the slave in the same manner as it would be insured were legislation undertaken in the sense of the Indian Act of 1843. Manumission prevents the slave from being employed by his former master against his will, but it does not and cannot give the slave those civil rights from which, as I have already explained, he is debarred by the Mahommedan law.

I have already stated the reasons which render it, in my opinion, inadvisable to follow at present the precedent set by the Indian Legislature, and thus adopt the most effectual method for granting to the released slave the full civil rights of the free man. To these reasons I may add one other. The new Tribunals have only just begun to work. Should they gain the confidence of the public—and I see no reason why they should not do so—it is quite possible that a spontaneous desire will grow amongst the Mahommedan population to allow disputed points connected with succession and other subjects, which are now dealt with by the Mekkemé, to be brought within the jurisdiction of the new Tribunals.

If once the people get to trust the new Courts and to feel that the justice to be obtained from them is in every way preferable to that administered by the Cadi, the day cannot be far distant when the personal law of the Mahommedan will be subjected to the Native Courts. Should this result ensue, it will, of course, be far easier to deal with the question of slavery in the sense of the Indian Act of 1843.

I have, &c.  
(Signed) E. BARING.

\* See "Egypt No. 6 (1883)," p. 91.

## Inclosure 1.

*Sir P. Benson Maxwell to Sir E. Baring.*

My dear Sir Evelyn,

*Cairo, February 12, 1884.*

I DO not see how the slavery question can be dealt with, without bringing the "Statut Personnel" under the Tribunals.

Slavery is still law in Egypt. The trade in slaves was prohibited by some law which was promulgated before the Convention, the Egyptian Government engaged to prohibit traffic in slaves from August 1884. The way in which that engagement was carried out was by prohibiting "la vente des esclaves nègres ou Abyssins, de famille en famille," between Alexandria and Assouan, and prohibiting "le trafic des esclaves blancs et blanches" in all Egypt and its dependencies. The sale is prohibited, but the status of slave exists. If a slave sued his master for beating him, I presume the Court would have to decide whether the beating was allowed by the Mahommedan law of master and slave. If the slave died rich, the master would inherit to the exclusion of wife and children of the slave. There is no exit from this state of things but some such Act as the Indian V of 1843.

On the policy of stirring up this question just now I feel with you.

Only a month or two ago the proprietor of the "Egyptian Gazette" asked me what was the state of the law on the subject, as some writer had pressed it upon him, and I recommended a little time and patience.

I am, &c.  
(Signed) P. BENSON MAXWELL.

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## Inclosure 2.

*Sir P. Benson Maxwell to Sir E. Baring.*

My dear Sir Evelyn,

*Cairo, February 12, 1884.*

I OUGHT to have mentioned in my note that the bureau charged with the manumission of slaves gives a certificate of manumission to every slave who applies for one; so that slavery is voluntary, at least with those who know of this bureau.

I am told that when it was first established crowds of slaves flocked to it. But many of them soon found that freedom meant starvation, and the fear of starvation has since kept numbers in slavery.

I am, &c.  
(Signed) P. BENSON MAXWELL.

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