Managing Paperwork in Mamlūk Egypt
(c. 1250-1517)
A Documentary Approach to Archival Practices

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Abstract

No state archives and few institutional archives survive from the medieval Middle East. In an argument from silence, this absence has led to generalisations about the value of documents in Muslim societies, particularly in contrast to the abundant archival material surviving from medieval Europe.

Nonetheless, documents do survive. The recent 'archival turn' offers new avenues to move beyond the 'absence' approach. This trend highlights the entrenchment of archives within their social and cultural milieus, and their dependence on historical contingency. Shifting from a fixed understanding of 'the archive' towards a flexible conceptualisation of practices, this approach is suited to the surviving medieval Arabic documents, which are heterogeneous, fragmentary, and originate in varied social contexts.

Engaging with this scholarship, this thesis investigates archival practices in Mamlūk Egypt. It is exploratory in nature, using two distinct documentary corpora: *waqf*-related documents from the Wizārat al-Awqāf in Cairo, and the varied documents kept in the Papyrus Collection of the Austrian National Library in Vienna. Through these sources, I question what extant documents can inform us about archival practices. The use of original documents to examine archiving is relatively new in Mamlūk history, where historians have overwhelmingly relied on prescriptive sources, such as chancery manuals produced at the state level.

Ultimately, this thesis asserts the value of using documents to research the history of archives. These sources allow us to look beyond state-level archiving to explore the full range of practices manifest in the varied domains that produced, used, and preserved documentary traces. I investigate two such domains: the well-known domain of *waqf*, and the lesser-known domain of administration in areas geographically distant from Cairo. By offering an exploration of archival practices in these two, very different, domains, this thesis challenges some of the received narratives that surround the archives of the medieval Middle East.

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Acknowledgements

Abbreviations

Abbreviations used for documents:

The numbers given for original documents follow inventory numbers or numbers given in catalogues and handlists. Numbers are preceded by an abbreviation to specify which collection they belong to. All numbers are rendered in 'Arabic' numerals, even where publications use Roman numerals.

Documents held in the archives of Cairo are cited with both the number given to the document in Muḥammad Amīn's printed catalogue and the inventory number within the relevant archive:

MMA   Number given to the document in Amīn's catalogue[1]

WA   Wizārat al-Awqāf

DW   Dār al-Wathāʾiq

Documents from the Vienna Papyrus Collection are cited using the abbreviation for Arabic paper documents in the collection (*Arabisch Charta*): A Ch.

Other collections cited include:

HS   Ḥaram al-Sharīf

Q   Documents from the Qaraite synagogue in Cairo

Journal and publication abbreviations:

For catalogues of archives and volumes of edited documents abbreviations follow the *Checklist of Arabic Documents*.[2] These works are listed at the beginning of the bibliography along with their abbreviations. Other abbreviations include:

AI   *Annales Islamologiques*

BASP   *Bulletin of the American Society of Papyrologists*

BSOAS   *Bulletin of the School of Oriental and African Studies, University of London*

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[1] *P.Cair.Archives.* For details see bibliography.
[2] Sijpesteijn et al, *The Checklist of Arabic Documents*, available online: http://www.naher-osten.uni-muenchen.de/isap/isap_checklist/index.html: last accessed 28th August 2018.

EI2	P.J. Bearman, Th. Bianquis, C.E. Bosworth, E. van Donzel and W.P. Heinrichs et al. (eds.), (1960–2005), *The Encyclopedia of Islam* 2nd ed., 12 vols. with indexes, Leiden: Brill.
IFAO	Institut français d'archéologie orientale
IFPO	Institut français du Proche-Orient
IJMES	*International Journal of Middle East Studies*
ILS	*Islamic Law and Society*
JAOS	*Journal of the American Oriental Society*
JESHO	*Journal of the Economic and Social History of the Orient*
JNES	*Journal of Near Eastern Studies*
JRAS	*Journal of the Royal Asiatic Society*
MSR	*Mamlūk Studies Review*
ZDMG	*Zeitschrift der Deutschen Morgenländischen Gesellschaft*

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Introduction

Introduction: the archival turn

The fundamental role of an archive is to preserve and order knowledge. Containing records with a perceived past, present, or future importance, they are ordinarily depositories containing written texts: collections of documents produced in the process of human activity. Any activity which produces documents is thus susceptible to archiving. This thesis investigates archiving in Egypt during the period of the Mamlūk Sultanate (c.1250-1517). Relying on corpora of surviving original documents, it explores the practices of record-making and -keeping that prevailed within Mamlūk society.

The medieval Middle East was, by all accounts, a society that generated a substantial textual output. Often characterised as highly literate, its scholarly and administrative elites produced works of multiple genres that survived in huge numbers until the modern day. These works – chronicles, legal and administrative manuals, biographical dictionaries, theological, philosophical, and scientific treatises – show that the recording, organisation, and transmission of knowledge of various kinds were major preoccupations within medieval Middle Eastern societies. These sources have, inevitably, therefore been highly significant for modern scholars interested in the history of this period. They are not, however, archival records.

In contrast to this substantial literary output, the archival heritage of the same societies has not been so rich. No state archives and few institutional archives survive from the pre-Ottoman Middle East. It has become common scholarly practice to compare this paucity of extant archives with the state of affairs in other world regions and historical periods. Most notably amongst these, late medieval and early modern Europe, and the Ottoman Empire, have furnished historians with rich archival records, which have thus become invaluable sources for these periods of history. Lamenting the non-survival of pre-modern Middle Eastern archives has become something of a trope in scholarship, dominated by the question of *why* these archives did not survive until the modern day. Originating from a place of deep Eurocentrism, such a question has not prompted a satisfactory response.

A recent reorientation of scholarship on the subject of archives has, however, opened the possibility of moving beyond this simplistic question. Developments in scholarship over the past three decades have led to a re-conceptualisation of the archive. Labelled the 'archival turn', this has been characterised by a shift from 'archive-as-source to archive-as-subject', making the archive a focus of scholarly enquiry in its own right. This shift implies new understandings of

what the archive is, and has had a profoundly multidisciplinary impact, involving anthropologists, professional archivists, and historians alike.[3]

Traditionally, the archive has been viewed as the physical location or institution in which documentary records are preserved. It has been considered the main source of historical knowledge since the conception of modern historical research. The wealth of archival material that has survived from medieval and early modern Europe allowed these fields of history to be well-suited to this kind of enquiry. Archives have been used in different ways by those wishing to shed light on pre-modern society: by scholars of diplomatics and palaeography, developing the tools to read and understand documents; by the traditional political historians of the nineteenth and early-twentieth centuries; and later by the historians of the *Annales* School, who reoriented their use of archives to collect quantitative data, allowing for statistical approaches to the social history of medieval Europe over the *longue durée*. All approaches nonetheless share an underlying presumption of the objectivity of the archive, assuming its contents to offer a representative sample of historical documentation.

From the 1970s onwards, however, postmodernist musings on the subject of an abstract 'archive',[4] alongside the wider cultural turn in the historical field,[5] led to a thorough critique of the fetishisation of archival records by positivist historians. Far from representing objective fonts of source material, archives were increasingly recognised to be products and reflections of the specific social, political, and cultural worlds in which they are situated. Processes of documentary production, collection, and archival preservation are now seen as inextricable from the social and political agendas of the individuals and institutions involved.[6] Archives thus transformed from being understood as objective to become the epitome of subjectivity.

If the study of archival history sprang from rather esoteric postmodernist observations, the scholarship it has generated since has ranged from the theoretical, sociological, and political, to the very concrete and practical. The impact of the archival turn has, for instance, had an especially profound impact on scholarship on politically sensitive archives, such as those of colonial states, where relationships between archiving and political dominance are especially evident.[7] On the other hand, it has also given impetus to studies of the practical and physical organisation of pre-modern archives, relying on the material features of documents to reveal

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[3] Early historians following the archival turn include Zemon Davis 1987; Gonzàlez Echevarrìa 1990. For its multi-disciplinary nature see the list of Contributors in the 2000-2001 Sawyer Seminar in *ibid.,* 497-502. For its impact on archivists see Cook 2001, 3-24.
[4] Foucault 1972; Derrida 1996.
[5] For a lucid personal reflection on the impact of the cultural turn on the historical field, see Sewell 2005, 182-93.
[6] Anheim and Poncet 2004, 1-14; Blouin and Rosenberg 2006, 2.
[7] Stoler 2002, 87-109; 2009; Cooper 2006, 257-266. See also Anheim and Poncet 2004, 7; Friedrich 2018, 439-41.

enigmatic aspects of their storage and preservation.[8] Scholarship on medieval archives has also continued to employ the classically positivist tools of diplomatics and palaeography, highlighting the role of 'pragmatic literacy' in pre-modern societies: that is, the kind of literacy required for practical functions such as the administration of law, the business of everyday life, and communication.[9] Through this, the connection between the generation of documentation and the development of systems of record-keeping is recognised.[10] Above all, scholarship has emphasised the historical contingencies dictating the form, function, and societal roles of archives. This distances historical archives from their modern, state-institutional counterparts, which are linked to concepts of perceived historical value and long-term preservation. Archives are, instead, seen as profoundly rooted in the societies they come from. The stories of their preservation are increasingly presented as reliant upon a range of diverse factors rather than being considered an historical inevitability. Whether intentionally or not, such a recognition contributes to problematise the presumed sharp dichotomy between the condition of archives in medieval European and Middle Eastern societies respectively.

The archival turn and pre-modern European history

Historians of pre-modern Europe have mostly not been compelled to address this problematic dichotomy head-on. European medieval studies are not ordinarily framed in comparison with the contemporary history of other world regions.[11] Scholarship on Europe is, nonetheless, relevant to discussions surrounding pre-modern Middle Eastern archives, in that it adds greater subtlety to our understanding of the historical framing of archival material. With such a recognition, it is no longer satisfactory to consider any archive to be normative, or to be exceptional, without further enquiry into the historical context of its formation, use, and preservation.

In the first place, by identifying the historical contingencies that dictated the form and function of different archives in medieval Europe, it becomes evident that the problems of the Middle Eastern material are not necessarily unique. To take one well-studied example, reappraisal of the function of medieval European cartularies has highlighted the different practical and ideological roles played by archives. Most charters from before the ninth century survive not in the original but transcribed into cartularies: collections of copied charters produced in large number from the ninth to thirteenth centuries, mostly by churches and

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[8] Bartoli Langeli 2006; Innes 2013, 283-320.
[9] Keller 1992; Britnell 1997; Arlinghaus 2006; Clanchy 2013, esp. 329-335.
[10] In a recent contribution on the subject of ancient Egyptian archives, for instance, Fredrik Hagen suggested that 'the creation of archives may simply be a predictable consequence of the social process of writing and recording, rather than an expression of a desire to store massive amounts of data for later retrieval as a means in and of itself': Hagen with Soliman 2018, 158.
[11] There have been exceptions in the form of comparative volumes with an 'East and West' focus, though such ventures can risk tokenism: Britnell 1997.

monasteries. Such cartularies were previously assumed to contain direct copies of entire original charter collections, thus representing an objective means of transmitting earlier documents for the use of later generations. More recent scholarship has, however, drawn attention to the agency of medieval authors in selecting which charters would be preserved and, just as importantly, which would not. By situating them against differing backdrops of political and administrative change, and wider social and religious developments, such as the systematisation of canon law and theology, the motivations behind the production of cartularies are brought to the fore.[12] Cartularies are now presented as sites where archival memory was deliberately constructed by ecclesiastical communities, in response to external challenges and internal identity formation.[13] When scrutinised in this way, individual archives emerge as products of very specific, historically-determined processes. They are inextricably linked to their historical backdrops and determined by the social motivations of particular archival actors. They cannot, therefore, be seen as models against which other archives can be unproblematically compared. The copying of original charters into cartularies has, for instance, much in common with the original documents transmitted supposedly verbatim in narrative texts that we encounter with some regularity in the medieval Middle Eastern context.[14] The problematic exceptionalism that the medieval Islamic world has often experienced at the hands of western scholarship is somewhat lessened when confronted with such research.

Scholarship on medieval European archives has also contributed to the problematisation of an overly institutional understanding of archives, distancing pre-modern archives from their modern counterparts. In light of such a recognition, the paucity of Islamic 'state' archives should not be seen to present problems unique to a Middle Eastern context. State archives in different parts of medieval and early-modern Europe have, for instance, been widely studied to shed light on the role such archives played as instruments of government, as well as reflections of the ideological worldviews of rulers.[15] Nonetheless, the exploration of such archives has shown their configuration and functioning to have been determined by the conflicting interests of the varied personnel employed in them, thus making them sites of social, as well as political, tension.[16] Even in the medieval cartularies, whose formation was dictated by specific historically-

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[12] There is an extensive literature on cartularies. See, for instance: Geary 1994, 81-114; 2006, 106-113; Chastang 2001; Kosto and Winroth 2002, esp. chapter by Bouchard, 22-32.
[13] Geary 1994; Brown 2002, esp. 230-231. For the archive as a site of memory, outside the context of medieval cartularies see: Pomian 2010, esp. 28-41; Schwartz and Cook 2002, 1-19.
[14] For such documents see e.g.: al-Qāḍī 1992, 215-75; 2007a, 200-45. Marina Rustow has also pointed out that the abundance of extant original Arabic papyri from Egypt in a period contemporary with these cartularies further problematises straightforward dichotomies of paucity versus abundance: Rustow 2010, 3.
[15] For archives in Italy, see: Rück 1971, 11-101; Maire-Vigueur 1995, 153, 177-185; Lazzarini 2004, 2, 155-239; 2012, 31-49; Silvestri 2008, 4, 7-42; 2016, 425-57; Bartoli Langeli et al 2009. France: Guyotjeannin 2006, 42, 295-373; Potin 2000, 133, 48-52; 2005, 10, 65-85; Guyotjeannin and Potin 2004, 15-44. England: Clanchy 2013. Switzerland: Head 2003, 745-782.
[16] De Vivo 2003, 68, 699-728.

determined agendas, historians have remarked upon the inclusion of charter collections of lay patrons, indicating that these usually ecclesiastical or monastic archives represented a wider range of interest groups.[17] Such a recognition challenges the presumed hegemony of religious institutions in medieval European record-keeping. The identification of the range of actors involved in archiving is in line with a broader shift in scholarship away from a state-centric view of pre-modern European history. Highlighting the 'polycentric' nature of political power, historians increasingly problematise the way political, social, and religious institutions functioned.[18] It is now recognised that institutions were not monolithic entities pursuing well-defined and homogeneous agendas. Instead, they were characterised by a multiplicity of diverse processes and practices, operating on different levels, and through actors who represented varied, and sometimes opposing, interests. The history of archives contributes directly to such scholarship by drawing attention to different groups of actors and by investigating archives that were produced in politically peripheral milieus, inside or ouside known institutional structures.[19] This is a promising shift when addressing the medieval Middle East where the identification of archives connected to defined institutions remains problematic.[20]

The research trends summarised here demonstrate that the history of medieval European archiving is not nearly as unproblematic as a straightforward dichotomy with the medieval Middle East might suggest. Perhaps its most profound result has been to allow an appreciation of the extremely local nature of pre-modern archival history. This is a history marked by the heterogeneous concerns of individuals, local idiosyncrasies informed by social settings, and historical developments which do not always follow linear trajectories.[21] Archives may reflect ideological concerns, but also practical day-to-day matters, and their meanings, functions, and uses may shift over time.[22] Their histories must, therefore, be explained and explored with reference to their historical context, as well as to their functions and usage, including the motivations of actors who contributed to shape them, and the varied processes that determined their historical trajectories. It is only once they have been profoundly situated within such local settings that comparisons between different geographical and socio-cultural milieus, and across chronological boundaries, can become fruitful.

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[17] Brown et al 2013, esp. chapters by Hummer, 189-230; Innes, 283-320; and Kosto, 259-82.

[18] See, for instance, in the field of urban history: Lantschner 2014, 3-46.

[19] Gilliland 2010, esp. 334-339.

[20] The history of institutions in the medieval Islamic world has suffered from broadly similar Eurocentric comparisons as has the archive. See, for instance, the comparative project on *Power and Institutions in Medieval Islam and Christendom (PIMIC)*: http://pimic.eu/what/: last accessed 24th April 2018.

[21] Morelle 2009, 121; Vandorpe 2009, 216-255; Brown et al 2013, 373-376; Friedrich 2018, 429.

[22] Such as, for instance, in the transformation of state archives between the late medieval and early-modern periods, and the gradual emergence of a perceived historical value of archival collections. See: Ketelaar 2010, 201-210; Teuscher 2010, 211-229; De Vivo 2010, 231-248.

A note on archiving in the Ottoman Empire

It is not only the situation in medieval Europe with which the medieval Middle East has been unfavourably compared. The Ottoman Empire has also furnished historians with vast numbers of archival sources, including tax registers and the *sijill*s of legal courts.[23] The Ottomans are routinely presented as efficient and systematic record-keepers, producing comprehensive and well-organised archives from the fifteenth century onwards.[24] Indeed, it seems that the excellence of Ottoman state archiving was, by the seventeenth century, so taken for granted that preservation in these archives was even considered by some to convey legal validity to the documents they housed.[25] Like medieval and early-modern Europe, Ottoman-era archives thus represent the main sources upon which modern scholars rely to research this period of history.[26]

The difference in the state of archiving between the Ottomans and those who preceded them has also become an established element of the narrative surrounding the transition to Ottoman rule, in its own way feeding in to a view of the medieval Middle East as exceptional for the non-survival of its archives. Namely, it is often repeated that the reason the archives of the Mamlūk Sultanate did not survive is because they were destroyed or lost during the Ottoman conquest and takeover of the Mamlūk capital of Cairo in 1517. Such a catastrophic explanation stems, in part, from the desire of the later Ottoman rulers to present their predecessors as malicious despots, bent on preventing the effective administration and rule of the Empire's new Egyptian territories.[27] This interpretation has, however, been challenged in recent studies focusing on this transition period, which highlight instead the continued reliance on Mamlūk documentation in the early years of Ottoman rule in Egypt.[28] This recognition of continuity has also extended to early-Ottoman legal documentation, which likewise demonstrates the use of older Mamlūk records and their adaption to suit new practices.[29] While such contributions are invaluable for offering a more nuanced understanding of this shift, the transition to Ottoman systems of documentation in newly conquered territories remains poorly understood.

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[23] For a general outline of the archival sources available see Faroqhi 1999, esp. 49-75. For the tax registers (*tahrir defterleri*): Howard 1986; Lowry 1992; Faroqhi 1999, 86-97. For the *sijill*s: Ze'evi 1998, 35-56; Ergene 2004, 471-91; Okawara 2015, 15-37.

[24] The earliest surviving qadi's *sijill*, for instance, is dated to the year 860/1455-6 from the city of Bursa. For extant *sijill*s from Syrian and Egyptian courts, however, we have to wait until the mid-sixteenth century. *Ibid.*, esp. 19-20. The earliest *defter*s date to 835/1431-2 from Albania. Inalcik 1954, 109.

[25] Such was the opinion of the late-seventeenth-century mufti of Damascus, ʿAlāʾ al-Dīn al-Ḥaṣkafī (d. 1677): Burak 2016, esp. 235-6; 242-5.

[26] Faroqhi 1999, 7.

[27] Michel 2013, 225-9.

[28] *Ibid.*, 225-68; Wakako 2014-15, 279-98.

[29] See the recently published codex containing an inventory of properties endowed in favour of the Umayyad mosque in Damascus: Eychenne et al 2018, esp. the contribution by Astrid Meier, 351-65. For changes in the internal structure of Egyptian legal documents during this transition period, see the work of Rudolf Veselý: e.g. Veselý 1971.

In fact, though, the sophistication of Ottoman-era archives compared to those of the pre-Ottoman period should not be so surprising if we situate this development within the broader framing of global history. The impact of the development of early-modern states on systems of archiving is, after all, something that has been well-studied in diverse geographical contexts. There has, for instance, been a tendency to associate the construction of the early-modern state with the establishment of extensive state bureaucracies, as well as with transformations in the form of institutions, both of which are closely linked to questions of archiving.[30] It is possible, then, that diachronic comparison between Ottoman systems and those that preceded them are of less utility than synchronic ones with, for instance, medieval European archives. The origins during the late medieval period of the meticulous archiving of the Ottoman-era have yet to be fully explored. The distinction between the archival practices of the Ottomans and their medieval predecessors thus remains a stark one.

Archives and archival practices in the medieval Middle East

In scholarship on the medieval Middle East, it is no longer admissible to simply dismiss the surviving documentary source material as insufficient in quantity. In fact, several substantial corpora of documents do survive, almost all of which have been the subject of at least some dedicated scholarship.[31] Nonetheless, the absence of any extant 'state' archive, alongside the fact that many of the documents that do survive have done so in the custody of non-Muslims, has led to generalising assumptions as to the nature of Islamic archival and documentary practice.[32] Scholars have felt compelled to explain the absence of such archives, explanations that have often relied on oversimplifying comparisons with medieval Europe, or culturally essentialist explanations of the nature of Muslim societies.[33] Most recently, in an argument from silence, Michael Chamberlain contended that Muslim societies simply invested documents with less importance than contemporary Europeans, whose archives were used to safeguard their positions in society. Instead, he argued, they relied on other social strategies to pursue these

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[30] See, e.g.: Faroqhi 1999, 7; Fleischer 1986, 214-31; for early-modern Europe: De Vivo et al 2016, esp. 423-7.

[31] Summaries of the major surviving collections are repeated in various publications, most recently in Paul 2018, 342-8. See also Bauden 2005, 15-60; Hirschler 2016, 3-6.

[32] Examples of documents preserved by non-Muslims include: the Cairo Geniza: Goitein 1960; 1967-1993; *P.GenizahCambr.*; documents from the Qaraite Synagogue in Cairo: Richards 1972; the archives of the St Catherine monastery in Sinai: Atiya 1955; *P.St.Catherine* I; *P.Fatimid*; Stern 1964b; 1965; 1966; *P.St.Catherine* II; and those of the Franciscan monastery and the Greek Orthodox Patriarchate in Jerusalem: Müller and Pahlitzsch 2004, 258-90. We can also include the family archive of the Banū Bifām, a prominent Christian landowning family active in the mid-eleventh century, unearthed in the excavation of the Naqlūn monastery in the Fayyūm region: Mouton 2002, 447-458; Gaubert and Mouton 2004, 505-17; *P.Fay.Villages*; and diplomatic communications preserved in medieval and early-modern European archives, such as those of Venice, Genoa, Pisa, Barcelona, and other prominent Mediterranean centres: Bauden 2002-2003.

[33] Such as the absence of corporate entities in Islamic law, for instance, or the frequency of violent regime change. Frédéric Bauden has succinctly outlined the main lines of argument that have been proposed to explain this absence: Bauden 2013, 28-33.

same goals, strategies which are abundantly evident in the extant literary sources, above all biographical dictionaries.[34] Well-kept archives were, thus, presented as superfluous to the requirements of the Muslim elites.

It is to a large extent in opposition to Chamberlain's argument from silence that much of the scholarly literature regarding archiving in the pre-modern Middle East has arisen.[35] On the one hand, the evidence from contemporary normative and literary sources has been used to question suggestions that archiving was of trivial importance in these societies. Al-Qalqashandī's (d. 821/1418) extensive chancery manual and the chronicles of al-Maqrīzī (d. 845/1442), for instance, are cited as strong evidence of the heavily bureaucratic nature of Islamic states. Offering evidence of a highly developed documentary culture, sources such as these reveal the existence of complex archival practices in the chanceries of the medieval Middle East.[36] Studies of these sources have placed emphasis on the archival activities of the Mamlūk chancery, and on normative practices at the 'state' level. Nonetheless narrative sources have also offered insights into systems of archiving in other historical settings,[37] as well as distinct archival contexts, such as the archives of medieval qadis.[38] On the other hand, opposition to Chamberlain's argument has arisen with particular vehemence amongst scholars working with documentary sources. Holding up the considerable numbers of surviving documents as firm evidence, they have argued that regular record-keeping was a feature of Islamic societies from the early days of Muslim rule.[39] Both approaches have the advantage of challenging sweeping culturalist assumptions about the nature of medieval Islamic society.[40] Nonetheless, their success is limited to offering evidence that Islamic societies were not inherently anti-documentary, and that archives did exist. They do not scrutinise the diverse forms that archives took within the different social settings to which these various sources bear witness, nor do they consider the roles these archives played within these contexts. They ultimately, then, rely on a somewhat narrow idea of what an archive actually is.

In fact, those working on documents from the medieval Middle East are constantly challenged by the nature of surviving collections, whose relationship with archiving remains

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[34] Chamberlain 1994, esp. 13-18.

[35] My vagueness concerning the geographical framing of this discussion reflects the terms of the debate which, though usually expressed imprecisely, has a bias towards the Arabic-speaking Middle East. In what follows I adhere to this bias, as the region most relevant to this thesis at large. I exclude discussion of documents from the Persianate world which is beyond the scope of this thesis. For an outline of surviving documents from further east see Paul 2018, 344-5. The documents of Islamic Spain represent a significant subject of scholarship in their own right, though one with a distinct archival history. See, for instance Zomeño 2011, 461-79.

[36] Bauden 2013, 33-36; Loiseau 2009, 285-298; Dekkiche 2011, 241-71, 429-33.

[37] Such as the ʿAbbāsid state archives. See Van Berkel 2014b, 7-22

[38] Hallaq 1998, 415-36; and more recently Müller 2018, 361-85.

[39] Sijpesteijn 2007b, 163-6.

[40] Though it might be suggested that Petra Sijpesteijn's advocacy of the 'archival mind' falls into a similarly essentialist trap. *Ibid.*, 163-86.

indisputably problematic. Though in the past sometimes unquestionably described as 'archives', few collections are still considered thus. The Cairo Geniza is perhaps the best example, having been occasionally labelled an archive despite recognition, even by the same author, of the anachronism of this term.[41] Indeed, the Geniza was described by Shelomo Dov Goitein as early as 1960 as 'the opposite of an archive'.[42] More recently, its contents have been described as 'Sacred Trash',[43] and the method of storage it represents as 'counter-archival',[44] or 'the contrary of an archive'.[45] The terminology used to describe the Geniza eloquently reveals the increasing recognition that the practices surrounding documentary production, collection, storage, and preservation attest to a range of motivations, methods, and processes which cannot always be described as archival; at least not in the sense that this term is ordinarily understood: that is, involving the deliberate collection and systematic preservation of documents for easy use and exploitation by future generations. The preservation of the Geniza documents, which were not kept because of any perceived use, but simply fossilised in a 'dignified limbo',[46] certainly cannot be understood as 'archival' in this sense. Significantly, geniza-like practices have also been identified in other extant collections, such as the so-called Damascus Papers, preserved for some time in the Qubbat al-Khazna in the Umayyad Mosque in Damascus.[47] The recognition that geniza-like preservation practices have relevance outside specifically Jewish documentary settings has been an important one, highlighting the need to look beyond the simple fact of survival when determining the archival nature of the surviving document collections.

This problematisation of the archival status of surviving documents has also been applied to collections which, at first sight, look much more like parts of medieval archives than do geniza-like depositories. The 900 legal documents found preserved within the Islamic Museum in the Ḥaram al-Sharīf in Jerusalem, for instance, were for some time considered part of a qadi's archive.[48] Christian Müller's research into this corpus, however, revealed a large portion of these documents to have been assembled for a temporary purpose, for use in a legal case.[49] Highlighting the very local and short-term considerations dictating the form of this corpus, Müller's research revealed the value of seeking a more contextualised view of the processes of document collection and preservation. Nonetheless, it also reinforced the challenges

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[41] Reif 2000; the description of the Geniza as an 'archive' is more common in scholarship by non-specialists in Middle Eastern history: see for example Britnell 1997, 176.
[42] Goitein 1960, 92; 1967, 1-28.
[43] Hoffman and Cole 2011.
[44] Hirschler 2016, 7.
[45] Paul 2018, 342.
[46] Rustow forthcoming, 7.
[47] For this collection, see e.g.: *P.CertificatsPelerinage*; *P.MariageSeparation*; *P.Saladin*. For the concept of geniza-like practices, and its application to other collections, see: Sadan 1986; Cohen 2006.
[48] Little 1997, 11-12; see also Müller 2011a, esp. footnote no. 5, 436-7.
[49] *Ibid.*, 435-59; Müller 2013, 13, 197-208, 251-2. The Ḥaram corpus is dealt with in some detail in Chapter 4, 134-48.

of applying a received understanding of 'the archive' to extant Arabic documentary material, much of which thus continues to be considered 'non-archival'.

Recent research has, however, embraced this problematisation of archives in a way that offers new promise to the investigation of pre-modern Middle Eastern archival history. This reformulated approach shifts attention away from archives as well-defined sites, formal institutions, or delimited groups of documents, towards the consideration of 'archival practices'. That is, it investigates the social, cultural, and legal processes involved in archiving without the necessity for an actual archive. This has allowed for a thoroughly contextualised approach to extant evidence, whether documentary or literary, foregrounding diverse aspects of the archiving process: the agency of individuals involved in archiving, the variety of different archival forms and functions including their varied life-spans, and the significance of the multiple stages in document life-cycles including re-use and disposal. It has above all brought the social lives of documents to light and drawn attention to the roles of diverse social groups in determining archival practices. Tamer El-Leithy has, for instance, pointed out the 'highly contextual and…contingent nature of the legal record', revealing the roles documents played in the social and legal strategies of *dhimmī* groups living under Muslim rule.[50] The first historian of the medieval Middle East to make explicit reference to the wider literature of the archival turn, he challenged views that documents represent unproblematic traces of facts and events that really happened.[51] Illustrating his argument with multiple case-studies, he stressed the need to study documents and archives in light of the social functions they were intended to serve within their particular micro-historical contexts. Frédéric Bauden has contributed to the study of archival practices by bringing the materiality of surviving documents to the fore. Shedding light on important practical issues such as the sale and re-use of documents, he highlighted their extended and varied life-cycles, which involved processes of document culling, rationalisation, and disposal.[52] Recognition of the extended life-cycles of documents has been a significant step, allowing for the identification of shifts in the roles such documents played in social and archival processes over longer periods of time.[53] Konrad Hirschler has also advocated a shift of focus to archival practices when investigating Mamlūk state archives, explaining the absence of extant administrative archives by stressing the 'decentralised' nature of Mamlūk documentary practice.[54] This insight is important when juxtaposed with the highly methodical practice

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[50] El-Leithy 2011, 389-434.

[51] This trusting approach to the documentary record has been espoused by scholars working on different periods of Middle Eastern history. For instance, Lennart Sundelin, considers the papyri of early Islamic Egypt to provide a 'relatively unmediated' source of historical fact: Sundelin 2004, 7; Wadād al-Qāḍī has described the same sources as 'veritable artifacts of the past': al-Qāḍī 2007b, 35. Paul Walker likewise describes the documentary record from the Fāṭimid period to represent 'unintentional sources', the unbiased traces of everyday life: Walker 2002, 94.

[52] Bauden 2004, 59-76; 2013, esp. 36-44.

[53] See, for instance, Konrad Hirschler's more recent research on reused documentary material in Damascene *majmūʿ* manuscripts: Hirschler 2017, 33-44.

[54] Hirschler 2016, 1-66.

described in contemporary literary sources. It demonstrates the difference between normative texts and the pragmatic necessities of state administration, and the divergent requirements of the central and peripheral administrative milieus.

The significance of such scholarship is profound. Above all, it highlights that we need not have access to a well-defined archive to investigate and identify archival practices. Such an observation is particularly important for the pre-modern Middle Eastern context where archives connected to specific sites or institutions are few and far between. It also, however, offers potential to resurrect the archival practices from documentary material that has been relegated to a non-archival status. Might the Ḥaram al-Sharīf, for instance, still contain traces of archival practices despite having been intended, in its current form, as a short-term dossier? Does the assembly of such a dossier not in itself indicate a wider presence of archival depositories from which to draw material?[55] What, indeed, does the short-term assembly and re-assembly of groups of documents tell us about the ways in which archives were used and viewed by their custodians? Can a short-term dossier not in itself be considered as a kind of archive? Questions such as these illustrate the way in which moving beyond the search for well-defined archives can lead us to more fruitful areas of enquiry, offering a more nuanced approach to documentary and archival history.

Recently, the resurrection of archival practices from apparently unpromising places has been taken up zealously by Marina Rustow working on the Cairo Geniza, that most problematic of depositories. Her work was prompted by the increasing identification of thousands of Fāṭimid state documents within today's Geniza collections. Mostly re-used by Jewish scribes writing scriptural or liturgical material, and thus finding their way to the Geniza, these documents provide the raw material for a study of what Rustow dubs their 'documentary ecology', that is, the stages in the extended life-cycles of these documents. By exploring these ecologies, she has been able to reconstruct aspects of Fāṭimid state archiving, as well as following the ways in which documents were re-used in the hands of new custodians. Perhaps her most profound conclusion, in my view, is in stressing that the 'deacquisitioning' of state archives, and the discarding of their contents, was not as it has often been assumed a phenomenon only taking place at times of crisis but was in fact an intrinsic feature of archival practice.[56] By highlighting the commonplace nature of archival destruction, Rustow counters the Orientalist narrative of arbitrary 'despotism' which she aptly proposes as one of the major sustaining forces behind the presumed archival exceptionalism of the medieval Middle East. Highlighting the necessity to

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[55] My answer to this question is a resounding 'yes', as we shall see in Chapter 4, 134-48.
[56] Something that has also been highlighted by the modern archivist Terry Cook, who explained that the modern archives of most major institutions preserve only 1-5% of all the documentation their archivists appraise: Cook 2009, 504-5.

interrogate each stage in documents' extended lives, her work is illustrative of the value of not neglecting documents from less 'archival' depositories in the search for archival practices.[57]

The value of such an approach has, unsurprisingly, been most enthusiastically asserted by scholars working on documentary sources. Nonetheless, the disassociation of the 'archival' from the actual 'archive' has allowed the application of the term to historical sources not traditionally viewed in such a category. Ironically perhaps, this trend has taken its cue from the very same arguments that made Chamberlain such a figure of criticism amongst documentary historians. That is, it asserts the archival value of sources often viewed as either normative, literary or generally subjective, in particular biographical dictionaries, but also latterly chronicles.[58] The term 'archival' must, of course, be applied with care, to avoid its inflation beyond any real meaning. Nonetheless, I would suggest that there is room here for reconciliation with Chamberlain's contentions on the part of scholars working with extant documents. His dismissal of documents may have suffered from a similar kind of Eurocentrism to that which he criticised when approaching more traditional source material.[59] His overall point, however, that we must understand our sources, whether documentary or not, within the context of the social processes for which they were produced, is one that in fact emerges strongly in all the recent scholarship on archival practices.[60] The existence of other kinds of texts with archival functions does not need to invalidate the archival value of documents, just as the existence of actual 'archives' does not preclude other textual genres from taking on archival roles. Indeed, through the close scrutiny of the sources we have, whether extant documents or other genres, we can approach a fuller understanding of how they functioned within the settings in which they were produced and used, preserved and destroyed.[61] We are, thus, in a position to move beyond the defensive, and to interrogate the sources for the archival practices that they do reveal.

This thesis: two Mamlūk-era documentary corpora from an 'archival practices' angle

In this thesis I follow the broad trend of the archival turn by making archives the subject of research. More particularly, I take my cue from the nuanced understanding of the nature of medieval archives that has emerged out of scholarship on both Europe and the Middle East.

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[57] Rustow forthcoming. Page numbers cited are from a preliminary version of the text.

[58] Chamberlain made this suggestion implicitly himself, but it was made explicit by Hirschler in Hirschler 2013, 175-80; for chronicles see Bora forthcoming.

[59] His interpretation of the role of archives is, for instance, heavily informed by an understanding of European archival material. Chamberlain 1994, 13-18.

[60] See, for instance, El-Leithy 2011, esp. 389-92, where he acknowledges an 'unwitting conceptual debt' owed to Chamberlain by those working on documents.

[61] Clear expression of the need to identify the purposes for which *all* sources were produced and preserved is offered by Paolo Sartori, while problematising the ubiquitous distinction between 'documents' and narrative texts. He ultimately defines a document as 'a text which may serve as a resource for the substantiation – or the anticipated future substantiation – of some kind of belief or claim', a definition which can be applied to a wide range of genres. Sartori 2016, 235-9

Reasserting the rationale of scholarship focusing on archival practice, I argue that the fact that almost none of the surviving Arabic documentary corpora represent formal pre-modern archives should not prevent us from investigating them for archival practices. Following the plural approach advocated by those working on archival history, I place emphasis on practical and material, as well as broader social aspects of archival practice. Though I engage with literature on archival practices emerging from European as well as Middle Eastern contexts, this thesis is not comparative in itself. Rather, it incorporates insights from this rich scholarship to develop an approach that is suited to the challenges of working with pre-modern Arabic material. This methodological and conceptual cross-pollination is one that can, in my view, contribute to a greater engagement between these distinct fields of medieval history, thus ultimately eroding the Eurocentrism that has distorted the established narrative of medieval Middle Eastern archival history.

In spite of my above acknowledgment of the value of viewing other source corpora from an archival perspective, this thesis is almost entirely document-focused. While the evidence of documents has repeatedly been cited to challenge assumptions about the nature of archiving in the pre-modern Middle East, until recently this has largely been carried out using small-scale case-studies.[62] There remain, however, several substantial corpora of documents that have not been examined from this angle. Without a more profound investigation of the documentary material that does survive, we risk perpetuating the view that these sources are simply not important for archival practice, and that they have nothing new to show us.[63] Passing over the surviving documents as a source of archival practice compels us to repeat the question of 'why the archives have not survived' for much longer than its validity merits. With dedicated study of the extant corpora, we can instead reassert a more positive approach by beginning to tell the archival histories for which we do have evidence.

Research question and sources

In this thesis, I ask the broad exploratory question: what can extant Arabic documents tell us about archival practices in Mamlūk Egypt? Through the breadth of this question, I direct my focus depending on the information the documents offer, rather than attempting to fit them into a static model of what an archive 'should' look like, thus recognising the presence of practices where formal archives are not visible.

My research focuses on two main collections of material, though it also draws regular and sometimes substantial comparisons with other surviving material. The first, and best-known,

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[62] Such as, for instance, the multiple examples cited in El-Leithy 2011.

[63] Or alternatively, presenting untested hypotheses as confirmed conclusions. See for instance the assumptions made about the archival nature of *waqf* documents raised in Chapter 1, 50-53; addressed in detail in Chapter 4.

corpus, is the Mamlūk-era legal documents today housed in the Wizārat al-Awqāf (Ministry of Religious Endowments) in Cairo. The second is the more disparate and less-studied collection of Arabic paper documents now contained in the Papyrus Collection at the Austrian National Library in Vienna. Neither of these collections represents a medieval archive. The Cairo documents were housed in their current location in the nineteenth century, moved from various locations that it is challenging to glean. The Vienna collection, instead, has its origins in the various related phenomena of European imperialism, late nineteenth-century Egyptian archaeological excavations, and the antiquities market, which together generated an enormous and heterogenous collection of documents.[64]

My choice of these two corpora stems, first and foremost, from the fact that neither has yet to be examined for evidence of archival practices. The scholarly use of these two collections has, in fact, been carried out in very separate disciplinary settings. On the one hand, the documents in the Wizārat al-Awqāf have generated a considerable bibliography. The connection of a large proportion of these documents to *waqf* endowments – the pious endowments made by members of the wealthy Mamlūk elites – has made these significant sources for social, political, and economic histories of the Mamlūk period, in particular the urban history of Mamlūk Cairo.[65] These documents have, in fact, driven much of the innovative research on the Mamlūk period for the past thirty-or-so years. They have not yet, however, been exploited for what they can reveal about archival practices, despite recognition that they might be useful for such an investigation.[66]

The documents dating to the Mamlūk period in the Vienna collection, on the other hand, remain almost entirely neglected. This collection at large is, as its title suggests, mostly used by papyrologists. Misleadingly, the term 'papyrology' is applied to the study of all documents considered to originate in archaeological contexts, whether written on papyrus, paper, parchment, or other materials such as potsherds and leather.[67] Like most of the papyrological material that survives today, many of these documents originated in areas of Egypt south of the Nile Delta where the dry climate favoured their preservation. Though Arabic papyrology has gained momentum in the past decades, the focus of this field has been on the early Islamic period,

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[64] For more detail on the origins and characteristics of these two collections, see below: 36-48.
[65] The bibliography on Mamlūk *waqf* endowments is extensive and cannot all be cited here. See Behrens-Abouseif, 'Waqf', *EI2*; Amīn 1980; Denoix 1995, 29-44. For the use of *waqf* endowments by Mamlūk elites: Petry 1994; Behrens-Abouseif 1998a, 32, 29-40; Northrup 1998; Frenkel 1999, 1-20; Hamza 2014, 319-340. Social and economic history: Haarmann 1980; Berkey 1992; Petry 1998, 51-60. Architectural and urban history: Fernandes 1985, 3-12; 1987, 21-42; Denoix 2000, 191-202; Behrens-Abouseif 2007; Loiseau 2010; 2013, 211-238.
[66] Loiseau 2009, 290-298.
[67] For the chronological and geographical delimitation of the field see Sijpesteijn 2009, 454-455. Lucian Reinfandt has proposed instead the term 'documentary studies', as one which privileges less the material support of the document, and thus holds less chronological bias. It is perhaps notable that Reinfandt is one of the few scholars to have worked on both papyrological collections and the Mamlūk-era documents housed in the Cairo archives. Reinfandt 2013, esp. 288.

to the detriment of later material in the surviving collections.[68] Furthermore, whilst Arabic papyrologists have placed a strong emphasis on using these documents as historical sources, the material is still often approached from a philological rather than an historical angle. For the Mamlūk-era material, this is most manifest in the rigorous published editions of documents by Werner Diem.[69] Despite the value of studies of this kind, this material therefore remains outside the mainstream of historical sources used for this period.

While the divergent disciplinary treatment of these two collections poses some challenges, it also reflects the second selection criterion determining my choice of sources. That is, I pay particular attention to the range of documentary and archival practices visible in different social and geographical settings, above all outside the context of the central state administration. Such an approach requires the identification of a broader evidentiary base than would the investigation of one specific, well-defined setting. These two source corpora are well-suited to this approach. While the deeds in the Wizārat al-Awqāf document the activities of social groups deeply involved in government in the capital, including the Mamlūk sultans and senior amirs, the transactions they record were not taking place under the aegis of the Mamlūk state. Instead, they should be situated within the broader legal and social framework of *waqf* endowments, which in this period represented a unique point of intersection between political, economic, religious, and broader social concerns. By choosing the Vienna collection as my other main corpus, on the other hand, I deliberately scrutinise documents which provide evidence for individuals and communities that remain outside the mainstream of historical scholarship. Mostly originating in areas distant from major political and cultural centres such as Cairo, these documents record activities that had a low impact on the political trajectory of medieval Islamic society, and thus rarely made it into contemporary narrative literature.[70] It should be stressed that the non-state focus of this thesis does not make its subject matter non-elite. Ultimately, the documents I deal with are all products of elite milieus, though maybe not all as elite as each other. Nonetheless, the deliberately disparate nature of my chosen source material allows me to cast a wide net in the investigation of archival practices, highlighting the value of heterogeneity when telling the history of medieval societies.

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[68] This is due to a combination of factors. The focus on documents written on papyrus means that the chronological boundaries of research have been dictated by the gradual disappearance of papyrus as a writing material during the tenth and eleventh centuries. See: Grob 2010, 1-2, 11-14; von Karabacek 2001, 8-13. For the adoption of paper see the recent: Shatzmiller 2018, 461-90. Beyond this material factor, the research community has favoured a focus on the early Islamic period, where documents have offered meaningful insights into an historical period otherwise heavily reliant on later narrative sources.
[69] *P.Vind.Arab.* I-III; *CPR XXXII; P.Heid.Arab.* II. Such documents have also been used in studies of Arabic epistolary formula. See: Khan 2008, 885-906; for use of letters from an earlier period also from the Vienna and Heidelberg collections see Grob 2010.
[70] The elite urban bias of medieval Arabic historiography is well recognised. See, for instance, Hirschler 2013, 175.

It is the documents I have chosen to focus on that have ultimately dictated the geographical and chronological scope of this thesis:[71] that is, on Egypt during the Mamlūk period at large (c. 1250-1517). I favour a wide chronology, taking note of the precise contexts surrounding the production and preservation of documents or corpora, rather than attempting to tightly delineate the period under consideration. This approach is necessary when relying on documentary corpora that are highly heterogenous and fragmentary, such as the Vienna collection, as in such cases precise dating of documents can be a challenge. Periodisation by dynasty has limited applicability to the history of documentary practice, which rarely manifests evidence of dramatic shifts in line with high level political change.[72] Indeed, an historical view that transgresses divisions based on political change can prevent too heavily circumscribed an understanding of the nature of archival practices in particular times and places. It also allows for emphasis on a wider range of actors who may have been involved to a greater or lesser degree in the activities of the political mainstream. Even so, in light of the general understanding that the Ottoman Empire manifests distinct archival traditions, I mostly consider the Ottoman conquest of Egypt in 1517 as a firm cut off point. While, as I noted above, there is much research still to be done on early Ottoman archiving, this is ultimately beyond the scope of this thesis. Despite this, at times my sources compel me to look beyond the chronological boundaries of the Mamlūk period, in order to seek comparators, or to explain phenomena visible in the documents themselves.

In addition, I look outside the borders of Egypt for comparative material. Egypt looms large in scholarship on medieval Arabic documents. This is largely owing to climatic factors there that have favoured the preservation of organic material in archaeological contexts, including papyrus and paper, making the study of Egyptian documents a particularly well-developed field. The importance of documentary material from other parts of the region covered by the Mamlūk Sultanate is, nonetheless, increasingly highlighted in scholarship, alongside a wider de-centring of the history of this period.[73]

My approach: defining 'archival'

When addressing archival practices in documents such as these, it is clearly necessary to discard preconceived models of the archive, particularly those informed by the backwards projection of definitions based on modern practice. It is equally important, however, to acknowledge that not all documents can be incorporated under an 'archival' umbrella. We can

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[71] More specifically, it is the documents from the Cairo collection that drove the chronological focus. The Vienna collection houses documents covering a much broader chronology. See below: 36-48.
[72] Probably the best studies example of this is the continued use of Greek and Coptic language and documentary formularies in papyrus documents in Egypt following the Islamic conquest. See: Sijpesteijn 2007a, esp. 444-451; Richter 2010, 214-215.
[73] For documentary material from Damascus, for instance, see Hirschler 2017. The Ḥaram al-Sharīf material is, of course, another important non-Egyptian corpus.

accept that archives need not be long-term, that we do not need a known site of archiving to identify practices, and that collections of documents may be ultimately dictated by social logics that 'only make sense to their owner'.[74] Nonetheless, it is still important to outline what distinguishes archival practices from uses of documents that cannot be defined as archival. The disposal of a document immediately after the use for which it was first produced cannot, for instance, be considered an archival practice. This does not, though, preclude discarded material from exhibiting archival practices. Given the document-led approach of this thesis, it is necessary for me to present a clear conceptualisation of what I consider to be 'archival', before outlining my broader methodology.

At their most fundamental level, archival practices involve the deliberate preservation of documents, for a certain period of time. It is the various factors characterising and determining the documents' preservation that therefore become relevant for an exploration of archival practices. These have been aptly summarised by Jürgen Paul in his recent 'state of the art' article as: 'who kept which records where (and in which form)…what they were kept for and how these records were preserved and transmitted…discarded or simply thrown away'.[75] We can add further clarity by expanding out the elements of his synthesis to include:

1. The function of the documents. That is, *why* they were produced, *if* or *why* they were preserved, and *what* they were used for. This might include legal, practical, memorial, or other factors, which dictate the functional logic of a collection of documents.

2. *How* and *where* the documents were kept. This refers to the often elusive spatial element of archiving, and the material practicalities of the archive, as well as more conceptual aspects of archival organisation.

3. *For how long* were the documents preserved? This is the documents' archival 'life-span'. Identifying this includes situating documents within broader 'life-cycles' which thus involve identifying phenomena such as re-use, and disposal.[76]

4. *Who* kept the documents, and for whom? That is, the actors involved in archival practices, including individuals, communities, offices, or institutions. This is often the element that allows us to situate archival practices within larger structures, including identification of their broader historical, legal, institutional, and social contexts.

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[74] Brown et al 2013, 376.
[75] Paul 2018, 342.
[76] A rather different concept of the 'life-cycle' also exists in literature produced by modern archivists, traditionally dividing documents' lives between an active 'records management' stage and an 'archival' stage in which their primary value is for use in scholarship. More recently, Australian archivists have instead developed a 'continuum' approach, prompted by the increasing digitisation of record keeping. While the specificities of this literature are very different from the subject matter of this thesis, the ideas it expresses can nonetheless be helpful when considering the fluidity of pre-modern document life-cycles. See, for instance: Atherton 1985-6, 43-51; Upward 2000, 115-39; McKemmish 2001, 333-59.

5. How, why, and when the documents were used. The deliberate preservation of documents implies their perceived future use. This, therefore, shows the archive in action, as well as connecting to the wider question of documentary life-cycles outlined above.

Archival practice, thus, becomes a point of intersection between the multiple social, functional, temporal, spatial, and material variables that in different ways determined the lives of documents.[77] It is the appraisal of these variables that allow us to establish the 'archival' nature of a document or collection.

To apply such an understanding of archival practices to the investigation of original documents, I approach the material on a micro level. This involves the thorough and comprehensive investigation of small numbers of documents, relying on a close reading which takes into account the full range of evidence they can provide, including:

1. The content of the text: questioning for whom and by whom the document was produced, what the document was for, and how it was expected to fulfil this function, for how long it would have continued to fulfil this, and who might have been interested in its preservation.
2. Its social context or institutional setting: considering the document's geographical and social provenance, its location within social structures and hierarchies, the social logic surrounding its production, any legal, economic, or religious practices in which the document played a part, and if it exhibits any local peculiarities.
3. The materiality of the document: examining any physical traces of archiving, classification, storage, or disposal, and considering how the document was used as an object, not just as a text.
4. The context of its preservation until today: noting if it was preserved in an archive, modern collection, or was unearthed archaeologically, and questioning what the circumstances of its modern 'discovery' can reveal about its medieval preservation.

This approach falls in line with the rising trend in scholarship towards a 'holistic' treatment of written sources, giving equal value to their textual and material elements.[78] Investigating documents from these four perspectives allows archival practices to be considered in both their

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[77] The conceptualisation of archival practices I have outlined here is one that could reasonably be applied to the analysis of other corpora that are not so obviously documentary.

[78] For papyrology/documentary studies see: Sijpesteijn 2013, 221; Reinfandt 2013, 288; for a similar trend in studies on medieval European archiving see Innes 2013, 283-320. Manuscript studies has witnessed parallel developments, for the Middle East and elsewhere, with the identification of the significance of paratextual elements, as well as a broader focus on the shape and use of the book as an object: see e.g. Görke and Hirschler 2011; and with a focus on medieval Italy: Petrucci 1995. These approaches can also be linked to the broader trend toward 'material philology', which highlights the extra-textual aspects of manuscripts and written texts: see e.g. Nichols 1997, 1-21.

practical and social manifestations, drawing attention to archival functionality within particular historical contexts. By exploring very different document collections under the same analytical parameters, we are thus able to highlight the value of the heterogeneity of the documentary evidence. This is an effective way of dealing with the absence of large archival collections from the medieval Middle East, as it allows us to deal with archival content and context, practicalities and broader social function, as well as issues of preservation, on a case-by-case basis.

In addition to this wider 'holistic' approach, this thesis places heavy emphasis on the interpretation of the internal features of documents as indicators of archival practice. Such features, including the documents' formulary, layout, and other graphic elements sometimes offer significant clues as to the archiving of documents. In this approach I owe something to recent trends towards using formulaic elements of documents as historical evidence. Proponents of such an approach criticise the tendency of historians to focus only on documents' 'content' to the detriment of their formulaic templates. Formulary can, in fact, reveal much about the social and legal pressures dictating document design, identification of which allows us to situate documents more profoundly against their contextual backdrops.[79] For the purposes of this thesis, such features are considered as part of a wider appreciation of document materiality. Considering them as an intrinsic element of the sources under investigation allows me to link small-scale documentary histories to wider cultures of documentary practice, contextualising as fully as possible any archival practices that emerge. Identifying the pressures that dictated the forms of documents, as well as the documents' own historical and archival trajectories, represents an important element in our understanding of the archiving of such material. Documentary practice, as well as archival, thus looms large in this thesis.

Whilst my analysis is mostly carried out on a micro scale, the result is not micro-history in the sense that it is most often understood: that is, the small-scale histories of unknown people and places.[80] In fact, as we shall see, my investigation of these documents has led me to place significant emphasis on the very highest levels of Mamlūk society, including the sultans themselves. The picture that emerges from such an analysis of these documents has, however, little in common with the large-scale political narratives that ordinarily characterise the histories in which such 'great men' played a part. The individuals who emerge from the documents, whether more or less well-known, represent a crucial element for understanding the documents' historical backdrops, and to identify the processes on-the-ground in which they played a role. I thus owe something to the principles of micro-history, for instance by relying on the fragmentary

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[79] See, for instance, Rustow and Krakowski 2014, esp. 111-46. Rustow has also made heavy use of the formulaic features of Fāṭimid state documents in her forthcoming book: Rustow forthcoming.
[80] Such as in the most famous and often-cited works of micro-history: E.g. Le Roy Ladurie 1978; Ginzburg 2012a. A micro-historical approach has been shown to be effective for the exploration of archival histories in both European and Middle-Eastern contexts: McSheffrey 2008, 65-78; El-Leithy 2011, esp. 392-3. See also several of the contributions to the recent comparative volume: Bausi et al 2018.

traces surviving in heterogenous documentation to build a picture of broader patterns, and to root the emerging archival practices within a firm historical and social context.[81] It is the micro-histories of the documents themselves that emerge here. They are, as it were, the protagonists of this thesis.

The form and scope of this thesis reflect, then, the individual histories that my two corpora are able to tell. In fact, the documents lead me in very different directions, bringing up various distinct historical and historiographical questions. I have engaged with these where they have arisen and the rationale framing each chapter of this thesis is, thus, somewhat distinct. This approach suits the investigation of such varied material, as it avoids the insertion of documents into historical frameworks to which they do not belong, picking up instead on the aspects of archival practices that are relevant to the material under consideration.

The structure of the thesis: introducing domains of archival practice

With such an exploratory approach towards the sources, the structuring of this thesis becomes key to making historical sense of the heterogeneous information they yield. Approaching the documents through a broadly micro-historical lens, I consider the context surrounding the documents as the most fruitful means to situate the practices they reveal.[82] For reasons that will have by now become obvious, however, this thesis is not structured around distinct archives or archival sites. As I explained above, my research follows the shift in scholarship away from an institutional and/or site-specific conceptualisation of the archive. The absence of known sites of contemporary archiving, as well as the problematic status of known sites of preservation, make framing explorations of archival practice in this material around specific sites of limited use.

Though turning attention away from the archival site has been an essential stage in reviving medieval Middle Eastern archives as a worthwhile object of historical enquiry, I would argue that too sharp a distinction between 'archival practices' and 'the archive' remains unsatisfactory. It is self-evident that any of the documents that have survived in their original form have to be connected with a physical site, if not multiple sites. Being material objects, they had to be stored somewhere, and their survival to the modern day serves to emphasise the importance of the physical conditions surrounding their historical preservation. Archival practices necessarily imply archival sites. The site of preservation, then, remains an important, though sometimes unknowable, aspect of archival practice.

In order to acknowledge this, therefore, I structure this thesis around a framework of separate 'domains'. This concept is borrowed from that of the 'functional domain', which

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[81] See, for instance, the general aims and exigencies of micro-history as delineated by Carlo Ginzburg: Ginzburg 2012b, chapter 14, esp. 211-213. See also Revel 1996.
[82] Ginzburg 2012b, 211-13.

originates strictly-speaking within the discipline of linguistics, but with which I became familiar through its utility for explaining language use in papyrological material from the early post-conquest period in Egypt.[83] Though I rely little on either of these usages for my own definition, the clear benefit of domain as a concept is that it is able to draw a multitude of distinct factors into one term. I roughly equate domain with the 'settings' within which we can situate certain documentation. Whilst domain is evidently not the same as site, then, it nonetheless includes it. Indeed, as we shall see, the physical locations of document production, use, and storage represent an important element in conceptualising and characterising a domain. Focusing discussion on domains can, then, explicitly bring the archival site back into an exploration of archival practice. Beyond this, though, domain also encompasses the social, political, legal, and at times institutional, structures that surround certain documentation. On a macro scale, it is also distinguished by geographical location. More crudely put, the domain is the location in society, both physical and conceptual, into which the documents can be inserted.

This thesis addresses two such domains, which emerged through my investigation of the original documents. The better-known of these, and the more straightforward to apprehend from the documents, is the domain of *waqf* endowments, more specifically the domain of *waqf* within the setting of late Mamlūk Cairo. The second, little-known, domain is that of the amir's administration; that is the activities of amirs, many of whom held *iqṭāʿ* land grants in areas of Egypt outside Cairo, and other personnel involved in the administration of such areas. While this thesis deals broadly with 'Mamlūk Egypt', then, the chapters address more specific questions and more tightly delimited periods that arise in the investigation of these two domains.

With my chosen source material, division by domain corresponds to division by document collection. That is, the *waqf*-related documents in Cairo, unsurprisingly, shed light on the domain of *waqf*, while I used material from the Vienna collection to offer insights on the amir's administration. By framing the sources within their respective domains, however, it becomes possible to make sense of the differences manifest in the material, presenting the various collections as part of a historical continuum, even if there are few points of overlap between them. Indeed, these two domains are clearly very distinct and necessitate different approaches. It is not always possible to answer the same questions for each domain and, of course, the questions that it is interesting and meaningful to ask also differ depending on the specificities of the domain itself and the documentation situated within it. The domain of *waqf*, for instance, is much more heavily documented and it is often presumed that the context in which the *waqf* documentation can be situated is known very well. The amir's administration, on the other hand, is a domain that is almost entirely unknown.

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[83] Richter 2009, 401-2.

This thesis, thus, moves from the better- to the less-studied domain. That is, I begin by applying an archival practices approach to the *waqf*-related corpus, representing a domain for which it is easier to glean detail, and a documentary corpus which has already attracted considerable attention. I then move on to explore the rather more challenging and largely unexplored corpus available to shed light on the amir's administration. Following such a trajectory, I highlight the value of applying this approach to both well-known material whose archival promise has already been recognised, and to a corpus of material that has not been considered by scholarship in this way. Above all, by working within the framework of domains, I wish to emphasise the applicability of such an approach to any extant material, and the potential to extend it well beyond the limits of the two domains explored here.

This thesis is divided into two uneven-length parts. Part I deals with the domain of *waqf* and is made up of four chapters. These progress from a micro-level study of the documents' internal features, through more historically situated case-studies of *waqf*-related archival practice, towards a final assessment of some of the broad historiographical claims that have been made about this material. Chapter 1 provides a detailed and more technical introduction to the *waqf*-related material, framed against the background of scholarship that identifies the apparent archival uniqueness of *waqf*. I pinpoint various internal features of the documents themselves which allow us to make sense of this corpus in archival terms. Chapter 2 places the *waqf*-related material more firmly within its historical context by focusing on the large portion of the extant collection that is connected to the *waqf* endowments of the penultimate Mamlūk sultan Qanṣūh al-Ghawrī (r. 906-922/1501-1516). Defining this material as a *waqf* archive, I present it as a case-study of *waqf*-related archiving. Chapter 3 capitalises on the distinctive configuration of al-Ghawrī's *waqf* archive by using it as a lens onto the archival practices of a wider range of individuals in the years prior to the archive's formation. While revealing the significance of these earlier archival practices in their own right, here I use them primarily to shed light on the peculiar status of al-Ghawrī's *waqf* documentation as an archive that has been 'frozen in time', a status with profound implications for its use as a source of historical information. Chapter 4 returns to address the broad historiographical questions that frame this part of the thesis: notably the contention that *waqf* is uniquely suited to the development of sophisticated techniques of archiving. Here, I re-assess the relationship between *waqf* and archiving by comparing the Wizārat al-Awqāf corpus with two other extant corpora: the documents from the Ḥaram al-Sharīf in Jerusalem, and those preserved in the Qaraite synagogue in Cairo.

Part II shifts to explore the domain of the amir's administration, which emerges in the documents from the Vienna collection. It is made up of two chapters. The first of these (Chapter 5) is occupied with characterising this unknown domain and exploring its documentary manifestation within the extant material. Here I focus less on the archival practices evident within the documents, and more on the features of the domain itself, which represents the

essential backdrop to any investigation of archival practices. Chapter 6 then moves on to consider archival practices within this domain. This is the most speculative chapter in the thesis, dictated by the challenges posed by this fragmentary source material. Here, I use the longer-term archival life-cycles of the documents surviving from the amir's administration to identify the shifting roles that documents took on within this domain. Exploring phenomena such as the re-use and disposal of documents, I use these insights to consider the kinds of archival spaces that we might envisage within this low-level administrative setting.

While the conclusions of each part of this thesis remain somewhat discrete, in the conclusion I draw together the strands that have emerged in the preceding chapters, flagging up some of the most significant points: namely, the primary importance of context in archival history, the need to locate Mamlūk-era practices on a broad continuum, and the wider methodological value of studying archival history. Finally, I offer some suggestions for future research.

Before commencing with the chapters of this thesis, however, I begin by offering a more detailed account of the process of working with my two main document corpora. This is intended to provide further insight into the collections themselves, their backgrounds and contents, and to clarify the way in which the documents I discuss in this thesis fit into the collections at large.

Methodology on the ground, and the significance of the nineteenth century

Working with collections such as those in Cairo and Vienna is highly unpredictable. Neither has previously been exploited for research of this kind, meaning that I had little sense of what I might find before arriving in each collection respectively. While, as I have explained above, documents from both collections have been subject to research, scholars working on them have not published general descriptions of their contents from the more practical perspective of accessing and selecting documents. For each collection there are tools available to navigate the collections from a distance – that is, catalogues – but these still cannot give us a full picture without access to the collections themselves. At times they can even be misleading.

In this section, I offer a detailed explanation of my process of working in each collection. This includes background information to help explain the logic of each collection, as well as details on the tools available for their navigation, and my comments on their utility. I hope this explanation can be of value to those working in the collections in the future. More importantly, though, I also consider it an essential prerequisite to what follows in the chapters of this thesis, ultimately clarifying the reasons behind my selection of material. This helps to explain my decision to focus on the two domains delineated above, and the more specific questions that arise within them, whilst also making clear some of the limitations that result from my choices. Above

all, the following account serves to highlight the combination of deliberate strategy and random luck or misfortune that determines work in collections such as these.

Both the collections I have chosen to work with owe their current locations and characteristics to impulses originating in the nineteenth century which, in very different ways, have contributed to the challenges one experiences when working with them. The nineteenth century brought major change to Egypt, with the establishment of Muḥammad ʿAlī's regime in the wake of Napoleon's invasions inaugurating *de facto* independence from the Ottoman Empire. The century that followed was dominated by the institutional and ideological processes of modern Egyptian state formation. This was marked, amongst other things, by the rise of Egyptian nationalism, developing in part in reaction to increasing European intervention in the country, which ultimately culminated in the British occupation of 1882. The Cairo and Vienna collections are both, in their own way, illustrative of these large trends within this century's history.[84]

Waqf-related documents in Cairo's modern archives: the Wizārat al-Awqāf

The relationship between modern state formation and the establishment of archives has been a strong one, and the archives of Cairo are no exception.[85] The current location of *waqf*-related documents in Cairo is a result of just such archive formation, taking place across the nineteenth and early twentieth centuries. The nineteenth century saw the beginning of a process of centralisation of records leading, ultimately, to the foundation in the 1920s of the royal archive in ʿAbdīn Palace, and its later replacement in the 1960s with the current National Archive (Dār al-Wathāʾiq al-Qawmīya).[86]

This period witnessed a parallel process of the gradual centralisation of the administration of *waqfs*, beginning with Muḥammad ʿAlī's establishment of the *dīwān al-awqāf* in 1835. Finally in 1953, under Nasser's regime, all *waqf* foundations came under the direct administration of what by that time was called the *Wizārat al-Awqāf*.[87] Far from there being one centralised archive for *waqf*-related documents, however, this *dīwān* was in charge of supervising multiple archives spread across the city.[88] Yoav Di Capua argues that *waqf* endowments were not part of the mainstream narrative of modern state building that was being told in the nineteenth and early twentieth centuries. As such, documents related to *waqf*, as well as other records situated outside this dominant narrative, such as the *sijill*s of Ottoman courts,

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[84] For a concise outline of Egypt's nineteenth-century history, see Sanders 2008, 6-10.
[85] See, for instance, Friedrich 2018, 421-2.
[86] Di Capua 2009, esp. 91-140.
[87] Melčák 2010, 1-34.
[88] Di Capua 2009, 110-11; see also Crecelius 1971, 269-77, though there have been changes in the locations of some of these documents since the publication of this article. See, for instance, *P.Cair.Archives*, xiii.

'remained entombed in historiographical graveyards (basements, sealed rooms, temporary housing, forgotten chambers)'.[89] Indeed, it is perhaps for this reason that the large majority (420) of the 556 Mamlūk-period documents currently housed in the archive (*Daftarkhāna*) of the Wizārat al-Awqāf were not 'discovered' until 1967, with a further 97 unearthed in 1978.[90]

The two major collections of *waqf*-related documents – the Dār al-Wathāʾiq and the Wizārat al-Awqāf – are quite different. For one, the buildings in which these two archives are housed serve different functions. The Dār al-Wathāʾiq is a purpose-built archive, while the Wizārat al-Awqāf is a functioning government ministry, involved in many activities other than the preservation of historical documents. Furthermore, the profiles of the archives' contents are somewhat distinct. While both are made up mostly of legal documents recording the activities of Mamlūk elites, the Dār al-Wathāʾiq collection is slightly broader chronologically, with documents dating from as early as the late-Fāṭimid period. The collection of the Wizārat al-Awqāf, on the other hand, is more evidently related to the actions of specific Mamlūk sultans, with more than 90% of the documents it contains dating to the fifteenth century.[91] The differences between these collections have some significant implications for understanding the archival practices visible in their contents, which I address in further detail elsewhere in this thesis.[92]

During my time in Cairo, I was only able to gain access to the Wizārat al-Awqāf, while access to the Dār al-Wathāʾiq was impossible.[93] While a small number of documents from the Dār al-Wathāʾiq are published and thus accessible, my failure to access this collection represents one significant limitation on the research presented in this thesis. Given the broader chronology of the Dār al-Wathāʾiq collection, it might have offered me opportunities to develop my research in directions I have not been able to here, for instance, by providing the raw material for a more diachronic approach to the *waqf*-related material. The Dār al-Wathāʾiq also contains material related to the *waqf* endowments of a larger number of individuals, meaning that through it I might have been able to address the practices of a broader social group.[94] On the other hand, being compelled to focus on a more restricted selection of documents has also had its advantages, allowing me to exploit my micro-historical methodology to its fullest extent.

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[89] Di Capua 2009, 110-11. See also Sanders 2008, 32-3.
[90] These figures are Muḥammad Amīn's: *P.Cair.Archives*, xi. By my count there are actually 553 Mamlūk-period documents listed in the catalogue.
[91] All figures are calculated on the basis of the information in Amīn's catalogue. The differences in the broad profiles of the two collections have also been noted in: *P.Cair.Archives*, 3-72; Crecelius 1971, 274; Denoix 1995, 38. For a recent discussion of the histories of both collections and their use in scholarship see Abou-Ghazi 2018, esp. 5-9.
[92] See Chapter 2, 86-87.
[93] I was able to access the Wizārat al-Awqāf for two separate periods in the course of this research: during visits to Cairo from January to March 2016, and in April 2018.
[94] Though the Wizārat al-Awqāf also allows us to do this. See Chapter 3.

Putting aside comparisons with the Dār al-Wathāʾiq, the material in the Wizārat al-Awqāf has some significant advantages as a corpus for close study. It is, in the first place, a coherent corpus containing 553 documents of just a few, identifiable genres. The documents manifest a limited set of documentary formulae which, alongside mostly intelligible scripts, and consistent dating practices, makes the documents quite easy to read and understand. Beyond this, it is a relatively compact corpus in social, historical and geographical terms, contextually well-defined.[95] Though it is impossible to work in detail with all the documents in the collection, something that would probably require a lifetime's research, the nature of the collection thus allowed me to take a somewhat targeted approach. My main concern was, therefore, how to select individual documents to examine within the larger corpus.

Working with this collection today, the most important tool available is the printed catalogue produced in 1981 by Muḥammad Muḥammad Amīn.[96] This catalogue lists in chronological order the documents contained within the Cairo collections dating from the Mamlūk period or earlier.[97] This catalogue makes the identification of inventory numbers possible, which before its publication must have been a much more challenging task. While I initially used the catalogue to identify documents that might be of interest, however, my selection of documents was led more by the unpredictable exigencies of work in the field.

In the first place, delays in accessing the archive initially compelled me to rely on a limited number of reproductions of documents, through which I was able to acquaint myself with the general workings of the documents. Though the *waqf*-related documents in the archives of Cairo have been widely used as historical sources in the past decades, complete editions of individual documents, and studies focusing on their internal documentary features remain somewhat scant.[98] Nonetheless, several scholars have produced editions of whole documents, or parts of them. Of particular significance are the publications of ʿAbd al-Laṭīf Ibrāhīm, in which he edited documents of various genres.[99] Amīn himself also edited nine documents in an appendix to his catalogue, as well as producing various other editions.[100] In addition we have

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[95] These characteristics, of course, might also be used to describe the Dār al-Wathāʾiq collection, though the precise make up the collection is a little different. See Chapter 2, 86-87.

[96] *P.Cair.Archives*.

[97] The majority of documents in the catalogue are those housed in the Wizārat al Awqāf and Dār al-Wathāʾiq, but it also includes a small number of documents housed in the National Library (Dār al-Kutub) and in the archives of the Coptic Patriarchate.

[98] It is easy to see why this should be the case. The sheer length of these documents poses an obstacle to edition. The time required for the transcription of a single deed is substantial, and to furnish a line-by-line commentary explaining language, and translations, as is the norm in critical editions, would be a gargantuan task for such texts. To this is added the difficulty of gaining access to the collections in the first place, which is without a doubt much greater when permission for full edition, and the reproduction of images, is required.

[99] Ibrāhīm 1956; 1957a; 1957b; 1963. I was not able to get hold of all Ibrāhīm's numerous publications, though I have listed others in the bibliography.

[100] *P.Cair.Archives*, 329-508; Amīn 1975a ; 1975b; 1982.

L.A. Mayer's edition of part of the *waqfīya* of sultan Qāytbāy (872-901/1468-1496),[101] Ḥuwaydā al-Ḥārithī's edition of *waqfīya*s of the sultan al-Nāṣir Ḥasan (748-752/1347-1351 and 755-762/1354-1361),[102] Lucian Reinfandt's editions of the *waqfīya*s of sultan Īnāl (857-865/1453-1461),[103] and several further editions of individual documents in book chapters and articles.[104] Aside from the few published documents, I was also able to make use of a collection of microfilm printouts made by Sylvie Denoix for her own research when she was Director of Studies at the *Institut français d'archéologie orientale* (IFAO) in Cairo, kept in the office of the current Director. Though the IFAO houses the original microfilms, the absence of a functioning microfilm reader meant it was impossible to examine these themselves. Despite the poor quality of these printed reproductions and of most of the published images of these documents, I was nonetheless able to glean an initial insight into the documents' content, layout, and materiality. After establishing a general familiarity on the basis of the somewhat disparate material available, I was in a better position to assess the ways in which the collection might be approached to shed light on Mamlūk-period archival practices.

Once granted access to the original documents, my selection was, then, guided by several criteria. Firstly, I specifically requested both *waqfīya*s and other document types held within the collection, as this distinction seemed to me an important one for characterising the archival nature of the material. Indeed, this is one of the most significant, though rarely noted, features of the collection. As such, I deliberately examined large *waqf* deeds, as well as smaller deeds of sale or *istibdāl*.[105] Secondly, I deliberately followed up documents connected to specific individuals, particularly in cases where more than one document pertained to the same person. This seemed a promising way of developing an understanding of any archival connections between documents, as well as of rooting the material more directly in its specific social and historical context. Finally, after becoming familiar with the way the documents work, I was able to identify certain recurring practices that seemed important from an archival point of view. This included phenomena such as document cross-referencing and the gluing of smaller documents to larger scrolls.[106] I thus selected documents I thought likely to display such practices, relying on my developing understanding of the way these documents worked to direct my search.

At the final count, I examined 40 documents in the original, with an additional 2 unpublished documents viewed only in microfilm print-out form.[107] Such a sample size can, of

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[101] Mayer 1938.
[102] Al-Ḥārithī 2002.
[103] Reinfandt 2003, 137-397.
[104] Reinfandt 2009, 117-51; Conermann and Saghbini 2002, 33-50. A number of editions are referenced in the bibliography of Amīn's catalogue to which I have not been able to get access, including various Egyptian PhD and Masters' theses.
[105] The distinction between these types of material is addressed in detail in Chapter 1, 55.
[106] See Chapter 1, 63, 72-77.
[107] For a list of the documents I saw in the original, see Appendix 1

course, not be considered representative of all the extant material. It is one of the main aims of my methodological approach outlined above to allow us to make use of documents that are not necessarily representative; indeed, to recognise that the contingencies of medieval documentary and archival practice mean that it is possible that no document can be considered so. Nonetheless, it became clear during my research in the Wizārat al-Awqāf, as well as during my scrutiny of published documents, that this material exhibits a high level of consistency, unusual in extant document collections. Furthermore, though I saw no documents from the Dār al-Wathāʾiq in the original, published documents from within this collection show broadly similar features to those I observed in the material I examined in the Wizārat al-Awqāf.[108] As such, though the conclusions I draw from this material rely on specific documents for evidence, I would argue that they might, with some caution, be applied to the broader corpus of Mamlūk *waqf*-related material.[109]

Identifying the relative consistency in the documents' content, layout, and materiality alerted me to the wider value of Amīn's catalogue, not just as a tool for identifying documents to call up in the archive, but also as a source for the details of the documents themselves. The catalogue thus became a major tool for me when I no longer had physical access to the original documents. In the catalogue Amīn lists the documents chronologically, for each document providing a list of the transactions found on the document and their dates, naming the individuals involved, and offering brief comments in footnotes on the physical condition of documents.[110] The catalogue also has an index of personal names, allowing the easy location of documents pertaining to the same individual. In light of what I knew about the form of the original documents, such information allowed me to offer informed judgements about other, similar documents listed in the catalogue. Though the strategy of applying what I knew about the original documents to the catalogue might seem risky, my second visit to the Wizārat al-Awqāf in 2018 allowed me to check details, proving that it has in fact been an apt one.

Recognising the potential of the catalogue to offer a broad view of the collection at large, I ultimately used the information contained within it to produce a database, incorporating the documents from all the Cairo collections. This permitted me to broaden out further from my small sample of documents to consider trends visible within the collections, such as their relative chronological distribution. The database offered the chance for me to assign numerical value to such trends, thus offering more meaningful comments on the differences between the contents of the various collections.[111] Such information does not constitute a major source for the

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[108] See, for instance: Ibrāhīm 1957b; 1963; Reinfandt 2009.
[109] That is, in the Dār al-Wathāʾiq as well as the Wizārat al-Awqāf.
[110] Including information on patterns of damage, missing text, and other short notes regarding information on publications, or references to other connected documents within the collection.
[111] The information the database contains is, however, dictated by the limitations of the catalogue, which are considerable. For one, Amīn gives no information on the property involved in each transaction, impeding attempts to make connections between documents on the basis of the catalogue alone. It may

discussions and arguments I present in this thesis. Nonetheless, it has allowed me to situate the micro-level evidence emerging from individual original documents within their wider archival setting, with important implications for our understanding of the archival histories of the material in these collections.

Seeking Mamlūk-period documents in the Austrian National Library's Papyrussammlung

The Papyrus Collection at the Austrian National Library in Vienna is altogether a different beast. It owes its nineteenth-century origins not so much to Egyptian state building, but to the massive upsurge of interest in Egyptian antiquities that developed alongside European intervention in the country. Mounting 'archaeological fervour' led to increasing European efforts to gain control of archaeological sites, especially after the British occupation, and many documents emerging from these sites were shipped to European collections.[112] In the early years of the Vienna collection, it was mostly made up of documents that emerged from several large archaeological finds in the Fayyūm oasis, around 80km south-west of Cairo, and in the district of Ashmūnayn, the ancient Hermopolis Magna, located in the Nile valley roughly 300km south of the capital (see fig. 1 below). These finds, beginning with the 'first Fayyūm find' of 1881-2 furnished several thousand papyrus and paper documents. Subsequent excavations over the final decades of the nineteenth century continued to produce large numbers of documents, many of them emerging from these same two locales, while the collection was also fed by the flourishing antiquities market.[113] The collection has continued to expand to a point where the documents it contains now number around 180,000: in Greek, Coptic, Demotic, Hieratic, and Hebrew, amongst other languages, as well as in Arabic, covering a period from roughly the fifteenth century BCE until the fifteenth century CE.[114]

The historical constitution of the collection offers some important insights, particularly for understanding the provenance of individual documents. Few of the Arabic paper documents within the collection contain any notation to explain at what stage they were incorporated into

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well be that this reflects a reliance, in the compilation of the catalogue, on the modern registers (*dafātir*) of the Wizārat al-Awqāf, which are apparently organised by the names of donors of waqfs, rather than beneficiaries. See Crecelius 1971, 269. In addition, though Amīn lists transactions, he does not provide detailed information on the actual genres of text that appear on each support, which means that more complex documentary procedures are sometimes obscured. Finally, he does not include information on the legal notarisation procedures that feature prominently on documents, or the dates for these procedures.

[112] See Cuvigny 2009, esp. 30-8.

[113] For a recent study of the vagaries of the nineteenth- and early twentieth-century antiquities market, albeit with an Egyptological focus, see Hagen and Ryholt 2016, esp. 164-82.

[114] For the find and acquisition history of the collection see Loebenstein 1983, esp. 4-6, 27; the dates and origins, factual or speculative, are nicely summarised in Handley, Regourd and Reinfandt forthcoming.
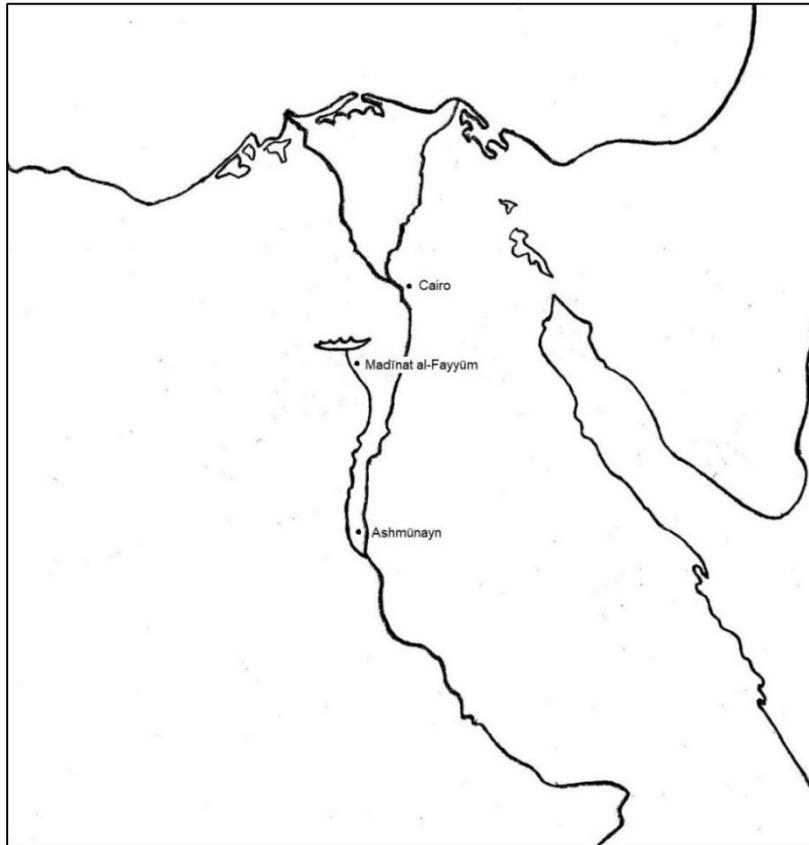
Fig. 1. Map of Egypt showing the most important cities that feature in this thesis. Madīnat al-Fayyūm is the capital city of the Fayyūm region

the collection, and in the absence of place names mentioned in a text it is often impossible to know the provenance of individual pieces. Nonetheless, all the known 'major caches' of archaeologically unearthed Arabic documents originate in areas such as the Fayyūm and Ashmūnayn.[115] As I have already emphasised, this is largely due to the drier climate south of the Nile Delta, which has favoured documentary preservation in these areas. Nonetheless, the Vienna collection does contain documents mentioning place-names of sites within the Delta: in the Sharqīya, Gharbīya, and Minūfīya districts, for instance. In such cases, it is certainly possible that these documents were indeed found in the Delta, despite the less favourable climate for preservation here. Documents have also been unearthed in excavations in Fusṭāṭ itself,[116] and in suitable conditions have survived in large numbers, such as those in the Cairo Geniza.[117] It may well be that documents within the collection that were purchased on the antiquities market owe their long-term preservation to factors other than the climate. While it may be possible to speculate as to the provenance of documents, this must therefore be done with care.

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[115] Sijpesteijn 2009, 453.
[116] Loebenstein 1983, 27-8; Sijpesteijn 2009, 453.
[117] For a recent hypothesis regarding the preservative power of Cairo's ubiquitous dust, see Rustow forthcoming, 30-9.

The archaeological origins of material in the Vienna collection, though rather imprecise, provide some further indications of sites of discovery, including those which can appear somewhat problematic for the investigation of archival practices. Namely, many documents unearthed in excavations such as those that furnished the material here are known to have been found on ancient and medieval rubbish heaps, meaning that the documents had actually been thrown away by their contemporary custodians.[118] The documents were clearly not, then, effectively archived down to the modern day. This does not, however, mean that they do not exhibit archival practices from before the time of their disposal. As we have seen, recent scholarship has highlighted the varied life-cycles of documents as an important element shedding light on archival practices in the pre-modern Middle East.[119] The Vienna collection, therefore, offers a particularly apt corpus through which to explore this issue further.[120] Even so, archaeological origins of this kind are probably in part to blame for some of the major challenges one experiences when working with this collection: most significantly, the highly fragmentary state of documents, and their extreme heterogeneity.

The Arabic material written on paper is almost certainly the most under-utilised part of this collection, though it consists of well over 30,000 pieces. These include documents of multiple genres: legal contracts, decrees, petitions, letters, accounts, and lists, as well as literary and magical texts such as amulets. With such numbers of documents, and such heterogeneity, it is evidently impossible to scrutinise every document in detail, nor would such an approach necessarily yield helpful results. My initial approach was therefore to glean an overall understanding of the collection with the use of two available tools: the online catalogue and microfilms of the collection. The online catalogue contains all the documents from the collection that have been published, including those listed, though not fully edited, in the catalogue produced by Josef von Karabacek for the exhibition of the collection that took place in 1894.[121] The catalogue is a valuable resource, including high quality scanned images of every document entered in it. A search for all documents in this catalogue with an 'A. Ch.' (*Arabisch Charta*) inventory number, that is Arabic documents on paper, yields 896 results.[122] While this is a significant number of texts to have been published, it remains a small minority of the papers available. For those documents which are not included on the catalogue one must use the microfilms. The entire collection was put onto microfilm during the 1970s and, with the exception of documents which were lost before this took place, and some peculiar absences of

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[118] Cuvigny 2009, 50-53.
[119] Bauden 2004; Hirschler 2017. See also Rustow forthcoming.
[120] See Chapter 6.
[121] *PERF.*
[122] At the time of my last search: 19th April 2018. This number includes bilingual texts with an A. Ch. inventory number, where only the non-Arabic part has been edited, such as the Coptic writing and mathematical exercises published in *P.Rain.UnterrichtKopt.*

large numbers of texts,[123] inventory numbers A. Ch. 1 to A. Ch. 36547 can be viewed on these films.

It should be noted that there are also a number of Arabic texts on parchment in the collection. Most of the published parchment pieces consist of Qurʾānic fragments, or magical texts.[124] There are four short microfilm rolls containing around 400 Arabic parchment texts. I chose, however, to focus on paper documents, in part simply because of their larger numbers, but also because the chronological distribution of different writing supports made this the most promising approach in a search for Mamlūk-era documents. Study of the writing supports of internally dated published documents from papyrological sources in Egypt has revealed that, by the late Fāṭimid period, documents were overwhelmingly written on paper, parchment seeing a small peak in usage in the mid-eleventh century.[125] Despite this, legal documents continued to be written on parchment well into the later part of the Mamlūk period.[126] Nonetheless, in light of the generally earlier profile of published parchment material from Egypt, I considered it pertinent to focus initially on papers when looking for evidence for the later period.

While the catalogue can be relatively easily searched for documents with appropriate dates, or filtered for documents of particular types, it rapidly became evident that a systematic exploration of the documents on the microfilms is a challenging task. Each microfilm contains between 600 and 1000 documents and fragments, often jumbles of literary, documentary, and magical texts, and spanning the whole chronological range covered by paper documents.[127] I had initial hopes that the organisation of the microfilms might serve as an analytical tool. Inventory numbers mostly seem to have been given to documents straight from the packages in which they arrived at the library, suggesting that documents found together *in situ*, brought onto the antiquities market together, and then packaged together for sale might also bear neighbouring inventory numbers. Nonetheless, for this to have occurred, all these variables would have to be satisfied, and for most of the films I looked at, it was impossible to make connections between documents in this way. Despite the failure of the microfilms to offer any straightforward reflection of contemporary archival practice, however, they did allow me to build up a broader understanding of the collection as a whole. For this reason, I considered it valuable to continue going through the microfilms, despite the somewhat sketchy nature of conclusions that can be gleaned.

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[123] Such as A. Ch. 12132-A. Ch. 12513.

[124] Based on a search in the catalogue for documents with the 'A. Perg.' (*Arabisch Pergameno*) inventory numbers.

[125] See Chart 1 in Grob 2010, 4. These figures are based only on published documents, and so reflect the biases towards publication of papyrus documents.

[126] In both Egypt and Syria. For the *waqf*-related documents, see Chapter 1, 54. See also Damascene marriage contracts: *P.MariageSeparation*, 17.

[127] That is, from the tenth century onwards. Grob 2010, 1-2, 11-14.

Faced with such a large and unwieldy collection, establishing criteria for the selection of material for close study was particularly important. The main challenge here was certainly the dating of documents, which most of the time relies solely on palaeography and textual formulary. It was, thus, helpful to initially select documents of genres similar to those that have been published, allowing me to be relatively secure with dating. This lead me towards certain genres, specifically petitions and decrees such as those Diem published in his volume of so-called 'official letters' (*amtliche Briefe*).[128] More significant than document genre, selecting this material directed my focus towards the documentary processes taking place within an identifiable historical context: the administrative activities of Mamlūk amirs in areas outside Cairo. Knowing something about the documents' contextual backdrop and getting to know the material associated with it made it easier to identify similar texts to supplement the published corpus. In the Vienna collection it was largely, therefore, the domain that dictated my search. Having acquainted myself with the features of documents emerging from this domain, in particular their scripts and formats, it therefore became possible to identify other kinds of documents from the microfilms which seemed connected to a similar setting. I was, for instance, alerted to the prevalence of certain document types that have not yet received much scholarly attention, such as fragments of accounts or registers produced in a codex format.[129] Finally, as with the *waqf*-related documents, my search allowed me to identify common practices that offered potential for an understanding of archival practices. In this collection, features such as re-use, and deliberate destruction appear with some prominence, both of which are valuable for an investigation into documentary life-cycles. I thus, selected documents from within the collection that offered particularly interesting insights into such practices.

Ultimately, I saw around 120 documents in the original, while I surveyed 14 of the microfilms in their entirety.[130] The documents I make use of in this thesis are, as such, in no way representative of the wider Vienna collection. Indeed, it is likely that no sample from this extremely heterogeneous collection could ever be so. For the reasons I outlined above, I have chosen to focus on administrative material, though this is certainly not the only kind of material housed in the collection, which also contains documents connected, amongst other things, to legal practice,[131] household business, and private communications. The chapters of this thesis

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[128] *P.Vind.Arab.* III, esp. 1-11, 47-63, 80. The title of this volume is quite a serious misnomer as the designation 'letter' cannot unproblematically be applied to many of the documents edited in it.

[129] Adolf Grohmann edited a large number of registers and lists, though mostly ninth-century examples written on papyrus, so the comparability with later specimens is limited. See *P.Cair.Arab.* III-VI, esp. vols. IV and VI. See Chapter 6, 213-17.

[130] Out of a total of 67. For a list of documents and microfilms viewed, see Appendix 1. Limitations on the number of microfilms I was able to endure include the reliance on old and semi-functional microfilm readers, as well as the unfortunate 'seasickness' side effect of examining microfilm rolls. I was based in the Vienna collection for a total of five months: from September to December 2015, and during May 2016.

[131] See, for instance, *CPR XXVI.*

based on the evidence of documents from the Vienna collection should, therefore, be viewed as the tip of a potentially much larger iceberg.

During my research on the Vienna material, I have in fact relied quite heavily on the published corpus. This is, nonetheless, material for which intriguing questions regarding administrative, documentary, and archival practice remain unanswered. In addition, I have placed a heavy emphasis on materiality, which could not have been done to the same extent using the editions alone.[132] By situating documents against the broader background of the collection at large, it is possible to identify prevailing archival practices which are simply not visible on the basis of individual published documents.

Selecting domains

Having presented the logic of my approach to the two collections in some detail, it should now be clear how I selected the two domains of archival practice that represent the main foci of investigation in the following chapters. The process was inevitably quite different for the two collections, one having quite tightly delineated and historically well-contextualised contents, while the other is far more unwieldy. For the Wizārat al-Awqāf collection, on the one hand, the framing within the domain of *waqf* is already apparent from the documents' current location in the *Waqf* Ministry. As we shall see, the consideration of all the material in this modern archive as '*waqf* documentation' can be misleading, and can lead us to disregard quite substantial portions of the life-cycles of many of the extant documents. Even so, the documents I looked at here are almost all *waqf*-related.[133] Locating this material within the domain of *waqf* thus seemed apt, also allowing me to frame my exploration against the background of an abundant and varied historiographical literature. In the Vienna collection, on the other hand, my choice of domain on which to focus was a conscious one, stemming largely from my selection of material that offered the greatest chance for identification and contextualisation within the collection. Despite the substantial role of the material itself in determining this choice, however, my decision to investigate the amir's administration was also made in recognition of the insufficient state of our knowledge of activities at this level of the Mamlūk administration. This material, thus, offered a clear chance to shift the focus away from the high-level activities of the state in the political capital, which has formed the focus of so much of the previous scholarship on archiving. These

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[132] Materiality is rarely brought to the fore in editions, especially older ones where plates are normally in black and white, sometimes showing only one side of the document if there is no text on the verso. Sometimes only one side of a document is edited, despite the existence of further text in the margins or verso, as the recto has been deemed the 'interesting' part by the editor. This means that it is not always possible to identify cases of re-use on the basis of editions. Such reflections should warn us against considering editions of documents, however expert and thorough on a technical level, to be substitutes for the original documents.

[133] These distinctions are explained in Chapter 1, 55.

two domains, emerging with either more or less ease from the two modern collections, thus offer two distinct approaches to the subject of archival practices in Mamlūk Egypt.

Part I: *Waqf* in the Mamlūk Capital

Chapter 1

Archival features in the *waqf*-related documents of Mamlūk Cairo

Introduction

Amongst the domains that generated, made use of, and archived documentary records, that of *waqf* is particularly prominent in the surviving source material from the Mamlūk period. The c. 900 legal deeds preserved in the modern archives of Cairo represent some of the most significant surviving documentary collections from the pre-Ottoman Middle East. These deeds can almost all be connected to contemporary *waqf* foundations.[134]

As a domain, *waqf* is a unique one. The proliferation of *waqf* foundations has been regarded as a development distinctive of medieval Islamic society, coming to characterise the entire fabric of its political, economic, spiritual, and social life, particularly in urban centres.[135] *Waqf* endowments involved the immobilisation of property (designated *mawqūf*), the revenues of which would then be donated to a pious or charitable cause, such as the building and permanent maintenance of a mosque, madrasa, Sufi hospice, primary school, or public drinking fountain. Beneficiaries also often included the children and future descendants of the founder (*wāqif*), a mechanism by which *waqf* endowments were used to safeguard the future of the founder's family, and to circumvent inheritance law.[136] Paid for, at least theoretically, by private finances, to benefit institutions located within the public social and religious sphere, *waqf* thus represents a significant point of interface between various distinct aspects of medieval Islamic society: the quest for political legitimacy by ruling elites; the personal concerns of elite individuals; the institutional, inter-personal, and competitive framework surrounding religious scholarship, training, and education; and the broader welfare and spiritual life of the population. It is in part due to the fascinating role that *waqf* played in bridging these different social groups that it has been so thoroughly explored in modern scholarship. *Waqf* can, with little controversy, be identified as an institution that profoundly shaped life in Mamlūk Egypt.[137]

Like the institution of *waqf* at large, the extant documentation related to it has experienced some special treatment in the scholarly literature. The collections of Mamlūk-period

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[134] Loiseau 2009, 291.
[135] Amīn 1980; Petry 1983, 190-5, 201-3; Berkey 1992; Chamberlain 1994.
[136] Of particular significance in a society where the inheritance of wealth and status by one's descendants was not assured. See, e.g. Petry 1983, 191-3.
[137] Confusion can result when speaking of *waqf* as an institution, perhaps owing to its relationship to brick-and-mortar institutions – madrasas for instance – that were often beneficiaries. Nonetheless, *waqf* fits well into recent definitions of social institutions, which highlight the ways in which practices, whether legal or social, can coalesce to form predictable and normative social behaviours and structures. For one such definition, see Rustow and Krakowski 2014, 114.

documents preserved in Cairo are regularly presented as somehow exceptional amongst the surviving documentary material.[138] Certainly, these documents offer an exception to the frequently lamented fact that most of the surviving documentation from this period stems from geographical areas far from the central orbit of Mamlūk political power in Cairo.[139] Unlike most other extant documents, they concern the activities of the very same urban political elites known to us from the contemporary narrative literature. In addition, many of the buildings supported by Mamlūk-era *waqf*s are still standing and have played an important role in determining how medieval Cairo is imagined, in both the scholarly and popular imagination.[140] In this regard, the exceptional value of these documents is evident.

Nonetheless, their perceived uniqueness has also extended to questions of archiving, with these documents being represented as somehow more 'archival' than other surviving material.[141] This is almost certainly in part due to the circumstances of their preservation. The fact that they have been preserved in actual archives, albeit modern ones, distinguishes them from almost all the other surviving collections. This may have predisposed scholars to imagine them to be in some way worthier of preservation than other documents preserved apparently randomly in archaeological contexts or in geniza-like depositories.[142] More explicit assertions of the documents' archival singularity have, however, been made by invoking the characteristic legal framing of *waqf* endowments. Most notably, the perpetual legal status of *waqf* endowments has been suggested to offer a strong incentive for the long-term archiving of documents produced in connection with such endowments.[143] Julien Loiseau has suggested that it was an important part of the logic of *waqf* that the documents should be valid in perpetuity.[144] This principle was highlighted in the endowment deeds themselves by the presence of a Qurʾānic perpetuity clause asserting the validity of the endowment 'until God…inherits the earth and those who are on it. He is the best of inheritors'.[145] This legal theory of perpetuity is significant when considered against the background of the ambiguous evidentiary value of documents within the Islamic legal system. The precedence given to oral testimony, rather than written proof, in legal courts, means legal documents such as contracts had to be supported by oral statements from the named witnesses in order to have probative value. Though this could be circumvented to some degree by a qadi validating the document, thus establishing its status as proof (*ḥujja*), this still limited

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[138] See, for instance: Chamberlain 1994, 15; Bauden 2005, 17-18; Tillier 2009a, 272-6; Paul 2018, 346, 354.

[139] Loiseau 2009, 287.

[140] Sanders 2008, esp. 19-57.

[141] Chamberlain 1994, 15; Bauden 2005, 17-18; Tillier 2009a, 272-6; Paul 2018, 346, 354.

[142] Julien Loiseau, for instance, claims that this is 'the only collection of documents where conservation has not been by chance': Loiseau 2013, 212.

[143] Loiseau 2013, 228. Tillier 2009a, 272-6.

[144] Loiseau 2009, 293.

[145] *Ilā an yaritha Allāh …al-arḍ wa man ʿalayhā. Wa huwa khayr al-wārithīn*. Qurʾān 19:40; 21:89. See also Loiseau 2009, 291.

the document's life-span, as the qadi's certification would no longer be officially valid after his death.[146] With such a system, many scholars have questioned the value of archiving legal documents for long periods. It is instead argued that the limited shelf-life of such documents as effective legal testimony provided little incentive for their long-term preservation.[147] If, therefore, the theoretical perpetuity of *waqf* extended to the documents it generated then this would stand in direct contrast with other legal documents produced in the medieval Islamic world, making them more suited to long-term archiving.

The presumed tendency of the legal peculiarities of *waqf* to contribute to the development of distinct systems of archiving extends beyond the question of perpetuity. Notably, as Doris Behrens-Abouseif has argued, *waqf* embodies some of the characteristics of a 'legal personality', a concept formerly considered lacking within Islamic law.[148] This means that, at times, it acts as an entity 'with rights, duties and obligations distinct from those of the individual, natural persons who constitute it', thus manifesting potential autonomy from personal interests.[149] Though Behrens-Abouseif qualifies this definition in the case of Mamlūk-era *waqf* by highlighting the ultimate power of the ruling elites over their endowments, this consideration nonetheless has implications for how we understand the documentation emerging from such a legal institution. A significant element of traditional explanations of the non-survival of archival documents in the medieval Middle East has rested on the absence of corporate entities in Islamic law, and the corresponding non-existence of independent interest groups concerned with preserving the documentary evidence of their rights and privileges.[150] If *waqf* is an exception to this rule, we would expect to see this manifesting in the documentation emerging from such an institution, with different people, or groups involved in the preservation of these documents, and potential new sites of archival storage.[151]

In spite of the recognised potential of the *waqf*-related documentation to shed light on contemporary archiving, the individual documents within the Cairo collections have not yet been thoroughly explored for evidence of concrete archival practices. Indeed, arguments related to the archival idiosyncrasies of *waqf*, such as those outlined above, have to a large extent been made without close scrutiny of the archival practices evident within the extant documents themselves. There has, however, been some limited recognition that these documents

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[146] Müller 2010, 63-97; 2011a, 439; 2013, 23-6, 502-7; 2018, 365; Tillier 2009a, 270-2. For discussion of the evidentiary value of Islamic legal documents in other historical contexts, see: Ergene 2004; Lydon 2009.

[147] Müller 2011a, 439; 2010, 63-97.

[148] Behrens-Abouseif 2009, 55-60.

[149] *Ibid.*, 55.

[150] Chamberlain 1994, 14, 17. This argument, as elucidated by Jean Sauvaget, Claude Cahen, and Michael Chamberlain is also outlined in Bauden 2013, 28-31.

[151] This has been unambiguously presented as the sole reason for the survival of the *waqf*-related material by Jürgen Paul: Paul 2018, 354.

demonstrate features that reflect longer-term archival usage. The most apparent of these features, highlighted in two publications by Loiseau, who has worked closely with the collection, is the way in which each individual scroll contains multiple legal records written on different dates, sometimes spanning a period of a century or more.[152] This feature led Loiseau to conclude that each individual *waqf* deed can be seen to constitute a 'veritable archive' in itself, gathering in one place, that is on the same scroll, all the legal information pertaining to the property and day-to-day running of the *waqf*.[153] This is a promising starting point, and highlights the potential for the internal features of documents to shed light on archival practices. Such features can reveal the ways in which the documents' preservation was conceptualised by those responsible for producing and keeping them, as well as the concrete, physical ways in which documents were designed to facilitate their archival functions and use.

In this chapter, I take Loiseau's argument as my starting point. Using the original documents that I saw in the Wizārat al-Awqāf, I investigate their internal features, and the ways in which they can inform us about the archival functioning of the documents. I elaborate Loiseau's discussion to show in more detail the ways in which individual documents can be seen to function 'as archives' in themselves. Beyond this, I identify a range of documentary features that assisted this function, as well as others that demonstrate the wider archival context in which these documents must be situated. This chapter is, above all, concerned with assessing the ways in which the design of these documents reflected and facilitated archival practices. I thus offer a detailed micro-study of the documents and their features, placing emphasis on aspects of their design and use, visible in both their text and materiality, that have to a large extent been overlooked. In such an endeavour I do not directly address the discussion of the archival idiosyncrasy of *waqf*. I will instead return to this in Chapter 4, where I question the validity of these arguments, facilitated by the in-depth exploration of *waqf*-related archival practice that I offer in Chapters 2 and 3.

This chapter is divided into three main parts. The first part introduces the documents, describing their physical format and the different documentary genres represented in the collection, while also situating them within the specific social and institutional landscape out of which they emerge. This is a necessary prerequisite to the close investigation of the documents that follows, providing details on the composition of the Wizārat al-Awqāf collection that are essential to understand the functioning of the documents it contains. In the second part I then progress to a micro-exploration of some of the particularly archival features of the documents: firstly, I explore the idea proposed by Loiseau that each document should be seen 'as an archive';

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[152] Loiseau 2009, esp. 292-8; 2013, 211-28. The presence of records of multiple transactions on each document is also apparent from a perusal of Amīn's catalogue, where the dates of these transactions are listed under each inventory number.
[153] *Ibid.*, 215.

secondly, the documents' distinctive formulary and graphic vocabulary; thirdly, evidence for practical techniques designed to assist the archiving of the documents; and lastly, the phenomenon of document cross-referencing. The final part brings together these features in a case-study of documentation emerging from the legal process of *istibdāl*. Ultimately, I show the ways in which the internal features of these documents can be read to shed light on archival practices. Highlighting an array of such features, many of which support Loiseau's characterisation of the individual documents' archival function, I nonetheless argue that the documents must be viewed within a broader archival context, in which each document was part of a more substantial archival configuration. By focusing on the small-scale features of the *waqf*-related documents, demonstrating some of the pressures and processes that dictated archival practice, this chapter lays the foundations for the more historically-situated discussions that follow in the rest of Part I.

The corpus and its backdrop

Most of the documents held in the Wizārat al-Awqāf are scrolls, varying in length from around a metre or two to the enormous deeds of certain sultans which reach over 30 metres in length. Most scrolls are rolled up from the bottom, so that the front (recto) of the document is on the inside of the scroll, and the back (verso) on the outside. Scrolls are made of either parchment or paper, manufactured from multiple sheets attached together, with a small overlap between each sheet. The paper sheets were glued together, while parchment sheets were attached with a rectangle of stitching, applied around the edge of the overlapping section. The fibres of paper make sewing unfeasible, explaining this difference in technique.[154] The paper and parchment is of very high quality, cut into even rectangular sheets of uniform width and length. The use of parchment is significant as it is generally understood that, by this period, paper had replaced parchment for manuscript production, as well as most documentary uses. Legal deeds seem to have been the major exception to this, and we continue to find parchment used for these genres well into the Mamlūk period.[155] Despite this, from the sample of documents I saw in the original it seems that parchment use dwindled over the course of the fifteenth century, and paper scrolls are generally more common. Around 70% of all the documents I examined are written on paper and almost all the documents I saw dating from around 1450 onwards have paper supports. Given the general understanding that parchment was used for legal documents because of its long-term durability, it is worth noting that parchment scrolls in this collection are often in a worse condition than those on paper.

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[154] Though there are some rare examples of sewn paper documents: e.g. MMA 322/WA 531ح. See below, footnote no. 186.
[155] In Syria too: *P.MariageSeparation*, 19.

The scrolls contain a variety of genres of legal deed, whose major function was to provide evidence of the legal status of property. The most prominent amongst them are *waqf* endowment deeds (sing. *waqfīya*), deeds of sale, and deeds of *istibdāl* or 'exchange', the only mechanism by which property that had been endowed could be extracted from a *waqf* endowment.[156] Though the distinctions between these different kinds of deed rapidly become obvious to anybody working closely with the collection,[157] the general focus of scholarly attention on the *waqfīya*s, has blurred the distinction between these and the other deeds within the collection. Indeed, the collection is commonly referred to as simply 'a collection of endowment deeds', *waqfīya*s, or the vaguer '*waqf* documents'.[158] The reasons for this bias are clear, reflecting the interest of historians in the social mechanisms of *waqf*, and in individual endowments or endowed institutions, rather than in documentary practice. Nonetheless, it can mislead those unfamiliar with the original sources as to the nature of the documents in the collection, the large majority (80%) of which are not actually *waqfīya*s.[159] Recognition of this distinction is key to understanding the archival logic of this collection, bringing to light the interconnections between different documents.

The documents can be divided into two broad types, distinguished by their relationship to *waqf*. The first of these is the *waqfīya*s themselves, which are usually internally designated as *maktūb waqf*, or *kitāb waqf*. They can be extremely long deeds, describing in detail the property that was endowed, the institutions and individuals benefitting from the endowment, and recording the conditions laid down by the founder. The second type of document in the collection is the more heterogeneous body of legal deeds concerning property which, at a date following that of their initial drafting, was incorporated into a *waqf* endowment. This includes documents that were initially drawn up to record other property transactions, such as sales, or procedures of *istibdāl*. The distinction between these two types is important as the separate document types were devised for different reasons and began their documentary life-cycles in the context of transactions that involved distinct legal frameworks. While *waqf* deeds are framed around entire endowments, sale or *istibdāl* deeds usual relate to discrete parcels of property, such as a house, shop, or parcel of land. Though the documents do, as we shall see, share many of their internal features, there are important ways in which they differ. For clarity, the terminology I use reflects this distinction, using '*waqf*-related' to refer to the collection at large, and '*waqfīya*' only for actual endowment deeds.

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[156] That is, by exchanging the property for another property more likely to benefit the endowment or, in many cases, for cash. For *istibdāl* see: Fernandes 2000, 203-222; Amīn 1980, 341-54. See also below, 77-83.

[157] Or even just with Amīn's catalogue. See, for instance: Petry 1994, 9-10, 204; Fernandes 2000, 206.

[158] Crecelius 1971; Hirschler 2016, 6; Paul 2018, 346.

[159] This is different in the Dār al-Wathāʾiq where 68% are *waqfīya*s. See Chapter 2, 86-7.

The documents were drawn up in Cairo within a formal and systematised setting, under the close supervision of qadis and their representatives, who are named in the scrolls. This setting is evident in the documents themselves, first and foremost, from the inclusion of notarial features, such as marginal witness statements attesting to certain aspects of the transaction: the mental and physical competence of all the individuals involved, the legality of prior ownership of endowed or sold property, and the renunciation by sellers of any claim over property they have sold.[160] In addition, many of the deeds contain *isjāl*s: records of the certification of the transaction's validity by a qadi, usually to be found on the verso of the deed in question, and often drawn up on the same day as, or shortly after, the initial transaction. These *isjāl*s essentially authenticate the judicial proceedings, the evidence of which was recorded in the witness statements written on the recto, thus constituting legal evidence of the qadi's recognition of the validity and soundness of the transaction.[161] In many of the documents within this corpus we find multiple *isjāl*s, representing each of the four legal schools (sing. *madhhab*) active in Mamlūk Cairo.[162] This is most commonly found on particularly important deeds, such as the *waqfīya*s of sultans or important amirs, and is less common on small sales deeds, which often make do with a single *isjāl*. The practice of including multiple *isjāl*s was presumably intended to strengthen the legal standing of these important *waqf* endowments.[163] In such cases, the *isjāl*s appear to represent a kind of chain of certification: the initial *isjāl* records the qadi's decision regarding the validity of the transaction itself, and is designated *isjāl ḥukmī*; the following *isjāl* confirms the legal weight of the previous *isjāl*, designated *isjāl tanfīdhī*; and so on.[164] These consistently applied procedural elements offer clear evidence of the sophisticated legal milieu surrounding the production of these documents, a setting in which the necessity for transactions to be considered sound seems to have been strongly felt.

Despite the close links between this documentation and important figures within the Cairene legal establishment, these scrolls were not part of the qadi's archive. It is, on the contrary, generally understood that *waqf*-related documents of this type were held either in endowed institutions, such as madrasas, or in the household of the individual proprietor or *wāqif* for whom they were produced.[165] The documents were, thus, drawn up by professional legal notaries, at the behest of the individuals involved in transactions. Identifying the context from which these documents emerge allows for an appreciation of the multiple actors involved in performing, recording, and validating transactions: not only buyers, sellers, *wāqif*s, and *waqf*

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[160] Ibrāhīm 1957a, 307-10; 1957b, 137.
[161] Ibrāhīm 1957a, 300-7. For a concise explanation of the process of *isjāl* see Meier in Eychenne et al 2018, 352-4. For *isjāl* (and the comparable process of *ishhād*) in the Ḥaram al-Sharīf documents see Müller 2013, 360-2. The renewal of *isjāl*s also offered a way of extending the legal validity of deeds for longer periods of time: Müller 2018, 372-6.
[162] For logic of the four-*madhhab* system that prevailed under the Mamlūks see Rapoport 2003, 210-28.
[163] Ibrāhīm 1957a, 304.
[164] *Ibid.*, 300; see also Reinfandt 2003, 113-24.
[165] Loiseau 2009, 294. This question is addressed more explicitly in Chapter 2, 98-9.

administrators, but legal personnel, such as qadis, notaries, and scribes. Like the institution of *waqf* itself, these documents encapsulate the interests of a range of individuals situated at different places within the social fabric of Mamlūk Cairo. That said, it was largely the requirements of legal practice that dictated the form and content of documents such as these, something that is visible in contemporary *shurūṭ* literature, which provided model documents for the use of legal notaries.[166] The impact of *waqf*-related legal practice on this particular documentary corpus has yet to be fully explored in scholarship.[167] Here I highlight instead the demands of archival practice as another integral element contributing to shape these documents and their uses. The picture of legal and notarial practice outlined briefly above thus offers a broad contextual backdrop to what follows.

Archival features within the corpus

The document-as-archive

Only one internal feature of these documents has so far been picked up on as indicating an archival usage. That is, the way in which each support contains multiple deeds, sometimes recorded over quite a long period of time.[168] In this way, Loiseau has argued, each scroll can be seen as an archive in itself: a full record of the changing legal status of a property or *waqf*, preserved and actively added to over time.[169] As Loiseau's argument implies, there is clear archival value in keeping related documents together, and the writing of successive deeds on the same material support was one straightforward way for this to be achieved, one which required minimal organisation.[170] In this section, I expand on Loiseau's observations by showing in detail the ways in which these documents might be seen to function as archives, to comment on the differing logics of these archives, and to identify tools and techniques which allowed them to function as such.

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[166] Wakin 1972; Hallaq 1995.

[167] Such as Christian Müller has done for the Ḥaram al-Sharīf corpus: Müller 2013.

[168] The life-spans of documents in the Wizārat al-Awqāf, calculated from the different dates they contain, range from several months to over two centuries.

[169] Referring to a different corpus, Paul labelled the same phenomenon the 'archival scroll': Paul 2018, 348.

[170] This represents a form of archiving comparable in some ways to that seen on the so-called '*Jāmiʿ al-Mustanadāt*' (lit.: 'collection of deeds'), a lengthy scroll containing what appears to be the legal archive of the amir Ughulbak and his descendants, active in Aleppo during the fourteenth and fifteenth centuries. Produced in the mid-fifteenth century, this scroll contains copies of a series of sale and *waqf* deeds, thus constituting a kind of family archive. Saghbini 2005; 2014.

In line with Loiseau's argument, almost all the documents I examined in the Wizārat al-Awqāf contain records written on more than one date. The successive redaction of these records mostly follows a consistent pattern, making it easy to identify the longer-term transaction histories of a property or a *waqf* endowment. The first text to be written on a scroll, whether a deed of *waqf*, sale, or *istibdāl*, was written on the main part of the paper or parchment support, taking up most of the width of the page, though leaving a large right-hand margin. Legal *isjāl*s, if included, were then written on the verso of the same support, and in many documents the length of the entire scroll corresponds to the length of the longest of these two original elements. Texts recording subsequent transactions, occurring on later dates, were then added to the scroll, usually either beneath the original deed or *isjāl*, or in the wide right-hand margins (for an illustration of this layout, see fig. 2).[171] Though somewhat systematic in their layout, later additions seem to have been written simply where there was blank space on the scroll. On some
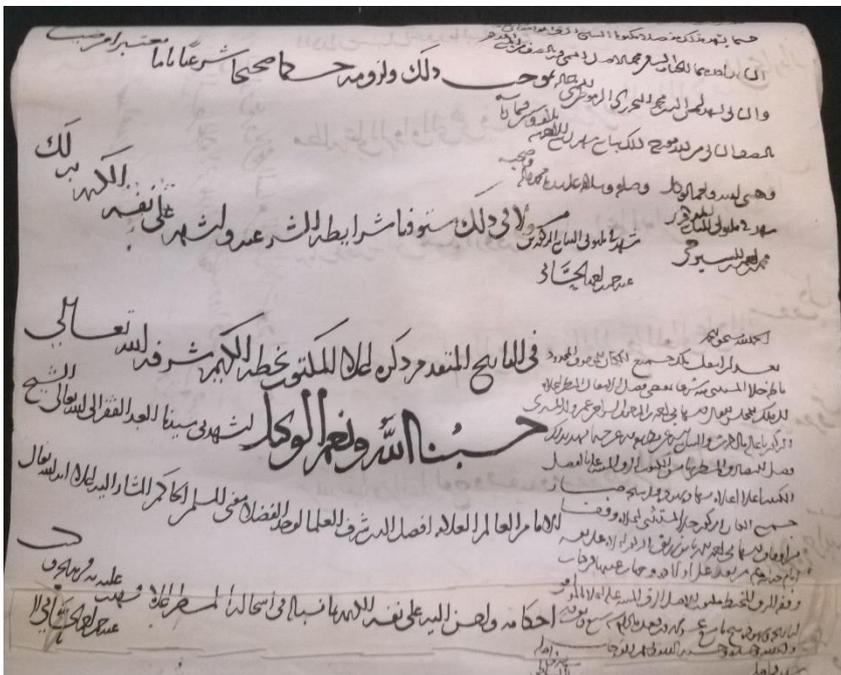
Fig. 2. Part of the verso of a sale deed; the main text is an isjāl, *while two later additions appear in the margin (a sale and a* waqf)

(Photograph: Omniya Abdel Barr)

Note also the stitching around the join between the sheets of parchment used to make this scroll

deeds, we find an abundance of short records crammed into the bottom part of the scroll, suggesting that the continued recording of transactions over longer periods of time was not always envisaged in advance.[172] Loiseau conceptualised the connection between the first deed written on a scroll and subsequent marginal additions by referring to the initial deed as the 'documentary matrix' (*matrice documentaire*), the central documentary fulcrum around which the records of future transactions would hinge.[173] This is a useful notion when attempting to understand the documentary and archival logic of these scrolls. In general, the contents of any

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[171] Given the difficulties of getting hold of high quality reproductions of deeds from the Wizārat al-Awqāf, the document I am using for illustrations in this chapter is not one I saw in the original. In fact, this document (MMA 394/WA 313ج) was stolen from the Wizārat al-Awqāf and turned up for auction at Sotheby's in London. Omniya Abdel Barr was able to photograph the document while identifying it, and generously shared the photographs with me.

[172] E.g. MMA 337/WA 685ج.

[173] Loiseau 2009, 292; 2013, 215.

one scroll was confined to information about the particular *waqf* endowment or property that appeared in the initial deed, and it is thus this earliest deed that can reveal the contextual framing, as well as the broader archival logic, of each document.

The redaction of multiple deeds on a single support is not unique to this corpus. Nonetheless, in other collections of legal documents it rarely appears to the same extent, or with the same consistency. Legal title deeds recording sale of domestic property, and their subsequent re-sale to other individuals, for instance, can be found written on the same material support.[174] In other cases, supports contain multiple deeds recording the purchase of property by the same individual.[175] Divorce documents can also be found redacted on the verso of marriage contracts, which were sometimes ripped in half, seemingly serving a symbolic purpose.[176] The writing of multiple documents on one support reflects a range of motivations and intentions, including the practical use of blank space left on earlier documents.[177] It seems, however, that in legal documents produced in Mamlūk Cairo this feature was systematised to such an extent as to become a rule. In this corpus, as we shall see below, the addition of marginal records to the documents seems to have represented a more complex documentary process than the simple redaction of multiple deeds on the same support.[178] Nonetheless, it highlights the contemporary understanding of what was considered convenient when ordering written information, establishing coherence in the way an individual document was organised, and rendering it, in some ways, as an archive in itself.

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[174] See, e.g., *P.Cair.Arab.* I, nos. 64, 66, 68 and 69.
[175] See, e.g., *P.Fay.Villages*, nos. 11, 12, 15 and 16.
[176] See e.g. *P.MariageSeparation*, 20-21.
[177] Several of the examples cited above are written on parchment, an expensive writing material, where this incentive would probably have been an important one.
[178] See below, 72-77.

Framing the individual document as an archive allows us to pinpoint the range of internal logics visible within the different scrolls in the collection. Where the documentary matrix is a *waqfīya*, subsequent transactions are usually either *istibdāl*s, additional *waqf* deeds adding to the endowment at a later date, changes made in the stipulations of an endowment, or legal attestations dealing with matters of litigation concerning the *waqf*. This was all information that altered, in some way, the legal details of the *waqf*, as recorded in the initial deed.[179] In the case of *istibdāl*, for example, properties extracted from a *waqf* endowment would no longer be expected to generate revenues for the *waqf* in question and had become the legal property of another individual. One particularly clear example of the documentary manifestation of such processes can be found in an incomplete *waqf* deed of Fāṭima, the wife of the sultan Qāytbāy, made on 21 Rabīʿ I 878/16 August 1473.[180] The layout of the document is illustrated in fig. 3.[181]
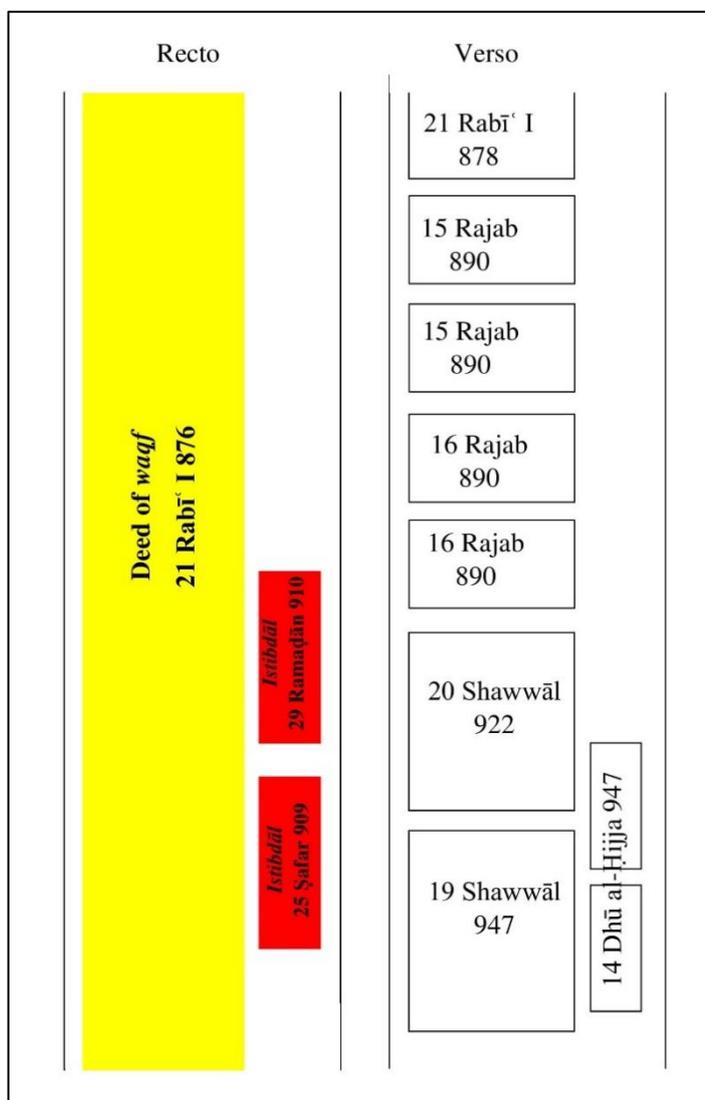
Fig. 3. Schematic illustration of the layout of Fāṭima's waqfīya *MMA 469/WA 707ج.*

Colour key below

The top and bottom parts of this scroll are missing

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[179] Loiseau 2013, 215.
[180] MMA 469/WA 707ج.
[181] The illustrations of these documents' layout are inspired by a similar illustration in Reinfandt 2009, 136. I have added colour coding for clarity. The size of the documents is not to scale.

This c. 14-metre-long paper scroll contains a long *waqf* deed on the recto, and the usual series of *isjāl*s on the verso. In the margins of the recto are two notes recording *istibdāl* transactions, dating to 25 Ṣafar 909/19 August 1503 and 29 Ramaḍān 910/5 March 1505. These notes explain that a part of the property belonging to Fāṭima's *waqf* has been exchanged lawfully for the benefit of the *waqf*, naming the individual to whom the property has been transferred. From this point on, the property concerned no longer pertained to this *waqf*, and this change was thus recorded on the document, which was to continue its life as an up-to-date archive of the *waqf*.

This archival logic is different when the documentary matrix is a deed of sale. Here, subsequent transactions recorded on the same support are usually further sales transferring ownership to another individual, or otherwise reports of the incorporation of the property into a *waqf* endowment. To take an example concerning the same individual mentioned above, one deed of sale (*maktūb tabāyuʿ*) records Fāṭima's purchase on 11 Dhū al-Qaʿda 891/8 November 1486 of a building located outside Bāb al-Futūḥ.[182] The verso contains an *isjāl*, dated to the following year, which confirms the validity of this transaction. Marginal additions on the verso
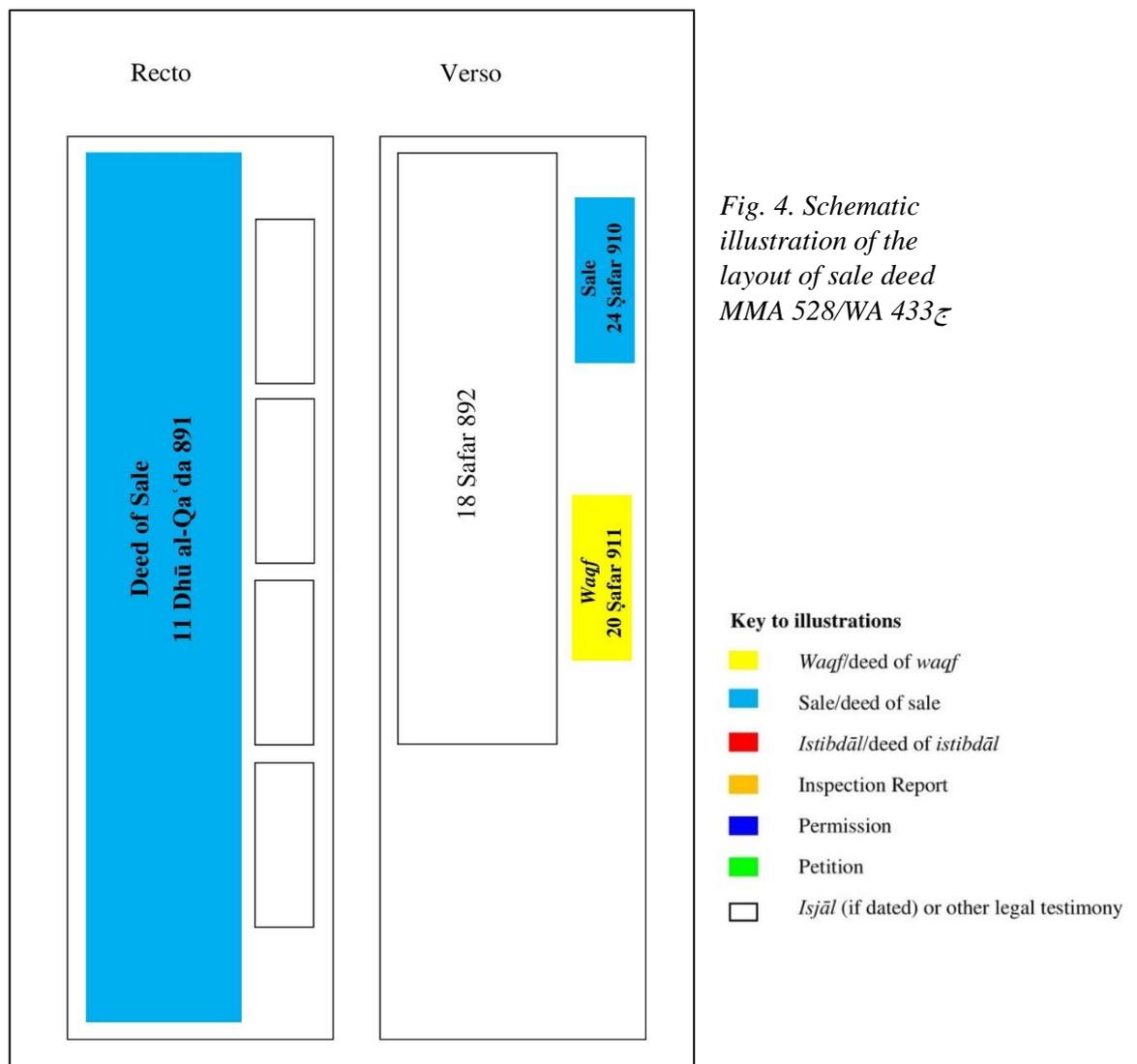
Fig. 4. Schematic illustration of the layout of sale deed MMA 528/WA 433ج

Key to illustrations

- 🟨 *Waqf*/deed of *waqf*
- 🟦 Sale/deed of sale
- 🟥 *Istibdāl*/deed of *istibdāl*
- 🟧 Inspection Report
- 🟦 Permission
- 🟩 Petition
- ⬜ *Isjāl* (if dated) or other legal testimony

Labels in figure:
Recto — Verso
Deed of Sale 11 Dhū al-Qaʿda 891
Sale 24 Ṣafar 910
18 Ṣafar 892
Waqf 20 Ṣafar 911

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[182] MMA 528/WA 433ج.

then record the subsequent sale of this property, on 24 Ṣafar 910/6 August 1504 to the penultimate Mamlūk sultan Qānṣūh al-Ghawrī (906-22/1501-16), and the incorporation, on 20 Ṣafar 911/23 July 1505, of the property into this sultan's *waqf* (see fig. 4 above). Chains of transactions similar to this can also be found on documents with *istibdāl* deeds as their initial deed, which show that property after being liberated from the *waqf* was often sold on as private property and incorporated into other *waqf*s.[183] The examples given here demonstrate the diverse series of transactions that can be found recorded on the same support, illustrating the logical relationship between initial deed and subsequent additions. If, following Loiseau's lead, we consider each of these scrolls to be an archive in itself,[184] then we have here a '*waqf* archive', and also a 'property archive', their logic determined by the genre of legal deed represented by the documentary matrix: that is, the first deed written on the scroll. In the case of the *waqfīya*, the *waqf* itself is the framework around which the document is organised, while in the second example, organised around the matrix of a sale deed, this framework is, instead, the property concerned.

The relationship of initial deed to marginal addition is also one with a temporal dimension, thus contributing to an impression of these documents as archives worthy of preservation for an extended period of time. The first deed written on a scroll represents not only the documentary matrix around which subsequent marginal additions were organised, but also the historical moment at which the document's active life-span began. Texts added to the scroll at a later date record the changing legal status of the *waqf* or property over time, as well as demonstrating the continued relevance of the initial deed within an evolving context. The perceived relevance of the information contained on a scroll can be illustrated by examining legal certifications, such as *isjāl*s, which, like the various genres of marginal deed mentioned above, can be found added to these documents sometimes long after the date of the initial deed. On the verso of Fāṭima's *waqf* deed, described and illustrated above, we find an initial series of *isjāl*s, one from a qadi representing each of the four *madhhab*s drawn up across two days in the month of Rajab 890/July 1485. This is already more than twelve years after the establishment of the initial *waqf* deed. The *isjāl* chain then continues, with one dating to 20 Shawwāl 922/16 November 1516, and another to 19 Shawwāl 947/19 October 1541, the latter over 20 years after the Ottoman conquest of Egypt. The progressive addition of these *isjāl*s, confirming the content of earlier ones implies that at certain intervals, the legal validity of the initial transaction was required to be renewed.[185] It may well be that we should see this in light of the limited shelf-life of legal documents as effective proof in Islamic law. Whether or not this is the case, these documents certainly had a life-span that transcended the moment of their initial redaction.

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[183] See below: 79-82.
[184] See below, where this understanding is problematised: 72-77.
[185] Discussed in Müller 2018, 372-6.

Behaving as functional archives, the validity of this life-span and the documents' continued relevance and use is highlighted by the *isjāl*s, repeatedly attesting to their legality over an extended period of time.

Looking beyond the relationship between the initial deed and later additions, there are further indications from the documents' materiality that conscious efforts were made to render these documents complete archives of the transactions and procedures they recorded. This is especially visible in the technique of gluing smaller documents onto the scroll, which appears on several of the documents I saw. Unlike the gluing together of the sheets of a paper scroll, which was simply a technique in the manufacture of these lengthy writing supports, this seems instead to reflect an archival motivation. We find, for instance, petitions addressed to qadis glued onto scrolls dealing with more complex legal procedures, such as *istibdāl*s.[186] In addition, on two sales deeds concerning agricultural land belonging to the Bayt al-Māl (Treasury), receipts (sing. *wuṣūl*) from the Bayt al-Māl are glued to the tops of the scrolls.[187] This gluing technique indicates a number of somewhat different though interconnected archival concerns. For one, it suggests a desire to physically rationalise the varied documentation generated in the legal processes each scrolls records. The glued documents represent different documentary genres to that of the legal deeds found elsewhere on these scrolls. Their materiality reflects this functional difference, being written on sheets of paper of a smaller format than those that made up the scrolls. Gluing them onto the larger scroll may, therefore, have represented a safer option for preservation than keeping them as loose leaves. The desire to keep such documentation together, not just as part of a collection of documents but as part of the same physical object, however, seems to indicate a further effort to ensure the integral nature of these individual scrolls as archives. Scrolls containing glued-on documents contain an even more complete picture of the transaction, for instance by including documentation produced outside the milieu of legal documentary practice. Beyond the accumulation of records made on multiple dates, then, the document-as-archive was able to rationalise archival material produced in different settings and in different physical formats to produce a truly archival scroll.

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[186] Out of the documents I viewed, glued petitions can be found on three *istibdāl* deeds: MMA 405/WA 596ح; MMA 729/362ح; MMA 741/WA 331ح; on one *istibdāl* deed the petition is instead copied onto the scroll: MMA 754/WA 338ح. Two published *istibdāl* deeds also contain glued or copied petitions: MMA 704/WA 75ح, published by Amīn in *P.Cair.Archives*, 481-508; MMA 272/DW 40/259: Ibrāhīm 1963, esp. plate 1. For a full treatment of the documentary processes involved in *istibdāl* procedure, see below: 77-83. Petitions connected to matters other than *istibdāl* include a glued petition requesting permission for the rebuilding of a property: MMA 605/WA 401ح; and a paper petition requesting permission to change the conditions of a *waqf*, in this case peculiarly sewn onto a parchment scroll: MMA 322/WA 531ح.

[187] MMA 658/WA 117ح; MMA 659/WA 176ح. These documents are discussed further in Chapter 3, 113-14.

Finally, in addition to identifying the broader archival nature of each scroll, it is possible to pinpoint certain internal features in this corpus that seem to have been designed to help individual documents to function effectively as archives. Specifically, the documents are replete with terminology concerning the location of certain pieces of text on the scroll, thus apparently assisting the reader to navigate the document as a whole. We find references to the documents' recto and verso (*bāṭin/ẓāhir*), as well as 'above' (*aʿlāhu*), referring to a text written further up the scroll. While these are expressions that are found in legal deeds from other extant corpora, such as the Ḥaram al-Sharīf collection and the Damascus Papers,[188] the documents examined here take it further. The margin (*hāmish*),[189] for instance, is regularly mentioned as the location of specific records or bits of information, reflecting the significance of marginal additions within this corpus. *Isjāl*s also clearly specify the location of the parts of the document to which they attest, often referring to the testimonies written in the margin adjacent to the initial deed. Glued petitions are explicitly referred to as 'the petition that is attached above' (*al-qiṣṣa allatī mulṣaqa bi aʿālīhi*). Finally, marginal records of transactions, such as sales or *istibdāl*s, rather than outlining the full description of properties again, often specify the property 'described and delimited on the recto' (*al-mawṣūf al-maḥdūd bāṭinuhu*). This vocabulary serves the purpose of brevity, avoiding the repetition of descriptive detail which, in initial deeds, was often extensive, whilst also emphasising the internal cohesion of all the information included on the scroll. These methods of in-text referencing seem to indicate a consciousness of the archival utility of the documents' composition. They provide a kind of guideline, even a map, to help the reader access the information contained in each document. Ultimately, they highlight the way in which each document seems to have developed as an integral whole with its own internal logic, indicating the way in which a single document might be functional as an archive in itself.

Formulary and graphic vocabulary

The 'document-as-archive' framework is an important start when considering the archival practices manifest in these documents. Delving deeper, however, into their internal features can reveal other ways in which their fundamental design seems to indicate the archival nature of the documents. Particularly notable are the documents' formal features, including their textual formulary and graphic layout. Both features show certain idiosyncrasies, which hint at a particularly well-developed conceptualisation of the documents' archival function. Examining these formal features offers insights into the ways in which document design and production responded to the demands of archival practice.

A particularly striking feature is the documents' textual formulary. Legal documents of the types present in this corpus are, by their nature, highly formulaic, with the details of

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[188] Müller 2013, 363.
[189] On occasion *ḥāmish*.

transactions couched within templates of standardised phrases. The use of formulary reflects the need for such documents to be able to withstand the scrutiny of legal challenge. It is, therefore, a fundamental characteristic of formulary that it follows conventions and cannot necessarily be taken to reflect intentional choices made by the individuals involved in the production of documents. This means, on the other hand, that the choices of formulary and the prevalence of certain usages can be illustrative of wider trends and transformations in documentary practice.[190] In such a way, subtle changes in the linguistic framing of records of legal transactions are indicative of a shift in the roles documents were expected to play within social and legal processes, and therefore also suggestive of developments in related archival practices.

In the corpus examined here, we witness some developments in textual formulary which point towards a heightened sense of the importance of the documentary record. To take sales deeds as an example,[191] most surviving examples outside the Cairo collections adopt a reportative style of language, referring not to the document itself, but to the transaction taking place: 'this is what so-and-so bought from so-and-so' (*Hādhā mā ishtarā fūlān…min fūlān*), or simply 'so-and-so bought from so-and-so' (*Ishtarā fūlān…min fūlān*).[192] In many of the sales deeds kept in the Wizārat al-Awqāf, on the other hand, the formulary refers directly to the document, describing in a straightforward manner what it is, and what it contains: 'this is a legal deed of sale…its contents are that so-and-so bought…' (*Hādhā maktūb/kitāb tabāyuʿ sharʿī…maḍmūnuhu anna fūlān…ishtarā…*). A comparable formulary is also adopted in most *waqfīya*s and *istibdāl* deeds (*hādhā maktūb/kitāb waqf* and *hādhā maktūb/kitāb istibdāl* respectively). The kind of detail contained in each deed is essentially identical regardless of formulary. In the case of a sales deed, this includes the names of the parties to the sale, a description of the property, the price paid, and the date. Nonetheless, the adoption of the latter descriptive formulary seems to indicate a profound consciousness, or perceived importance, of the document as a specific genre of legal instrument. Instead of simply reporting that the transaction has taken place, it explicitly outlines the genre of deed recording the transaction and pointedly calls attention to its contents. The very clear outlining of the deed's genre at the beginning of the text serves the purpose of clarity, ensuring that this is unambiguous from the outset. Through placing a new emphasis on the document itself, the descriptive style of

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[190] For the development of ʿAbbāsid-period legal and epistolary formula in relation to court ceremonial, see Khan 2008, 887-895; for an examination of the use of formulary in the context of institutional power relations in the documents from the Cairo Geniza, see Krakowski and Rustow 2014, 111-146.
[191] Sales deeds are the most valuable genre to compare with other extant collections, as few deeds of *waqf* survive from earlier periods, or outside the Cairo collections. For *waqf* deeds in other collections, see Chapter 4, 138-41, 154.
[192] The latter probably a later version. See Müller 2011a, 437. This formulary occurs in deeds from the Ḥaram al-Sharīf collection, and in those from papyrological collections from earlier dates. See, e.g., HS 39, edited in Müller 2010, 86-92; *P.Fay.Villages*, nos. 2-27.

formulary seems to reflect the recognition of the challenges involved in identifying, managing, and thus also archiving, documents of different legal genres.

Formulary does, however, always demonstrate a certain amount of flexibility, rendering the assessment of the purposes of different usages somewhat problematic. Amongst the sales deeds of the Wizārat al-Awqāf, many can also be found containing the 'reportative' formulary outlined above: that is, beginning with the phrase 'so-and-so bought from so-and-so'. Likewise, even amongst the *waqfīya*s in the collection there are some that adopt a more reportative tone, beginning with the clause 'this is what so-and-so endowed' (*hādhā mā waqqafa…fūlān*).[193] Reinfandt notes this distinction in the commentary to his editions of sultan Īnāl's *waqfīya*s, describing the latter as a more succinct, subordinate formulary.[194] The sample of documents I examined in the archive was not substantial enough to be quantitatively significant, and there are not enough detailed prior studies of the development of formulary within this corpus to present a comprehensive picture.[195] Nonetheless, my impression is that the differences in formulary should be seen as a broadly chronological development, with the increasing adoption, over the course of the fifteenth century, of the descriptive, at the expense of the reportative formulary style. Certainly, amongst Cairene documents dating from the second half of the fifteenth century the descriptive formulary seems to be the norm.[196] To my knowledge, the earliest example of a document containing the descriptive introductory clause is, in fact, a deed of *tamlīk* (transferral of ownership) dating to 24 Rabīʿ II 658/8 April 1260, which was preserved within the Qaraite synagogue in Cairo and begins '*hādhā kitāb tamlīk*'.[197] After this document, however, this kind of formula does not resurface in the deeds from the Qaraite collection until the mid-fifteenth century, contemporary to many of the deeds emerging from the Wizārat al-Awqāf with comparable formulary.[198] Deeds of *tamlīk* are not common within surviving document collections, so it may well be that this formula was used, at this early stage, to clarify the function of an unusual contract.[199] It is nonetheless significant to see precedents for this

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[193] My translation here does not attempt to encapsulate the full meaning of the verb *waqqafa*.

[194] Reinfandt 2003, 105. The secondary status of this formula is also implied in the order in which they are listed in al-Asyūṭī's *shurūṭ* work: al-Asyūṭī, *Jawāhir*, vol. 1, 256-7.

[195] Useful commentaries on the formulae of individual documents can nonetheless be found accompanying editions: See Ibrāhīm 1956, 187-8, 222-51; 1957a 305-7, 361-419; 1957b, 156-202; 1963, 21-28; Reinfandt 2003, 101-135

[196] In contrast to the deeds copied into the Aleppan *Jāmiʿ al-Mustanadāt*. Here, though nineteen of the twenty-four deeds it contains date from around the mid-fifteenth century, only two adopt the descriptive formulary style, both of them sales deeds (nos. 9 and 22). The other sale deeds, and all the *waqf* deeds use the reportative style. Saghbini 2005.

[197] Richards 1972, no. 3.

[198] For more on the Qaraite documents see Chapter 4, 149-59.

[199] I am aware on only two other surviving examples of deeds of *tamlīk*: one in the Ḥaram al-Sharīf corpus and the other in the *Jāmiʿ al-Mustanadāt*. These deeds begin, however, with the reportative formula '*mallaka/mallakat fūlān/a…*': HS 608; P.HaramCat, 299-300; Saghbini 2005, Arabic edition, 70.

formulaic development dating from the very beginning of the Mamlūk period, suggesting that it may have emerged gradually.

The formal archetype upon which legal documents of these types were modelled was not only a textual one. It also encompassed the spatial layout of the page, sheet of paper, or scroll, and its overall visual effect. As Marina Rustow noted in her recent study of Fāṭimid-period petitions preserved in the Cairo Geniza, the aesthetics of a document may have been just as important in determining its efficacy as its textual formulary.[200] Certainly, the *waqf*-related deeds in the Wizārat al-Awqāf are characterised by a distinctive graphic vocabulary which, like their formulary, seems indicative of their archival function.[201] Though often redacted in more than one hand, the documents examined here are generally written in a clear cursive script, though with differing degrees of expertise and legibility depending on the individual hand. A wide margin is usually left at the top of the scroll, and on the right-hand side, with no margin on the left. The lines of text curve upwards towards the left-hand side of the page, and words are 'stacked' at the end of the line. Aside from the script which shows diachronic development, this layout follows a basic model that emerged in state chancery documents during the Fāṭimid period.[202] Their overall appearance demonstrates the way that developments made within state chanceries could come to affect documents drawn up within different domains, in this case, that of legal documentary practice. This is probably indicative of the semiotic function served by the graphic vocabulary of documents. In this case, stylistic developments taking place in the chancery came to represent a certain kind of authority that individuals or institutions would strive to emulate.[203] In light of what Rustow has demonstrated about the profound impact of Fāṭimid chancery documents on the layout of Geniza petitions written in the Hebrew script, it is not so surprising that such developments would also have had an impact on the Arabic documentary practices within an elite legal setting.[204] Such practices seem, therefore, to have consolidated over time to form the highly distinctive legal deeds of Mamlūk Cairo.

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[200] Rustow 2014, 309-311.
[201] The concept of 'graphic vocabulary' is borrowed from Rustow 2014.
[202] Rustow 2014, 309; forthcoming, 195-258.
[203] Rustow 2014, 307, 349.
[204] *Ibid.*; though the impact of the graphic vocabulary of chancery documents did not profoundly affect legal documents within the Fāṭimid period. Rustow forthcoming, 251-2.

Looking more closely at the documents, there are aspects of their graphic vocabulary that point towards an archival value and function. In particular, scribal techniques are used that seem to have been intended to assist in the location of particular bits of information within the text. Words indicating the beginnings of important clauses are written in a calligraphic, drawn-out display script, sometimes reinforced with a pen stroke above the word. This scribal feature occurs in the writing of the *basmala* in some of the earliest surviving Arabic documents but does not commonly appear on other words or phrases in legal documents.[205] On the other hand, it is a common feature of extant financial accounts, where it makes certain bits of text graphically distinct, rendering them as subheadings.[206] In accounts this was presumably prompted by the need for certain information to be easily accessible from the documents after their original production, demonstrating a concern for easy reference use. In the case of the legal deeds examined here, display script is used in various places, in addition to the religious blessings such as the *basmala*, and *ḥasbala*. It can be found prior to the initial general description of a property, usually introduced by the phrase 'all of [the property/the share…]' (*jamīʿ al-makān/al-ḥiṣṣa…*) (see fig. 5); in the compass-point description of the boundaries of a property, with each of the
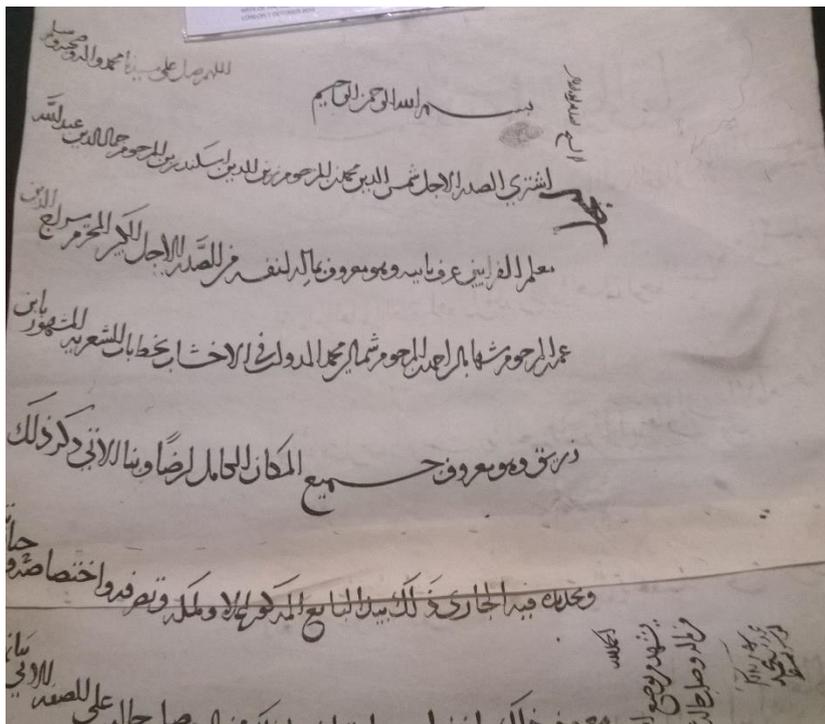
Fig. 5. Part of the recto of a sale deed; display script is used for the word jamīʿ *on line 5*

(Photograph: Omniya Abdel Barr)

four limits of the property outlined in detail (***al-ḥadd** al-qiblī…**al-ḥadd** al-baḥrī…*etc.); and in the final statement of the legality of the transaction, establishing it as a sound legal purchase or *waqf* endowment (***ishtirāʾ**ᵃⁿ/**waqf**ᵃⁿ ṣaḥīḥᵃⁿ sharʿīyᵃⁿ*).[207] This technique can also be found to an exaggerated degree in *isjāl*s, in which the qadi's signature, the date of the *isjāl*, and the concluding *ḥasbala* are almost always written in a very large calligraphic script, sometimes as

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[205] Grob 2010, 188; 2013, 133-4.
[206] See, for instance: *P.Vind.Arab.* I, no. 68; A Ch 10233.
[207] Words in bold are those usually distinguished by a drawn-out display script.

much as four times the height of the rest of the script, and written in a thicker pen.[208] This renders *isjāl*s very visually distinctive.

It is evident from the ubiquity of these scribal usages within the documents in the Wizārat al-Awqāf, that they became part of the conventional graphic vocabulary and semiotic function of these sorts of documents. Nonetheless, it is also indicative of the perceived archival uses of the documents. The highlighting of specific parts of the text is undoubtedly valuable in flagging up the location on the material support of important details, particularly relevant when we bear in mind the increasing length and complexity of legal deeds. By the fifteenth century, to which the majority of the deeds I examined in the Wizārat al-Awqāf date, even straightforward sales deeds contained extensive descriptions of property, one of the reasons that they are such lengthy documents. In light of this, it presumably became more pressing for readers to be able to locate information in an efficient way, indicating that the design of these documents took place with the question of future use in mind. Scribes of initial deeds were certainly familiar with the practice of adding marginal records to scrolls at a later date and were thus aware of their use as archives. In such a context, the necessity to render the essential details of the initial deed conspicuous on the scroll must have been strongly felt.

Such consistent and deliberate scribal emphasis is not widespread amongst comparable documents from other collections. Despite this, Christian Müller notes that, in many of the documents from the Ḥaram al-Sharīf, visual emphasis is given to the first word of a document, due to the position of the text on the page. The juxtaposition of 'densely written text block' and blank right-hand margin makes this word especially prominent. He thus argues that the ease of distinguishing this first word was 'essential for classification and archival purposes' owing to the formulary of the text which, as we have seen in the reportative example above, outlined the kind of legal transaction the document recorded.[209] The examples from the Ḥaram corpus thus serve to emphasise the ways in which these kinds of scribal visual cues were used to assist archival practice. The documents in the Wizārat al-Awqāf go considerably beyond this, actually assisting the reader to access multiple specific pieces of important information from the text. It seems likely that this feature arose from the greater complexity and length of these documents, or perhaps from the understanding that they would continue to become more and more unwieldy over time, with the addition of further texts.[210] Certainly, it highlights the heightened consciousness of the documents' archival usage that seems to have, in a profound way, shaped these documents.

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[208] See Fig. 2 above: 58. See also Chapter 4, 147-8.
[209] Müller 2011a, 437.
[210] The scribal emphasis of these words is also found in the deeds in the *Jāmiʿ al-Mustanadāt* which, like the Cairene documents, are very long deeds. Saghbini 2005, 14, see also unpaginated plates.

The connection between the graphic layout of documents and their archival function is especially evident when we examine the most substantial *waqfīya*s. While the larger corpus of *waqf*-related documents shares many of the features outlined above, it is in these larger *waqfīya*s that we can see with greatest clarity the archival imperatives behind document design. The enormous *waqfīya* of al-Ghawrī,[211] that of Qāytbāy,[212] and that of Fāṭima, his wife,[213] for instance, display a technique of marginal notation, whereby headings are provided to explain the content of the adjacent text in the main deed.[214] Isolating nuggets of information likely to be of relevance to a future user of the *waqfīya*, these notations were designed to facilitate the easy retrieval of details. They occur, for instance, in the section of the main deed in which all the property endowed in favour of the *waqf* is described. The textual formula outlines the property in small parcels, as they were initially purchased by the *wāqif*. Marginal notations positioned next to these descriptions thus briefly summarise the properties: 'the four shops…which are in the papermakers' market' (*al-ḥawānīt al-arbaʿ…al-kāʾin bi sūq al-warrāqīn*),[215] 'the caravanserai in the papermakers' market' (*al-wikāla bi sūq al-warrāqīn*),[216] 'the place which is in the quarter of the al-Azhar mosque' (*al-makān al-kāʾin bi khuṭṭ al-jāmiʿ al-Azhar*).[217] Notations also occur, on al-Ghawrī's *waqfīya*, adjacent to the part of the deed outlining the stipends of the various employees of the *waqf*, written in abbreviated numerals.[218] More explicitly than the scribal features described above, the inclusion of these notations demonstrates that these documents were drawn up with an eye on their future archival function. This requirement was probably more pressing in the case of these *waqfīya*s than in the smaller deeds that are found within the collection. For one, the actual act of founding a *waqf* endowment, especially for the wealthy Mamlūk sultans and their wives, involved bringing into one legal framework often rather fragmentary property assets. This means that the deeds themselves are much more complicated than most sales or *istibdāl* deeds, which usually only concern one property. This complexity is reflected in the materiality of the documents which are correspondingly longer, more convoluted to read, and more unwieldy to handle. The marginal notation found on such *waqfīya*s, then, reflects a recognition amongst those producing, and perhaps also those preserving, the documents, that a greater effort would be needed to ensure the documents' future archival functionality.

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[211] MMA 695/WA 883ق.

[212] I did not see this original document, but the layout of Mayer's edition implies similar features. Mayer 1938.

[213] MMA 469/WA 707ج.

[214] This practice is suggested by al-Asyūṭī: *Jawāhir*, vol. 1, 308.

[215] MMA 741/WA 331ج.

[216] MMA 695/WA 883ق.

[217] MMA 469/WA 707ج. For the ambiguity of the term *makān*, used to describe several different kinds of properties appearing in *waqf*-related documents, see: Fay 1997, 38-9.

[218] Similar to *siyāq* numerals that were later used extensively in the Ottoman fiscal administration. C.J. Heywood, 'Siyāḳat', *EI2*; Michel 1996, 129-31; for the Mamlūk era see Little 1998, 177-9. See also Chapter 6, 214.

Practical archival tools

The manipulation of the graphic features of documents in a way that enhances their usability brings the practicalities of archiving to the fore. These elements, particularly the use of scribal emphasis and marginal notations, illustrate the efforts that were made to render these documents functional within an archival setting. On the other hand, they also highlight the impractical nature of these lengthy scrolls as archival documents. While such features help in the general navigability of the text, they still require the document to be unrolled and perused at length. Identification of the parties to a sale or the founder of a *waqf*, for instance, still require the reader to navigate chains of honorific titles that sometimes stretch over more than one sheet of paper making up the scroll. Furthermore, with even the shortest scrolls, it is a challenge to unroll the entire document to peruse as a whole without a considerable amount of floorspace. The unwieldy nature of these documents risks being exaggerated when approaching from a modern archival perspective. Nonetheless, if we look beyond the question of internal document design, we can identify clear attempts to respond to the practical challenges of archiving documents of this seemingly cumbersome nature.

The clearest illustration of the use of practical techniques can be found in short archival notes which appear on many of the documents. Summarising the documents' content, these allow a user to identify the subject matter without reading the entire text, or even unrolling the scroll. [219] These notes were written in a corner of the document in a position where they would have been visible, either on the outside of a rolled-up scroll, or in a place where they could be identified with minimal unrolling. The notes are often challenging to locate and decipher, owing to their cursive scripts and their position on a part of the scroll that is especially vulnerable to damage over time. Nonetheless, the examples that I was able to read offer quite uniform information, usually two or three short lines detailing the genre of the initial deed on the scroll followed by a brief description of the property concerned. One *istibdāl* deed, for instance, contains the following note: 'deed of *istibdāl*; half and a quarter [three quarters] of a building located on the Bayn al-Qaṣrayn' (*maktūb istibdāl; al-niṣf wa al-rubʿ min bināʾ bayna al-qaṣrayn*).[220] The appearance of archival notes such as these offer clear indications of the development of systems for navigating these documents, and for identifying their content without having to read the whole scroll. It is, by now, clear that motivations of this kind seem to have driven many of the archival features visible within this corpus.

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[219] I found archival notes on 12 documents: MMA 322/WA 531ج; MMA 384/WA 537ج; MMA 385/WA 549ج; MMA 528/WA 433ج; MMA 606/WA 550ج; MMA 658/WA 117ج; MMA 729/WA 362ج; MMA 754/WA 338ج; MMA 766/WA 358ج; MMA 799/WA 395ج; MMA 836/WA 538ج; MMA 837/WA 539ج (copy of the latter document).

[220] MMA 384/WA 537ج; *bayna al-qaṣrayn*, literally 'between the two castles', refers to the street that divided the two Fāṭimid palaces which, during the Mamlūk period became the main location for the construction of prestigious buildings benefitting from *waqf* endowments. See Van Steenbergen 2013a, 227-76. For maps of the Mamlūk-era Bayn al-Qaṣrayn see Behrens-Abouseif 2007, figs. 10, 11 and 59.

Identification of such a series of archival notes urges us to take a step backwards from the focus on individual documents that has characterised this chapter so far. Such a system of notes would, after all, be at its greatest use when confronted with a large collection of scrolls. Somebody wishing to identify a particular document in a collection of similar-looking scrolls could then do so with relative ease. While Loiseau's identification of these individual documents as archives in no way precludes them from being part of larger collections, it nonetheless encourages a focus on the way in which documents functioned alone, rather than considering the relationships between them. As the next and final documentary feature to be investigated shows, this somewhat obscures the full picture.

Documentary cross-referencing

The final documentary feature to be considered here is perhaps the most significant one from an archival point of view. This is the explicit in-text citation of other documents, which appears as a distinctive formal requirement in the deeds preserved within the corpus of *waqf-*related documents. To my knowledge, a comparable practice does not appear in any of the other extant collections of legal documents, with the exception of deeds from the Qaraite synagogue.[221] The repeated references, within the documents examined in this chapter, to other documents written on separate supports, shows beyond any doubt that they should be seen as part of a substantial archive, comprising multiple inter-connected pieces. While in many ways the documentary features discussed above strengthen Loiseau's arguments as to the archival nature of individual pieces, this one on the contrary qualifies the extent to which we can view individual documents as archives in themselves.

The citation of separate documents appears in the formulary not only of the initial deed redacted on a scroll, but also in later marginal additions. In each case, this feature appears to serve a rather distinct series of goals and thus offers us a view of different archival practices. In initial deeds, such as sales or *waqfīya*s, references are made to earlier deeds establishing the legal ownership of properties by the seller or *waqif*: usually original sale deeds. These old documents are, thus, referenced in the new deeds as sources from which descriptions of properties are drawn, or as proof of the legal right of a seller to sell, or a *wāqif* to endow his or her property. Such factual and legal information is explicitly provided:

> on the evidence of the legal…document,[222] the recto of which is dated to…[date], whose
> contents are legally verified in accordance with it, after the fulfilment of legal conditions

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[221] See Chapter 4, 149-59. Citations of other documents also appear in the deeds of the *Jāmiʿ al-Mustanadāt*, though in a different formulaic framing from those in the documents examined in this chapter. As the Aleppan scroll is explicitly reproducing an older collection of documents, it is likely that the practices visible here are somewhat different, though this would merit further study. For the Arabic edition of this scroll see Saghbini 2005, 1-151; 2014, 9-82.

[222] Here the type of paper or parchment is specified.

by [the qadi]…The testimony for that is his *isjāl*, written on the verso of the aforementioned document, which is dated [i.e. the *isjāl*] in his noble hand to…[date][223]

In such deeds, these references to separate documents can make up a considerable section of the text, at times outlining a long history of transactions involving the same property. Though they make for somewhat convoluted reading, the function of these references seems clear. They are ultimately there to emphasise the legal validity of all the details included in the deed by outlining the proof as recorded in other legal documents. The inclusion of this information reveals that old documents were used as sources for descriptive detail in newer ones, such as the property descriptions. This was no doubt more efficient than surveying the property anew each time a transaction took place, and reveals one of the uses, aside from that of legal evidence, to which archivally preserved documents could be put.

Moving from the main deed to the text of marginal additions on scrolls, citation of other documents remains ubiquitous. As we have seen, these marginal additions record transactions made at a later date concerning the same property as appears in the initial deed of sale or *waqf*.[224] Many of these additions, however, do not actually constitute complete legal deeds in themselves. Instead, they simply report that the transaction has taken place, explicitly referencing a separate original deed (*maktūb/kitāb al-aṣl*) as the evidence for the transaction. Following a formulary similar to that outlined above, these citations clearly delineate the kind of document the information came from and provide a date for the document. As with the initial deeds, the most obvious function of this citation of documents seems to be to give proof of the validity of transactions; here to be found on a separate document. Notably, this method of documentary cross-referencing suggests that the marginal additions found on scrolls were, by and large, not considered to hold the same degree of legal validity as a 'real' deed, despite containing witness statements. This is reflected in the vocabulary used to describe documents which certainly indicates formal distinctions between actual deeds (sing. *maktūb/kitāb*), and other 'sections' (sing. *faṣl*).[225] The difference in status is further indicated by the explicit reliance on these original documents by the witnesses whose signatures confirm the validity of the transactions outlined in the marginal records.[226] The full function of these marginal additions thus relies on the existence of an external cross-referenced corpus of original documents.

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[223] *Bi dalāla al-maktūb al-sharʿī al-waraq [al-kāghid] al-muʾarrakh bāṭinuhu bi…al-thābit maḍmūnuhu al-maḥkūm bi mūjibihi baʿd istīfāʾ sharāʾiṭihi al-sharʿīya min…hasbamā yashhadu bi dhālika isjāluhu al-musaṭṭar bi ẓāhir al-maktūb al-madhkūr al-muʾarrakh bi khaṭṭihi al-karīm bi...* Formulary in individual documents shows some variation. This example is cited from the *waqfīya* edited in Conermann and Saghbini 2002, 40.

[224] Or sometimes a part share of it.

[225] This is an example of where the shortcomings of Amīn's catalogue are evident; here the distinction between the different genres of record emerging from the same kind of transaction are not made.

[226] Witness statements following such marginal records are sometime preceded by a clause that explicitly indicates the witnesses' reliance on a separate original document to establish the transaction's

As has become clear, the system of cross-referencing that appears in the marginal additions to these scrolls compels us to re-assess our understanding of the document as a discrete archive. Marginal additions recording later transactions certainly give the immediate impression that each scroll was intended to represent a complete account of the property or endowment with which it was concerned. Taking this to its logical conclusion, one might thus conclude that only one document was necessary to record this transaction history; a 'one-piece' archive, as it were. Likewise, the citation of older documents within initial deeds might be taken to imply that the original documents no longer needed to be preserved. If, however, marginal additions actually attribute the role of proving the legality of transactions to separate documents, it is problematic to identify each scroll as a complete legal archive. Instead, we should consider these documents as single elements within larger 'multiple-piece' archives.

When examined more closely, for instance, the ubiquitous technique of cross-referencing emerges as a single element in a wider system apparently characterised by the rapid multiplication of documentary records. The cross-references reveal that the redaction of marginal texts recording transactions was carried out in conjunction with the production of a separate deed, written as the documentary matrix on its own separate support. This process is confirmed by surviving examples within the Wizārat al-Awqāf. Taking one document as an example, we can outline a series of transactions on the basis of this single scroll:

1. On 28 Dhū al-Ḥijja 913/29 April 1508 a piece of property, four shops in the papermakers' market, was extracted by *istibdāl* from the *waqf* of Jamāl al-Dīn al-Ustādār by al-Zaynī Sallāma ibn ʿUmar. This *istibdāl* transaction is recorded as the documentary matrix of the scroll and was probably recorded as a marginal note on the *waqfīya* of the original *wāqif*, though such a deed does not survive in the modern collections.

2. On the same day, the property was sold on to ʿAbd al-Barr ibn al-Shiḥna al-Ḥanafī, a transaction recorded in a marginal addition on the verso, next to the qadi's *isjāl*.

3. On 6 Muḥarram 914/7 May 1508, the property was sold to al-Sayfī Kasbāy, recorded in another marginal text directly below the previous sale.

4. On 28 Ramaḍān/22 December of the same year, the property was then sold again to al-Nāṣirī Muḥammad ibn Taghrībirmish, similarly recorded in the margin, beneath the previous transaction.

5. On 3 Jumādā I 915/19 August 1509 the property was sold to the sultan al-Ghawrī. This transaction is recorded at the bottom of the verso, beneath the *isjāl*.

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validity: such as, '[so-and-so] testified in its original' (*shahida fī aṣlihi*), or '…in the aforementioned document' (*…fī al-kitāb al-madhkūr*).

6. Finally, on 18 Rabīʿ II 922/21 May 1516, al-Ghawrī incorporated this property into his *waqf* endowment, recorded beneath the previous sale.[227]

At first sight, then, this scroll could certainly be seen as a one-piece archive, outlining a full historical trajectory of this property's private ownership in the period between its extraction from one *waqf* endowment and its eventual incorporation into another. Nonetheless, the Wizārāt al-Awqāf preserves several other scrolls connected to this exact same chain of transactions. The next in the documentary chain, contains transaction 2 in the series above as its documentary matrix, a deed of sale (*maktūb tabāyuʿ*), with the following transactions recorded again in the margins.[228] This is then followed by another such deed with transaction 3 as its documentary matrix.[229] The original deeds recording transactions 4 and 5 are not extant. The final transaction in the list is, however, repeatedly recorded with reference to al-Ghawrī's *waqfīya* (*kitāb waqfihi*). Though I was not able to read al-Ghawrī's enormous *waqfīya* in enough detail to locate the mention of this specific and rather small piece of property, the date certainly corresponds to that of one of his large endowments. It seems likely, therefore, that the property is indeed mentioned in the text of this endowment deed.[230]

The example cited here sheds light on a systematic and thorough, practice of recording the subsequent changes of legal status to a property, which resulted not only in the rapid proliferation of documents connected to a single property, but also in an intricate web of cross-references between these. Certainly, in light of this, and the apparently lesser legal status of marginal additions to scrolls, the latter were not sufficient to replace separate documents. This means that each document must be seen as part of a larger network of connected documents; in this case, a series of scrolls all containing information about these same four shops.

The significance of the practice of documentary cross-referencing is, then, its implications for the presumed availability of a large cache of older documentation. In the first place, this documentation could be called upon as a source for the information that a new document was to contain. In addition, the marginal cross-references to 'full' legal deeds presume the continued future availability, and thus the archival preservation, of these original deeds. It seems that documents were thus expected to be safe and locatable over an extended period of time. Despite this, there is some evidence that the safe preservation and accessibility of documents could not always be relied upon. One marginal update on the verso of al-Ghawrī's

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[227] MMA 741/WA 331ج. The roles of the various individuals appearing in these transactions will be dealt with in more detail in Chapters 2-3.
[228] MMA 742/WA 314ج.
[229] MMA 743/WA 208ج. I was unable to examine this original document but judging by the description in Amīn's catalogue it seems likely, from the identical dates and parties to the transactions that it concerns the same property. *P.Cair.Archives*, 282.
[230] Found on MMA 695/WA 883ق. For the dates of al-Ghawrī's *waqf* endowments, and their documentation, see Chapter 2, 93-7.

waqfīya, for instance, cites an *istibdāl* deed, but leaves blank spaces for the date, and for the name of the qadi who verified it.[231] This error implies that the text was redacted following the usual formulary, with an expectation that the document could be located and the details copied out. In this case, this did not take place. Whether this was because the document could not be found, or simply an oversight on the part of the scribe, it is clear evidence of the expected availability of these kinds of documents, which with relative ease could be taken out, presented to notaries, examined, and copied. The future use of deeds, for presentation in cases of legal challenge, was likely also vulnerable to similar difficulties in locating the originals. While such evidence reveals the potential shortcomings of the system when put into practice, it nonetheless confirms that these documents must be understood as constituting complex, multiple-piece archives.

If, however, each document was just one component in a multiple-piece archive, this leads us to question the function of the ubiquitous marginal additions to scrolls. If the information they contain is merely an abridged version of that found in a complete and legally verified deed, why then did scribes go to the effort of adding them to older documents, and of furnishing them with witness statements? More paradoxically, if the documents only made sense within the context of a larger archival collection, why were they also constituted in the form of one-piece archives? The layout of the scrolls means that they do act as one-piece archives, at least for modern historians, for whom it involves considerably less effort to read just one scroll than to examine multiple ones. Nonetheless, the above example implies that this was not how they were intended to function.

Marginal additions, in fact, seem to be simply an 'update' of the original deed, so that each document concerning a certain property or *waqf* contained the full details of its current legal status. It is likely that the continual updating of older legal deeds served varied purposes: as an easy-to-access summary of the property's history, useful for reference purposes, or as an aide-memoire, if not as proof at moments of legal challenge.[232] In light of the rapid transfers of ownership attested in the example cited above, it is easy to see how an aide-memoire might have been helpful in such cases. When discussing the document as an archive, Loiseau explains that each single document 'gathered in an integral form, or simply summarised', the material record of the *waqf*, or property, concerned.[233] This points to an archival mentality which valued both the potentially limited probative value of the documents, and a more summative, reference function for archival records. In fact, the distinction between 'integral form' and 'summary' is in itself a significant one. While the former implies that the multiple elements found on a scroll

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[231] MMA 695/WA 883ق.
[232] The aide-memoire function of legal documents has been discussed in various historical contexts. See, for instance: Müller 2018, 368; Ergene 2004, 471-91; Lydon 2009, 647-59.
[233] My translation. Loiseau 2013, 215.

can be considered indispensable parts of a complete whole, the latter suggests a more narrative objective. What may appear, then, to be a simple linguistic distinction actually prompts us to consider the potential range of motivations that lay behind these kinds of archival practices, alerting us to the likelihood that the archival uses of these documents were not limited to their probative function.

Finally, it is possible to propose practical archival incentives governing this practice, which in turn offer some reflections on contemporary attitudes towards archiving. As is abundantly clear from the surviving evidence, the redaction of multiple deeds on a single support means that we are able to establish details about transactions that took place, even if the original deed no longer survives. These marginal updates would have been particularly important if an original deed went missing which, as we have seen, could indeed happen. If a scroll recording a prior transaction was not updated when a shift in property ownership took place, it would be easier to lay false claims if the up-to-date documents were mislaid. The references to *isjāl*s by which transactions were verified before a qadi would also have safeguarded against this eventuality, as records of these may have been included in the qadis' own archives.[234] It may be, then, that the abundant use of in-text citation found in these documents indicates a response to a situation in which there was a recognition of the shortcomings of prevailing practices of archival preservation.

Istibdāl procedure: a case-study in the development of archival practices

My exploration of the features of the documents in the Wizārat al-Awqāf can be seen to highlight two distinct, though interconnected, elements of prevailing archival practice. Firstly, they reveal a drive to produce documents with an internal integrity, allowing the documents to appear, and function in part, as one-piece archives. Secondly, they show that these practices must be placed within the wider context of larger multiple-piece archives, formed in part by the rapid proliferation of documentation connected to legal transactions. The coming together of these two archival imperatives is especially clear in the records produced during the procedure of *istibdāl,* which seems to have been an especially document-heavy process. Scrolls with *istibdāl* deeds as their documentary matrix represent almost a quarter of all the documents housed in the Wizārat al-Awqāf.[235] In this section, I therefore offer a case-study of this material, examining the records produced in the course of the *istibdāl* procedure. Through this I provide a contextualised illustration of many of the archival features discussed above, hinting at some of the processes that may have contributed to the development of these complex archival practices.

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[234] Ibrāhīm 1957a, 319-20. See also Chapter 4, 147-8.
[235] The reasons for this are discussed in Chapter 3, 117.

As we have seen, the procedure of *istibdāl* was the only means by which property could be taken out of a *waqf* once it had been alienated. Though of dubious legality, and always regarded with suspicion by some qadis and jurists, by the fifteenth century this procedure had become widespread.[236] As Leonor Fernandes has argued, by allowing neglected or dilapidated buildings to be brought back onto the property market, and thus restored or demolished and re-built, *istibdāl* facilitated the acceleration of property transactions, and the proliferation of *waqf* endowments themselves.[237] *Istibdāl* was evidently, then, a significant contributing factor in the overall historical development of *waqf* during this period, and thus an important factor impacting on the production and use of *waqf*-related documents.

The *istibdāl* procedure required several different stages, carried out to a large extent by the qadi and his subordinates. The process was formally initiated by the *wāqif*, if still alive, or alternatively the *nāẓir*, or a beneficiary, often a descendant of the *wāqif*. This individual would submit a petition (*qiṣṣa*) to the qadi, articulating his or her desire for an *istibdāl* to take place. The petition would contain a description of the property to be exchanged, and a request that the qadi provide permission (*idhn*) for this. Upon receiving the petition, the qadi would nominate a representative to deal with the case. This representative was charged with ensuring that the request for *istibdāl* was legal and would thus demand the original *waqf* deed from the petitioner, in order to scrutinise it and ensure that the *wāqif* had allowed for *istibdāl* in the initial stipulations. If everything was in order, an expert opinion would be sought to confirm that the property was indeed no longer benefitting the *waqf*. For *istibdāl* to be legal it needed to be confirmed that the property was not bringing in sufficient revenue, or else that its state of disrepair rendered it dangerous.[238] As such, an engineer or surveyor (*muhandis*) was at this stage commissioned to inspect the property and testify before the qadi as to its state. This testimony was then recorded in an inspection report (*maḥḍar kashf*). Once these procedures had been carried out, the qadi was then in a position to confirm the transaction and provide his permission. Finally, the deed (*maktūb istibdāl*) was written.

The above account is based on an outline provided by Ibrāhīm in his edition of an *istibdāl* deed from the Dār al-Wathāʾiq and reveals that the multiple stages of *istibdāl* procedure generated a series of documentary traces. The procedure as described here involved the production of at least four written texts: a petition, an inspection report, a written confirmation of permission, and an *istibdāl* deed. The document edited by Ibrāhim does not, itself, contain traces of all the stages he outlines. Nonetheless, his understanding of the typical procedure is informed by the examination of a large number of other documents.[239]

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[236] The earliest *istibdāl* deed in the Wizārat al-Awqāf dates from 814/1412.
[237] Fernandes 2000, 203-22.
[238] *Ibid.*, 209.
[239] Ibrāhīm 1963, esp. 5-8. The document edited is MMA 272/DW 40/259.

Certainly, these documentary practices can be well-illustrated in several examples from the corpus in the Wizārat al-Awqāf. Of the eight *istibdāl* documents I examined, the clearest illustration is a scroll recording the extraction, on 1 Rajab 865/12 April 1461, of a property from the *waqf* of ʿAlī al-Ṭanbadī, by al-Sayfī Barsbāy.[240] This single scroll contains traces of all the procedural stages in the above description (see fig. 6). Following the gluing practice that I have
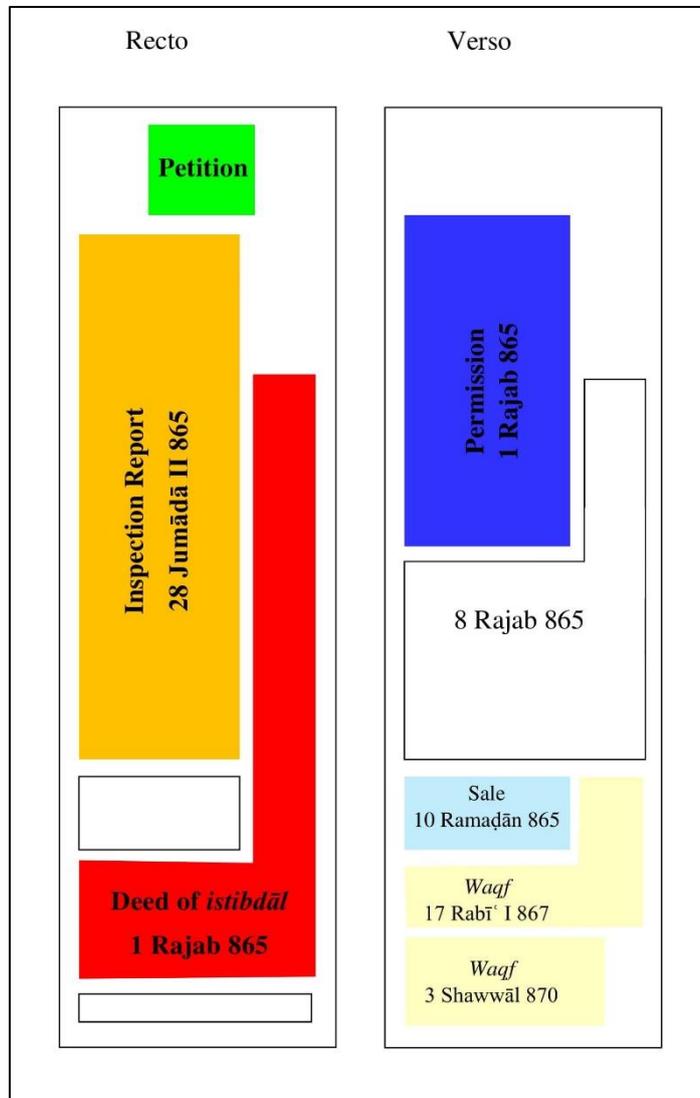
Fig. 6. Schematic illustration of the layout of istibdāl document MMA 405/WA 596ج

already discussed, the original petition addressed to the qadi can be found attached to the top part of the scroll. Beneath this, in the main part of the recto, an inspection report can be found, dating to 28 Jumādā II 865/10 April 1461, two days before the date on which the transaction was completed. This report includes a more-or-less verbatim account of the attached petition, explaining the appointment of a representative to take charge of this *istibdāl*, and a surveyor to look at the property. The report concludes that the property, a building (*bināʾ*) in the northern Cairene suburb of Būlāq, is dilapidated (*hidm*) and that the *istibdāl* would thus be beneficial for the *waqf*. This text is followed by witness statements certifying its validity. Two days later, then, two additional texts were added to the scroll: a full certification of the inspection report,

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[240] MMA 405/WA 596ج.

providing the qadi's legal permission (*idhn ṣaḥīḥ*) for the *istibdāl*, written in the main part of the verso; and the actual deed of *istibdāl* (*maktūb istibdāl*), written mostly in the margin of the recto, and continuing across the whole width of the page lower down the scroll, where the adjacent text ends. The verso then contains an *isjāl* from the same qadi, confirming this deed. The scroll thus behaves as a full report, or archive, of this *istibdāl* transaction, including its multiple procedural stages on a single support. Like many of the documents I have described, this scroll then goes on to record the subsequent trajectory of the property's ownership after the *istibdāl* in a series of records added at the bottom of the verso.

In this particular scroll the drive to create a coherent documentation is especially evident. Nonetheless, in other cases, we find that more than one support has been used. In one case, for instance, we find two scrolls which when viewed superficially, both appear to record exactly the same transactions, beginning with an *istibdāl* that took place on 12 Jumādā II 858/9 June 1454.[241] Indeed, if one were to use only the information provided in Amīn's catalogue for these documents it might be understood that these were direct copies, as the entry simply lists the transactions that occurred.[242] These are as follows:

1. An *istibdāl* on 12 Jumādā II 858/9 June 1454 of a property that formerly belonged to the *waqf* of a certain al-Sayfī Bajāsī al-Nawrūzi. The new owner of the property was al-Sayfī Bardbak.

2. A sale on 15 Rabīʿ I 912/5 August 1506 by Bardbak's heirs, his sisters Fāṭima and Khadīja, to Aḥmad ibn Muḥammad ibn Ibrāhīm al-Qudsī.

3. A sale on 8 Muḥarram 914/9 May 1508 to Khayrbak al-Sharīfī.

4. A sale on 27 Shawwāl 914/18 February 1509 to the sultan al-Ghawrī

5. Incorporation into al-Ghawrī's *waqf* on 5 Ramaḍān 926/19 August 1520.[243]

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[241] MMA 384/WA 537ح and MMA 385/WA 549ح.
[242] *P.Cair.Archives*, 110-11.
[243] Al-Ghawrī was in fact dead by this date, so this endowment was carried out to the benefit of his endowment by his son Muḥammad (*ʿalā yad ibnihi Muḥammad*). Again, the individuals who appear in these transactions will return with more prominence in Chapters 2-3.

In fact, however, these two scrolls record different stages of the *istibdāl* procedure. The first of the documents (document 1: see fig. 7) does not contain a full deed of *istibdāl*.[244] In fact it begins with a long report recounting the *istibdāl* procedure and establishing that the qadi has given permission for the *istibdāl*. This text, which contains a full narration of the petition that started the process, in this case not found glued to the document, is dated two months prior to the actual completion of the *istibdāl* transaction, to 3 Rabīʿ II of the same year. The completion of the transaction was then recorded adjacent to this text in a marginal record, which explicitly references the deed of *istibdāl* which constitutes the initial deed of the other scroll (document 2: see fig. 8).[245] This second scroll, beginning with the actual *istibdāl* deed, then contains a series of six *isjāl*s confirming the transaction, dating between Jumādā II and Shaʿbān of the same year. These two documents were, thus, produced in reference to each other, with the express purpose of recording the progression of the same *istibdāl* transaction, taking place over the course of a few months. The subsequent transactions outlined above are then recorded on both scrolls as
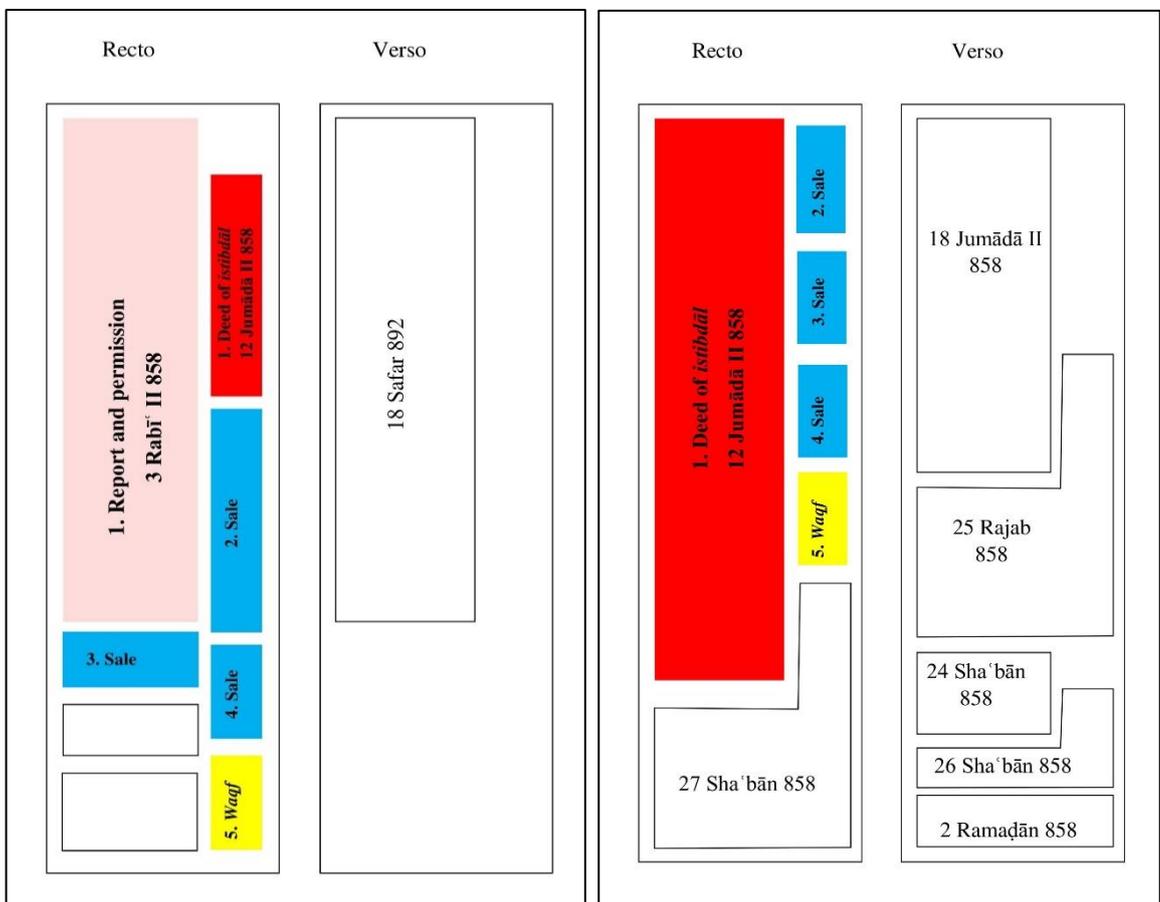
Fig. 7. (left) Schematic illustration of istibdāl *document 1 (MMA 384 /WA 537ج)*

Fig. 8. (right) Schematic illustration of istibdāl *document 2 (MMA 385/ WA 549ج)*

NB: from the isjāl*s on the verso we can see that that each of these documents has been subject to an entirely separate chain of authentication*

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[244] MMA 384 /WA 537ج.
[245] MMA 385/ WA 549ج.

marginal texts. After the *istibdāl* was complete, then, the two scrolls came to constitute part of a property archive which continued to be added to as the ownership and endowment status of the property subsequently changed.

As these two examples have shown, the documentation emerging from *istibdāl* procedure is complex. This procedure generated multiple documentary traces, each element of which had a subtly distinct function, at least in legal terms. The original documents themselves illustrate the ways in which these multiple records were rationalised: by writing all the relevant texts on one support, thus using the document as an archive; by cross-referencing different elements of the documentation redacted on separate supports; and by gluing to the legal records the petitions that initiated the process. It is, perhaps, in light of such potentially unwieldy documentation that we should situate the emergence and development of some of the archival practices identified above, such as the use of the descriptive style of formulary. In my first example in this section, one single scroll contains four texts relating to the same legal process, only one of which is the actual deed of *istibdāl*, so the clear formulaic designation at the start is invaluable for identifying it as such. In all the actual deeds of *istibdāl* I examined, the descriptive style of formulary is used (*hādhā maktūb/kitāb istibdāl*), and I am unaware of the use of a more reportative style in any of the surviving documents.[246] It is impossible to say for certain that this specific process, and the resulting documentation was the reason behind the proliferation of such formulae. Nonetheless, these complex processes must have highlighted the necessity for clarity in the records, and a heightened awareness of the intricacy of the material record, which seems to be indicated by such formulaic changes. Likewise, the proliferation of documentation that took place in connection with procedures such as *istibdāl* must have contributed to an increased awareness of the need to archive such documents effectively.

It is perhaps worth noting here that *istibdāl* documentation also represents one of the rare occasions when we find information concerning the individuals in whose hands *waqf*-related documents were kept. In the first scroll examined above, for instance, a short, notarised statement can be found, explaining that the deed of *waqf*, which in this case dated to more than forty years before the *istibdāl* transaction in question, was brought before the qadi for his scrutiny.[247] Though in this particular statement it is not explicit who brought the deed to the qadi, this information is sometimes included within the text of the *istibdāl* deed itself, explaining that the qadi demanded this deed from the petitioner, who then presented it to him.[248] As we have

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[246] Though the *istibdāl* formula suggested by al-Asyūṭī is of the reportative type: *istabdala fūlān min fūlan*. Al-Asyūṭī, *Jawāhir*, vol. 1, 305-6.

[247] According to the citation on this scroll, the relevant *waqf* deed is dated to 26 Ṣafar 822/24 March 1419. MMA 405/WA 596ج.

[248] In the document edited by Ibrāhīm, for instance, the clause reads: *wa ṭalaba sayyidunā al-shaykh…al-mushār ilayhi aʿlāhu min…rāfiʿ al-qiṣṣa al-mulṣaqa bi ʿālīhi maktūb waqfihi al-shāhid lahu bi dhālika fa aḥḍara maktūb*. The relevant clauses of this initial deed are then quoted in full. Ibrāhīm 1963, 14.

seen, the petitioner is most commonly the *wāqif* or the *nāẓir* of the *waqf*. The explicit comments that the petitioner should bring the *waqfīya* to the qadi thus confirms the widely-held view that these deeds and their related documentation were kept in the care of the *waqf* endowment itself. That is, by those charged with managing and administering it, and/or within the actual brick-and-mortar institutions that benefitted from it.[249] The *istibdāl* documents, thus, show that the *wāqif* or *nāẓir* would be expected to produce the documents when they were required. In another *istibdāl* deed, edited by Amīn, a short clause is included at the very end of the deed, explaining that the extraction of the property has been recorded on the relevant deed of *waqf*, most likely in the margins.[250] This clause explicitly refers to the updating of documents discussed above, offering hints as to the actual physical processes that were involved in such a practice, with older scrolls having to be brought to the scribe. These practices indicate a concrete point of intersection between the legal, notarial world that produced the documents, and which to a large extent determined their logic, and the more difficult-to-access sites in which they were physically kept.

This case-study of the *istibdāl* documentation serves as an illustration of the heightened consciousness of the demands of archival practice that seems to have shaped so much of the material in this corpus. As a legal procedure that is inextricably linked to *waqf* endowments, comparable documentation does not exist in any of the other surviving collections, few of which contain large-numbers of *waqf*-related documents. Within the corpus examined here, however, *istibdāl* seems to be the most document-intensive process that we have evidence for.[251] Aside from procedural elements such as *isjāl*s, transactions of sale and *waqf* endowments usually only involved the writing of a single deed. The meticulous nature of the material record in the case of *istibdāl* is perhaps not surprising, given the disputed legality of it as a procedure, which no doubt reinforced the need to ensure that the qadi's approval of each stage was well documented.[252] Nonetheless, the archival features visible in the *istibdāl* documentation are, as we have seen, manifest throughout the wider corpus: above all, in the conspicuous awareness of the complexity of the documentary record, and the clear need for the information the individual documents contained to be archivally accessible.

Conclusion

This chapter has offered a detailed introduction to the *waqf*-related documents housed in the Wizārat al-Awqāf, revealing the way in which their internal features can be read to shed light on

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[249] Loiseau 2009, 294; Ibrāhīm 1957a, 337: footnote 119; See also Chapter 2, 98-9.
[250] *P.Cair.Archives*, 492.
[251] *Istibdāl* continued to be a document-heavy procedure into the Ottoman period, where it apparently also required records of sometimes fictitious disputes over the status of the property between a *waqf*'s administrator and the future owner (*mustabdil*) of the exchanged property: see Meier 2015, 87-106.
[252] A point to which I shall return in Chapter 4, 157-8.

archival practices. The features I have examined coalesce to give the strong impression that the archival utility of these documents was a major preoccupation dictating their form and usage. This is manifest in the use and development of archival features found in other documentary corpora as well as, more significantly, in the emergence of distinct techniques: namely that of extensive documentary cross-referencing. This practice is particularly important, as it reveals that the true archival logic of this corpus is in the documents *en masse*, despite the clear capability of individual documents of functioning as archives in themselves. Groups of these documents were, then, kept together as multiple-piece archives during the time in which they were active legal documents. As such, they could be retrieved, easily understood and utilised, and added to over time.

The features explored in this chapter reveal various distinct archival imperatives. Most significantly, the design of the documents demonstrates an intentional effort to make them useful, and usable, over an extended period of time. I have argued that this design attests to their archival function, as it shows that the documents were conceptualised and produced with the prospect of future use at the fore. This can be seen clearly in a *mise en page* structured to enhance usability, and the continual updating of scrolls to ensure that they summarise the full transaction history of a property or *waqf*. Whilst my arguments have qualified the extent to which these documents were able to behave as one-piece archives, therefore, it is nonetheless evident that they do display a high degree of internal integrity, which to some degree allowed them to function as such. Even if they were not able to exert probative value without reference to other documents, this feature would nonetheless have assisted in broader archival functions, granting them utility as summaries of the longer-term trajectories of *waqf* endowments and properties.

The development of such comprehensive internal documentary tools should probably be seen in light of a number of different, though connected, factors. For one, the complexity of these documents' textual content reaches an extent seen in few other surviving document collections, meaning that the need to develop techniques for their effective internal navigation was presumably especially pressing. The documents themselves seem to reveal a profound awareness of the importance of the material record, its use, and the challenges this posed. Especially evident in the increasing adoption of the new descriptive style of formulary, and in the use of cross-referencing, this shows a profound awareness of the existence and location of other documents, and of the uses to which they could be put. Ultimately, the features of these documents offer an impression of resourcefulness on the part of their producers. There is, particularly on the larger *waqfīya*s, such an abundance of different notations, scribal flourishes, and formulaic devices highlighting certain parts of the text as to seem excessive. The continual recording of essentially identical information on multiple scrolls, indicated by the marginal updating process, is still difficult to explain. Though there are evidently legal imperatives behind some of these features, the documents also seem to have been shaped in response to the real

pressures of documentary practice including, perhaps, the fear of poor archival organisation. Such considerations are implied, for instance, in the case-study of *istibdāl* documentation. Here, the rapid multiplication of documents recording different aspects of the same transaction resulted in a complex inter-connected record, which undoubtedly demanded techniques of archival rationalisation. Such examples compel us to reemphasise the straightforward generation of documentation as a significant factor driving the development of archival practices.

The detail offered in this chapter is of a small-scale and technical nature. I have focused overwhelmingly on the internal workings of the documents, to some degree divorced from their historical origins. While I have endeavoured to identify the legal and notarial practices that surround the production of these documents, this is here offered simply as a necessary backdrop to understanding the actors and groups involved in the documents' design and archiving. I have also given little attention to sites of archiving. Having firmly situated these documents within the framework of multiple-piece archives, however, it becomes especially critical to place these within their specific historical contexts. Identifying links between the documents that constitute the corpus, certain individuals emerge with special prominence, offering the potential to develop a much more contextualised understanding of prevailing archival practices. Beyond the consideration of internal documentary features, it is therefore possible to examine the formation and configuration of specific archives coming together at particular historical moments. The historical specificity of these documents can thus be precisely pinpointed, throwing light on the distinctive and historically contingent *waqf*-related archival realities represented by this corpus, as well as highlighting the unique makeup of the collection at large. It is to this that I now turn.

Chapter 2

The *waqf* archive of *s*ultan al-Ghawrī (r. 906-922/1501-1516)

A case-study in archival formation, configuration and functioning

Introduction

In the previous chapter I offered several hints as to the connection of the material in the Wizārat al-Awqāf with the penultimate Mamlūk sultan, Qānṣūh al-Ghawrī.[253] To scholars familiar with the collection, this characteristic is, in fact, quite well-recognised. Carl Petry estimated the number of deeds containing al-Ghawrī's name to comprise as many as a third of all (known) surviving Mamlūk-period *waqf*-related deeds.[254] The database I produced on the basis of Amīn's catalogue shows that documents explicitly connected to al-Ghawrī make up more than half (54%) of those housed in the Wizārat al-Awqāf.

The number of documents connected to al-Ghawrī serve to significantly skew the chronological distribution of the Wizārat al-Awqāf collection. This is especially visible when compared with the other major extant collection of *waqf*-related material in the Dār al-Wathāʾiq. While I noted in the introduction to this thesis the earlier profile of material in this other collection, here it is the later bias of documents in the Wizārat al-Awqāf that is more significant. Though the Mamlūk Sultanate came to an end with the Ottoman conquest of Egypt in the early decades of the tenth/sixteenth century, the numbers of extant documents dating from these precise decades nonetheless make this the best-represented century in the collection.[255] Nearly 58% of all documents in the Wizārat al-Awqāf date from the final three decades of Mamlūk rule (892-922/1486-1517), three quarters of which are connected to al-Ghawrī. In the Dār al-Wathāʾiq, on the other hand, the documents dating to these decades add up to just 28%, with only two linked to this sultan. The relative chronological distributions of the two collections can be seen in fig. 9 below, which strikingly illustrates the effect of al-Ghawrī's documentation on the shape of the Wizārat al-Awqāf collection at large. Al-Ghawrī's position as the common denominator connecting so much of the surviving material allows us to frame a large part of the Wizārat al-Awqāf collection against the background of quite a specific period of late-Mamlūk history. It is also, however, a phenomenon that itself requires explanation.

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[253] The vocalisation of al-Ghawrī's name is quite inconsistent. In Egypt today, he is usually known as al-Ghūrī, though in most western scholarship he is al-Ghawrī. Both forms apparently occurred in Mamlūk sources: al-Hamzah 2009, 31-2. His *ism* has variously been rendered as Qānṣūh, Qāniṣawh, Qānṣawh etc. Here I adopt to more usual vocalisation.

[254] Petry 1994, 196; 2004, 278. See also Denoix 1995, 38.

[255] The tenth *hijrī* century began in October 1494.
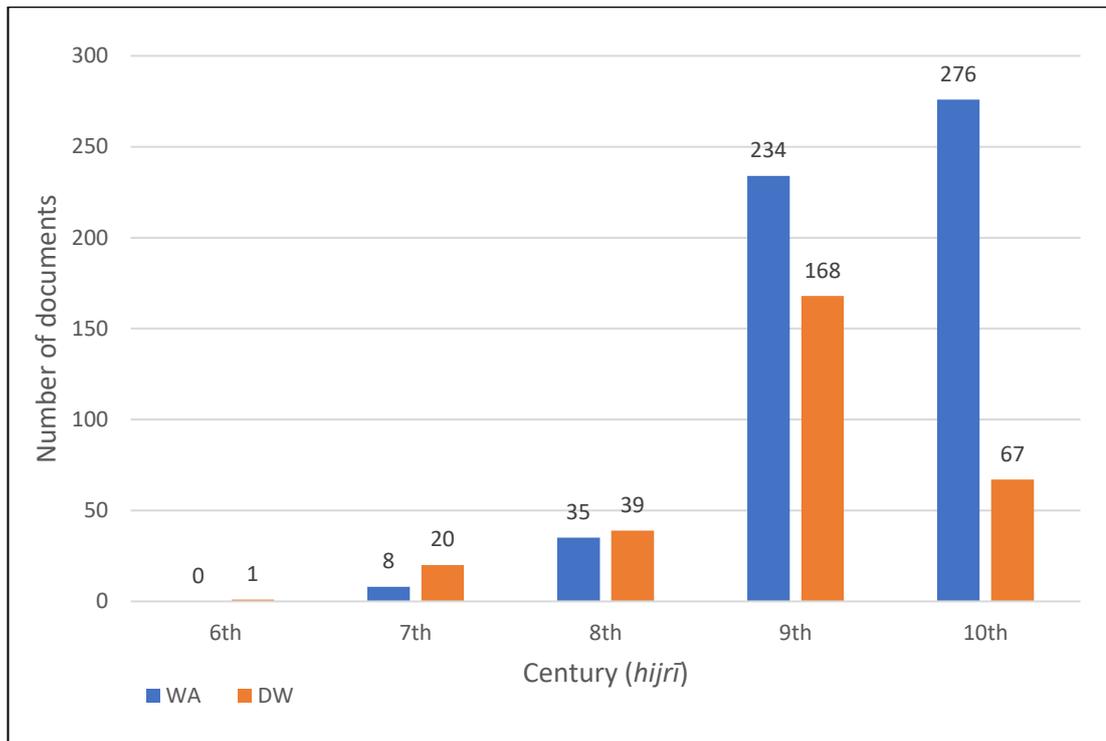
Fig. 9. Graph showing the number of documents in the Wizārat al-Awqāf (WA) and the Dār al-Wathāʾiq (DW) respectively, organised by hijrī *century*

Al-Ghawrī, who reigned for 15 years from 906-922/1501-1516, did not receive favourable treatment in the narratives of later historians. Chroniclers writing in the Ottoman period blamed him for the decline of Egypt, culminating in the Ottoman conquest of 1517, and denounced his reign as that of a corrupt tyrant.[256] The way he is presented in these narratives, both as a man and a ruler, must be understood against the backdrop of him being the last Mamlūk sultan with real political significance. The same is true of the enormous body of extant *waqf*-related documentary material, for which his reign and its end represent the crucial backdrop.

It is of special significance that the material is connected to this particular sultan, as al-Ghawrī's personal *waqf* strategy has been characterised as distinctive. Petry used this large documentary corpus to argue that al-Ghawrī was pursuing financial innovations. Manipulating his *waqf*s as a means to build up his own personal fisc, he conveniently protected this wealth from external intervention by the pious and perpetual nature of the endowments in law. To a greater degree than any of his predecessors, Petry argued, al-Ghawrī made endowments that were deliberately intended to generate a vast amount of unassigned revenue, which the sultan could then use to serve his own needs. Unlike previous sultans, such as Qāytbāy, who assigned the revenues from his endowments to a large number of different pious and charitable causes, al-Ghawrī's endowments were overwhelmingly made to benefit his funerary complex, known today as the Ghūrīya. According to Petry's calculations, this single cause, comprising a mosque,

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[256] Petry 1993, 5, 119-23; 1994, 20-6.

madrasa, primary school (*kuttāb/maktab*), public drinking fountain (*sabīl*), and Sufi hospice (*khānqāh*), would have absorbed only 7% of the total annual revenues generated by his *waqf*.[257] The remaining 93% of revenues remain unaccounted for in the endowment deed. More notably still, al-Ghawrī's efforts to gain control over property involved the large-scale expropriation of private and *waqf* property from other individuals. This delicate strategy risked attracting criticism, and future retribution from those at whose expense he profited. Nonetheless, al-Ghawrī seems to have pursued it indiscriminately. Petry explains that al-Ghawrī's was an 'experiment' never seen through to its fruition owing to the sultan's death in 1516.[258]

Though Petry's study exhibits a profound familiarity with the nature of the surviving documentary corpus, he did not extend his arguments to comment on the archival implications of the sultan's strategies. His reflections, nonetheless, offer a valuable springboard from which to launch such an examination. As is evident from the size of the documentary corpus explicitly linked to al-Ghawrī's *waqf*, the process of acquiring property also involved the large-scale accumulation of legal records. By understanding that these documents were brought together in the process of specific historical occurrences precipitated by this sultan's activities, it becomes possible to define this large corpus as 'al-Ghawrī's *waqf* archive'. Whether this was a single physical archive or not, the documents all ultimately became linked to his *waqf* endowment. Al-Ghawrī's *waqf* endowment and the legal, and potentially illegal, strategies involved in its constitution should thus be seen as major factors in determining the specific configuration of this archive.

Despite the clear potential of al-Ghawri's documentation to contribute to a study of *waqf*-related archiving, however, I propose a different way of understanding the predominance of this particular sultan within the collection from that offered by Petry. Petry's argument interpreted the surviving mass of documentation as a straightforward reflection of the changing historical circumstances precipitated by al-Ghawrī's personal financial strategies: a demonstration of the sultan's innovations. He did not, however, take into account the role of archival practices in shaping this historical view. I suggest, instead, that al-Ghawrī's predominance must be read as a reflection of the specific archival lives of these documents, in light of the important historical moment at which this archive was constituted: immediately preceding the dramatic events of the Ottoman conquest. After all, can it really be viewed as simple coincidence that the last major protagonist appearing in the Wizārat al-Awqāf was also the penultimate Mamlūk sultan, and the last with the chance to establish substantial endowments?

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[257] For a detailed architectural description of the Ghūrīya, see Behrens-Abouseif 2007, 295-302.
[258] Petry 1994, 196-219, esp. 198.

I would argue not. In fact, al-Ghawrī's death in battle against the Ottoman forces at Marj Dābiq in Syria is widely characterised as a pivotal historical moment, this military defeat opening the doors to the Ottoman conquest of Egypt, accomplished the following year.[259] This then ushered in a new era, in which Egypt was to play a provincial role within the wider historical trajectory of the Ottoman Empire. Though, as a moment in Egyptian history, the Ottoman conquest is increasingly recognised to be an artificial threshold, it is nonetheless meaningful, especially for the history of document preservation and archival practice.[260] The Ottoman conquest saw the introduction of distinctive documentary and archival traditions, meaning that Mamlūk-period documentary forms were largely superseded by alternative models.[261] Al-Ghawrī sits, then, at a pivotal juncture not only in the political history, but also the archival history, of Egypt.

For his *waqf* archive, the implications of this are profound. The Ottoman introduction, even if gradual, of new methods of archival preservation means that we can to a certain extent see al-Ghawrī's archive as 'frozen' in time, the practices it manifests paused at a point when different practices replaced them. Though al-Ghawrī's successor, his nephew Ṭūmānbāy, held on to the sultanate for six months after his uncle's death, al-Ghawrī was the last Mamlūk sultan to make substantial *waqf* endowments. From within the late-Mamlūk-era tradition of *waqf*-related documentary practice, then, his archive remained untouched.[262] The freezing of these documents was not, of course, absolute. Nicolas Michel has suggested that the Ottomans may have centralised the storage of the documents connected to the most significant Mamlūk sultanic and amiral *waqf*s in the Citadel in 1523, at the time when they transferred other important documentation, including records of land taxation.[263] Such a process may well have involved some further rationalisation, or reorganisation of the documents. Certainly, the extant documents contain Ottoman-era stamps and, as we saw in the previous chapter, some contain marginal records added after the Ottoman conquest. The historical trajectories of the documents from the end of the Mamlūk period until the nineteenth century is largely unknown, so it cannot be assumed that the shape of al-Ghawrī's *waqf* archive endured without change over the centuries. Nonetheless, the singularity of the historical moments surrounding the formation of this archive and its subsequent transmission forward in time raise significant implications for how we read this corpus as an archive, and the degree to which we can gauge the uniqueness of al-Ghawrī's *waqf*-related archival practice. Ultimately, this highlights the pressing need to fully comprehend

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[259] For a recent expression of this, see Conermann and Şen 2017, 19-20.
[260] For criticism of the 1517 cut-off point see: *ibid.*, 18-19.
[261] See e.g. Michel 2013, 235-6; Müller 2018, 378-80; Faroqhi 1999, esp. 7.
[262] Ṭūmānbāy made at least one *waqf* endowment, the record of which appears on al-Ghawrī's own *waqfīya*. Petry 1994, 210.
[263] On the basis of Ibn Iyās: Michel 2013, 235.

the historicity of the corpus itself, before using its distinctive profile as a basis for historical arguments.

A full exploration of the 'frozen' nature of al-Ghawrī's *waqf* archive will be held back for the following chapter, where comparison with the documentation of his contemporaries and predecessors allow me to address this issue with greater depth and clarity. In this chapter, instead, I use al-Ghawrī's archive as a case-study through which to explore the practices manifest within a specific, historically contextualised *waqf* archive. Here, I take the exploration of archival features offered in the previous chapter a step further, by connecting them to historically specific archival practices and developments. Remaining cognisant of the unique historical contingencies dictating the survival of this material, I take advantage of the mass of documents connected to al-Ghawrī's activities to see what they can tell us about *waqf* archiving. Specifically, I examine the process of the archive's formation, and the way it came to be configured. I investigate how the documents within the archive related to each other, and what kind of archive it was. This includes consideration of the site at which documents may have been stored, and examination of evidence of practicalities in the arrangement, or organisation, of documents. On the basis of the arguments presented here, the next chapter will broaden out to illuminate a wider range of archival practices and archival actors, outside the direct framework of al-Ghawrī's *waqf*, which are also visible through this corpus.

This chapter is divided into three main sections. In the first short section I define what I consider to be 'al-Ghawrī's *waqf* archive', outlining the numbers and types of documents this corpus contains. In the second section, I use the documents to explore how this archive came together, highlighting the importance of certain historical moments in the assembly of this collection of documents. I then move on, in the third section, to delineate the nature and configuration of al-Ghawrī's *waqf* archive. Here I focus on several distinctive features of the archive: the physical storage of the documents; and the functional division of the archive between a 'living' *waqfīya* and a referential 'back-up' archive. Through the lens of al-Ghawrī's documentation, this chapter thus reveals the inner workings of a *waqf* archive, whose formation, configuration, and functioning characteristically mirrored the legal processes involved in establishing a *waqf* endowment.

Defining al-Ghawrī's *waqf* archive

The survival of such a mass of documentation connected to al-Ghawrī's *waqf* activities has furnished invaluable source material for the processes involved in the coming together of his endowments. Indeed, it was only through examination of this material that Petry was able to outline the full extent of these activities, arguing for al-Ghawrī's methodical and calculated strategy of wealth accumulation and property endowment. To state the obvious, the

documentation is also a direct product of these activities. The mechanisms involved in al-Ghawrī's *waqf* formation resulted directly in the accumulation of archival records that we can witness through the surviving documentation.

This is easily visible in the documents themselves, which reveal these processes to be part of a tightly controlled project. As Petry recognised, al-Ghawrī's exercises were to a large degree orchestrated, or at least facilitated, by a single legal figure, Sarī al-Dīn ʿAbd al-Barr ibn al-Shiḥna, the Ḥanafī qadi of Cairo from 906/1501 until his dismissal in 919/1513.[264] Though by no means the only qadi named in this material, he appears in a large number of the documents, either as the overseeing qadi, or as first witness. At various points in his career, Ibn al-Shiḥna had shown himself to be adept at legal manipulation and, under al-Ghawrī's patronage it seems these skills were put to good use.[265] By identifying the centrality of individuals such as he, both to al-Ghawrī's *waqf* project and to the seemingly more prosaic documentary and archival procedures that emerge from the surviving documents, the connection between the sultan's activities and *waqf*-related archival practice becomes ever more evident. The documents, thus, represent not just a group of documents with connections to al-Ghawrī, but a deeply connected and interdependent corpus that should be seen as an actual '*waqf* archive'.

Al-Ghawrī's *waqf* archive, as defined here, was made up of documents representing a number of different legal document genres. As I explained in the previous chapter regarding the Wizārat al-Awqāf collection at large, the documents can be divided into two main groups determined by the nature of their connection to the *waqf* itself. On the one hand was his *waqfīya*: the extensive deed recording the specifics of his own endowment, which was drawn up with the initial intention of documenting the *waqf* itself. On the other was the large number of sale and *istibdāl* deeds linked to properties that eventually came to support his endowment. These latter documents were initially drawn up to record other transactions, at earlier dates, and at least outwardly unconnected to al-Ghawrī's *waqf*.

Outlining this division in concrete terms, the first of these two types is represented by three large *waqfīya*s containing details of al-Ghawrī's most substantial *waqf*s.[266] In his work on al-Ghawrī's *waqf*, Petry relied on only one of these documents, shelfmark 882ق, describing this as the sultan's 'major votive deed'.[267] As Petry was certainly aware, 882ق is, in fact, a copy of

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[264] And who appeared in some of the transaction histories outlined in the Chapter 1, 74.

[265] For an outline of Ibn al-Shiḥna's biography, mostly drawn from Ibn Iyās' chronicle, see Petry 1994, 21-2, 148-51, 206-8.

[266] MMA 652/WA 882ق, MMA 696/WA 883ق, and MMA 653/WA884ق. Three smaller *waqf* deeds also survive: MMA 703/WA 130ج; MMA 836/WA 538ج, MMA 837/WA 539ج. The latter two contain copies of the same *waqf* deed, though the *isjāl*s are different. As far as I could ascertain, all concern additions of property to the *waqf* for the Ghūrīya.

[267] Petry 1994, 202; see also the list of documents he consulted, 255.

the original documents, which was made in 987/1579 under the auspices of an Ottoman qadi.[268] Unlike the original *waqf* deeds (883ق and 884ق) which are large paper scrolls, 882ق comes 'in the form of a bound volume', a codex, with 599 pages.[269] This cartulary-like document includes details of endowments made on five separate occasions dating between 909/1503 and 922/1516, in favour of the Ghūrīya and of a separate public drinking fountain (*sabīl*).[270] These same endowments were originally recorded on the other two large scroll-shaped *waqfīya*s, two on 883ق and three on 884ق. The relationship between these scrolls and the codex copy is certainly interesting when considering the shift from Mamlūk- to Ottoman-period archival practice, a point to which I shall return in the next chapter. The practices it manifests are, however, chiefly relevant for the study of Ottoman-period archiving and are therefore beyond the scope of this thesis.[271] For the purposes of Petry's study, which was not concerned with documentary or archival practice, 882ق must have represented the most convenient record of all al-Ghawrī's endowments. The quantitative investigation he carried out would certainly have been more feasible using a book-shaped object than cumbersome and lengthy scrolls. For the purposes of this chapter, however, 883ق is used as my main example of the *waqfīya* legal deed genre in al-Ghawrī's *waqf* archive.[272] As we shall see below, this deed contains the details of al-Ghawrī's most substantial *waqf* endowments and is, thus, the most pertinent *waqfīya* on which to focus here.

The second document genre outlined above is represented in al-Ghawrī's archive by the c. 290 documents in the Wizārat al-Awqāf that concern discrete properties eventually incorporated into his *waqf*s: property-related documents, as it were.[273] Most of these are easily distinguishable by marginal records documenting sale or transfer to al-Ghawrī's ownership, and subsequent inclusion in his *waqf* endowment. Though I was only able to view a limited number of these documents in the original, I was able to use Amīn's catalogue to outline the rest of this corpus. The catalogue is of immense help in this enterprise, usually listing the final sale or *waqf* records to al-Ghawrī that appear on many scrolls. Nonetheless, it is also possible that more of the documents listed in the catalogue can be connected to al-Ghawrī's *waqf* than initially appear. Using the catalogue, I rely on the appearance of marginal records explicitly mentioning al-

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[268] Ibrāhīm 1957a, 406; Al-Hamzah 2009, 29, 51. Amīn, alternatively, dates this volume 909/1503, the earliest date found on the document: *P.Cair.Archives*, 246. This suggestion is incorrect. *Waqfīya* 882ق itself names the Ottoman qadi who oversaw the copying of the original *waqfīya*s and provides the date for this event.

[269] *P.Cair.Archives*, 246. Khaled Al-Hamzah provides an English translation of much of this *waqfīya*'s content, though this is not comprehensive. An image of the first page is also reproduced. See Al-Hamzah 2009, 50-121.

[270] Designated in 882ق as the 'fountain of the believers' (*sabīl al-muʾminīn*).

[271] Though I touch on this in Chapter 3, 125-7.

[272] MMA 696/WA 883ق. This is also the document Ibrāhīm studied in his unpublished doctoral dissertation, as Amīn explains in a footnote in *P.Cair.Archives*, 263. Unfortunately, I have not been able to access a copy of the dissertation.

[273] According to my database, the exact number is 285. See also Petry 1994, 204.

Ghawrī in order to be certain that a document was part of his archive. It is, however, possible that some documents were included without such updates. Amīn's omission of any descriptive detail on the properties bought, exchanged, or endowed precludes the possibility of drawing connections between documents on this basis. Even so, a corpus of c. 290 connected documents is a significant one, constituting the overwhelming majority of extant material in al-Ghawrī's *waqf* archive.

It should be emphasised here that by defining this corpus – the *waqfīya*s and the connected *waqf*-related material – as al-Ghawrī's *waqf* archive, I do not contend that the surviving documents embody the archive in its entirety. As Petry has pointed out, it is likely that the extant collection represents only a fragment of the documents involved in al-Ghawrī's *waqf* projects. The considerable predominance, for instance, of urban real-estate, rather than agricultural land, in the property-related documents, suggests that this is an archive concerned with a particular sample, rather than a broad cross-section, of the properties donated to al-Ghawrī's endowments.[274] In addition, and as we shall see further below, my understanding of 'archive' here comes without any initial presumptions about the united physical storage of all this material. Identifying this corpus as an archive, above all, offers the possibility to foreground connections between the documents, and to comprehend the logic uniting them, as well as to build an understanding of what such an archive meant within the specific historical setting of al-Ghawrī's reign.

The formation of al-Ghawrī's *waqf* archive

The two distinct kinds of document that make up this archive lend it a distinctive composition in temporal terms. The *waqfīya*, the central document around which the broader logic of the collection should be seen, was not the first document to be produced; it was actually one of the later ones. On the other hand, most of the other documents in al-Ghawrī's *waqf* archive had existed long before their inclusion in this particular archive, in connection to the discrete properties they concerned. Exploring the relationship between them and the *waqfīya* thus allows us a clear view of the actual historical processes that were involved in the assembling of these documents to form a coherent archive.

This procedure can be understood with relative ease. As we have seen, the establishment of al-Ghawrī's *waqf* involved the large-scale purchase of property. Upon each sale, a deed was

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[274] *Ibid.*, 204. A small number of the extant documents connected to al-Ghawrī should also be seen as external to the two types of documents outlined in the above scheme. These include six *waqfīya*s of other individuals, containing marginal notations which explain that property extracted from these *waqf*s ended up in al-Ghawrī's hands. Such *waqfīya*s represented part of the *waqf* archives of these other individuals, and so should not be included in al-Ghawrī's *waqf* archive.

drawn up. Amīn's catalogue contains a number of such documents, in which the documentary matrix is a sale of property to al-Ghawrī, and such documents increase in number over the course of his reign. As we saw in the previous chapter, when these properties were purchased, documents recording prior ownership, and previous transactions, were also accumulated and updated with marginal notes to name their new proprietor.[275] At a certain point after this, al-Ghawrī placed these properties in *waqf* endowments. In documentary terms, this stage is visible in the citation of initial purchase deeds within the endowment deed itself. Petry calculated that 60% of such surviving deeds are referenced in al-Ghawrī's *waqfīya*.[276] In addition, each of the original deeds was updated with a marginal record of incorporation into al-Ghawrī's *waqf*. By this series of stages, multiple different property-related documents were explicitly brought into the framework of al-Ghawrī's *waqf* archive.

We can, in fact, be more concrete in outlining the specific occasions on which these events took place, pinpointing actual dates for the establishment, and subsequent growth, of this archive. As Petry pointed out, it is clear from al-Ghawrī's *waqfīya* that his endowments were set up in various phases, with property he had accumulated being incorporated *en masse* into his *waqf*s on several specific dates.[277] Five different dates of endowment appear on al-Ghawrī's *waqf* deeds. These are:

1. 26 Muḥarram 909/21 July 1503
2. 23 Shaʿbān 909/10 February 1504
3. 20 Ṣafar 911/23 July 1505
4. 17 Rabīʿ II 922/20 May 1516
5. 18 Rabīʿ II 922/21 May 1516.[278]

While an endowment was made on each of these occasions, the two dates that emerge most prominently within the collection at large are 20 Ṣafar 911 and 18 Rabīʿ II 922, endowments 3 and 5 respectively, on which dates he established major *waqf* endowments in favour of his funerary complex. These are the dates that appear on *waqfīya* 883ق, which contains the first *waqf* deed on the recto and the other on the verso. According to Petry's calculations, these two dates saw the properties described on 120 separate surviving documents being brought into his

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[275] The handing over of old title deeds to new owners at the time of sale is a practice that is well-documented also in Arabic legal documents dating from earlier periods, ensuring that prior owners could not falsify claims to a property after it had been sold. *P.Vente*, 113. See also Vorderstrasse 2013, 281-311.

[276] Petry 1994, 204. Many of the remaining documents contain final sale deeds to the sultan but did not make it into his *waqf*.

[277] *Ibid.*, 206.

[278] All five of these endowment deeds appear on 882ق, in addition to two deeds made by al-Ghawrī's nephew and successor as sultan, Ṭūmānbāy. 884ق contains transactions 1, 2, and 4, while 883ق contains transactions 3 and 5. See *P.Cair.Archives*, 246, 263.

endowment.[279] These dates must, then, be considered significant moments in the formation of the *waqf* archive of al-Ghawrī's funerary endowment.

In fact, each of these dates of endowment must be seen as the *terminus ante quem* for the actual physical accumulation of the set of documents relevant to the *waqf* concerned. It was necessary, after all, for al-Ghawrī to purchase the properties detailed in these documents, prior to him being able to endow them in favour of his *waqf*.[280] It is probable that each phase of endowment was preceded by a period in which the sultan built up his property base, assembling the relevant documentation as part of this process. He thus built up a substantial archive of his purchases, bringing together the records of the dispersed properties that he had accumulated, prior to their immobilisation in his *waqf*. To offer one example, the substantial estate of Khawand Fāṭima, the widow of sultan Qāytbāy (r. 872-901/1468-1496), was transferred upon her death to al-Ghawrī's ownership. This took place on 24 Ṣafar 910/6 August 1504, a year before its eventual incorporation into his *waqf* on the date of endowment 3 outlined above. This transfer can be found recorded in the margins of Fāṭima's deeds, the large corpus of which came, at this stage, into al-Ghawrī's care.[281] Likewise, though more than a third of all the recorded properties in al-Ghawrī's *waqf* archive were purchased in one year: 914/1509,[282] these properties were not brought into his *waqf* endowment until 922/1516, on endowment date 5 outlined above.

Though these dates of purchase allow us to pinpoint specific dates in the expansion of the archive, they indicate that the establishment of the *waqf* archive was not straightforward or immediate. Though it is almost certain that al-Ghawrī planned the ultimate endowment of the property he had accumulated, the delay between the time of purchasing property and that of placing it in *waqf* meant that these documents must have belonged to a kind of 'in-between' purchase archive for a period of some seven years. The dates of al-Ghawrī's purchase and endowment must, then, be seen as progressive phases in the gradual formation and expansion of the *waqf* archive.

The process of the formation of this archive also involved the highly systematic updating of the older records. This emphasises the significance of the dates of purchase and endowment as important milestones in the coming together of the *waqf* archive. On each of these dates, the updating of the documents appears to have taken place through the activity of a limited number of scribes, whose hands reappear in numerous marginal sale and *waqf* records. One scribe, for instance, was responsible for the updating of multiple documents with marginal notes recording incorporation of property into al-Ghawrī's *waqf* on the occasion of endowment 5. This scribe's

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[279] 68 on the first date; 52 on the second. Petry 1994, 206.
[280] The importance of establishing the legal ownership of properties by a soon-to-be *wāqif/a* is abundantly clear from the need to cite purchase deeds, and their legal certifications, within the text of the *waqfiya*. See Chapter 1, 72-3.
[281] For Fāṭima's documentation see Chapter 3, 120-4. See also *ibid.*, 275-94.
[282] *Ibid.*, 206.

highly distinctive hand, very cursive, not easily legible, and with an extreme rightward slant, can be found on many of the documents with a final *waqf* record from this date.[283] Several documents concerning property that passed from the hands of al-Nāṣirī Muḥammad ibn Taghrībirmish, to al-Ghawrī conclude with a marginal note in this same hand.[284] Notably, three of these documents concern the same property, and thus contain the same marginal updates documenting the progression of the property through the possession of various owners on a series of dates.[285] On each occasion that the property was sold, a single scribe updated all three documents, though the same scribe did not write on all dates. This example indicates that the practice of one scribe updating multiple documents was not unique to the moments at which al-Ghawrī's *waqf* archive was being formed. In this particular case, it is distinctly possible that the chain of transactions recorded were carried out in cognisance of the property's final destination in the hands of the sultan. The property passed through the hands of six owners during a period of less than two years, including none other than the qadi Sarī al-Dīn ʿAbd al-Barr Ibn al-Shiḥna himself.[286] In the process of al-Ghawrī's apparently voracious property accumulation, the updating practice was extended across a broad documentary corpus, thus showing the documents being systematically gathered together, and incorporated, in various phases, into his *waqf* archive.

It is, therefore, evident how these documents came together to constitute an archive. Whilst most were individual property-related documents, they were progressively united within the logical, and legal, framework of al-Ghawrī's *waqf*, and were modified according to this new configuration, to make up a substantial archive. It is probable that they were then united in a single physical space. We should, perhaps, in part see the formation of the purchase archive as a preparation for drawing up the *waqfīya*. This process would have required the presence of many original documents, so that the detail of each property, its ownership, boundaries, and the legality of prior transactions could be cited accurately in the text.[287] It was presumably at this stage that the documents making up the purchase archive could then be updated with the evidence of their incorporation into the framework of the *waqf*, thus transforming this enormous collection of property-related documents into a true '*waqf* archive'. The history of this archive's formation certainly adds further complexity to any understanding of the *waqfīya* acting as a one-piece archive. The formative moments of the *waqfīya*'s archival life-span included a long pre-history of document accumulation, management, and re-organisation, and a resulting close relationship with a large corpus of separate property-related documents.

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[283] The name of this scribe is perhaps Muḥammad al-Munāwī, though this is difficult to make out from his cipher-like signature.
[284] MMA 741/WA 331ج; MMA 742/WA 314ج; MMA 743/WA 208ج; MMA 799/WA 397 ج. A sample of this script can also be found in the marginal notation, from the same date, on the *istibdāl* deed (MMA 704/WA 75ج) edited by Amīn, which is reproduced in *P.Cair.Archives*, 501.
[285] MMA 741/WA 331ج; MMA 742/WA 314ج; MMA 743/WA 208ج.
[286] These kinds of convoluted transactions are common in this corpus. See Chapter 3, esp. 115-6.
[287] As we saw in the cross-referencing techniques outlined in Chapter 1, 72-7.

The explanation that I have offered here of procedures involved in the formation of al-Ghawrī's *waqf* archive shows, significantly, that the process of pursuing and completing his *waqf* project required an enormous exercise in archive creation. Acquiring disparate properties from multiple individuals, al-Ghawrī accumulated large numbers of documents, from multiple sources, uniting them in the framework of the *waqf*, thus assembling the archive, as it were, from scratch. This *waqf* archive thus offers an invaluable snapshot of the process of archive formation involved in the establishment of a *waqf* endowment, bringing diverse legal documents together to serve a new and very specific purpose.

The configuration and functioning of al-Ghawrī's *waqf* archive

Understanding the formation of this archive takes us some steps closer to identifying the way the archive worked, and what kind of archive it was. It also highlights the internal configuration of the archive: its shape and arrangement, which determined its use and potentially also the details of its physical storage. The broad configuration of the archive is not difficult to grasp. By recognising al-Ghawrī's *waqf* as the factor uniting these nearly 300 documents, thus framing the corpus within the logic of his *waqf*, the *waqfiya*s come to represent, to use Loiseau's terms, the true 'documentary matrix', or matrices, of this archive. Not only does each *waqfiya* offer a shared physical support for records of later transactions, but its connection to the *waqf* endowments also places it at the centre of a substantial multiple-piece archive, uniting an enormous collection of separate scrolls.[288] This unity was determined by the overarching logic of the archive, but was also explicitly acknowledged through the ubiquitous documentary cross-references. The archive might thus be conceptualised as a web of documentary connections, with the *waqfiya* at the centre.

This distinctive archival configuration has profound implications for our understanding of the way the archive was used in practice, and of the main uses envisaged for the different kinds of documents it contained. The most tangible reason for preserving these kinds of documents was to offer legal proof of the status of properties. Once incorporated into al-Ghawrī's *waqf*, the properties recorded in this corpus of documents all entered a single legal framework. This process was reflected in documentary terms by their description on the *waqfiya* and the citation of the original documents there. Despite the referencing of original documents on the *waqfiya*, however, the original property-related documents were also preserved. As we saw in the previous chapter, the extensive system of cross-referencing implies that there was an expectation that the originals could be referred to if needs be. In al-Ghawrī's *waqf* archive, then, though the *waqfiya* remained the ultimate legal record of the endowment, and the central piece

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[288] Loiseau 2009, 292; 2013, 215.

in the archive, it did not supersede the original documents in their role as legal proof. The functional configuration of the archive thus reflects the endowment itself, with the *waqfīya* at the centre, drawing together the information from the documents into, as Loiseau put it, an 'integral form'.[289]

The physical storage of the archive

While conceptually, then, the archive's configuration seems quite logical, it is more challenging to grasp its physical reality. Taking the form of a substantial collection of separate paper and parchment scrolls, this does not seem, to a modern mindset, to be an archive that physically lends itself to systematic methods of storage. Al-Ghawrī's *waqf* archive consisted of hundreds of such scrolls. Attempting to identify the physical location of archival storage places us on shaky ground as, though this archive has come down to us today as one collection, we cannot assume that it was always kept as such. It is, in fact, surprisingly difficult to establish with any certainty the location at which the majority of these documents were kept at the point when they were brought together as an archive.

Al-Ghawrī's *waqfīya* represents one significant exception. According to the title page preceding the copy of the *waqfīya* in 882ق, the original deed (883ق) was stored in al-Ghawrī's *khānqāh*, one of the main buildings in the Ghūrīya complex.[290] The physical location of this document's storage reflects the centrality of the endowment in determining the document's function. The creation and preservation of the *waqfīya* depended entirely on the existence of the endowment, and thus on the actual buildings that constituted the endowed institutions. Though we do not know where in the *khānqāh* the document was kept, we know that other *waqf* deeds were kept in sealed chests, or otherwise in the libraries connected to endowed institutions.[291] The Ghūrīya, as described in the endowment deed itself, was certainly not short of storage space.[292] While it is not possible to identify the exact location of the *waqfīya*'s archival storage, its known preservation on the site of the endowed institutions is meaningful, highlighting the importance of the endowment in determining the archival logic of this document, and the larger archive to which it was linked.

While we can pinpoint the archival site at which this *waqfīya* was preserved, we cannot simply assume that the rest of al-Ghawrī's *waqf* archive was kept at the same location. The documents served different functions within the archive, and these other legal deeds, though essential records of the legality of property ownership, did not uphold the same degree of

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[289] *Ibid.*, 215.
[290] Ibrāhīm 1957a, 337: footnote 119.
[291] *Ibid.*, 337: footnote 119. Some *waqfīya*s clearly stipulate the payment of a librarian (*khāzin al-kutub*) who was charged with looking after the books of the endowment, but perhaps also documents. The ambiguity of the term *kutub* should be pointed out, especially given the internal designation of many the documents considered here as *kitāb*. See, for example, Qāytbāy's *waqfīya*: Mayer 1938, 69.
[292] For the description of the *khānqāh* in 882ق, see al-Hamzah 2009, esp. 71-84.

centrality for the legal record of the endowment. This distinction is, conveniently, visible today in the modern inventory numbers of documents within the Wizārat al-Awqāf. The deeds known by the epithet 'old' (qadīm; ق) are, without exception, waqfīyas, while those 'discovered' in the collection in 1967, which are known as 'new' (jadīd; ج), are largely made up of these other genres of legal deeds. Though the history of the collection means that we do not know at what historical point this division occurred, it nonetheless encourages us to consider the possibility that the two groups of documents, playing rather different roles within the archive, might have been kept in different places.

Practically speaking, these other deeds do not seem to have been used as regularly as the waqfīya. Al-Ghawrī's extensive waqfīya shows more signs of wear and tear than most of the smaller property-related deeds. The implication here is, thus, that the accessibility of these documents may have been less important than for the waqfīya, as it was likely only on occasions of legal dispute that these scrolls would need to be scrutinised with any precision. Despite the difference in use of the varied document types, however, there is no obvious alternative location to offer as a site of storage for these c. 290 scrolls. In fact, if the waqfīya was preserved in a sealed chest as we know was the case for other such documents, this does not in itself offer an especially accessible means of storage. Ultimately, I think it probable that the documents were all kept, if not in the same physical repository, then at least on the same site: the Ghūrīya itself.

The 'living' waqfīya and its immobilised 'back-up' archive

The implications of the conceptual and physical configuration of the waqf archive outlined here are that a firm distinction should be made between the role of the waqfīya and the mass of individual property-related documents. The details of each transaction and property considered most essential for the waqf itself were mostly transmitted on the waqfīya, meaning that this information was duplicated within the archive at large. The property-related documents seem, therefore, to have behaved as a kind of 'back-up' archive in case of legal challenge, offering information on the legality of al-Ghawrī's ownership of the property that made up his waqf. The roles of the two types of document can be further distinguished when we consider the implications of the way this archive came together. Whilst the moment of endowment represented the initial date of each waqf deed, for the other deeds, the marginal waqf record is almost always the last date to be found on the scroll. Very few of these property-related documents contain additions dating from after the occasion of the final waqf record, such as traces of legal proceedings, or extraction of the property via istibdāl. At this stage, then, the very existence, or survival, of these latter deeds as functional archival documents became dependent on the focal waqfīya. The waqfīya, unlike the other documents, continued to accumulate marginal updates as property left and entered the waqf via istibdāl, and legal disputes requiring

resolution occurred. On the *waqfīya*, these marginal updates were added well into the sixteenth century.[293]

It is, perhaps, helpful to consider the difference between the *waqfīya* and the other deeds as a distinction between archival documents that maintained an 'active' or 'living' role, and those preserved mainly for their referential value. While their active life-spans overlapped, they did not follow the same archival trajectory. The *waqfīya* was produced as a living archive at the moment when the other documents became essentially 'closed', surviving only as supporting, back-up documentation (this process is visualised in fig 10). While the *waqfīya* was conceived to look forward into what was hoped to be a perpetual future, the back-up archive was accumulated to ensure an accurate depiction of the legal past. We can, thus take the analogy between the *waqf* archive and the *waqf* endowment itself a step further. The fact that the final date appearing on most of these documents corresponds to the moment when the property entered the *waqf* suggests that the end of the documents' active role in a property archive mirrors the 'immobilisation' of property that was the hallmark of *waqf*.
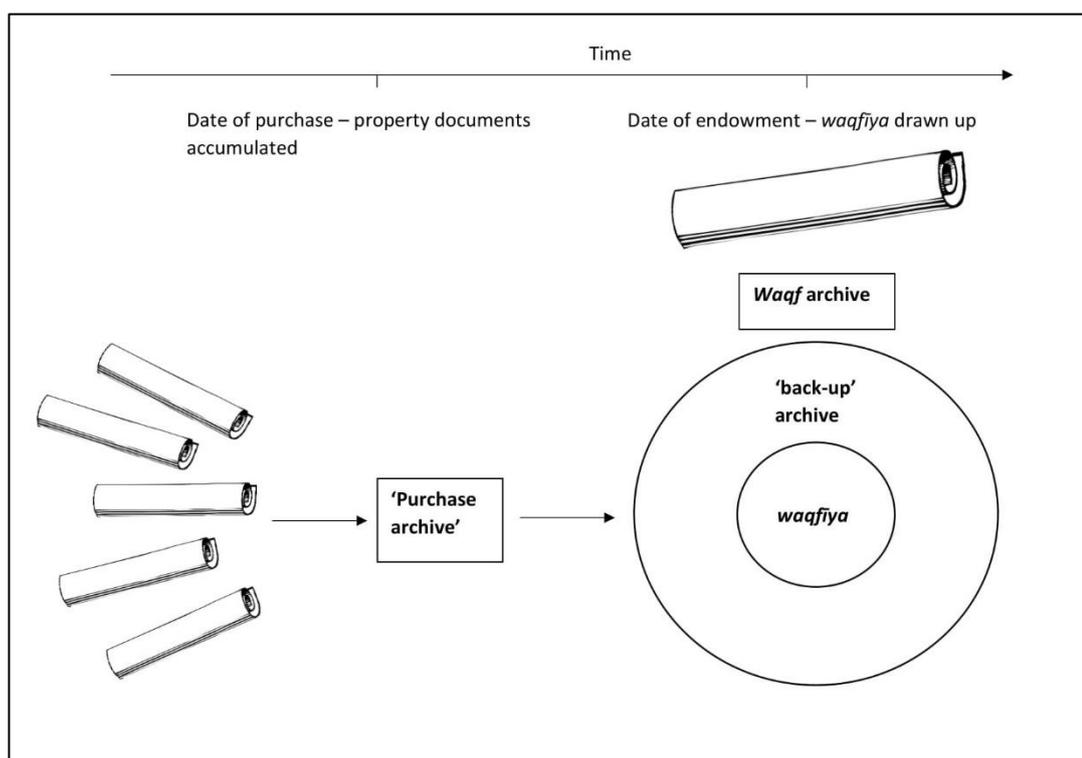
Fig. 10. Visualisation of the formation and configuration of al-Ghawrī's waqf *archive*

The polarisation between these two components of the *waqf* archive is especially apparent when we further investigate the uses of the *waqfīya* and back-up documents respectively. On the one hand, al-Ghawrī's *waqfīya* was undoubtedly conceived as a very active,

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[293] None of these updates are included in the entry in Amīn's catalogue, but many can be found on the original scroll.

living archival document from the moment of its redaction. While I have already highlighted the role of the *waqfīya* in determining the overall legal and archival logic of the wider *waqf* archive, its centrality went beyond these practical concerns. In its role as the ultimate material record of the *waqf* endowment, including its extensive wealth, stipulations, and illustrious beneficiaries, al-Ghawrī's *waqfīya* also played an integral role in upholding the prestige of the endowment, and must thus be located within the broader picture of the public symbolism of *waqf*.

As I have mentioned elsewhere, the brick-and-mortar institutions that benefitted from *waqf* endowments played a crucial role in shaping the architectural landscape of medieval Cairo. The prominence of these buildings within the city, alongside the political importance of their endowers, rendered them a focal point for public ceremony.[294] In some of these ceremonies, it seems, the *waqfīya* itself played a significant role. The public celebration of *waqf* endowments involved processions through the streets of the city, ending at the endowed institutions. On such occasions, the *waqfīya*s themselves would apparently be paraded through the streets of Cairo.[295] Though we do not have direct indications of al-Ghawrī's own *waqfīya* being displayed in this way, Ibn Iyās offers accounts of at least two ceremonial visits, in 917/1511 and again the following year, in which al-Ghawrī and his entourage processed through the streets of Cairo, arriving at the Ghūrīya, where the sultan handed out gifts to the employees there.[296] These are certainly the sorts of occasions during which the physical record of his endowment, that is the *waqfīya*, might have played a central performative role. The role of *waqfīya*s in this kind of public ceremony highlights their significance, manifest even just in the scroll as an object, in symbolising the *waqf*.

Certainly, as an object, al-Ghawrī's *waqfīya* (883ق) was designed in such a way as to visually evoke this prestige. Its appearance and physical format both indicate that this was a document with a much more profound display function than the other documents in the *waqf* archive. Most strikingly, perhaps, is the ludicrously impractical nature of the *waqfīya*: a paper scroll of around 30 metres in length. Though the proportions of the scroll are ultimately due to the length of the initial endowment deed, which takes up the entire of the recto, other material features indicate that it was designed to have a visual impact. The first part of the scroll, which contains an introductory text outlining the details of the Ghūrīya as the main beneficiary of the *waqf*, is distinctly decorative. Here, the text is written using coloured ink, with words written in alternating red and black, and green dots placed between each word. Blessings, such as the *taṣlīya* and the opening formulae are also written in green, with the *ḥarakāt* (vowels) added in red. These aesthetic features alone suggest that this document was intended for functions that

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[294] See Van Steenbergen 2013a, 227-76; Flinterman 2017, esp. 55-77. For a more general account of public ceremony in Mamlūk Cairo, see also Behrens-Abouseif 2007, 25-33.
[295] I am uncertain what the sources are for this practice. Al-Hamzah 2009, 128-9.
[296] *Ibid.*, 40-1.

were not entirely legal or practical, bringing it closer, in its physical appearance, to a nicely-produced manuscript than to a legal archival record.[297] Indeed, the recognised impracticality of this scroll is further hinted at by the Ottoman 'cartulary' copy, which indicates that later users concerned with the content of the document saw fit to utilise a more functional material format.[298] The materiality of *waqfīya* 883ق thus highlights its role as the living symbolic centre of al-Ghawrī's *waqf* archive, and its status as an object of ceremonial significance in the public performance that surrounded the *waqf* endowment.

The ceremonial usage of *waqfīya*s, however, went beyond rendering these documents as symbolic display objects, to employ their full textual content. The *waqfīya* of the sultan Barsbāy (825-841/1422-1438), for instance, contains a stipulation requiring that once a year the deed should be read aloud in its entirety to the employees and beneficiaries of the *waqf*, in order to keep them well-acquainted with its content.[299] This ceremonial recitation of the document's content would likely have been an event of some importance, not least because it would have taken a long time, and the audience would have been a large one. On the basis of the stipulations outlined in al-Ghawrī's *waqfīya* (882ق), Khālid al-Hamzah calculated that the Ghūrīya employed some 273 people.[300] Annual recitation may well have taken place as part of formal celebrations of the *waqf* such as those outlined above. It was evidently intended to strengthen the legal function of the *waqfīya*s, highlighting the conditions laid down in these deeds, and thus enhancing their archival value through a ceremonial act. This act would no doubt have ensured that all beneficiaries of the *waqf*, whether literate or not, would know to whom they owed their gratitude. Such events reinforced the centrality of the *waqfīya* as a living record of the means by which the *waqf* had been constituted, including its physical complex of buildings, the community of employees and scholars it supported, its significance within the wider urban fabric, and, of course, the ultimate reliance of all these aspects on the magnanimity of the sultan.[301] The *waqfīya* was thus an integral element in a programme directed towards promoting the public visibility of *waqf*: a propaganda tool, as it were. Indeed, the *waqfīya*'s content was also sometimes written into the architectural fabric of the endowed institutions, through calligraphic inscriptions which cited from the deed. The Ghūrīya itself was apparently adorned with ceramic tiles, containing

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[297] The use of red ink (rubrication) to highlight headings is common in contemporary manuscripts. See e.g. Van Berkel 2013, 369-70; Daub 2016, 154-6. Rubrication was also used to flag up important formulaic phrases in the *Jāmiʿ al-Mustanadāt*: Saghbini 2005, 13. See also, for the use of colour in chancery documents, Dekkiche 2011, 332-3.

[298] Though of course, processes of copying such as this one were not merely concerned with practicalities. See, for instance, the discussion around cartularies from early medieval Europe referenced in the introduction to this thesis: 16-17.

[299] Ibrāhīm 1957a, 341.

[300] Al-Hamzah 2009, 124.

[301] For an exploration of the interface between the architectural and commemorative aspects of sultanic *waqf* endowments see Flinterman 2017, esp. 75-7, 93-102.

'extracts' from the *waqfīya*, which are kept now in the Museum of Islamic Art in Cairo.[302] The multiple ways in which the content of the *waqfīya* was performed – verbally, ceremonially, and architecturally – indicates that this document was active in ways that went considerably beyond its role as a legal record.

In contrast to the very living *waqfīya*, the closed nature of the back-up archive is indicated by its more referential use. Aside from physical signs that these documents were not often used after their inclusion in the *waqf* archive, this is further indicated by the appearance on many of the property-related documents of the short archival notes that I described in Chapter 1.[303] These notes, clarifying the genre of deed and describing the property concerned, were almost certainly added to the documents upon their inclusion in al-Ghawrī's *waqf* archive. They can, for instance, be found on several documents referring to separate properties, for which inclusion into the sultan's *waqf* archive represents the only shared moment in their documentary histories. In addition, many of them seem to have been redacted in the same ink, different from that used in most of the texts on the scrolls, and regrettably one that has not effectively withstood the tests of time. The use of such archival notes within the back-up archive offers evidence of the requirement for this to function as an effective reference archive, promoting the easy identification of specific documents within a large collection of physically similar scrolls.

The content of the archival notes is also significant, demonstrating that the individual properties that made up the *waqf* also constituted the building blocks of the back-up archive. Beyond the archive's conceptual logic, however, this also offers some indications of how the *waqfīya* might have been used in conjunction with the back-up archive. As we saw in the previous chapter, al-Ghawrī's *waqfīya* contains brief subheadings written in the margin, summarising the properties being described in the adjacent *waqf* deed.[304] These descriptions are more or less identical to those found in the archival notes on property-related scrolls: usually summaries of the longer property descriptions found in the deeds themselves.[305] Used alongside the archival notes on the scrolls of the back-up archive, this feature would certainly have been helpful if the documentation of a specific property in the *waqf* was required, allowing the

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[302] Al-Hamzah gives an inventory number (965) for these tiles, though it is possible that this may have changed during the rebuilding of the museum after the 2014 bombing. Al-Hamzah 2009, 51. I am uncertain to what extent these tiles constitute 'extracts' from the *waqfīya*, as opposed to more generic patronage inscriptions. Behrens-Abouseif has, for instance, noted the 'general discrepancy' between monumental inscriptions on Mamlūk buildings and their corresponding *waqf* documents, indicating that they are not straightforward extracts: Behrens-Abouseif 2007, 97-99. Typically, Chamberlain interpreted the architectural inscription as indicating 'lack of faith' in the document collections: Chamberlain 1994, 15. I consider this a somewhat problematic argument, given the ubiquity of architectural patronage inscriptions across the Middle East outside the framework of *waqf*, not to mention their use in other world regions. Nonetheless, this is a phenomenon that remains to be fully investigated.
[303] See above: 71-2.
[304] See above: 70.
[305] This is a helpful feature of these documents, as the lengthier descriptions in the deeds can sometimes be used to help fill lacunae or interpret difficult-to-read passages in the extant archival notes.

relevant scrolls to be located without having to unroll them completely and read their full, and extensive, content. These various kinds of archival notes, thus, highlight the way in which the *waqfīya* might be used as a practical guide, even an index, assisting the functioning of the *waqf* archive at large. The need for such practical archival tools is certainly tangible in al-Ghawrī's *waqf* archive, where navigating this enormous collection of scrolls must have posed a logistical challenge. In addition, the archival interaction between the *waqfīya* and the back-up documents that these practices suggest, offers compelling evidence for the storage of the *waqf* archive in one physical space.

Aside from its practical implications, the continued visibility within the archive of the discrete properties that made up the *waqf* further bolsters my contention that the archive was designed to mirror the *waqf* endowment it supported. The information in some of these archival notes indicates that the back-up archive, as well as supporting the information on the *waqfīya*, deliberately recalled the histories of individual properties prior to their inclusion in al-Ghawrī's *waqf*, highlighting the change of legal status involved in the process of endowment. This is particularly visible in cases where the property concerned had previously belonged to other *waqf*s and been extracted by means of *istibdāl*. The archival note found on one *istibdāl* deed, for instance, includes a supplementary note explaining that this property is 'known as [part of] the *waqf* of al-Bajāsī' (*al-maʿrūfa bi waqf al-Bajāsī*).[306] A similar note can also be found on an additional scroll containing the rest of the *istibdāl* documentation.[307] These documents record that this property left al-Bajāsī's *waqf* in 858/1454, more than 50 years before it came into al-Ghawrī's possession in 914/1509. As the property was, worryingly for al-Ghawrī, still 'known' by the name of its previous *wāqif*, this information was utilised in the organisation of al-Ghawrī's archive.

This technique may also have symbolic implications. In a milieu in which properties, mostly located within close proximity of each other, changed hand with great rapidity, it is very likely that associations with prior owners or *wāqif*s prevailed in public and legal memory. Nonetheless, the above example implies that the transaction histories of the discrete properties that made up al-Ghawrī's *waqf* remained, to some degree, visible within the organisational logic of his archive. The supporting role that these documents played within his archive must have highlighted the immobilisation of these properties within the *waqf*. It was, perhaps, part of the symbolism of *waqf* that the endowment, in a sense, put an end to the 'mobile' period of these properties' histories, tying them into the *waqf*, at least theoretically, in perpetuity. This process thus correspondingly froze the property-related documents at this stage in their archival life-span. The configuration of the back-up archive, and its relationship to the *waqfīya*, thus reveals

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[306] MMA 384/WA 537ج.
[307] MMA 385/WA 549ج. These documents were used in my discussion of *istibdāl* documentation in Chapter 1, 80-82.

a continued understanding and appreciation of the historical, as well as the legal, value of these older documents, in clear juxtaposition with their current state of archival immobilisation.

Conclusion

In this chapter, I have taken advantage of the unusually high survival rate of documentation connected to al-Ghawrī's *waqf* activities to examine the processes involved in forming a *waqf* archive, and to explore the shape such an archive took. Defining this material as al-Ghawrī's *waqf* archive, I presented this corpus as an ideal case-study though which to examine the complex set of archival practices that surrounded *waqf* endowments. By situating this material against the backdrop of al-Ghawrī's *waqf* strategy, outlined previously by Petry, I was, thus, able to explore the archival practices the documents reveal, within the specific historical context that came to determine their archival configuration.

Above all, we saw that in its formation, configuration, and functioning, al-Ghawrī's archive closely mirrored the *waqf* endowment itself. Brought together in a process that reflected the legal procedures involved in the establishment of al-Ghawrī's *waqf*, the archive was formed as a multi-faceted one, made up of hundreds of separate documents, with distinct though intersecting historical life-spans, serving different functions, but nonetheless united by the logic of the *waqf* endowment. Once drawn up, the *waqfīya* came to be the central matrix of this archive, both practically and symbolically uniting the mass of legal and descriptive information that was of relevance to the *waqf*. The primary living part of the archive, the *waqfīya* was thus an active document: in physical documentary practice, where it continued to be added to over time to serve as an up-to-date record of the current legal status of the *waqf*; and in public ceremony where it performed a key role in the portrayal and enactment of the *waqf*. The mass of property-related documents that made up the rest of al-Ghawrī's *waqf* archive, on the other hand, came to make up an immobilised and closed reference archive, mirroring the process of property immobilisation involved in the foundation of *waqf*s. Upon entering the *waqf* archive, these older documents entered a new stage in their lives, dependant on the *waqf* for their new archival meaning. The *waqfīya*, thus, represented the culmination of the previous life-spans of the multiple documents that constituted the back-up archive. The storage, at least of the *waqfīya*, on the site of al-Ghawrī's *khānqāh* serves to further highlight the centrality of the *waqf* endowment itself, the buildings that constituted it, and perhaps the legal personality it represented, as the framing for, even the model behind, the archive.

The clear differential between the *waqfīya* and the back-up documentation, both in terms of their functions and their archival timelines, represents one of the most distinctive features of the *waqf* archive. Nonetheless, this phenomenon has additional significance for my broader investigation of archival practices beyond al-Ghawrī. Specifically, the timelines of the

documents surviving in al-Ghawrī's back-up archive show that they had extended archival histories prior to their inclusion into his archive. His archive was a temporal, and potentially also physical, point uniting constellations of documents sometimes drawn up many years before the date of incorporation, and probably originally belonging in multiple dispersed archival settings. Al-Ghawrī's *waqf* archive, thus, becomes a lens of sorts onto property- and *waqf*-related archival practice extending well beyond his own activities. It is towards this that I will turn in the next chapter, looking back onto archival practices prior to the configuration of al-Ghawrī's *waqf* archive, examining the archival life-cycles of documents and groups of documents outside the direct context of al-Ghawrī's *waqf*. Here, the conclusions gleaned in this chapter will be of crucial significance, especially as many of the documents under consideration are those that at a later stage in their archival lives came to enter al-Ghawrī's *waqf* archive. The examination of the lives of documents 'pre-al-Ghawrī', though evidently important in its own right, above all allows us to reconsider the degree to which this sultan should really be seen as unique: only, I will argue, for the fact of the survival of his enormous *waqf* archive.

Chapter 3

A *waqf* archive frozen in time?

Property and *waqf* archiving in late-Mamlūk Cairo through the lens of al-Ghawrī

Introduction

The survival of such a large number of documents linked to the process of al-Ghawrī's *waqf* formation has furnished an exceptional case-study through which to examine *waqf* archiving. As we saw in the previous chapter, by placing this corpus against a known historical backdrop we can directly connect its gradual assembly to the processes of the sultan's property accumulation and endowment. Clarifying these processes allows us to identify an archival configuration profoundly shaped by its relationship to *waqf*. The contextualised view these documents afford of an actual archive, connected to the *waqf*s of a particular Mamlūk sultan, is rare and valuable.

The distinctive way that al-Ghawrī's *waqf* archive came together also, however, makes it a source for archival practices outside the direct sphere of this sultan. The formation of this archive entailed the assembly of a mass of older documents, many of which had extended documentary life-spans prior to their inclusion into al-Ghawrī's archive. In the previous chapter, these property-related documents helped me to outline the process of the archive's formation, and to reveal the way in which they came to constitute the sultan's immobilised back-up archive. Beyond this, though, they allow us a direct view of many of the individuals from whom al-Ghawrī accumulated property, presenting chains of transactions sometimes stretching for more than a century before the establishment of al-Ghawrī's *waqf*s. These extended transaction histories provide a view of the documents' progressing archival lives, rooted within identifiable social contexts. Through al-Ghawrī's *waqf* archive, then, we can glimpse a much more extensive history of archiving in late-Mamlūk Cairo.

In this chapter, I take a step backwards in time from the moments of al-Ghawrī's *waqf* archive formation, to examine the longer-term archival histories to which these documents attest. Making use of the way his *waqf* archive came together, this chapter broadens out from the examination of a particular archive to identify a wider spread of practices. While in the previous chapter the *waqfīya* loomed large as the central document uniting and giving meaning to al-Ghawrī's wider corpus, this chapter instead stresses the significance of the documents in his back-up archive. Investigating the longer-term archival trajectories prior to their immobilisation in his *waqf* archive allows us to identify aspects of archival practice which, through a focus on a specific *waqf* archive, may pass unnoticed. This chapter is, therefore, in some ways an

extension of the discussions in the previous chapter. Making use of the same source corpus, I look beyond al-Ghawrī, his *waqf* strategies, and his *waqf* archive. In doing so, I place al-Ghawrī's activities within the context of a wider social world, building a more comprehensive picture of the contemporary archival landscape.

By delineating the wider spectrum of prevailing archival practices visible through this corpus, I can return to the question raised at the beginning of the previous chapter regarding the 'frozen' nature of al-Ghawrī's *waqf* archive. When we look back through the historical trajectories of these documents and identify the varied paths they followed into al-Ghawrī's archive, a more complete picture of contemporary property- and *waqf*-related archiving emerges. Placing such insights alongside those gleaned about al-Ghawrī's *waqf* archive, it becomes possible to establish with greater clarity what is and, perhaps more importantly, what is not unique about this sultan's archive. We are, for instance, able to see the longer continuity of practices to which those witnessed in this sultan's archive belong. Furthermore, we are alerted to the full significance of incorporation into al-Ghawrī's archive as a factor determining the survival of property-related documents which otherwise might not have survived. This chapter, thus, draws out aspects of al-Ghawrī's extant archive that only become visible in juxtaposition with the practices of others.

These practices are illustrated in case-studies which pinpoint individuals who were especially significant in the longer-term trajectories of the documents. These include figures who were heavily implicated in al-Ghawrī's *waqf* project, as well as individuals who were custodians of their own property and *waqf* archives. As we shall see, the information that emerges here is valuable in its own right, revealing a more comprehensive picture of the archival practices accessible through this corpus. Nonetheless, it is its significance for our understanding of al-Ghawrī's archive that I emphasise here. It is, ultimately, by identifying the prevalence of practices within this wider social milieu that we can begin to identify the historically frozen nature of this sultan's archive, and the profound implications this has for its use as a source.

This chapter is divided into four parts. The first three of these are dedicated to the examination of archival practices prior to al-Ghawrī, while the fourth returns explicitly to address the phenomenon of this sultan's frozen archive. The first part takes one step back from the formation of al-Ghawrī's *waqf* archive to demonstrate the range of archival practices evident in this corpus outside the direct sphere of *waqf* endowments. I begin by presenting the case of Khayrbak al-Sharīfī, a high-ranking amir and official in al-Ghawrī's employ, whose documents allow us to access a longer history of archiving, mostly connected to private property. Using the insights gleaned from these sources, I then broaden out from this case-study to highlight the dynamic archival practices connected to private property that emerge from this corpus at large. The second part extends this picture of archival vitality to *waqf* archives themselves. Here, by

examining the longer trajectories of documents in the corpus, I question the immutable view of *waqf*-related archival practice that could be inferred from al-Ghawrī's *waqf* archive. Emphasising instead the multiple historical contingencies that dictated the continued survival of extant documents, this section draws attention to continual processes of archival dismemberment and re-formation. In the third part I turn to consider the life-spans of the documents and the question of document disposal. Presenting the documentation of Khawand (princess) Fāṭima, Qāytbāy's widow, as a case-study, I identify a dichotomy between *waqfīya*s and back-up *waqf* archives when it comes to long-term preservation. Through this, I highlight the atypicality of al-Ghawrī's archive, for which the back-up, property-related documents still survive. In the fourth and final part, I draw together the arguments that have emerged to support my contention that al-Ghawrī's archive must be seen as frozen in time. I conclude by problematising the historical view granted by al-Ghawrī's *waqf* archive, questioning the degree to which we can identify the singularity of this sultan and his strategies on the basis of such an exceptional frozen corpus.

The long and busy lives of property-related documents

The documents making up al-Ghawrī's back-up archive mostly pertain to discrete properties that came to be immobilised (*mawqūf*) in the sultan's *waqf*. So ended their status as private property (*milk*), and the documents recording the shifts of ownership that they had previously passed through became part of the back-up archive. The *waqf* archive thus, as we have seen, brought together the records of hundreds of separate parcels of property, uniting them within the legal, symbolic, and archival framework of al-Ghawrī's *waqf* endowment.

The lives of these c. 290 documents before this unifying moment, however, demonstrate varied degrees of historical depth. While some of them were drawn up to record sales made directly to al-Ghawrī himself, others were produced more than a century before al-Ghawrī's reign. The earliest date found on a document that ended up in al-Ghawrī's possession is 18 Rabīʿ II 731/29 January 1331, 175 years before al-Ghawrī's accession to the sultanate. The final addition to this document, a record of sale to al-Ghawrī, was made on 12 Rabīʿ II 919/17 June 1513, revealing an active documentary life-span of 188 lunar years.[308] Such long-lived documents record the progression of property through the hands of multiple proprietors before their final transfer into al-Ghawrī's hands. At the other end of the scale, documents were still being drawn up to record sales taking place as close as one day before the final endowment date found on al-Ghawrī's *waqfīya*, 18 Rabīʿ II 922/21 May 1516.[309]

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[308] MMA 413/WA 524ج.
[309] The latest such document is MMA 842/WA 333ج.

Unsurprisingly perhaps, documents which had a more extended life-span prior to inclusion into al-Ghawrī's *waqf* archive tend to be longer and more complex than those whose life-span was shorter. This can largely be explained by the factor of time, as older documents recorded a longer history of changes in ownership, so simply had more occasion to be updated before immobilisation in the *waqf* archive. The documents also exhibit a progressive narrowing of the social circles with which they are concerned. Petry identified certain trends in the profiles of the buyers of property in the deeds in al-Ghawrī's *waqf* archive, transforming over the course of the fifteenth century. While earlier buyers tend to be 'civilians of means', over the course of the century there is an increasingly high representation of the 'bureaucratic and military elites'. The latter are the individuals who according to Petry were themselves 'dabbling with trust speculation', and many of whose careers and activities overlapped with that of the sultan.[310] The increasingly limited social circle represented in this material highlights the importance of the activities of al-Ghawrī and his close associates in determining the profile of surviving material. The narrowing social profile of the documents' protagonists does not, therefore, reflect historical changes in the ownership of property so much as the archival concerns that lie behind the preservation of this corpus. It is, nonetheless, clear that the extant documents bear witness to long and varied archival histories, which can shed light on archiving across a broader social cross-section than just the sultan himself.

To access the historical archival practices attested to by these documents, it is most rewarding to focus on those chronologically closest to the moment of incorporation into al-Ghawrī's *waqf* archive. The further we go back in time from this moment, the more complex the archival histories become, and the more tentative we are compelled to be when attempting to explain the documents' trajectories. Working backwards through the documents' life-cycles, however, is clearly an effective strategy. Though the property-related documents that ended up in al-Ghawrī's *waqf* add up to c. 290 separate scrolls, the final group of individuals whose property al-Ghawrī amassed was made up of only 115 people.[311] This is significant in archival terms, as it means that many of these individuals contributed more than one document to al-Ghawrī's *waqf* archive. The implication here is, therefore, that parts of their own archives were transferred and eventually incorporated into the larger *waqf* archive.

The individuals who make an appearance at this stage in these transaction histories therefore offer promising case-studies through which to investigate archival practice prior to the formation of al-Ghawrī's *waqf* archive. Through examining their own documentation, we can shed light on property-related archival configurations which later in al-Ghawrī's archive became subordinated to the *waqf*.[312] Through this it becomes clear that *waqf* endowments were not

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[310] Petry 1994, 204.
[311] *Ibid.*, 204.
[312] Though as we saw in Chapter 2, discrete properties remained visible within the *waqf* archive: 103-5.

unique in giving rise to distinct archival practices. Following up these documents is assisted by the relative ease of identification of the individuals concerned. Petry provides a useful list of the people in this group who he was able to identify in the narrative literature: 27 individuals.[313] These individuals, he explains, are almost all discussed in Ibn Iyās' chronicle as part of a wider narrative condemning al-Ghawrī's voracious policy of property expropriation, something that is strengthened by the evidence of the documents.[314] The list is overwhelmingly made up of individuals who at some stage in their career held senior bureaucratic or secretarial roles in al-Ghawrī's government, but also includes relations of Khawand Fāṭima, and wealthy merchants.[315] As Petry suggested, this was clearly a group of individuals close to the sultan who were involved in the archival processes of handing over documents.

Khayrbak al-Sharīfī: an archival intermediary?

The most notable individual appearing in this group is Khayrbak al-Sharīfī, both for his closeness to the sultan, and the number of documents that he contributed to al-Ghawrī's *waqf* archive.[316] The Wizārat al-Awqāf preserves nearly 50 individual documents in which Khayrbak appears, mostly as a party to transactions of sale or *istibdāl*, but occasionally as an agent (*wakīl*) acting on behalf of al-Ghawrī himself. In the documents, Khayrbak is usually designated *amīr khāzindār*, that is one of al-Ghawrī's treasurers. Evidently close to the sultan, Khayrbak's involvement in al-Ghawrī's *waqf* project was profound. Married to the sultan's sister, Khayrbak was also nominated in al-Ghawrī's *waqfīya* to act as a representative (*nāʾib*) for the sultan's son as *nāẓir* of the endowment after the founder's death.[317] In the end, though, al-Ghawrī outlived him. Khayrbak's closeness to al-Ghawrī did not prevent him from concealing vast wealth from the sultan: a hoard of gold, weapons, and rich textiles only discovered upon Khayrbak's death in 920/1514.[318] Perhaps Khayrbak's insider knowledge of al-Ghawrī's tactics cautioned him against broadcasting this information too widely. The documents containing Khayrbak's name concern properties which by means of a sale or transfer ended up in al-Ghawrī's possession, and ultimately in his *waqf*. The documents themselves made an analogous journey into al-Ghawrī's *waqf* archive.[319]

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[313] Petry 1994, 215-7. It is notable that this leaves 88 contributors to al-Ghawrī's *waqf* archive who are unidentifiable in the narrative literature.
[314] *Ibid.*, 204.
[315] *Ibid.*, 215-7.
[316] *Ibid.*, 204-6.
[317] Al-Hamzah 2009, 119.
[318] Petry 1994, 204-6.
[319] Petry lists 40 documents which record property transferred from Khayrbak to al-Ghawrī, but several other such documents can be found within Amīn's catalogue: see *P.Cair.Archives*, 523.

Of these 50 documents, eight were drawn up at the moment when the properties, a mixture of real estate and agricultural land, were handed over to al-Ghawrī.[320] These particular documents, recording the transfer of these properties into the sultan's possession, should probably be seen as belonging to al-Ghawrī's archive from the beginning of their life. The documentary matrix of such scrolls is a deed of sale or transfer from Khayrbak to al-Ghawrī so, at the moment when the document was drawn up, the property and deeds related to it were legally in al-Ghawrī's possession. Al-Ghawri's purchase of these properties from Khayrbak took place on several different dates, though the overwhelming majority of the recorded transactions occurred on 27 Shawwāl 914/18 February 1509, a day on which the sultan also accumulated large amounts of property from other individuals.[321] These properties were mostly added to his *waqf* endowment on the date of al-Ghawrī's last endowment deed, 18 Rabīʿ II 922/21 May 1516. It is, thus, at this point that the documents became explicitly *waqf*-related, when they were updated with marginal *waqf* records, though it was certainly al-Ghawrī's intention to place this property into his *waqf* from the outset. These documents reflect the successive stages of property accumulation and endowment that I identified in the previous chapter, punctuating the gradual formation of al-Ghawrī's *waqf* archive.

The transfer of property from Khayrbak to al-Ghawrī also involved the handing over of large numbers of older documents. Many of these documents contain records of the sale of property to Khayrbak, with the later sales to al-Ghawrī and inclusion into his *waqf* added as marginal notes. Like in al-Ghawrī's *waqf* archive at large, the corpus of documents Khayrbak handed over also included small sets of documents relating to the same properties, consistently updated, and cross-referencing one another. For instance, several documents survive relating to a property that was initially sold to Khayrbak by a certain Zayn al-Din ʿAṭīya ibn Sālim, a drink merchant.[322] Four of these scrolls concern the same property, three of them initially drawn up for owners prior to ʿAṭīya. These scrolls collectively outline the following transaction history:

1. On 20 Dhū al-Qaʿda 905/17 June 1500, the property was purchased by an individual of mercantile descent, Muḥammad ibn Barakāt.
2. 7 years later, on 28 Dhū al-Qaʿda 912/12 April 1507, the property was sold to the aforementioned ʿAṭīya.
3. On 26 Shawwāl 914/17 February 1509, the property was sold to Khayrbak.
4. On the following day, 27 Shawwāl 914/18 February 1509, the property was transferred to al-Ghawrī.

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[320] Suspicious of the low prices appearing in such sale deeds, Petry has questioned the degree to which these transactions can be considered real 'sales', characterising the c. 32,000 dinars that Khayrbak would have made from the totality of these sales as 'liaison money' rather than a real reflection of value. Petry 1994, 205.

[321] *P.Cair.Archives*, 291-7; Petry 1994, 206.

[322] Variously described as *shaykh bi sūq al-shurb* or *tājir al-shurb*.

5. Finally, the property was incorporated into the sultan's *waqf* on 18 Rabīʿ II 922/21 May 1516.

As with the examples I outlined in Chapter 1, separate scrolls survive documenting various stages of this transaction history, as well as other legal procedures regarding the property. The sale deed recording the first transaction is the documentary matrix of the oldest scroll, with the subsequent transactions all appearing as marginal records.[323] The next document, produced several months after the first transaction, on 19 Muḥarram 906/14 August 1500, contains a lengthy report by a qadi, providing permission for Muḥammad ibn Barakāt to demolish and re-build the property.[324] Like the *istibdāl* documents discussed in Chapter 1, the original petition by which Muḥammad ibn Barakāt applied to the qadi is glued to the scroll, and the report provides a full account of the procedure. The next scroll begins with the second transaction outlined above,[325] then the final document in the series records the third.[326] It is possible that the subsequent transfer to al-Ghawrī may also be extant in one of the several surviving sale deeds dated to 27 Shawwāl 914/18 February 1509.[327]

This group of scrolls evidently represents a small property archive itself, growing over the course of the nine-year period over which the deeds were drawn up and added to. Upon Khayrbak's purchase of this property, then, all previous deeds came into his possession and were updated to reflect this, as usual by a single scribe. Notably, this archive would only have been in Khayrbak's possession for one day. Khayrbak thus appears as a kind of intermediary in the archival life-cycle of the documents, and the brief period of his ownership as a transitional stage in the gradual formation of al-Ghawrī's *waqf* archive.

Without a doubt, Khayrbak's purchases were planned with al-Ghawrī's involvement, in whose strategies Khayrbak was complicit, enabling the sultan to get his hands on property that should have been off limits for private ownership. This complicity is most visible in the deeds recording the purchase by Khayrbak of land belonging to the Bayt al-Māl (Treasury) which, theoretically at least, should not have been available for private purchase.[328] In such cases the sales are often made explicitly in the name of al-Ghawrī, whose order (*amr*) authorised the sales. As we saw in Chapter 1, in two extant deeds of this type, receipts from the Bayt al-Māl are glued to the scrolls. This measure was likely designed to ensure that the documentation was as complete as possible, perhaps in light of the questionable legal basis for these kinds of

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[323] MMA 603/WA 320ج.
[324] MMA 605/WA 401ج.
[325] MMA 606/WA 550ج. This document is not, as Amīn's footnotes misleadingly imply, a copy of the previous document.
[326] MMA 766/WA 358ج.
[327] Of which there are several recording sales from Khayrbak to al-Ghawrī. See *P.Cair.Archives*, 293-7. Having not seen these specific deeds in the original I am unable to confirm this.
[328] For the purchase of Bayt al-Māl land see Elbendary 2015, 36-7.

transactions.[329] In such cases, al-Ghawrī's authorisation was almost certainly offered with the implicit understanding that this property would later become his own. The documents were, then, probably destined for al-Ghawrī's *waqf* archive from the outset.

Recognising the relative brevity of Khayrbak's personal ownership of the properties that appear within these documents makes it difficult to consider these fifty-or-so documents as his own property archive. Of all the properties he purchased, the one acquired from ʿAṭīya seems, in fact, to have remained in his possession for the shortest period. Nonetheless, amongst the documents Khayrbak contributed to al-Ghawrī's *waqf* archive, few of them record his periods of ownership as lasting longer than around two and a half years.[330] As an archive of Khayrbak's property wealth, then, this was not a particularly long-lived one.

The documents do, on the other hand, offer insights into a continually developing archival history prior to Khayrbak's purchases. Many of them, as we have seen, bear witness to the shifting property wealth of a range of different individuals, and the concurrent amassing of small-scale archives connected to these *milk* properties. Returning to the example offered above, the property to which this small archive relates had five separate private owners over a nine-year period.[331] On the basis of the surviving documents, the individual who owned this property longest was Muḥammad ibn Barakāt, for a period of seven years (905-912/1500-1507). During this period his purchase and re-building exploits generated a series of documentary traces, expanding his own property archive. While these documents all relate to the same property, for the subsequent owner ʿAṭīya we can find evidence of the assembly of documentation connected to multiple properties in his private possession. On the day of his sale of this property to Khayrbak, for instance, another sale took place between the same two individuals, recorded on a separate deed, which concerned a different property.[332] After purchase by Khayrbak all these documents follow the same trajectory, being transferred to al-Ghawrī the following day, and incorporated into his *waqf* in 922/1516. In the historical trajectories of these documents, then, Khayrbak's role was ultimately to gather them together, in preparation for the formation of al-Ghawrī's *waqf* archive. This example offers further insight into the process of drawing together small property archives that accompanied al-Ghawrī's *waqf* archive formation, whilst also revealing the prevalence of archival practices connected to private property ownership amongst the Cairene elites at large.

Though my investigation here has focused exclusively on documentation contributed by Khayrbak to al-Ghawrī's *waqf* archive, he represents only one such actor, albeit the most

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329 MMA 658/WA 117ح; MMA 659/WA 176ح.
330 The exception being MMA 800/WA 639ح, concerning a property which Khayrbak owned for around four years.
331 Including the initial seller of the property: a certain Abū al-ʿAbbās Aḥmad ibn ʿAbd al-Rāziq, known as Ibn al-Naḥḥās. MMA 605/WA 401ح.
332 This document also records two owners prior to ʿAṭīya. MMA 598/WA 598ح.

significant. From the list of individuals Petry identified we can also isolate other prominent characters. To offer just one further example, al-Nāṣirī Muḥammad ibn Taghrī Birmish, a son of al-Ghawrī's long-serving vizier, contributed 17 separate documents to the sultan's *waqf* archive.[333] Like Khayrbak's documents, these include small groups connected to the same properties.[334] They mostly record a period of ownership by Ibn Taghrī Birmish, before their eventual sale to al-Ghawrī, and inclusion into his 922/1516 endowment. As with Khayrbak, Ibn Taghrī Birmish was often only the custodian of these properties and their corresponding documentation for a few short months before their transfer to the sultan. Khayrbak's intermediary custodial role in the expansion of al-Ghawrī's *waqf* archive was therefore one shared by a wider group of individuals. As accomplices in al-Ghawrī's property accumulation strategies, they were also significant players in the assembly of his archive. [335]

The continual flux of private property archives

Examining the histories of the documents Khayrbak and his contemporaries contributed to al-Ghawrī's archive reveals prevailing archival practices to have been marked by a high level of mobility. The documents offer an impression of rapid exchange: of the properties passing quickly between different private owners, and of the documents being correspondingly updated at regular intervals. If the rapid shifting in the legal status and ownership of properties was accompanied by a physical handing over of the related documents, then this corpus exhibits an extremely dynamic set of archival practices, characterised by the existence of multiple small-scale collections of documents, in the custody of different individuals, and in a state of almost constant spatial reconfiguration. Archives of property-related documents were rapidly built up by individuals at times of purchase, quickly vanishing again, as groups of documents built-up around discrete properties went off to the archives of new owners.

Such practices indicate that archival storage was generally rather short-term. Nonetheless, when considering the preservation of documents, even a period of one or two years is meaningful. The deeds, after all, had to be kept somewhere, and the fact that many of the deeds were effectively preserved and handed over to subsequent owners suggests that they were safely kept, at sites where they could be easily located. Of course, it is difficult to know to what lengths individuals had to go when trying to find specific documents. Nonetheless, the

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[333] For the vizier Taghrī Birmish see Ibn Iyās, *Badāʾiʿ*, vol. 4: 47, 299. Another of the vizier's sons, Shams Muḥammad, also contributed a single document. See Petry 1994, 215-7.

[334] E.g. MMA 741/WA 331ح, MMA 742/WA 314ح and MMA 799/397ح. See also below, 117-18.

[335] Petry presents a general picture of the exploitation of these individuals by al-Ghawrī, probably informed to some degree by Ibn Iyās' critical outlook on the sultan. On the other hand, their roles in paving the way towards al-Ghawrī's property expropriations seem to me to indicate complicity in his wider strategies. Petry 1994, 204. Ulrich Haarmann also commented briefly on this role, characterising such individuals as agents or brokers: Haarmann 1998, esp. 70-7

consistency of documentary practice exhibited in this corpus, and examined in the previous chapter, does imply a comparable coherence in archival practice.

The constant to-ing and fro-ing of documents between different archives may seem unfeasible, especially against the background of a modern institutional understanding of archives. Nonetheless, if we bear in mind the limited social circle that the transactions recorded in these documents represents, it becomes less of a challenging notion. As Hirschler stressed with regard to the chancery archives, state documents were preserved in the 'private' archives of secretaries, indicating that small-scale archives were indeed scattered across the city.[336] It is not difficult to imagine that legal documents were distributed in a similar way, especially those concerning property in private ownership. Alternatively, it might be suggested that documents were archived within the properties they concerned. As we have already seen, *waqf* deeds were certainly, at least some of the time, preserved within the buildings they benefitted, so it may be that a similar practice was followed for the preservation of property archives. This would mean that transfers in property ownership would not necessarily entail the movement of documents. The overwhelming majority of the property described in the documents is located in central Cairo, mostly within the walls of the Fāṭimid city, which covered an area of only around 1.5 square kilometres. In such a setting, even if documents were moving with some regularity, they would not have had far to go. In any case, the constant updating visible on the scrolls themselves must itself have involved bringing the documents to a scribe and qadi, not to mention locating other deeds to be cited within the text, attesting already to a certain level of document movement. Mobility and mutability should certainly, then, be seen as defining features of archival practices connected to private property in late-Mamlūk Cairo. Juxtaposed with the later immobilisation of so many of these documents in al-Ghawrī's *waqf* archive, this phenomenon is especially remarkable.

The dismemberment of *waqf* archives

It is tempting to posit a sharp distinction between the apparent mutability of documents in private property archives and their contrasting immutability when they entered the *waqf* archive. Documents whose archival lives were characterised by rapid shifts in ownership, progressing through the hands of multiple proprietors, were immobilised in the *waqf* archive. When focusing on the archival activities of individuals such as Khayrbak who were deeply involved in the sultan's projects, one clearly runs the risk of presenting such a teleological narrative of the documents' archival histories. A deeper examination of documentary trajectories can, however, qualify this picture. It seems, on the contrary, that the final resting place of many of these

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[336] Hirschler 2016, 17-21.

documents within al-Ghawrī's *waqf* archive was by no means predictable. In fact, the permanent immobilisation of the property-related documents represents a significant peculiarity of the sultan's archive.

Certainly, looking at the properties themselves, it is clear that immobilisation in *waqf* was not always permanent. This is demonstrated in al-Ghawrī's archive by the conspicuous prevalence of the extraction of properties via *istibdāl* from the *waqf*s of other individuals. In such cases, the documents refer to properties that had previously been immobilised in *waqf*, but which had once again become subject to private ownership and subsequent sale. *Istibdāl* seems to have been one of the major devices through which al-Ghawrī built up his property base: more than a third of the documents in al-Ghawrī's *waqf* archive have *istibdāl* records as their documentary matrix. Indeed, this accounts in part for the large numbers of such deeds within the Wizārat al-Awqāf at large.[337] The broader significance of *istibdāl* during this period is well-known. As Fernandes has pointed out, the increasing popularity of *waqf* over the course of the Mamlūk period meant that all the property in central Cairo became very rapidly bound up in endowments, making *istibdāl* the main means for the acquisition of property.[338] Beyond this though, the large number of extant *istibdāl* documents reveals that the use of this legal mechanism not only animated the property market, but also gave vitality to archival and documentary practice. I have already, in Chapter 1, explored this in the internal features of the documents.[339] Nonetheless, the documentation also sheds light on intensive processes of archival dismemberment and re-organisation to which *istibdāl* contributed.

Significantly, it seems that *istibdāl* allowed not only the extraction of property from *waqf*s, but also the separation of property-related documents from pre-existing *waqf* archives. That is, at the moment when property was removed from a *waqf*, older documents relating to these properties were sometimes transferred to the new owner (*mustabdil*). We see this occurring in several of the documents handed over to al-Ghawrī by Khayrbak, as well as those entering the sultan's archive through other channels. Prior to his substantial sale of property to al-Ghawrī, for instance, Ibn Tagrī Birmish extracted properties from nine different pre-existing *waqf* foundations, over the course of six years. On most of these occasions only the documentation drawn up during the actual *istibdāl* procedure made it into al-Ghawrī's archive. In some cases, however, older documents relating to the exchanged properties survive. When, for example, on 8 Jumādā I 914/4 September 1508, Ibn Taghrī Birmish extracted a property from the *waqf* of ʿAlā al-Dīn ʿAlī al-Hāshimī, he also received an older document concerning this property.[340] The earliest date found on this older document is 6 Shaʿbān 875/28 January 1471, the date given

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[337] 75% of the *istibdāl* deeds in the collection are part of al-Ghawrī's archive.
[338] Fernandes 2000, 205. See also Behrens-Abouseif 1994, 145.
[339] See above: 77-83.
[340] The main *istibdāl* deed recording this transaction is found on MMA 754/WA 338ج. The older document is MMA 458/WA 363ج.

for a sale deed whereby the property was initially purchased by al-Hāshimī himself. The document then records al-Hāshimī's placement of this property in *waqf* in 877/1473 as a marginal note. The property therefore remained in his *waqf* for nearly 37 years before Ibn Taghrī Birmish's exchange of the property and custody of the document. The rest of the information on the scroll conforms to the information offered on the actual *istibdāl* deed: updating the document to report the *istibdāl* itself in 914/1508, the transfer to al-Ghawrī, and subsequent endowment in favour of his *waqf*. Another very similar pair of scrolls can also be found amongst Khayrbak's documents, concerning property that Khayrbak purchased, but which was previously part of the *waqf* of Dawlāt Bāy ibn ʿAbd Allāh for four and a half years.[341]

These examples qualify the extent to which we should see the documents in *waqf* archives as immobilised. Indeed, the fact that these documents were brought out of the *waqf* archive implies that such documents could then be 're-mobilised', and made into active archives again, to be added to, updated, and transferred to new custodians. Documents were clearly not 'safe' from the mobility of property-related archival practice even after their absorption into a *waqf* archive. On the contrary, this was evidently one of the means through which much older documents continued to be archivally relevant, through their continual updating, and re-arrangement within the context of different proprietors and *waqf*s. The practice of extracting documents from *waqf* archives was thus a component part of the archival dynamism more visible in archiving linked to private property.

It is worth briefly noting that the procedures of *istibdāl* that fed al-Ghawrī's *waqf* endowment were rarely carried out by the sultan himself. Instead, the actions of intermediaries such as Khayrbak and Ibn Taghrī Birmish almost always stand between the sultan and the property immobilised in the *waqf*s of other individuals.[342] The convoluted routes by which such parcels of property entered al-Ghawrī's ownership are typical of transactions recorded within his archive. It is tempting to read these intricate machinations as an ill-disguised process of money laundering, whereby the sultan and his pious endowments were subtly distanced from the legally dubious mechanism of *istibdāl*.[343] Certainly, the suspect nature of al-Ghawrī's *waqf* strategies is something that Petry commented on in his own work.[344] For the purposes of this thesis, it is notable that these dodgy dealings fed into the archival vitality that we witness in the corpus, accelerating the rate of exchange of properties, and of their documentary records.

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[341] From 28 Rabīʿ II 908/31 October 1502 to 18 Dhū al-Ḥijja 912/1 May 1507. The main *istibdāl* deed is MMA 729/WA 362ج; the older document is MMA 630/WA 333ج.
[342] For the activities of another such individual, Aḥmad ibn Barakāt, see Haarmann 1998, 71, footnote no. 87.
[343] The impact of the dubious legality of transactions on archival practice will be picked up on further in Chapter 4, 157-8.
[344] Petry 1994, esp. 196-210.

Putting *istibdāl* procedures aside, the extraction of documents from older *waqf* archives such of those of al-Hāshimī and Dawlāt Bāy has further significance in that it shows that the practices evident in al-Ghawrī's corpus were not unique to his *waqf* archive. In the archives of al-Hāshimī and Dawlāt Bāy too, older property-related documents were kept as a back-up archive and updated with records of their inclusion in the *waqf* endowment. The Wizārat al-Awqāf also contains small portions of the *waqf* archives of other individuals whose properties were not taken over by al-Ghawrī. These include, for instance, a total of 26 *waqfīya*s and back-up documents of Qijmās al-Isḥāqī, a senior amir close to the sultan Qāytbāy, whose mosque still stands in Cairo today.[345] In addition, around 14 *waqfīya*s and back-up documents of a certain amir Khashkalidī and his wife Zahrā survive.[346] These examples serve to support a view of relative uniformity in the configuration of *waqf* archives in late-Mamlūk Cairo.

Unlike the archives of Qijmās and Khashkalidī, however, for al-Hāshimī and Dawlāt Bāy we have no extant *waqfīya*s. Indeed, we have no way of knowing how substantial these two *waqf* archives were as no other documents that belonged in these depositories have survived. Though we have a few other documents in which these two individuals appear as parties to transactions, none of these would have belonged to their *waqf* archives.[347] All of these documents, however, ended up in al-Ghawrī's *waqf* archive. The traces of the *waqf* archives of al-Hāshimī and Dawlāt Bāy, thus, only survive in the extant corpus because of their extraction from their original *waqf* archives and their inclusion and re-immobilisation in al-Ghawrī's own archive.

The limited life-span of the back-up *waqf* archive

Recognising that documents such as these ones were preserved only because of their incorporation into al-Ghawrī's *waqf* archive compels us to consider the question of document loss. Though we do not know how substantial the endowments of al-Hāshimī and Dawlāt Bāy were, they certainly would have contained more property than the small parcels recorded on the few documents that survive. This means that, for each of the multiple older *waqf* endowments that are visible through the *istibdāl* documents in al-Ghawrī's corpus, there was likely an archive

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[345] For the career of Qijmās al-Isḥāqī see al-Sakhāwī, *al-Ḍawʾ al-Lāmiʿ*, part 3, vol. 2, 213-4. For his mosque see Behrens-Abouseif 2007, 286-90. For a list of the documents see *P.Cair.Archives*, 535.

[346] Though in this case, some documents did ultimately end up in al-Ghawrī's archive, through processes of *istibdāl*. *P.Cair.Archives*, 524. Various different individuals with this name appear within the surviving documents, not all of which can refer to the same person. From the information provided in Amīn's catalogue I have not been able to identify Khashkalidī or Zahrā in contemporary narrative sources.

[347] These documents include a further *istibdāl* from al-Hāshimī's *waqf*, drawn up for the individual extracting property from his endowment: MMA 673/WA 437ج; and a sale deed to which Dawlāt Bāy was a party, a document that may have been for some time part of a property archive of Dawlāt Bāy, but did not become *waqf*-related until its inclusion into al-Ghawrī's *waqf* archive: MMA 719/WA 36ج.

of back-up documents. Archives of this type have largely not survived. It is, therefore, through taking a closer look at the life-spans of the different types of document that constituted the *waqf* archive that the truly unique feature of al-Ghawrī's archive is discernible: that is, the survival of his back-up archive.

In fact, if we take a broad overview of the documents preserved in Cairo's modern collections, there are strong indications that the back-up part of *waqf* archives were subject to regular weeding-out and disposal. Their life-spans were not, apparently, envisaged as a perpetual one. This is hinted at in the first place by the relative numbers of the two different kinds of *waqf*-related documents – *waqfīya*s and back-up documents – that survive until today. As I pointed out at the start of the previous chapter, the shape of the Wizārat al-Awqāf collection at large is heavily skewed by al-Ghawrī's *waqf* archive. Not only does its chronological distribution reflect the predominance of his material, but so do the kinds of documents it contains. Al-Ghawrī's back-up archive constitutes over 50% of the entire collection, while *waqfīya*s of this sultan and of other individuals constitute less than 20%. In the Dār al-Wathāʾiq, on the other hand, which contains more documents dating to earlier centuries, a significant 68% of the collection is made up of *waqfīya*s.[348] For the many endowments whose details and stipulations are recorded in these *waqfīya*s, very few back-up documents have survived. The implication here is that the survival rates of older back-up documents have not been as high as those of *waqfīya*s. Against the background of the collections at large, then, al-Ghawrī's archive is clearly exceptional in preserving this back-up part.

The vanishing waqf *archives of Khawand Fāṭima*

Nowhere is the discrepancy in survival rates between the *waqfīya* and back-up documentation more visible than in the case of Fāṭima, sultan Qāytbāy's widow, a substantial posthumous contributor of documents to al-Ghawrī's *waqf* archive and a prolific *wāqifa* in her own right. In her lifetime, Fāṭima was the custodian of an enormous estate. Though her wealth was targeted in the years following her husband's death (901/1496), she seems to have been regarded with sufficient respect by the most powerful members of the ruling class to avoid expropriation during her lifetime. After her death on 22 Dhū al-Ḥijja 909/6 June 1504, however, al-Ghawrī took over a large part of her property unimpeded by surviving heirs.[349] The transfer of her property to al-Ghawrī's ownership took place on 24 Ṣafar 910/6 August 1504, almost exactly two months after she died. This property was then endowed in favour of al-Ghawrī's *waqf* on 20 Ṣafar 911/23 July 1505, the first of the endowment dates recorded on al-Ghawrī's biggest *waqfīya* (883ق).

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[348] A total of 200 documents.
[349] Petry 1991, 134-6; 1994, 200-2; 2004, 275-94.

The Wizārat al-Awqāf contains 38 documents connected to Fāṭima's property.[350] Like in al-Ghawrī's archive, these can be divided into *waqfīya*s and other documents connected to smaller parcels of property in her possession. Two of the 38 documents are *waqfīya*s, while the remaining 36 are property-related documents.[351] Like in al-Ghawrī's back-up archive, the latter documents reveal varied historical depth. The oldest document in the corpus dates to 18 Muḥarram 853/13 March 1449,[352] at which point Fāṭima would have been only a child,[353] while the latest was drawn up on 27 Rajab 909/15 Jan 1504, just five months before she died.[354] Similar to the documents in the collection at large, Fāṭima's property-related documents attest to a dynamic transaction history, with multiple sales taking place over short periods of time. They also include small sets of documents related to the same properties.[355] In addition, some documents record the progression of properties in and out of other, earlier, *waqf* endowments, the scrolls themselves presumably also coming out of pre-existing *waqf* archives.[356] By now familiar with the contents of al-Ghawrī's *waqf* archive, we find no major surprises amongst Fāṭima's documents.

This collection of documents is not, however, 'Fāṭima's *waqf* archive', absorbed wholesale by al-Ghawrī after her death. The 36 property-related documents that have survived do not concern property that was part of either of the *waqf*s recorded in her two extant *waqfīya*s. The endowments recorded in the *waqfīya*s were made on 21 Rabīʿ I 878/16 August 1473 and 21 Jumādā II 890/5 July 1485. All but two of the property-related documents, on the other hand, record purchases Fāṭima made after these two dates, between the years 890/1485 and 909/1504.[357] Whether the properties that appear in these 36 documents were intended to be included in a *waqf* endowment at a later date is impossible to say. None of them contain any record of having been part of an endowment she made, so they retained their legal status as private property at the time of her death. This made it easy for al-Ghawrī to claim these properties for his own *waqf*. The 36 documents include marginal records documenting the transfer of property to the sultan on 24 Ṣafar 910/6 August 1504, and their subsequent

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[350] A list of the documents can be found in footnotes 44-5 in Petry 1991, 141-2. Petry numbered these deeds at 39, but I am aware of only 38. See also *P.Cair.Archives*, 533.
[351] The *waqfīya*s are: MMA 469/WA707ج; MMA 506/WA 775ج.
[352] MMA 376/WA 711ج.
[353] According to Ibn Iyās, Fāṭima was over 60 at the time of her death in 909/1504. Petry 1991, 134.
[354] MMA 660/WA 688ج.
[355] E.g.: MMA 430/WA 443ج and MMA 439/WA 490ج; MMA 544/WA492ج and MMA 545/WA 474ج; MMA 546/WA 472ج and MMA 548/WA 455ج; MMA 576/WA 435ج and MMA 577/WA 409ج; MMA 622/WA 466ج and MMA 660/WA 699ج.
[356] E.g. MMA 376/WA 711ج; MMA 435/WA 428ج; MMA 543/WA 448ج; MMA 544/WA492ج; MMA 576/WA 435ج; MMA 594/WA 453ج.
[357] The two exceptions are MMA 450/WA 104ج and MMA 502/WA 579ج, both recording purchases made earlier in the same year as the second endowment.

endowment in favour of his *waqf*.[358] These documents, thus, became part of al-Ghawrī's back-up archive.

Despite the fact that these documents show Fāṭima to have possessed a large number of property-related documents, however, none of the back-up documentation for her two extant *waqfīya*s has survived. The texts of both deeds, like in al-Ghawrī's *waqfīya*, are full of cross-references to back-up documents related to the discrete properties that made up the endowment but, as far as I am aware, none of these original documents is extant. Fāṭima's back-up *waqf* archives, then, did not survive. These two *waqfīya*s should be seen as belonging to a separate archival framework from the 36 documents that ended up in al-Ghawrī's custody. The *waqfīya*s were not transferred to al-Ghawrī's archive at all, belonging to the 46% of documents within the Wizārat al-Awqāf that do not reveal obvious connections to this sultan. Fāṭima's endowments remained active after her death, and the scrolls continued their lives as active archives of the *waqf*s they concern.

This is particularly clear in the first of her *waqfīya*s, which contains a marginal *istibdāl* record dating to 29 Ramaḍān 910/5 March 1505, several months after al-Ghawrī's acquisition of the properties appearing in the other 36 scrolls. This *istibdāl* was overseen by the then *nāẓir* of her *waqf*, Fāṭima's brother al-Nāṣirī Muḥammad ibn Khāṣṣbak, and saw a piece of property, a place (*makān*) in the vicinity of the al-Azhar mosque, taken over by none other than Khayrbak al-Sharīfī.[359] Whilst the archival lives of these *waqfīya*s may be separate from the sultan's *waqf* archive, this *istibdāl* highlights that al-Ghawrī's expropriations may also have touched her older endowments. There is no evidence to suggest that this particular piece of exchanged property ended up in al-Ghawrī's hands. Nonetheless, it is possible that it might have, like so many of the properties over which Khayrbak assumed ownership. Even so, the continued documentary life of this *waqfīya* after the date of al-Ghawrī's expropriations indicates that her *waqf* archive remained separate from the 36 property-related documents that ended up in the sultan's care.

The survival pattern of documents connected to Fāṭima's estates is highly significant in archival terms, with important implications for our understanding of al-Ghawrī's archive. Though her *waqfīya*s survived, probably within the archival settings of the endowments themselves, the entire corpus of surviving property-related documentation concerns properties that were not part of these endowments, and instead ended up in al-Ghawrī's *waqf* archive. Furthermore, the back-up archives for Fāṭima's *waqf*s were lost or disposed of at some point after her endowments were made, despite the survival of the relevant *waqfīya*s. The implication here, as with the old documents coming out of the *waqf* archives of al-Hāshimī and Dawlāt Bāy,

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[358] As Petry has noted, most of these transactions are designated as either a gift (*hiba*) or straightforward transfer (*intiqāl*), with al-Ghawrī named as the executor of Fāṭima's estate. Petry 1991, 142. Many of these transactions were, at least nominally, performed at the behest of Fāṭima's surviving siblings.
[359] MMA 469/WA707ج.

is that the 36-document property-related corpus only survived because it made its way into al-Ghawrī's *waqf* archive.

Fāṭima's example thus confirms the discrepancy between the archival value of the *waqfīya* on the one hand, and the back-up archive on the other. Indeed, it indicates that there was a strong differentiation between the relative long-term importance of the two document types, and a corresponding contrast in their archival life-spans. The *waqfīya* was not only the central document in a *waqf* archive but was the one whose archival preservation mattered the most. On the other hand, over time the back-up archive became redundant and was disposed of.

This contention qualifies, to some extent, the arguments I made in the previous two chapters about the continued archival relevance of the documents in the back-up archive. There, I suggested that the way in which cross-referencing is used throughout this corpus strongly implies that original deeds remained legally, and thus archivally, significant. Basing conclusions on al-Ghawrī's archive, this is a natural assumption. If, however, over the course of time these original deeds were disposed of, we must consider the system of cross-referencing more carefully. Whether the disposal of back-up material took place because the *waqfīya* effectively duplicated the information, because of the declining legal value of the documents over time, or owing to other factors of which we know little, is difficult to say. Certainly, the original documents were not disposed of as soon as the *waqfīya* was produced. The citation of the information found on these deeds, including graphic descriptions of the scrolls on which they were written, the writing materials, and the physical locations of the information on the support, reveal that the original deeds maintained an authority and value within the prevailing archival system. As the evidence from al-Ghawrī's archive shows, the systematic inclusion of marginal updates and the writing of archival notes indicates that the documents were intended to be preserved after the moment of endowment and were not destined for immediate disposal. Furthermore, the practice of passing on old documents out of *waqf* archives when *istibdāl* transactions occurred suggests a continued appreciation for the content of these old property deeds. Nonetheless, the immobilisation of these documents within a *waqf* archive may well have meant that, over time, the perception of their value became diminished. Though we do not know how often these documents were required in legal proceedings, there are few traces of use. In practice it seems that the *waqfīya* was increasingly able to serve this legal role alone, the longer an endowment existed. After an extended period of non-use of the back-up archive, it is easy to see that its perceived relevance declined, accompanying the progressively decreasing likelihood of legal challenge. We do not know at what point in the lengthy historical trajectory of Fāṭima's *waqf* endowments their back-up archives disappeared. None of it, however, has survived to the modern day.

This discussion raises some possibilities about the value, perceived and real, of property-related documents that were immobilised in *waqf* archives, as opposed to those that remained, as it were, 'mobile'. The fact that the surviving documents show accumulation, by al-Ghawrī, of the part of Fāṭima's estate that remained outside her *waqf* highlights the greater ease with which *milk* property could be acquired. Al-Ghawrī's extensive use of *istibdāl* does, after all, indicate that expropriating *waqf* property could not easily be achieved without this dubious legal mechanism. In light of the discussion above, in particular the overwhelming non-survival of back-up archives for older *waqf*s, we might suggest that, far from giving legal documents a longer life-span, endowment in *waqf* may actually have curtailed the archival lives of property-related legal documents. In a milieu in which documents remained archivally active through regular transfers in property ownership, placing a document in an immobilised *waqf* archive may have accelerated its trajectory towards redundancy. This contradicts arguments that posit that the perpetual legal status of *waqf* may have enhanced the archival value of *waqf*-related legal documents. The *waqfīya*, of course, represents the notable exception.

Al-Ghawrī's *waqf* documentation: an archive frozen in time?

The difference in the intended value and life-spans of the *waqfīya* and the back-up archive respectively raises crucial questions about the status of al-Ghawrī's archive itself. By using al-Ghawrī's *waqf* archive as a lens for practices taking place prior to this sultan's property expropriations it has become evident that the configuration of his archive was not in any way unique. On the contrary, the practices seen in his archive seem to have been well-established across the elite milieu of fifteenth-century Cairo, if not before this. These practices involved the accumulation of documents related to multiple discrete properties, subsequently used to assist the drawing up of the *waqfīya*. Preserved alongside the *waqfīya*, this archive could be referred to in times of need, and documents extracted from it and passed on in cases of *istibdāl*. Though none of the other surviving examples offer the same level of detail as al-Ghawrī's *waqf* archive, they nonetheless illustrate a startling continuity in practices.

It is, instead, in the composition of the surviving documents that we see the uniqueness of al-Ghawrī's archive. Having identified that back-up documents in other *waqf* archives had a limited life-span, we would expect that this material within al-Ghawrī's *waqf* archive would at some point have become redundant as well. Nonetheless, the documents of his back-up archive constitute a significant proportion of all the *waqf*-related documentation preserved until the modern day. They survive in their immobilised state, allowing us a view of the configuration of the complete *waqf* archive. What, then, was different about al-Ghawrī's archive that meant that this material survived?

It is here that the timing of al-Ghawrī's reign and, more importantly, its end becomes especially significant. As I highlighted at the beginning of the previous chapter, al-Ghawrī's reign is situated at an important historical juncture. The Ottoman conquest, following shortly on from his death, propelled Cairo from its position as the political and cultural heart of the Mamluk sultanate, to a mere provincial capital of the expanding Ottoman Empire. For the Ottoman Pashas who came to govern Egypt, establishing their own large *waqf*s in Egypt was never a political priority. The control of *waqf* property in Cairo, such an important element in the political, economic, and social strategies of Mamlūk sultans, thus became a less pressing concern for the new ruling elites. For them, the expropriation of the *waqf* property of previous rulers, their families, and allies was not the political necessity it had been for their late-Mamlūk predecessors.[360] The Ottoman conquest was therefore a point at which the continuities of Mamlūk-period *waqf* practice witnessed a rupture, with a profound impact on associated archival practices. Unlike the earlier *waqf* archives of, say, Fāṭima or the sultan Qāytbāy, al-Ghawrī's archive, came together in the period immediately preceding this significant shift. In such a setting, the back-up documentation of his archive was not constrained by the limited shelf-life that material of this kind had within the pre-existing documentary and archival milieu. Instead, the documents were, as it were, put on ice. Al-Ghawrī's archive was frozen at a stage of relative fullness before the back-up documentation could become redundant or succumb to the exigencies of archival dismemberment, systematic disposal, or loss.

It is important not to overstate the changes that took place in Cairo upon the Ottoman conquest, even at the level of archival practice. The transition from Mamlūk- to Ottoman-period documentation in Egypt is still not well understood. As I stressed in the introduction to this thesis, documents surviving from the early Islamic period onwards tend to support a view of continuity rather than change in documentary practice at times of dynastic transition and high-level political change.[361] Despite this, there is evidence from within al-Ghawri's own *waqf* documentation that the Ottoman regime took a distinct approach towards the management of the archival records of *waqf* endowments. The copying, in 987/1579 of al-Ghawrī's original scroll-shaped *waqfīya*s into the cartulary-form of 882ق is clearly indicative of a very different conceptualisation of the functioning of these archives.[362] The production of the copy suggests that the Ottoman authorities, not unreasonably, considered the original scrolls too cumbersome for regular use. The Ottoman copy brought the records of al-Ghawri's separate endowments into one truly integral form, lending an outward coherence to the *waqfīya* that is less manifest in the original scrolls, and preparing it for easier reference and administrative use. Furthermore, the later usage of the codex itself was clearly different from that of the scrolls. While it contains

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[360] Behrens-Abouseif 1994, esp. 145-77; 1998b, 224-34
[361] See above: 29.
[362] See Chapter 2, 91-2.

some limited marginalia, for instance updating the text to record the *istibdāl* of certain properties, these are not legally notarised by witnesses, do not include the name of the *mustabdil*, and do not make reference to any separate documents.[363] This document was clearly, then, functioning within a different system of *waqf*-related archival practices to those we have become familiar with through examining the Mamlūk-period documentation.

Taking place over 60 years after the Ottoman conquest, this archival initiative may seem a somewhat delayed response. It is, however, short enough after the conquest to be seen as part of a gradual process of the rationalisation of archival material pertaining to the previous regime, and their most important *waqf*s. Certainly, *waqfīya* 882ق offers some further insights into early-Ottoman-period *waqf*-related archival practices. The information this document provides about the location of storage of the original scroll (883ق) in al-Ghawrī's *khānqāh*, for instance, flatly contradicts Michel's suggestion that the most important *waqf* documentation was centralised in the Citadel in 1523, along with the fiscal records.[364] Instead, the scroll remained in its original location. The Ottoman copying of the *waqfīya* does not, then, indicate a desire to erase pre-existing archival practices, but to shape them in such a way that they worked within the new administrative and archival system.[365] Ultimately, the question of *waqf*-related archival practice in early Ottoman Egypt is the subject for a separate study from this one.[366] It is, nonetheless, worth briefly pointing out that the transmission of Mamlūk-era documents in codex-form copies is attested outside the corpus considered here. The early-Ottoman copy of a fifteenth-century inventory of the *waqf* properties of the Umayyad Mosque in Damascus, for instance reveals a complex process of copying and validation, which involved the mutation of older scrolls into a more practical and durable codex format.[367] In this shape, the inventory clearly had sustained archival value, confirmed by the continued renewal of its legal certification up until the mid-nineteenth century, which is recorded in the series of documents that appear in the last part of the codex.[368] The shift from scroll-form to codex-form has also been proposed as a sharp distinction between the archives of Mamlūk qadis and those of their Ottoman successors.[369] The

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[363] Often these marginal additions include only the single passive verb: 'it was exchanged' (*ustubdila*).
[364] Michel 2013, 235.
[365] It seems that early-Ottoman *waqfīya*s were also produced in both scroll and codex copies, suggesting that the co-existence of both formats continued to be part of Ottoman *waqf*-related archival practice. See, for instance, the *waqfīya* of Maḥmūd Pasha (d. 974/1567): Veselý 1971, 1-14.
[366] The long list of early-Ottoman *waqf* deeds outlined by Doris Behrens-Abouseif would seem a promising place to start: Behrens-Abouseif 1994, 178-218.
[367] Indeed, this deliberate change in the form of the document is explicitly mentioned in the preamble to the inventory, which refers to its 'transfer to and narration in the bound book' (*naqlihi was ḥikāyatihi fī al-sifr al-mujallad*). The codex was made of parchment, explicitly used because of its durability. Eychenne et al 2018, 19, 48, 356.
[368] These documents are mostly *ishhād*s, more or less analogous in function to the *isjāl*s found on the documents in the Wizārat al-Awqāf. Meier in *ibid.*, 357-63. See also Chapter 4, 147-8.
[369] Müller 2018, 380; Okawara 2004, 17-22. I am not entirely convinced of the evidence for such a sharp material distinction. On the other hand, the late-Mamlūk *Jāmiʿ al-Mustanadāt*, a *sijill* written in scroll form offers some support to such an argument. For a brief physical description of this extensive scroll, see Saghbini 2005, 12-14.

codex form for archival documents was certainly not an Ottoman innovation [370] Even so, the repackaging of Mamlūk-era documents, such as al-Ghawrī's *waqfīya*, in a different physical format indicates Ottoman concerns to rationalise the documents of their Mamlūk-period predecessors, superseding these with a new array of documentary and archival practices.

The evidence, albeit sparse, for the Ottoman afterlife of al-Ghawrī's *waqfīya* provides further support for a characterisation of his archive as frozen in time. This freezing was not absolute. The documents, especially the original *waqfīya*s, retained their legal and symbolic value. This is evident from the marginal updates added to the original *waqfīya* (883ق) well into the Ottoman period, and its continued storage in the *khānqāh*. The back-up documentation, on the other hand, was fossilised in its early-sixteenth-century state, immobilised in the *waqf* archive. Though this immobilisation was not envisaged to be permanent, once divorced from the dynamic late-Mamlūk archival and documentary context in which they were intended to function, they remained in this frozen state until today.

In the previous chapter, I stressed the close relationship between the process of the coming together of al-Ghawrī's *waqf* endowment and the formation and configuration of his archive. In light of the above discussion it seems, however, that his *waqf* archive owes its survival in its current shape not so much to this sultan's particular financial practices, as to their ultimate failure. This failure was due to the simple fact of al-Ghawrī's death and the events that followed, rather than any flaws or peculiarities in the way his *waqf* strategies played out. Indeed, Petry stressed that we cannot know what the outcome of his strategies would have been, because of his death at Marj Dābiq, a point that can be extended to the history of his documents.[371] It is nonetheless intriguing to imagine what would have happened to the enormous property wealth al-Ghawrī had amassed if events had turned out differently. It is difficult to escape the impression that we might, in such a situation, have ended up with a rather different *waqf*-related corpus. Had the *waqf*-related archival practices prevalent in Mamlūk Cairo continued, his archive would probably have been subject to the same processes as we witnessed in the traces of older *waqf* archives: that is, the loss of back-up documents through the gradual decrease of their legal value and active processes of archival dismemberment. The documents in al-Ghawrī's back-up archive would likely have become redundant and been disposed of, or alternatively might have been re-mobilised in new archives when properties were later extracted by individuals trying to build up their own property base within the capital. Certainly, in light of al-Ghawrī's own apparently indiscriminate approach to property expropriation, it is easy to imagine that there would have been many eager to profit at his expense. Had this occurred we would probably have a much smaller sample of his documents preserved in today's collections. While

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[370] There are even some Mamlūk-period *waqf* deeds that were originally redacted in codex form. See, for instance, the *waqfīya* of sultan al-Nāṣir Ḥasan: Al-Ḥārithī 2001, 5.
[371] Petry 1994, 208-10.

these suggestions are purely counterfactual, they serve to highlight the decisive role of historical accident in shaping the archive that survives today.

Conclusion

By using the documents in al-Ghawrī's *waqf* archive as a lens onto the longer-term trajectories of the documents it contains, this chapter has shed light on a very active archival history. Characterised by dynamism and mutability, we have observed a setting in which documents came in and out of dispersed property and *waqf* archives with some rapidity. Multiplying over time to follow changes in property ownership and the performance of other legal procedures, the documents reveal widespread practices of rapid archival formation and re-configuration. Documentation was progressively re-organised within the varied frameworks of different kinds of archival depositories, connected with discrete properties, or the *waqf* endowments of various individuals. The archival histories of these documents were, then, punctuated by changes in custody, and ongoing evolution, in line with the lively transaction histories of the properties they concerned.

The property- and *waqf*-related archival practices that emerge reveal al-Ghawrī's archive to be part of a broad continuity of practices certainly stretching back well beyond the period of his reign. On the other hand, it is through comparison with these earlier archives emerging through the lens of al-Ghawrī's corpus that we come to see just how many documents from earlier *waqf* archives have not survived. The archival dynamism visible within the late-Mamlūk Cairene milieu also entailed the continual dismemberment of archives and systematic disposal of documents which had outlived their purpose. We are thus able to clearly identify both what is and what is not unique about al-Ghawri's *waqf* archive. It is, above all, not the archival practices themselves, but the continued survival of his back-up documentation that distinguishes his archive from those of most of the other *wāqif/a*s visible in the collection.

It was, ultimately, the freezing of al-Ghawrī's *waqf* archive at a point when it was still quite newly constituted, that has made it such an exceptional tool to access the longer-term archival lives of these documents. The archive's fossilisation in its early-sixteenth-century state means that we have access to his back-up archive, which may have been lost to us had the interruption of the Ottoman conquest not taken place. Without these c. 290 documents, we could not form as full an understanding of the formation and configuration of al-Ghawrī's complete *waqf* archive as I was able to in the previous chapter, nor could we access the extensive archival histories of the individual documents investigated above. Such a recognition offers a compelling counter-perspective to the oft-stated view highlighting the deliberate destruction of Mamlūk state archives at the time of the Ottoman conquest as an historical moment determining the non-

preservation of archives to the present day.[372] Though these *waqf*-related documents are, of course, not state archives, this corpus reveals how a dramatic regime change such as this one could in fact have an unexpectedly positive impact on rates of document preservation.[373]

On the other hand, the identification of al-Ghawri's archive as a collection of documents frozen in time also raises problems for its use as an historical source. I began the previous chapter by outlining Petry's argument which, heavily informed by use of the surviving documentary corpus, identifies innovations in al-Ghawrī's *waqf* strategies. The precarious nature of document survival and preservation brought to the fore in this chapter, however, highlights the problem of drawing comparisons between the strategies of sultans for whom the state of surviving documentation is vastly different. To what extent can we compare al-Ghawrī's strategy on the basis of these documents when we do not have analogous material for, say, Qāytbāy, with whom Petry juxtaposed him? The survival of al-Ghawrī's back-up archive, for instance, renders especially visible the process of property expropriation that contributed to the making of his *waqf* endowment. It is through this that we can see the various stages through which the sultan went to accumulate property. Perhaps, had a comparable volume of documentation survived from Qāytbāy's *waqf* archive, our understanding of this sultan's own strategies would be different. To what extent, then, is Petry's reading of al-Ghawrī's financial 'experiments' informed by the vagaries of accidental archival survival?

Certainly, the objectivity of al-Ghawrī's *waqf* archive as a source for information on contemporary documentary and archival practices is at question, when the partially external causes of its survival are recognised. This chapter has shown that, from the point of view of archival practices, al-Ghawrī was far from innovatory. The major significance of the archival practices visible in his corpus is not, therefore, in the way they reflect his financial strategies, innovatory or not. Instead, the unique value of this corpus should be seen in its freezing as a complete archive whose practices can exemplify a longer established way of dealing with property wealth and, by extension, with the documents connected to private property and *waqf* endowments.

Al-Ghawrī's *waqf* archive is not the only such 'frozen archive' amongst the collections of documents that survive from the medieval Islamic world. The Ḥaram al-Sharīf corpus from Jerusalem is, perhaps, the clearest example, gathered together at a very specific point in time, and for a particular function, but frozen in this form until its discovery in the twentieth century.[374] This example, which I will explore in some detail in the next chapter, is offered here to explicitly place the discussion in this chapter within the framework of scholarship on archival

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[372] For this view, and its challengers, see above: 19-21, esp. footnote no. 33.
[373] For further criticism of this understanding of the role of political crises in dictating archival destruction see Rustow forthcoming, esp. 525-40.
[374] Müller 2011a, 435-459; 2013, 509-27.

practice that forms the backdrop for this thesis. Like Christian Müller argued for the Ḥaram corpus, this chapter has shown that the extant *waqf*-related material also owes its survival and form to unique historical contingencies. Al-Ghawrī's *waqf* archive is not an objective sample that directly reflects historical conditions and social strategies prevailing in Mamlūk society. It is clearly not, therefore, exempt from the challenges of interpretation that characterise other surviving Arabic documentary collections, no matter the legal peculiarities of the institution that sustained it: that is, *waqf*. The perceived idiosyncrasies of *waqf* and its relationship to archival practices, therefore, deserve further scrutiny. It is towards an assessment of this relationship that the next chapter turns.

Chapter 4

Rethinking the relationship between *waqf* and archival practice

The *waqf* domain from a comparative perspective

Introduction

When introducing *waqf* as a domain at the beginning of Chapter 1, I began by highlighting the exceptionalism that has characterised scholarly views of *waqf*-related archival practice. To reiterate, this domain has been identified as somehow more conducive to long-term archiving than the other domains that produced and used documents in the pre-Ottoman Middle East. I suggested that this argument has been advanced on the basis of two hypotheses related to the legal peculiarities of *waqf*. Firstly, that the supposed perpetuity of *waqf* endowments led to the increased long-term archival significance of documentation produced in connection with them. Secondly, that the potential status of *waqf* as a unique 'legal personality' contributed to its development as a domain with corporate interests and rights, thus heightening the need to maintain legal archives connected with upholding these. While these tantalising interpretations provided a convenient way to initiate my investigation of archival practices within the *waqf*-related documentary corpus, I have not yet offered an assessment of the ways in which the documents may support or contradict these assertions.

The previous three chapters have shown that the *waqf*-related documents offer fruitful source material for an array of archival practices. We saw that the documents manifest many distinct archival features in their design and makeup, as well as the possibility of pinpointing the existence of actual *waqf* archives, whose distinctive form reflected the legal structure of *waqf* endowments. On the basis of the investigation carried out so far, then, it would still be possible to propose that these archival practices arose directly from the documents' relationship with *waqf*. Namely, a confirmation of the hypothesis that the specificities of *waqf* law engendered a need to develop distinct archival practices to deal with the documentation it produced and used.

On the other hand, we have also had indications that this may not be an entirely satisfactory explanation. For one, much of the material under consideration did not begin its life *waqf*-related. Documents whose initial deed has no clear connection with *waqf* represent over 50 percent of all documents in the Wizārat al-Awqāf,[375] and around 20% percent of those in the Dār al-Wathāʾiq. The implication here is that explanations of the internal practices I outlined in Chapter 1, many of which are shared by both *waqfīya*s and other genres of legal deed, should

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[375] A rough figure reached by extracting all documents whose initial deed is related to *waqf* or *istibdāl*. Of these, the vast majority are deeds of sale (49% of the whole collection).

not be sought in direct relation to *waqf* law. For documents that began their lives as sale deeds for private property, it would be problematic to claim that their design resulted directly from the archival imperatives necessitated by the demands of *waqf* legal theory. To take a different example, the case of al-Ghawrī's frozen archive made clear the extent to which the archival life-spans of documents can be dictated by factors well outside the control of the documents' designers, users, or archivers. Few of these documents were initially intended to have the 500-or-so year life-span that they have had. For the many property deeds preserved today within al-Ghawrī's larger *waqf* archive, this configuration does not reflect the archival framework for which these individual documents were initially produced. For a significant proportion of the documents in these collections, then, the connection to *waqf* law is not self-evident.

The *waqfīya*s of course stand apart, containing explicit Qurʾānic references to the *waqf*'s perpetuity. Nonetheless, there is no clear evidence that they were actually exempt from the rules that bestowed on other legal documents only a limited life-span as reliable legal proof.[376] The periodic addition to *waqfīya*s of new *isjāl*s to confirm the evidence of older ones seems, in fact, to indicate the contrary.[377] Of course, as we saw in Chapter 2, *waqfīya*s had other functions that conferred upon them an archival significance that went considerably beyond their legal function. This only further highlights the insufficiency of the principle of legal perpetuity to explain archival distinctiveness. If documents were preserved for reasons and uses that went well beyond their legal function, we must also look beyond a legal framing to explain the archival practices they manifest. It remains, therefore, to problematise the above stated hypotheses about the intrinsic suitability of the legal framework of *waqf* for the generation of systematic, long-term archival practices.

In this chapter I question these hypotheses by comparing the *waqf*-related documents I have examined so far with other surviving Mamlūk-era legal documents emerging from domains with varying degrees of proximity to *waqf* endowments. To do this, I use the insights gleaned from the *waqf*-related material to guide my examination. That is, now being aware of some of the archival practices that prevailed within the domain that surrounded these Cairene documents, I can explore the extent to which similar, or comparable, features emerge within other surviving material. It is here that the varied contextual origins of the surviving document collections, usually considered a serious hindrance to comparative study, becomes a real advantage. The collections of Arabic legal documents that survive from this period stem from a range of very different settings, meaning that there are many variables that could potentially explain differences in the archival and documentary practices they manifest. These include the diverse legal mechanisms and procedures which the documents were designed to assist, the social and geographical milieus out of which the documents emerge, including their varied proximity to

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[376] For a reminder of this discussion see intro to Chapter 1, 51-2. See also Müller 2013, 23-6.
[377] Seen for instance, in Fāṭima's *waqfīya*: see Chapter 1, esp. fig. 3, 60.

political elites and differing connections to institutional structures, as well as the matter of the development of practices over time. Clearly such substantial variation makes comparison a challenge, though not an insurmountable one, as we shall see below. Nonetheless, diverse contextual surroundings are helpful when trying to identify the way in which domains shaped archival practices, offering a framework for interpreting and understanding similarities and differences.

I juxtapose the *waqf*-related material with two comparative corpora. The first of these is the material in the Ḥaram al-Sharif collection of Jerusalem. These c. 900 documents, dating mostly to the 790s/1390s, represent a variety of documentary genres, though a large majority of them record legal proceedings instigated by qadis and recorded in the setting of their tribunals (*majlis al-ḥukm*). The documentary activities of qadis has certainly been hinted at in the previous chapters, with many of the *waqf*-related documents demonstrating close judicial supervision and processes of certification by named qadis. Despite this, the domain from which the Ḥaram documents emerge is a separate one. Quite apart from the geographical and chronological disparity, a large part of the Ḥaram al-Sharīf collection constitutes records made for the use of the qadis, their deputies and staff, rather than for private individuals, and there are only three original *waqf* deeds to be found within this collection.[378] The second corpus considered in this chapter is the Arabic documents preserved in the synagogue of the Qaraite Jewish community of Cairo. This collection probably offers the closest surviving comparator to the *waqf*-related documents, containing 27 documents drawn up in Cairo, many of them contemporary to those found in the Wizārat al-Awqāf. Several of these documents themselves relate to *waqf* endowments.

These two corpora offer promising points of comparison with the previously examined *waqf*-related documents. The Qaraite documents are a Cairene corpus, close chronologically to the documents examined in the previous chapters, though preserved in a very different archival setting and connected to a separate group of archival, legal, and *waqf* actors. The Ḥaram documents, on the other hand, emerge from a very different geographical context, dating from over a century prior to many of the documents I considered in the previous chapters. Furthermore, they emerge from a setting closer to the actual producers of legal documentation, something that has remained somewhat obscure in this thesis so far. These two collections, therefore, offer an apt selection for comparative study. Addressing different social and religious milieus, both inside and outside the Mamlūk capital, in Egypt and in other parts of the Mamlūk sultanate, they have the potential to provide a broad picture of diverse legal and other pressures and their corresponding impacts on documentation and archiving.

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[378] There are also several copies of *waqf* deeds: see below: 138. *HaramCat.*, 318-20, 373-4; Müller 2013, 98, 131.

The ubiquity of *waqf* in Mamlūk society means that neither of these comparative corpora can be considered entirely 'non-*waqf*-related'. This evidently poses a challenge to attempts to isolate the ways in which *waqf* impacted archival practice. Nonetheless, it should not be considered too serious a limitation. By exploring the practices evident in certain corpora against the backdrops of their own specific domains, it remains possible to test the ways in which archival practices can be connected to *waqf*, both in the comparative corpora and the documents originally under consideration. Remaining cognisant of this contextual variation, then, I ask whether we can see the development of similar, comparable, or different archival features in the various document collections. Through investigating this question in the comparative material, I challenge the hypotheses regarding the archival uniqueness of *waqf* in the Mamlūk period.

This chapter is divided into two parts, each exploring one of the comparative collections. The first part examines the Ḥaram al-Sharīf collection, while the second moves on to the Qaraite documents. In both sections, I make use of the insights gleaned from the previous three chapters, particularly Chapter 1, to guide my exploration. I examine the collections, first and foremost, on their own terms, pinpointing archival themes of specific relevance to the varied material they contain. I am then able, in the conclusion, to directly address the broader question of the chapter. The two collections contribute in different ways to my arguments. The Ḥaram corpus above all reveals the existence of domains outside that of *waqf* that generated intensive, and distinctive archival practices, while the Qaraite corpus compels us instead to locate *waqf*-related practices firmly within a specific historical, not just legal, framing. Relying on the varied evidence from these two corpora, I ultimately argue that there is little evidence to suggest that the specific legal principles underpinning *waqf* endowments led to the development of especially sophisticated or systematic archival practices. Instead, I seek to explain the archival practices emerging within the Wizārat al-Awqāf, and other similar material, in the specific historical circumstances of late-Mamlūk Cairo. In the archival practices prevalent within this setting, *waqf* was evidently an important contributory factor, but one whose legal elements cannot easily be extricated from a much wider nexus of social, practical, and political concerns.

The Ḥaram al-Sharīf collection

The c. 900 documents preserved within the sanctuary of the Ḥaram al-Sharīf in Jerusalem represent the single largest surviving collection of Mamlūk-era legal documents discovered to date. Found in the mid-1970s, 'stuffed' into drawers in the Islamic Museum, the collection includes many different document genres, most prominently among them notarised estate inventories, contracts, procedural documents, and accounts, as well as several decrees, petitions

and other communications.[379] The documents overwhelmingly date to the fourteenth century, with over 60% of them produced during the final decade of the century.[380] The documents' compact chronology, their well-contextualised geographical origins, and their varied content have made them a highly significant source for many different aspects of the history of fourteenth-century Jerusalem and its environs.[381]

The large majority of the Ḥaram documents remain unpublished. Despite this, Christian Müller's recent exhaustive study of the collection represents an invaluable tool for its further exploration. His work offers profound insights into the collection at large: into the types and functions of documents it contains, the vast range of legal procedures to which it attests, and the historical framework of legal and social practices surrounding the qadi of Jerusalem and his court witnesses.[382] Beyond this, Müller offers astute suggestions about the archiving of the material within the collection, relying on internal features of the documents, as well as on interconnections between them. In what follows I thus rely to a considerable extent on Müller's work, complementing this with examination of the 1970s microfilm images, which allow me to devote further attention to the materiality of the collection.[383]

Archives in the shadow of a fourteenth-century corruption case dossier

The Ḥaram al-Sharīf documents were initially understood as a part of the elusive qadi's *dīwān*: a remnant of a fourteenth-century qadi's personal archive.[384] As we saw in the introduction to this thesis, however, Müller offered a different assessment of the logic uniting a large part of the collection. Over 60% of the documents in the collection display some kind of connection to Abū al-Rūḥ ʿĪsā Sharaf al-Dīn, who acted, with some interruptions, as the Shāfiʿī qadi of Jerusalem from 793/1391 until his death in 797/1395.[385] The varied materiality of the documents linked to Sharaf al-Din, and the rather distinct though limited types of documents preserved amongst their number led Müller to question whether such a corpus could really represent a sample of the qadi's complete archive. He sought a more satisfactory explanation for the coming together of these documents, finding it in a report by the contemporary Damascene historian Ibn Ḥijjī (d. 816/1413). According to the latter, Sharaf al-Dīn's financial misconduct,

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[379] For an account of their discovery see *P.HaramCat.*, 1-4; Northrup and Abul-Hajj 1978, 282-91; for document types see *P.HaramCat.,* esp. 4-18; Müller 2013, 4-5, 27-158.

[380] For their chronological distribution see *ibid.*, 29.

[381] See, for instance, Little 1981, 1982, 1984b; 1998; Lutfi 1983; 1985; Richards 1991; Salameh 2004; Frenkel 2004; Müller 2008; 2010; 2013.

[382] Müller 2013.

[383] Müller's weighty tome unfortunately only contains a very small selection of images, though of a higher quality than the original microfilms. There is also a small number of higher quality images available online on the CALD (Corpus of Arabic Legal Documents) database: http://cald.irht.cnrs.fr/php/ilm.php: last accessed 4th June 2018. The originals are still preserved today in the Islamic Museum in Jerusalem.

[384] Little 1997, 11-12; see also Müller 2011a, esp. footnote no. 5; for a discussion of the qadi's *dīwān* see Hallaq 1998, 415-36.

[385] Müller 2011a, 436; 2013, 13, 197-208, 251-2.

in which he collaborated with the amir Maḥmūd, the *ustādār* (head of the sultan's household) in Egypt, provoked local complaints. Müller proposed that this corpus might, thus, represent documents brought together by Sharaf al-Dīn's successor, Sariyy al-Dīn, in the course of bringing the case against his predecessor.[386] Despite these substantial efforts to prepare a case against Sharaf al-Din, however, it was never resolved. Less than two years after the commencement of the case, all the major protagonists, including Maḥmūd the *ustādār* and Sariyy al-Dīn himself, were dead.[387] The assembled dossier was, thus, left to lie in the Ḥaram al-Sharīf, where it remained in safe oblivion for more than 500 years.

Müller's detective work resourcefully used the micro-histories of the documents, their content and materiality, to draw attention to a deliberate process of document assembly, intended for a very specific purpose. In so doing, Müller's hypothesis stresses what we have also come to learn in the chapters of this thesis so far: the importance of historical contingency in determining document survival. Müller argues that the historical events surrounding the constitution of a large part of the Ḥaram al-Sharīf corpus preclude it being considered as an 'archive' in the sense that qadi's archives have been traditionally understood.[388] Despite this, by basing his argument on the specificities of individual documents, he also highlights that the pieces that made up the Sharaf al-Dīn dossier were themselves extracted from a range of original depositories, which can to some degree be accessed through close study of the material. For instance, documents distinguished by the inclusion of the same named individuals or place-names, by adherence to similar document types, or by common material features, can be linked. He was, therefore, able to identify groupings of documents, both within the Sharaf al-Dīn dossier and external to it, that indicate the presence of archival practices beyond the document assembly involved in the corruption case.[389] The groups he identified are as follows:[390]

1. A group of 27 early fourteenth-century documents concerning the management of villages that were endowed in favour of the *waqf* of the Ḥaram al-Sharīf.[391]
2. Documents recording transactions and other matters concerning ownership status of property in Jerusalem and its surrounds, relatively evenly distributed over the fourteenth century.[392]
3. A group of documents related to the activities of the qadi-court of Nablūs during the period when Sharaf al-Dīn was the qadi of that city (782-6/1380-5).[393]

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[386] Müller 2011a, esp. 448-50; 2013, 511-19.
[387] Müller 2011a, 455; 2013, 527.
[388] Such as discussed in Hallaq 1998, 415-36.
[389] Müller 2013, 159-208; see also footnote no. 4 in Müller 2011a, 436.
[390] Following Müller, I have excluded the 29 Persian documents from this outline.
[391] Müller 2013, 160-2.
[392] *Ibid.*, 162-8.
[393] *Ibid.*, 194-7.

4. Around 540 documents related to the qadi-court in Jerusalem during the period 793-8/1391-5, that is, the period during which Sharaf al-Dīn was, for the most part, acting as qadi of the city. These include court witness documents, mostly with direct connections to Sharaf al-Dīn, as the qadi in charge, as well as documents connected to the administration of estates during this period.[394]

5. Finally, a number of Sharaf al-Dīn's personal documents, including correspondences and petitions addressed to him.[395]

Müller stopped short of discussing the archival practices manifest within each of these groups. Nonetheless, their identification makes clear that, however problematic the archival status of the corruption case dossier, its contents stem from demonstrably archival origins. The fact that the Ḥaram al-Sharīf collection in its entirety does not represent a cohesive qadi's archive is, then, essentially inconsequential for the investigation of archival practices in these documents.[396] Indeed, the Sharaf al-Dīn dossier would be best conceptualised as just one stage in the longer archival lives of the documents it contains: the stage at which the documents happened to be, like al-Ghawrī's *waqf* archive, frozen. While archival practices are clearly not Müller's main interest, then, his work offers the groundwork for a more archivally-focused analysis of the corpus.

As with the material from the Wizārat al-Awqāf, evidence for archival practice within the Ḥaram corpus comes first and foremost from the internal features of the documents themselves: physical traces of archival techniques, elements of document design, and connections that can be made on the basis of related content. In both corpora, the necessity of this approach stems, ultimately, from the convoluted ways in which the documents have come down to us, not as complete archives, but as assemblages of documents with complex archival histories and trajectories. In this sense, the Ḥaram corpus offers a particularly valuable comparator for the Wizārat al-Awqāf material. The identification of distinct groups within the corpus provides significant insights into the connections between the pressures of distinct legal, administrative, and business settings and the specific practical and physical concerns of archival preservation. The archival practices visible in the Ḥaram corpus merit their own dedicated study. In the meantime, I present here two short case-studies through which the similarities and differences between the Ḥaram and Wizārat al-Awqāf corpora are thrown into sharp relief.

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[394] *Ibid.*, 197-203.
[395] *Ibid.*, 204-8.
[396] Though maybe disappointing for scholars hoping for an example of a Mamlūk qadi's archive. The absence of Mamlūk-period court archives is regularly commented on, largely because of the discrepancy with the Ottoman period, for which court records have represented a significant and abundant source. Hallaq 1998; Okawara 2015, 15-22; Müller 2018, 361-85.

Waqf *in the Ḥaram corpus*

Perhaps the most immediate way of comparing these two collections is to examine the *waqf*-related material that appears within the Ḥaram corpus. At a single glance, it is clear that this material presents a very different profile than that found in the Cairo archives. The Ḥaram corpus contains only three complete *waqf* deeds, one of them explicitly designated a copy (*nuskha*).[397] Another four documents survive, each containing copies or summaries of the details of *waqf* deeds.[398] Furthermore, none of the sale deeds preserved in the Ḥaram al-Sharīf relate to properties that were later incorporated into *waqf* endowments. In fact, these kinds of deeds, by and large, do not contain later additions to record the passing of properties to new owners.[399] Texts added to the margins, or verso, of these deeds are mostly confined to records of legal procedures of witnessing, certification, and confirmation. The corpus also preserves no original *istibdāl* documentation. The depositories from which the Ḥaram corpus originates were clearly not, then, large archives of *waqf*-related deeds establishing the rights for ownership or the stipulations of endowments.

On the other hand, the Ḥaram corpus is replete with documents connected to *waqf* endowments. Above all, these record details of the endowments' day-to-day management: documents establishing the cooperation of the inhabitants of villages under *waqf* administration;[400] decrees appointing individuals to stipendiary positions in endowed institutions;[401] and itemised accounts detailing expenses for the upkeep of *waqf* properties.[402] These documents did not establish and lay down the legal rights and stipulations necessary for property purchase or the establishment of *waqf*s. Instead, they recorded practical matters of day-to-day accounting, or the legal resolution of matters incurred during the ongoing running of the *waqf*.

While such material is not immediately comparable with the Cairo documents, it confirms the picture of *waqf* as a massive generator of documentation, filling a gap in our knowledge of *waqf*-related paperwork. While this kind of documentation has not survived from Cairo, there is no doubt that it would have been required for the enormous *waqf*s made by the Mamlūk sultans and senior amirs: to keep track of revenues, to establish rental rights over endowed shops and houses, and to record the payment of stipends to the many employees of

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[397] HS 20; the other two are HS 617; 833. *P.HaramCat.*, 318-20; see also Müller 2013, 486-91.

[398] HS 333 presents a copy of a record of endowment found as a marginal addition on the verso of a sale deed, presumably for the same property; HS 643 offers a summary of the stipulations of a *waqf*, copied from the original deed; HS 77 and 306 represent individual bifolia onto which a *waqf* deed was copied. *P.HaramCat.*, 320-1; 373-4.

[399] There are several exceptions, e.g.: HS 42, 326, 354. See also Müller 2013, 477, footnote no. 33. In general, a wider range of purchases are represented in the property deeds of the Ḥaram corpus than in the Wizārat al-Awqāf, including slaves. See *P.HaramCat.*, 275-96.

[400] See all documents referenced in Müller 2013, 160-2.

[401] E.g. HS 12, 310.

[402] E.g. HS 773a, b; 774a, b, t.

benefitting pious institutions. Some *waqf* deeds stipulate the employment of individuals to oversee the accounting (*ḥisāb*), who would certainly have used written accounts to detail the endowments' substantial revenues and expenditures.[403] The Ḥaram corpus thus highlights an additional range of pressures and motivations driving the production of *waqf*-related documentation, over and above the establishment of the fundamental legal details of an endowment.

It need hardly be pointed out that these differences in the function of documents will have had an impact on the ways they were archived. Indeed, the distinction between the profiles of *waqf*-related material within the Ḥaram and Cairo collections respectively implies, though it cannot confirm, that these two types of documentation were kept in separate depositories. Though a large part of the Ḥaram *waqf*-related material refers to the endowments made in favour of either the sanctuary of the Ḥaram al-Sharīf or the Ṣalāḥīya *khānqāh*, original *waqfīya*s for neither of these survive in the collection.[404] Of course, this may owe more to the specific sample of documentation assembled for the purposes of Sharaf al-Dīn's corruption case than to the nature of the original archival depositories. Nonetheless, the divergence between these different types of documentation is also indicated by the physical appearance and practical materiality of the documents. As we have seen, the deeds housed in Cairo's archives tended to be attractively-produced scrolls, written on parchment or high-quality paper. The *waqf*-related documents in the Ḥaram corpus, on the other hand, are much more commonplace objects. Perhaps the clearest demonstration of this material divergence is the mass of extant *daftar* sheets; that is, sheets folded down a vertical mid-line to form a bifolio and written on like two pages of a notebook.[405] Such bifolia can, for instance, be found recording the details of expenses paid out for the upkeep of properties in the *waqf* of the Ṣalāḥīya *khānqāh*.[406] *Daftar*s such as this one were produced as part of the internal management of the *waqf*'s properties. Usually containing lists or accounts, these bifolio sheets were redacted as a series, lending themselves well to sequential organisation.[407] The bifolia were then bound together in sets, either by rough tacketing with string,[408] or by piercing through the middle of the folded bifolio and binding them in stacks.[409]

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[403] Qāytbāy's *waqfīya*, for instance, stipulates that the director, or manager, of the *waqf* (*mubāshir*) must be competent at accounting (ʿ*ārif bi naẓm al-ḥisāb wa tartībihi*): Mayer 1938, 76.

[404] For the *waqfīya* of the Ṣalāḥīya *khānqāh*, see Pahlitzsch 2004, 47-69.

[405] *P.HaramCat.*, 333-74; Müller 2013, esp. 119-26; 179-86. See also Bloom 2001, 140. Alternatively, see Michel 2013, 231, who connects the term *daftar* to the kind of textual content, rather than the material format.

[406] HS 773a, b; 774a, b, t, etc.

[407] Müller 2013, 120-6, 179-86.

[408] Tacketing refers to rough methods of binding bifolia into quires, often as a temporary or provisional stage in the production of, for instance, manuscripts. See the online *Language of Binding Thesaurus* (LoB): http://www.ligatus.org.uk/lob/concept/1657: last accessed 5th June 2018. For tacketing of bifolia in the Fāṭimid chancery see Rustow forthcoming, esp. 408-37; see also HS 774a where the string survives.

[409] For discussion of a similar technique for flat paper sheets see below: 144-5.

The format of such documents is indicative of a very different format of physical archiving to that to which the Cairo scrolls bear witness.

Despite this, though, there are indications that the *waqf*-related material in the Ḥaram corpus belonged, like the deeds in al-Ghawrī's archive, to depositories maintained specifically for individual endowments.[410] This is most visible in the content of short filing notes that many of the documents in the Ḥaram corpus contain.[411] As we shall see below, the archival implications of filing notes are at their most meaningful in comparison with other, different kinds of notes that appear within the collection. Despite their patchy use, the multiple systems of filing notes co-existing within the Ḥaram corpus offer, in my view, the most promising route of future inquiry into archival practices in the Ḥaram corpus, though they are not explored in any detail in Müller's book. Like the archival notes I identified on several of the *waqf*-related documents in Chapter 1, these notes were designed to practically assist in the location and retrieval of specific documents from within a larger collection. Usually written in an upper corner of a document's verso, and briefly summarising their content, they offer us valuable insight into the organisational logic of the archive to which the documents belonged.

The *waqf*-related material in the Ḥaram corpus is, as we have seen, of a more practical, day-to-day administrative nature than the deeds in the Cairo archives. Nonetheless, filing notes on this material contain broadly parallel information to those found in al-Ghawrī's *waqf* archive, suggesting that these documents too were kept in archives united within the logic of a *waqf* endowment, and structured around individual pieces of property.[412] Notes appearing on documents connected to the administration of villages endowed in favour of the Ḥaram al-Sharīf, for instance, follow a uniform format, summarising the agreements made in the documents, including the names of relevant individuals, and the villages from which they hailed.[413] The value of such filing notes would, surely, have been in the details of the names and places concerned. The everyday running of large *waqf*s involved the management and maintenance of numerous geographically dispersed properties. The user of this archive could thus use these filing notes to identify documentation connected to particular properties, and to be rapidly

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[410] Müller 2013, 61-2.

[411] For the description of these notes I follow Little's term 'filing notation': *P.HaramCat.*, 62. I prefer this to Müller's designation 'registration notes' (*Registraturvermerke*). Unlike real 'registration marks' found in the few surviving chancery decrees, the notes found in the Ḥaram documents do not imply the copying of the details of these documents into a register. For registration marks see e.g. *P.Fatimid*, 166-75. Rustow offers a different nuance to her interpretation of chancery registration: Rustow forthcoming, 429-34. See also Chapter 5, 187-8.

[412] For my discussion of the archival notes in al-Ghawrī's archive see Chapter 2, 103-5.

[413] Such notations usually open with the statement: 'record concerning…' (*ḥujja ʿalā*). See for instance the filing note on HS 712, which reads: 'record concerning the headmen of the village of Nūbā, which is endowed in favour of [the Ḥaram al-Sharīf in] Jerusalem, guaranteeing that they will not cause trouble or fight with one another' (*ḥujja ʿalā ruʾasāʾ qaryat Nūbā al-waqf al-Quds al-Sharīf bi an lā yuqīmū fitna wa lā yukhālifū ʿalā baʿḍihim baʿḍ wa ḍamānuhu*). For similar filing notes see: HS 293; 697; 691; 703.

informed as to the status of property, legal discussions that had occurred regarding it, or maintenance work done on it. The organisation of *waqf*-related documentation in different kinds of depository around the logic of discrete properties thus represented both a conceptual framing and a practical archival tool.

In spite of these suggestions about their organisational logic, however, the precise locations of the archival depositories to which the *waqf*-related material in the Ḥaram corpus belonged, prior to their inclusion in Sharaf al-Dīn's corruption case dossier, remain obscure. Perhaps such collections of documents were kept on the sites of the endowed institutions, like the deeds of al-Ghawrī's *waqf* archive, or maybe in the offices of accountants in whose hands such day-to-day tasks lay. Or they may have been in the custody of legal actors such as the qadis themselves, whose expertise in producing records with legal validity would have been of use for producing, using, and effectively archiving this kind of everyday material. Such suggestions are hardly conclusive. Nonetheless, the major significance of the Ḥaram *waqf*-related material is in revealing the existence of additional forms of document use and archival practice that prevailed within the frameworks of individual *waqf* endowments. Alongside the Cairo documents, this serves to substantially broaden our picture of the impact that *waqf* had on the Mamlūk-period documentary and archival landscape. It seems that *waqf* should, indeed, be credited with generating some distinctive archival configurations.

Formulary and filing notes in a chronologically-organised archive

The comparative value of the Ḥaram corpus goes beyond the insights shed by its *waqf*-related material. In fact, its greatest contribution, for the purposes of this chapter, can be found in document features which imply systems of archiving that are entirely different from those we have witnessed so far in this thesis. The documents' internal features present enough diversity to allow the pinpointing of distinct techniques, developed to assist the documents' archival preservation and use within various different kinds of depository. Perhaps most significantly, Müller posits a distinction between documents stemming from depositories with an 'institutional' or internal 'administrative' character, and those of a more personal, or 'private' nature, a distinction that I will clarify in further detail below. While, as we have seen, the logic uniting the Ḥaram corpus is complicated and multifarious, this division represents a valuable key to identifying the archival backdrops to the various groups of documents that make up the wider collection.

The distinction is, first and foremost, visible in the adoption of textual formulary that prioritises different parts of the information a document contains. Legal documents within the Ḥaram corpus largely conform to one of two formulaic types, which Müller dubbed 'date-style'

(*Datumstil*) and 'verbal-style' (*Verbalstil*).[414] The latter of these more or less conforms to the 'reportative' style of formulary I identified in the Wizārat al-Awqāf documents in Chapter 1.[415] Such documents begin with a verbal sentence, determining the type of transaction or procedure the document records.[416] This might be a sale (opening with the verb *ishtarā*), the establishment of a *waqf* endowment (*waqqafa*), or a call for witnesses to attest to a certain fact (*ashhada*). The date-style documents instead begin with a statement of the date on which the transaction or procedure was carried out. The date, written out in full, is preceded by the statement 'when it was [the date]…' (*lammā kāna bi taʾrīkh*), or simply 'on [the date]…' (*bi taʾrīkh*).[417] Müller argues that the arrangement of information, exhibited by the varied formulae, reflects the numbers and types of documents kept within the corresponding archival depositories. Precedence given to the type of transaction (verbal-style) implies a depository containing a smaller number of documents of different genres, in which the transaction, or type of procedure recorded would have offered the most significant distinguishing feature. Such an arrangement might be more likely in a private archive, where the first word of a document, excluding the opening blessings, would clarify the type of procedure recorded, and where documents could be categorised by the kind of transaction they contained. A date-style formulary, on the other hand, suggests a chronologically-organised depository containing multiple documents of the same genre, kept and accumulated consistently over a long period of time. Here, the initial mention of the date would have represented a clear and tangible benefit for those hoping to find specific documents within a large archive.[418]

Müller's argument is strengthened by the discernibly different types of documents that fall into each category. Verbal-style documents tend to concern processes initiated on behalf of individuals, such as transactional deeds regarding sales, rentals, and endowments.[419] Many of the *waqf*-related documents in the corpus fall under this category. The date-style documents, on the other hand, tend to conform to types more likely to have been of use in large-scale administrative processes, or regularly repeated day-to-day judicial procedures. All the documents labelled 'estate inventories' in Donald Little's catalogue, for instance, follow the date-style formulary,[420] as do all court protocols recording the proceedings of cases brought before the qadi, and many other documents concerning internal court procedure.[421] Müller suggests that such types of document were probably archived in the custody of the qadi himself, the court, or another office with administrative responsibilities. This could include the office of

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[414] This distinction is first outlined in detail in Müller 2013, 46-8, but is returned to repeatedly in the volume.
[415] See above: 64-6.
[416] Müller 2013, 46.
[417] *Ibid.*, 47.
[418] *Ibid.*, 47-8.
[419] *Ibid.*, 96-101.
[420] *P.HaramCat.*, 59-186. Formulary of these documents established using the microfilm images.
[421] Müller 2013, 101-6.

Escheat Estates (*dīwān al-mawārīth al-ḥashrīya*), responsible for managing property which, after the death of the owner, and in the absence of legal heirs, came into the possession of the Bayt al-Māl.[422] Müller's deliberate vagueness as to which individuals or institutions were in charge of the documents reflects the reasonable caution we must take when considering legal and administrative procedures that we are only just beginning to understand.[423] Even so, the divisions Müller presents within the Ḥaram corpus highlight the existence of distinct kinds of archive, each with a tangibly different logic and function.

Perhaps the most significant insight to arise from Müller's investigation is the existence of large-scale, chronologically-ordered archives, kept at the disposal of Jerusalem's qadis, their courts, and officials involved in estate management. Such archives would evidently have been of considerable value. Their chronological arrangement would have assisted the location and retrieval of specific documents, helpful for the effective prosecution of court cases, or necessary for the accurate levying of taxes by the state administration. Further traces of the practical functioning of these chronologically-organised archives also appear in the filing notes that appear on many of these documents. As we have already seen, filing notes represent efforts to enhance the ease of identification of documents to those charged with their preservation. Their appearance on the documents reveal attempts to rationalise documentation, making it accessible to future users, while also offering us important insights into the logic around which an archival depository was organised.

In fact, the filing notes found on many date-style documents provide compelling evidence of archives that relied on systematic labelling and retrieval techniques designed for the use of well-informed individuals who understood the document genres, and who had a large number of similar documents at their disposal.[424] That is, a system for a group of insiders, such as the qadi and his staff, or administrative employees. Of particular significance is the methodical system that is used for many of the estate inventories. These documents record details of a deceased or dying person, the delineation of their personal assets, and the designation of a legal heir.[425] Many of them bear filing notes, which include a shortened name of the individual, the month in which their property was surveyed, and whether their heirs were present (*ḥāḍir*), absent (*ghāʾib*), or deceased (*mayyit*), at the time of inventory.[426] Sometimes the words

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[422] As far as I'm aware this *dīwān* is not explicitly named within the Ḥaram corpus, the connection made instead with reference to contemporary narrative sources. Nonetheless, officials apparently serving this *dīwān*, such as the overseer of the estates (*shādd al-mawārīth*), turn up in some of the extant estate inventories. *Ibid.*, 410-18, esp. 412.

[423] The light the Ḥaram documents shed on, for instance, legal court procedure, and on the processes involved in the posthumous administration of estates, represent essentially new insights. *Ibid.*, 329-466.

[424] *Ibid.*, 197-8.

[425] *Ibid.*, esp. 89-93, 390, and more generally Chapter 1.1; see also *P.HaramCat*, 59-62. Estate inventories, written in the guise of various documents genres, make up nearly half of the entire Ḥaram corpus.

[426] *Ibid.*, 62.

are written out in full, though in many examples, the months and locations of the heirs are systematically abbreviated to single letters.[427] This filing system, classifying documents by the month of the procedure they record, reveals a methodical technique developed to summarise, in abbreviated form, the key information in any one document. Though the system is not so difficult to decipher, especially when one also has the full text of the document, it nonetheless reveals a certain level of presumed expertise of this archive's custodians. The filing notes, thus, add further credence to the conceptualisation of these documents belonging to a large administrative archive, designed for expert use.

The format of these filing notes can even offer us a sense of the physical arrangement of this archive. The inclusion of the month in filing notes implies that the documents belonged to an archive that was in some way physically structured by year. While the presence of the month indicates that the system followed a temporal logic, the absence of the year implies that this information about a given group of documents was already known. If the documents, then, were kept in groups corresponding to individual years, the precedence given to the months in the filing notes makes sense. These documents do, in fact, offer indications of the material forms that such groups of documents may have taken. Many of the estate inventories exhibit one or two holes pierced through the middle of the page, through which string was threaded.[428] Though these holes remain indistinct in the microfilm images, where they are visible they show that the documents were bound together roughly, in stacks of unfolded loose sheets (see fig. 11). In the image

Fig. 11. Rough illustration showing the position of holes on many of the estate inventories, and how they may have been stacked and bound

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[427] See for instance, filing note: ʿĀʾisha al-Mīsrīya, al-Ḥijja, *ghāʾib*: HS 760; or the abbreviated style: Fāṭima zawj Qaysūn, q, gh: HS 437. Here the letter ghayn (غ) is used as an abbreviation of *ghāʾib*, and qāf (ق) for the month of Dhū al-Qaʿda. Dhū al-Qaʿda seems to be peculiarly highly represented in the filing notes, making one wonder about the rigorousness with which this archival feature was applied. In fact, the final months of the year are overrepresented within the entire corpus of estate inventories. Müller has proposed that explanations might be sought by further considering the specific sample of estate-related documents brought together in the Sharaf al-Dīn dossier, or by questioning whether this reflects a particularly high degree of mortality, for instance resulting from plague, during these months. Müller 2013, 391-3.

[428] Whether or not such holes are present is mentioned in Little's catalogue. *P.HaramCat.*, 59-186; see also footnote no. 14, 65. While Müller notes these material features, he does not discuss practical archival methods in any detail. See e.g. Müller 2013, 189-90.

of one document, the string survives intact, still threaded through the two adjacent holes; perhaps this document lay at the top or bottom of one such stack.[429] In bound stacks, the user looking for a specific document could have flicked through the pile with relative ease, the occasional inclusion of filing notes written in the upper corner of the verso assisting their search.[430] It should be noted here, that the identification of this physical method of archiving illuminates the multiple stages of storage that documents within the Ḥaram corpus passed through. Many of the documents were also, at some stage, tightly folded, and it was in this state that they were discovered.[431] The filing notes should not, I would argue, be interpreted as notes written to be visible on the outside of tightly folded documents as, in several cases, the words of the notes are written over conspicuous folds.[432] Whatever these multiple stages of storage tell us about the longer-term trajectory of documents within the Ḥaram corpus, the estate inventories certainly offer profound evidence to support the existence of a chronologically-organised archive; one physically structured around a temporal logic, and characterised by techniques designed to help structure its contents and to assist those hoping to access the documents it contained.

The existence of substantial chronologically-organised archives at the disposal of Jerusalem's qadis and administrative officials is significant, not least because it draws our attention to a tradition and technique of archiving that is entirely separate and distinct from that revealed by the Cairo *waqf*-related documents. These archives differed not only in the content and functions of the documents they contained, but also in the methods of preservation, organisation, and the techniques designed to assist the documents' accessibility and use. Performing a role in legal-administrative processes that took place at a relatively consistent rate, document types such as estate inventories would have needed to be regularly accessed over a short period of time, during which the various stages involved in the management of estates were carried out. The predictable regularity of human mortality and the inheritance and possibly tax issues it entailed would have made tangible the benefit of developing systems to guarantee easy access to the necessary documentation.

Waqf-related documents, on the other hand, especially those in Cairo designed to record the ownership and endowment status of properties over a longer period of time, were not involved in such a regular or systematised set of procedures. The temporal logic of such documents was thus less important for the practicalities of their archiving. As we saw in al-Ghawrī's *waqf* archive, the assembly of *waqf* documentation did not follow a steady timeline, instead revealing sporadic periods of massive accumulation. While such moments were certainly

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[429] HS 507.

[430] Rustow notes the practical nature of the similar placement of document summaries on the upper corners of bifolia containing archival versions of Fāṭimid decrees. Rustow forthcoming, 440-3.

[431] Little offers a nerve-wracking account of the means by which the documents were unfolded and flattened for photography: *P.HaramCat.*, 3-4.

[432] See, for instance, HS 432; HS 495; HS 733. We should also bear in mind the possibility that the folds today visible on the documents represent more than one occasion of folding.

accompanied by efforts to rationalise the material, including the devising of techniques to assist document identification and retrieval, they were not so regular as to benefit from a chronological archival system. The *waqf*-related material in the Ḥaram corpus, conversely, represents processes that may have taken place over a more regular timeframe. With such a large number of properties to manage, it is almost inevitable that the requirement to repair buildings or to intervene in disputes effecting property would have arisen from time to time. Despite this, the endowment remained key to the archival organisation of such documents. Ultimately, then, we are dealing here with sets of documentation whose fundamental roles, involvement in real-life processes, and patterns of use significantly diverged, dictating different degrees of rationalisation, and thus resulting in the development of distinct archival practices.

Concluding remarks: overlapping domains?

The direct comparison offered above suggests sharp distinctions: between the chronologically-organised reference archives that were at the disposal of the qadis and administrators of late-fourteenth-century Jerusalem, and the *waqf* or private-property centred archives represented by both the Cairo deeds and the verbal-style documents in the Ḥaram corpus. Despite this, however, the above exploration of the Ḥaram corpus has also revealed the common ways in which features of documents were exploited in order to shape their archival use, and usability. The varied filing notes appearing on the documents, in the Ḥaram corpus as well as in the Cairo collection, foreground the differing logics of archival organisation, whilst also emphasising shared practical archival methods that were used in these different domains. In addition, Müller's reflections on the significance of the choice of formulary for the archival use of documents confirms suggestions I made in Chapter 1 regarding a similar phenomenon in the Cairo corpus. In those documents we witnessed the shift from a 'reportative', verbal-style opening formula to a 'descriptive' formula, which we might, following Müller's categorisation, term 'noun-style'.[433] The noun-style formulary emphasises, instead of the transaction type, the object of the document, its genre, and its contents. While this use of formulary does not imply differences in archival organisation, I argued that it may have implications for the perceived importance and visibility of the documentation as a record, not to mention an increasingly schematised view of documentary types.[434] Thus, the close examination of the archival features of documents serves the double purpose of both foregrounding the differences between surviving collection, whilst also revealing the way in which highly contrasting corpora can offer complementary insights.

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[433] The descriptive formulary opens with a nominal sentence: e.g. 'this is a deed of sale' (*hādhā kitab al-tabāyuʿ*).
[434] See Chapter 1, 64-6.

In fact, if we continue to emphasise the significance of these kinds of internal archival features, the important insights gleaned about chronological organisation within the milieu of legal archiving in Jerusalem may have implications meaningful also for the fifteenth-century Cairene setting. It is possible to offer hypotheses, albeit tentative, extending the archival practices prevailing among Jerusalem's qadis and administrators to their counterparts, a century later, in the Mamlūk capital. This is, for instance, promising when examining the procedural elements of the Cairo deeds. Though the deeds that survive were not themselves preserved in chronologically-organised archives, the qadis' *isjāl*s appearing on these documents seem to have been redacted with a temporal logic in mind. In these *isjāl*s, the date is almost always written in a much larger display script, using a pen with a thicker nib.[435] The date is part of the validation process, with other elements written with the same pen including the qadi's *ʿalāma* and concluding blessings.[436] Nonetheless, it is possible that the visually conspicuous redaction of the date served a double purpose, both validating the document and making it easy to make reference to the date. I would suggest that this feature of the qadis' *isjāl* potentially reflects the organisation of records held by the qadis of Cairo. If these qadis, like their counterparts in Jerusalem, kept chronologically-ordered archives, these prominently written dates would have offered a valuable tool for making quick references to records of these *isjāl*s in their own elusive archives, at moments when the details of transactions needed to be established, such as if a property's ownership was challenged.

A conspicuous hindrance to this argument lies, of course, in our complete absence of knowledge about the form such a register of *isjāl*s might have taken, or indeed whether the details of *isjāl*s were recorded in such a way at all. Though many of the *waqf*-related deeds contain marginal commands that have usually been interpreted to refer to the copying of the document into a qadi's register (*sijill*),[437] it is possible that these refer simply to the redaction of the *isjāl* on the verso.[438] Certainly, they are inextricably linked to the presence of an *isjāl*, as we do not find such commands where *isjāl*s are not also present. In addition, there is no material of this kind in the Ḥaram corpus; the *isjāl* was ostensibly an Egyptian practice, analogous to the

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[435] See, for example, the plates in Ibrāhīm 1957a, showing the *isjāl*s on al-Ghawrī's *waqfīya* (883ق). This feature can also be observed in the *isjāl*s on the *Jāmiʿ al-Mustanadāt*: see the rather poor-quality images in Saghbini 2005, unpaginated plates; 2014, 1 (Arabic numbering).

[436] The use of a thick pen, *qalam ghalīṭ* (or *ghalīẓ*?) or *qalam thakhīn*, for validating remarks is mentioned in al-Asyūṭī's *shurūṭ* manual: see Müller 2013, 354, footnote no. 90. In some *isjāl*s it is explicitly stated that the qadi will write down the details of the date himself (*fī taʾrīkh alladhī sayakmalu*): Ibrāhīm 1957b, 154; 1963, 20. See also Müller 2018, 374, footnote no. 67.

[437] See, for instance, Ibrāhim 1957a, 301-3, 325-33.

[438] The commands read: 'to be registered' (*li yusajjal*), written in the same thick pen mentioned above: see one such command in fig. 5, above: 68. For a more traditional interpretation see *ibid.*; for the identification of this as a procedural element preceding the writing of the *isjāl*, see Müller 2013, 361. Müller's recent examination of processes of document certification (i.e. *isjāl*) by qadis implies that Mamlūk-era *sijill*s were identical in form to the scrolls that survive, for instance, in al-Ghawrī's *waqf* archive: Müller 2018, 372-8.

Syrian *ishhād* form of attestation that appears in many of the Ḥaram documents.[439] Putting this problem aside, we might suggest that the archival strategies for dealing with large series of documents visible in the Ḥaram estate inventories could also have been applied to such documentation. Deeds such as the ones that survive in Cairo were drawn up for the benefit of the parties concerned: the purchaser in the case of a sale deed, or the *wāqif* in the case of a *waqfīya*. The *isjāl*s, on the other hand, had a legal procedural function, providing an attestation of the veracity of the details a deed provided.[440] Their various elements depended on details established by the qadi, including the reliability of witnesses whose attestations they confirmed. Such *isjāl*s thus relied heavily on procedures connected to the day-to-day activity of the qadi-court and must certainly have been kept note of by the qadis in whose names they were written. Their appearance on almost all the deeds I examined in the Wizārat al-Awqāf reveals that they were drawn up with some regularity. Records containing the details of such a large and regular series of transactions would, I suggest, be exactly the kind of documentation that might have benefitted from a chronologically-organised filing system like the one used for the Ḥaram estate inventories.

In the absence of the Cairene qadis' own documentation, such a suggestion can only remain conjecture. Nonetheless, significant insight arises from the juxtaposition of these two elements: the graphically distinct dates in Cairene *isjāl*s, viewed alongside the chronological ordering of Jerusalem's qadi-court-related archives. For one, it offers the possibility of identifying features within one extant corpus that might be paralleled in other settings. Here, it might be argued that the temporal logic that characterised legal-administrative archives in Jerusalem may have had equivalents in Cairo. Beyond this, though, it also highlights the interconnections between domains of archival practice. The Ḥaram collection and the Cairo *waqf*-related documents are in many ways very distinct, and they offer profoundly different insights into archival practice. Examining them in detail, however, reminds us of the impossibility of isolating the legal theory of *waqf* from the world it inhabited. The deep involvement of qadis in documentary procedures linked to *waqf* endowments is by no means a revelation. Even so, it indicates just how intertwined the archival practices linked to *waqf* were with other administrative and legal processes whose everyday functioning also relied heavily on documentation.

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[439] According to al-Asyūṭī: Müller 2013, 360-4; *P.HaramCat.*, 224-5. Only two documents (HS 15; 371) in the Ḥaram corpus contain *isjāl*s.

[440] This is, inevitably, an oversimplification. *Isjāl*s record procedures of attesting procedures: this is usually made explicit in the *isjāl* where the details being established are not the facts of the transaction, but rather, the validity of legal witness statements (sing. *shahāda*) that appear usually in the right-hand margin of the deed. Müller 2013, 329-88, esp. 360-4.

The documents of the Qaraite Jewish community in Cairo

Unlike the Ḥaram corpus which stems from an indisputably Islamic setting, the 27 Arabic documents preserved in the archive of the Qaraite synagogue in Cairo give us, instead, a glimpse into the activities of a non-Muslim community living within the Mamlūk capital. The Qaraites were one of the two major Jewish communities living in Mamlūk Cairo, distinguished from the Rabbanites by their rejection of rabbinical authority in the interpretation of scripture.[441] The documents examined here were preserved until fairly recently in the Qaraites' old synagogue.[442] Located only a short distance from the Bayn al-Qaṣrayn, and from al-Ghawrī's funerary complex, the documents' geographical origins are thus very close to those I examined in the previous chapters. This corpus first came to scholarly attention with the early-twentieth-century publications of Richard Gottheil.[443] According to Gottheil's description, in 1904 the documents, 'a large number of scrolls and portions of scrolls', were located in 'the strong box of the community'.[444] By 1969, when Donald Richards visited the collection, the documents were housed in 'an office adjoining the old synagogue'.[445] These documents, it seems, represent part of a community archive, preserved by the Qaraites until the modern day.

During his time in Cairo, Richards took photographs of the documents, publishing a handlist of the collection in 1972. The list presents, in Richards' own words, 'as complete a catalogue as possible of this interesting collection of documents and a resumé of each one'.[446] The content of the documents is recounted in some detail and, at times, Richards offers a more-or-less verbatim translation of the Arabic text. The handlist also includes a complete edition of one of the documents.[447] Other than this, though, it largely exhibits the preparatory work that precedes full edition. Richards leaves some of the more challenging parts of documents undeciphered, his descriptions favour content over commentary on formulaic or procedural elements, and the materiality of documents is barely dealt with.[448] In spite of this, the handlist, if used alongside the original photographs, remains a helpful tool for one wishing to examine the documents.

The Qaraite documents have not, since the publication of this handlist, been the subject of any dedicated study and the information they can offer us about archival practices remains to be explored. They thus represent a very different animal from the Ḥaram corpus. The following exploration can only hope to skim the surface of these documents. Nonetheless, as we shall see

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[441] For an introduction to the history of the medieval Qaraite community, see Rustow 2008, 23-34.
[442] The current location of the Qaraite documents is unconfirmed, though Marina Rustow has suggested that they may be now housed in the Dār al-Wathāʾiq in Cairo. Rustow forthcoming, 320, footnote no. 7.
[443] Gottheil 1907, 1908a, 1908b, 1927.
[444] Gottheil cited in *P.Fatimid*, 13-14.
[445] Richards 1972, 105.
[446] *Ibid.*, 106.
[447] Q 6. *Ibid.*, 153-62.
[448] Indeed, he makes these intentions quite explicit. *Ibid.*, 106.

over the following pages, the potential is there within this corpus to shed considerable light not only on archival practices, but also on a whole range of other concerns regarding the activities of this particular Jewish community. In the absence of any prior scholarship on the collection, this section takes a slightly different form from the previous one. Rather than offering a case-study approach, I offer a broader profile of the collection and the archival practices it reveals, placing it into its historical, legal, and documentary context.

Introducing the Qaraite corpus

The task of looking for archival practices is rather a different one with the Qaraite corpus than with the documents from the Wizārat al-Awqāf or the Ḥaram al-Sharīf. For one, the documents offer a much more manageable sample, which it is possible to examine in its entirety. Furthermore, unlike the latter two collections, the Qaraite documents are demonstrably part of the same archive.[449] In the Ḥaram and Wizārat al-Awqāf collections it is necessary to excavate the 'archives' from within the collections that have come down to us. The Qaraite documents, on the other hand, offer an opportunity to examine a sample of documents that we can say with reasonable certainty were kept together, even though they are outwardly not an entirely coherent collection. One of the shortcomings of my approach to identifying al-Ghawrī's *waqf* archive, for instance, is that documents whose connections to this sultan's *waqf* are not immediately evident easily slip through the net. The Qaraite documents, on the other hand, not having been involved in the modern project of Egyptian state-archive-formation, represent a less-distorted sample of what may have been kept in a specific medieval archive.[450] This allows us to ask broader questions about the varied archival trajectories of documents and their different relationships to their site of preservation.

The conditions they were found in upon their 'discovery', and their material form offer some indications of how the documents were kept. Like most of the Wizārat al-Awqāf documents, they are mostly parchment and paper scrolls, though perhaps rather less well looked after. The images show that the scrolls had been squashed, leaving quite visible fold marks. A large number of the scrolls are missing sections, usually the opening of the document. This is a pattern of damage common also in the Wizārat al-Awqāf collection, where the outside of the rolled scroll, usually the beginning of a document that was rolled from the bottom up, must have been particularly vulnerable to damage. In the Qaraite collection, the consistent damage to the

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[449] There is, to my knowledge, no indication in any previous publications of other documents in other languages or scripts (Hebrew, Aramaic, Judaeo-Arabic) that may also have been preserved in the synagogue.

[450] Though it would be risky to be too firm on this. The 'discovery' of the documents in the early twentieth century cautions us to remember that c. 500 years of uncharted history lie between the Mamlūk-era documents and their coming to scholarly attention. One document was published in a Qaraite paper in 1902, indicating that they had attracted the interest of the Qaraite community at least a short time prior to being brought to western scholarly attention. Gottheil 1908b, 120.

upper part of documents suggests that several of the documents may even have been rolled up together.[451] The documents show traces of various systems of filing notes, including notes in Hebrew script, which I am unfortunately not able to read myself, and Arabic notations certainly dating from long after the Mamlūk period.[452] The documents have clearly, then, at stages during their historical trajectory, been subject to techniques of archival rationalisation similar to those we have seen in the other collections.

The 27 documents in the Qaraite corpus are chronologically distributed over the period from the mid-eleventh to the mid-nineteenth century. While the period covered is a broad one, however, 18 of the documents, that is over 60% of the collection, date to the Mamlūk period: the earliest from 658/1260, just ten years after the overthrow of the Ayyūbids, and the latest from 920/1514, during al-Ghawrī's reign.[453] More unevenly distributed still, 15 of these Mamlūk-era documents date from the mid-fifteenth to the early-sixteenth century, the very period from which the majority of documents in the Wizārat al-Awqāf and the Dār al-Wathāʾiq also date. Though this means it is challenging to establish any picture of diachronic development from these documents, it nonetheless renders them a valuable comparative corpus for the documents in the Wizārat al-Awqāf. Not only do they also originate from within Cairo, but from the same historical period. Their comparative value is further accentuated when we consider the genres of documents in the corpus. Though the earliest document is a decree issued by the Fāṭimid chancery during the reign of the caliph al-Ẓāhir (411-27/1021-36),[454] the overwhelming majority are legal documents of similar types to those that appear in the Wizārat al-Awqāf: deeds of sale or donation of property, wills, legal judgements, *waqf* deeds and *istibdāl* documentation. Given the types of documents that the Qaraite corpus contains, it need hardly be re-stressed that this is also a *waqf*-related corpus.

A Qaraite community archive?

Despite the appearance of *waqf* in this archive, however, this is certainly not a corpus united around the logic of a *waqf* endowment. In fact, identifying the factors uniting this corpus is not as straightforward as the circumstances of their preservation in the Qaraite synagogue might suggest. Though most of the documents do show clear connections with Qaraite individuals, these connections vary, and some documents have no apparent relationship to the Qaraites at all.

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[451] Q 9; 12-21; 23.

[452] The use of the modern numerals is a clear indicator. From a preliminary glance, I would propose these notes refer to dates in the 1940s, though for certainty this would require further investigation.

[453] Q 3-20. Q 8, 9, and 20 are missing from the photos at my disposal. Q 9 was, however, published by Gottheil 1908a, 353-414.

[454] Q 1: Published twice: Gottheil 1908b, 115-25; *P.Fatimid*, no. 2; discussed also in Rustow forthcoming, esp. 317-47.

The connections of documents to the Qaraite community can be divided roughly into three categories:

1. Documents with clear significance to the Qaraite community at large, concerning matters such as the maintenance of their synagogues,[455] and the resolution of property disputes concerning the whole community.[456]

2. Documents connected to individual members of the Qaraite community: mostly private property deeds. These documents make up the largest group within the corpus and reveal various connections with individual Qaraites. While some documents outline ownership histories in which the property was always at least partially in Qaraite hands, others record the movement of property to or from non-Qaraite ownership.[457]

3. Documents with no clear Qaraite connection: there are only two such examples in the corpus.[458]

The profiles of the documents support an understanding of this corpus as part of an archive primarily concerned with the upholding and regulation of property rights. This was a depository which preserved documents relevant for the communal and religious life of the community, as well as being a place where individual Qaraites could deposit documents related to their personal property interests. While, however, the Qaraite community is clearly central to this material, their custody of the documents cannot always be considered inevitable. Property deeds, for instance, reveal ownership trajectories progressing through the hands of an eclectic mix of individuals with different social and religious identities, all involved in the sale and purchase of urban property. One document, dating to the early tenth/sixteenth century, contains a convoluted series of transactions whereby a property, initially in Qaraite hands, was split into multiple

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[455] These include an inspection report (*maḥḍar kashf*) for a synagogue: Q 8; and a legal judgement (*ḥukm*) resolving a dispute over the repair of *dhimmī* religious buildings: Q 9; published by Gottheil: Gottheil 1908a, 353-414. According to both Stern and Richards, Gottheil's understanding of the situation laid out in this document was not correct: *P.Fatimid*, 4; Richards 1993, 127-63.

[456] Such as the clarification of the respective rights of Qaraites and Rabbanites regarding ownership and upkeep of a Jewish ceremony: Q 22; and the resolution of disputed property ownership made against the 'shaykh of the Qaraites' by the *nāẓir* of a *waqf* for a nearby mosque: Q 23.

[457] It should be noted that recognition of the Qaraite connection of documents must rely largely on the assumption of the Qaraite identity of individuals on the basis of names or titles. Though in many of the documents we are fortunate to find explicit designations that individuals are Qaraites (*al-yahudī al-qarrāʾ*), or at least that they are Jews (*al-yahūdī*), in others there are no such labels. The identification of religious identity on the basis of personal names can be problematic. Nonetheless, the known Jewish context surrounding these documents does offer some grounds for confidence when attempting to pinpoint such identities. The predominance in this period of names with Turkic origins amongst the military, and to some degree civilian, elites, also allows for greater ease of differentiation. The identification of individuals on the basis of military or civilian titles is also problematic, especially given the inflation of their use in the later Mamlūk period. For the problems of identifying Christian or Jewish names, though using much earlier source material see Décobert 1992, esp. 277-88. For Turkic names see Ayalon 1979, esp.193-202.

[458] These include an *isjāl* certifying the moral integrity of a certain Zayn al-Dīn Abū al-ʿIzz al-Miṣrī al-Shāfiʿī, and thus confirming his authority to act as a witness (*shuhūd*): Q 15; and a property deed recording the exchange of property between non-Qaraite individuals: Q 7.

portions, and sold off to a number of different individuals, almost all of them explicitly designated as Rabbanite Jews.[459] Another document records the purchase in 920/1514 by a Qaraite of property from a Shāfiʿī qadi, placed four days later in a *waqf* made for the benefit of poor Qaraites.[460] An even more eclectic mix appears on the one property deed that has no clear Qaraite connection, which records the gradual changes in ownership of a property over a period of twenty-four years: from 854/1450 to 879/1474.[461] The property moved from the hands of a Christian (*al-naṣrānī*), to a merchant (*al-tājir*) who also held the senior military title *al-majlis al-ʿālī*; it was then sold to a woman named Kizil ibnat ʿAbd Allāh, probably the wife of a fairly senior Mamlūk amir; her three sons, all soldiers of an amir in the service of the sultan Qāytbāy, then finally sold the property to an Armenian Christian (*al-naṣrānī al-armanī*). There are some final marginal notations added at the end of this document which, owing to the poor resolution of the photo of this part of the document, remain undeciphered in Richards' catalogue. It is likely that these record the final passing of this property into Qaraite hands. Whether or not this is the case, the complex trajectories of property ownership outlined above reveal the considerable range of individuals whose property interests are represented in this corpus.

In fact, the number of different religious and social identities visible in this corpus suggest that we should view this as an archive significant for a wider cross-section of Cairene society than the appellation of a 'Qaraite archive' might suggest. The different *dhimmī* communities of Mamlūk Cairo seem to be particularly well represented. I would argue that the logic of the archive can be understood with more clarity if we momentarily put aside the religious and social identities of the individuals concerned, and highlight, instead, the physical sites that appear in the corpus. The unifying factor for almost all the documentation, is its reference to property in the Ḥārat Zuwayla quarter of Cairo, that is a large area around Bāb Zuwayla, the southern gate of the Fāṭimid city.[462] According to al-Maqrīzī, there were five synagogues within Ḥārat Zuwayla alone, and following up some of the other local topographical detail provided in the documents reveals that this was an area characterised by a substantial Jewish population.[463] In some of the documents a Qaraite quarter (*ḥārat al-qarāʾīn*) is also specified in this area.[464] Certainly, this archive offers clear evidence of a quarter of Cairo in whose real-estate the Qaraite

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[459] Q 13. The deep social integration of the Qaraite and Rabbanite communities emerges prominently from the Geniza documents, which highlight common phenomena such as intermarriage, and the participation in the congregation of each other's synagogues. Rustow 2008, xxii-xxix.
[460] Q 19.
[461] Q 7.
[462] Al-Maqrīzī offers a fairly rudimentary description of the quarter: *Khiṭat*, vol. II, 4. The following documents concern property in the Ḥarat Zuwayla quarter: Q 3-7; 10; 13; 17-21; 24; the significance of this quarter is especially highlighted in the content of Q 20 which contains a list of properties in this area: Richards 1972, 142. Some of the other documents are missing the property descriptions and therefore may also be connected to this locale.
[463] For synagogues see *Khiṭaṭ*, vol. II, 464. See also his description of the ʿAshūrīya madrasa, mentioned as the southern boundary of one property appearing in the corpus, situated in an alley where only Jews lived. *Khiṭaṭ*, vol. II, 368.
[464] See, for instance, Q 10; 19.

community held high stakes. It also, however, reveals the deep involvement of both Qaraites and non-Qaraites in often rapidly occurring exchanges of property in this quarter. Given the close physical proximity of these sites to one another, one might suggest that this archive served the property interests of a more diverse group. Whilst the Qaraite links are visible for most of the documents in the collection it was not simply membership of this religious group that dictated the right to deposit documents in this archive, rather participation in the community as it existed on the ground in Ḥārat Zuwayla.

In such a community, the establishment of *waqf* endowments represented only one concern among many. *Waqf* emerges largely, in this corpus, as the final stage in trajectories of property ownership, with at least five documents detailing property that ended up in different *waqf* endowments made by Qaraites for Jewish beneficiaries:[465] above all, poor Qaraites living in Cairo or Fusṭāṭ, though occasionally more specific groups of the poor, resident in the synagogues of the city.[466] Another document, a legal judgement (*ḥukm*) regarding the lease of *waqf* property, pertains to the ongoing management of one such *waqf*.[467] These documents certainly represent important information about the establishment and use of *waqf* in Cairo for the benefit of non-Muslims, something that for this period would merit further study.[468] Notably, for instance, two of the recorded endowments seem to have been made by the same individual, Dā'ūd b. Shamū'āl, designated as shaykh of the Qaraites, revealing the important role of authority figures in establishing endowments to support the wider community.[469] Further investigation of the network of individuals appearing in the documents would also be of value, not only to pinpoint more closely the kinds of people whose documents were deposited here, but also to better understand the nature of this community. Beyond these small-scale Qaraite endowments, however, the corpus reveals connections to the broader *waqf* landscape of late-Mamlūk Cairo. One scroll contains a full set of *istibdāl* documentation, recording the extraction of property from the waqf of a woman named Ḥājj Malik al-Ṭunbadīya, very probably a Muslim, whose grandson Zayn al-Dīn Abū Bakr was, by this stage, the waqf's administrator (*nāẓir*).[470] Just over one month after the date of the *istibdāl* deed, one of these properties was sold on to the Qaraite merchant Shamū'āl b. Mūsā. Like the complex property trajectories outlined above, this example reveals the integration of these Qaraites into the *waqf*- and property-related concerns of a wider Cairene community.

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[465] Q 3; 17-19; and possibly Q 5.

[466] See, for instance, the *waqf* deed on Q 18 which leaves the choice of beneficiary to the *nāẓir*'s discretion, providing a list of potential recipients to choose from. The earliest document dating from the Mamlūk period also includes the sanctuary in Hebron in the list of beneficiaries: Q 3.

[467] Q 11.

[468] For *waqf* amongst *dhimmī* communities see e.g. El-Leithy 2011, 418-21.

[469] Q 17-18.

[470] Q 10.

The shared practices of a fifteenth-century Cairene milieu

Highlighting the great extent to which the Qaraite corpus was embedded into the specific historical and social setting that surrounded the community it represents is meaningful not only for the logic of the collection as a whole, but also for understanding the documents' more technical, internal features. Despite the differences in the social milieus the various collections represent, the late Mamlūk-period documents in the Qaraite corpus are the closest surviving comparator to the documents housed in the Wizārat al-Awqāf and Dār al-Wathāʾiq. As we have begun to see in the previous section, to one having worked with the Wizārat al-Awqāf material, the document types and formats that appear in this collection are very familiar. Like the Wizārat al-Awqāf documents, individual scrolls contain multiple dates, updated to show changes in property status, and thus appearing as 'one-piece archives'. The formularies and graphic vocabularies of these documents follow patterns I identified in the Wizārat al-Awqāf documents, with calligraphic display scripts flagging up important content. The documents also reveal the same system of documentary cross-referencing, inserting them into a wider network of legal documents, of which the extant portion represents only the tip of the iceberg. Finally, the documents reveal the same practices of gluing other genres of documentation to these long scrolls, namely petitions submitted to initiate legal processes such as *istibdāl*.[471]

These close similarities are not so surprising when we acknowledge their shared emergence from one and the same geographical setting, during the same historical period. The proximity of their origins is further emphasised by the heavy judicial oversight that accompanied the drawing up of these documents. Like the Wizārat al-Awqāf documents, the Qaraite documents from the fifteenth and early-sixteenth centuries are laden with traces of the involvement of qadis and their staff. They contain extensive *isjāl*s, sometimes from qadis representing each of the four *madhhab*s.[472] Furthermore, the qadis and other legal personnel involved in overseeing recorded transactions are, in some documents, identifiable in the biographical literature of the period, highlighting the contiguity of these documents with the tight-knit social milieu surrounding the political and scholarly elites.[473] Further light could be shed on the process of issuing these documents by devoting further attention to such identifiable individuals, as well as their counterparts appearing in the Wizārat al-Awqāf and Dār al-Wathāʾiq documents. Such a study would almost certainly serve to further underline the social and legal proximity of the documents within the various extant corpora.

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[471] Q 10 and 15; in both cases the part of the scroll containing the glued petition is lost, though both documents refer to a petition 'attached above'. For my discussion of all these features in the Wizārat al-Awqāf documents, see Chapter 1.
[472] E.g. Q 16-18.
[473] See, for instance, Richards 1972, 117-18, 120-1, 126.

We can, in fact, conclude that the Qaraite documents are not just close or similar to those in the Wizārat al-Awqāf; they are actually exactly the same document types, produced by the same individuals and for the same purposes. It is no surprise that the Qaraite community, not to mention all the other non-Muslims appearing in these documents, availed itself of Islamic legal institutions and documentation. There is a substantial scholarly literature dealing with the ways in which the *dhimmī* population of Egypt made use of Islamic legal mechanisms, from the Early Islamic period onwards.[474] More remarkable, on the other hand, are the documentary practices we see here shared between an extremely elite group, comprising the Mamlūk sultans, their wives, and senior amirs, and the motley collection of Qaraite shaykhs, merchants, businessmen, and eye doctors, to name but a few, who appear in the corpus examined here.[475] The documentary practices found in the Wizārat al-Awqāf documentation, thus, extend to a milieu that has so far been largely ignored, appearing as marginal for, if not completely distinct from, the study of Mamlūk-era *waqf*.

The implication here is that we should look primarily to the settings producing documents to explain these practices and their ubiquity in the documents that survive from this period. Here it seems we can identify a very distinctive, Cairene style of legal documentary practice, coming to maturity during the fifteenth and early-sixteenth centuries. Distinguished by a high degree of documentary conformity, probably owing in a large part to extensive judicial oversight, this style is identifiable in the Wizārat al-Awqāf documents dating from before this period.[476] Nonetheless, it is not until the mid-fifteenth century that we see them emerging within the Qaraite documents. The Qaraite documents pre-dating this period show signs of having been less systematically produced, none of them containing *isjāl*s. Furthermore, the thirteenth-century documents are redacted on sheets of parchments the shapes of which indicate that they were not the highest quality, taken from the edge of a complete animal skin. The use of 'edge' pieces of parchment appears in several of the collections of legal documents using parchment produced for private individuals.[477] This practice does not, however, to my knowledge, appear in any of the parchment documents in the Wizārat al-Awqāf, which are constructed of mostly uniform sheets, sewn together to form scrolls. The implication here is that, when allowed to take a pragmatic approach to the production of legal deeds, individuals would readily rely on cheaper material resources, which would not seemingly affect the validity of the deed. On the other hand,

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[474] See e.g. Simonsohn 2009, 2010, 2011; *P.GenizahCambr.*; Krakowski and Rustow 2014, 114.

[475] The evidence from the *Jāmiʿ al-Mustanadāt* shows that several of these documentary practices also extended to the elite milieu of late-Mamlūk Aleppo. The Aleppan scroll represents a rather different kind of document to those considered here, and thus cannot be directly compared without further study. It is, however, notable that the phenomenon of documentary cross-referencing seems to be largely absent. Saghbini 2005; 2014.

[476] In, for instance, the earliest document from the Wizārat al-Awqāf that I have viewed, whose initial deed dates to 1 Jumada I 784/17 March 1382: MMA 322/WA 531ج.

[477] E.g. *P.Cair.Arab.* I, plates XV, XVII; *P.Fay.Villages* figs. 24-26, 28-30, 32, 35, 44; *P.MariageSeparation* nos. 24, 42.

all but the earliest of the Qaraite documents dating from the mid-fifteenth century onwards are written on paper scrolls, mirroring the same shift to the precedence of paper that seems to appear in the contemporary Wizārat al-Awqāf corpus.[478] It seems, then, that the novelty we witness in the fifteenth century is the extension of documentary practices previously associated with the documentation of Cairo's political and military elites, to that of the humbler Qaraite community.

Concluding remarks: archive fever in the Mamlūk capital?

The obvious questions emerging here are therefore: why and how? Why did such practices spread to impact on the paperwork of Cairo's Qaraite, and other *dhimmī* communities? And what was it about the conditions of this particular historical period that encouraged this to take place? I would contend that the answer for this question should be sought beyond the technical concerns dictating the internal layout of documents, and instead in specific historical phenomena taking place in late-medieval Cairo. I would suggest that the issue of accelerated documentation production should be considered an important factor. The spread of the system of cross-referencing, for instance, shows that transactions were accompanied by the production of many documents, even if the extant material represents only a small proportion of these. This document multiplication accompanied real-world processes, most notably, perhaps, the phenomenon of rapid property exchange including the complex division and re-sale of parts of properties. Such processes dictated the drawing up of new documents on a regular basis, thus generating an ever-expanding body of legal documentation.

The view of such processes afforded by the Qaraite corpus, situated within the specific spatial context of Ḥārat Zuwayla, may offer a more grassroots picture of how such phenomena took place than the documents in the other Cairene collections. Nonetheless, the trajectories of property ownership I identified in the documents of al-Ghawrī's *waqf* archive reveal similar networks of individuals, involved in complex legal manoeuvres to establish property rights. What both corpora show, is that these manoeuvres were not exclusively connected to *waqf*; that *waqf* should be located within a wider set of practices. They do, however, also reflect the enormous significance, and ubiquity of *waqf* in determining legal relationships to property within this setting. In a capital whose centre was becoming almost entirely tied up in *waqf*, the continued exchange of property relied on increasingly complex mechanisms. This is most significant in the phenomenon of *istibdāl*, and the essentially illegal techniques that were used to release, sell, and re-endow property, but can also, perhaps, be inferred from the complex and rapid processes of property splitting and re-sale to which the documents bear witness. It is difficult not to read the appearance of such comprehensive and systematically produced documentation as an effort to disguise the essential illegality of such processes behind a heavy

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[478] See Chapter 1, 54.

veneer of authenticity.[479] The extension of such practices to the documentation of the Qaraite community reflects, then, not only the deep involvement of Qaraite individuals in these processes of property manipulation, but also a widely perceived necessity to secure the appropriate documentation. The multiplication of documentation was, therefore, likely the product of the coming together of several different historical and legal (or illegal) processes.

Beyond this, I would like to suggest that the result may have been a broader culture of document accumulation, perhaps even an 'archive fever'.[480] This did not only affect the political elites appearing in the well-known *waqf*-related documents housed in the Wizārat al-Awqāf and Dār al-Wathāʾiq. The Qaraite documents reveal its spread across a wider network of people and communities for whom property ownership, and the establishment of endowments represented a viable and attractive option. The economic and social capital gleaned from such activities likely translated into a conscious desire for the accumulation of documentation, and for the establishment of archives to both symbolise and legally uphold rights. The archival practices emerging in such a setting thus reflect the confluence of multiple factors: developments in notarial culture connected both to legal certification and to practical archival concerns; changes in the mechanisms of property exchange in light of the city's *waqf* landscape; and the role that documentary and archival practices came to play in the political and social projects of the city's inhabitants.

I must point out here that it remains problematic to argue for a temporally specific set of phenomena on the basis of such an unevenly distributed document sample. As we have seen, the fifteenth and early-sixteenth centuries are heavily over-represented in all the extant corpora from the Mamlūk capital, including the Qaraite collection. Though the Qaraite documents were not part of Ottoman and modern archival rationalisation projects, remaining preserved in the Qaraite synagogue, they may still have been subject to similar processes, such as the gradual discarding of out-of-date older documentation. In addition, the small numbers of Ottoman-period documents in the collection may reflect the new methods of archiving introduced by the new rulers, with the responsibility for property-related document preservation now falling outside the custody of the Qaraite community.[481] Like in the Wizārat al-Awqāf, then, the over-representation of fifteenth- and early-sixteenth-century documents in the Qaraite corpus may owe as much to accidents of survival as to prevailing patterns of document production. Despite this, however, the systematic nature of practices visible in the Cairene documents of this period still represents a phenomenon worthy of note, even if comparisons with other centuries remain open to doubt. I would contend that the documents themselves, when placed in context, offer

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[479] As I also suggested in Chapter 3, 118.

[480] To repurpose Derrida's expression: 'mal d'archive' in the original French. Derrida 1996.

[481] Sales deeds represent only two of the seven documents dating from after the Ottoman conquest: Q 21 and 27.

sufficient evidence to mount a meaningful argument for the profound social, and legal significance of property- and *waqf*-related archives in late-Mamlūk Cairo.

Conclusion

This chapter has offered an exploration of two additional corpora of legal documents dating from the Mamlūk period, juxtaposing these with the conclusions that have been gleaned in the previous chapters from the Wizārat al-Awqāf, and to a lesser extent the Dār al-Wathāʾiq, collections. By foregrounding the practices visible in documents external to scholarly discussion of *waqf* in Mamlūk society, the aim was to reassess the relationship between *waqf* and archival practice. I have, ultimately, presented these two corpora on their own terms. The Ḥaram and Qaraite corpora represent two extremely different sets of documents, stemming from separate domains of archiving, in distant regions of the Mamlūk sultanate, and covering different dates. This chapter has, thus, covered a lot of ground. Even so, through the focus on documentary features, and the organisational logic of archival depositories, I have dissected these seemingly incomparable corpora to make them effectively comparable. The exploration offered in this chapter thus places us in a better position to address head-on the hypotheses laid out in the introduction regarding the relationship between *waqf* and archival practice.

The first point to be made is that *waqf* was clearly only one of many institutions producing documentation in large enough quantities to need rationalisation through the development of archival practices. As we saw in the Ḥaram corpus, legal and administrative processes such as posthumous estate management also generated huge numbers of documents, whose sheer mass demanded the use of systematic, chronologically-organised archival depositories. The documents themselves reveal how even their internal design, most notably formulary, was manipulated to suit these methods of archiving, and a system of filing notes was applied as a practical aid to the archive's use. Such methods of archiving were evidently well-established in this domain.

The revelation of systematic archival depositories such as those connected to Jerusalem's estate administration also raises significant questions about the life-spans of documents, leading us to question the common assumption that effective archives are 'long-term' ones. This premise, of course, lies behind the idea that the perpetuity of *waqf* endowments profoundly affected the archival practices associated with them. In the Ḥaram corpus, on the other hand, it emerges that long-term preservation was not a necessary precondition for the development of sophisticated archival techniques. Rather, it was the volume and type of material, and the way it was intended to be used, that represented the most significant contributory factors. Estate inventories, and other administrative records appearing in the Ḥaram corpus, after being drawn up, were probably quite regularly consulted over a short period of

time, after which they were no longer functional records. Once the estate had been sold, and all inheritances and possible taxes dealt with, the value of such documents must have been limited. Nonetheless, the documents were systematically archived, categorised by month and probably year. Documents clearly, then, did not need to have projected life-spans of hundreds of years in order for them to be subjected to rigorous and methodical archival practices. In fact, we might hypothesise the opposite. A custodian who readily foresaw the need to access a document might have been more likely to put effort into ensuring its easy accessibility. One can well imagine that the fear of losing a document that was required for ongoing procedures might be a strong incentive to develop tools for its easy retrieval. By such a logic, the short-term requirements of the archive may have led to more systematic archival practices.

The appearance of such clear and systematic archival practices in a domain quite distinct from *waqf*, and not one distinguished by concepts of legal perpetuity, offers a clear challenge to the idea that *waqf* was uniquely suited to the establishment of systematic archives. In fact, comparing the organisational logic of the estate inventories in the Ḥaram corpus with al-Ghawrī's *waqf* archive, we might even claim that the latter demanded rather less stringent archival techniques. Such judgements should be made cautiously, stemming as they ultimately do from a modern pre-conception of what constitutes effective archiving. Chronological organisation certainly seems, from an historian's point of view, a particularly efficient way of maintaining records. Similarly, it is, in my view, an anachronistic modern understanding of the function of archiving that has led to the assumed link between perpetuity and archives. The varied systems we witness in these two archives should instead be explained by recognising the entirely different roles they played in the domains from which they emerge. While estate documentation was drawn up to play a part in ongoing administrative processes, the records brought together in al-Ghawrī's *waqf* archive were largely preserved in case of hypothetical future legal disputes. The perceived need to develop means to assist in the location of specific documents thus differed in line with these completely separate temporal logics. It need hardly be repeated that the intended life-spans of neither of these two archives was predicated on continued preservation until the twenty-first century.

Turning directly to the question of *waqf*, it is clear then that *waqf*-related archiving was governed by many more factors than the simple theoretical principle of perpetuity. Indeed, the close investigation of all *waqf*-related material alerts us to the need to firmly root the archival practices they manifest within their direct social and historical contexts. This is visible, firstly, in the survival of different kinds of *waqf*-related material in the Ḥaram corpus, the preservation of which had little to do with the perpetuity of *waqf* endowments, relating instead to their management on the ground. This highlights that *waqf*-related documentation was not all intended to uphold the eternal rights and stipulations of endowments. Much of it was instead concerned with matters of much shorter-term relevance, such as the maintenance of property, or

legal agreements with specific individuals. This documentation shows that *waqf* generated a considerable mass of documentation, offering impetus to processes of archival rationalisation. This serves, however, to further emphasise the inadequacy of legal theory to fully explain *waqf*-related archival practices.

Perhaps more significantly still, the close similarity between the Wizārat al-Awqāf and Dār al-Wathāʾiq documents and those in the Qaraite corpus compels us to interrogate those factors contributing to archival practices that are not immediately connected to *waqf*. The late-Mamlūk Qaraite documents, which have not been framed in scholarship as a corpus with significance for *waqf*, are in form almost identical to many of the contemporary documents in the Wizārat al-Awqāf and Dār al-Wathāʾiq which, on the contrary, are considered as principally *waqf* documents.[482] The uniformity of this documentation reveals a complex nexus of property- and *waqf*-related documentary and archival practices prevailing in late-Mamlūk Cairo. The rapid processes of property extraction, exchange, and endowment that seem to characterise the activities of a significant part of the capital's population during this period offer the backdrop to any understanding of this material. From within such an intricate and convoluted nexus, however, it is ultimately impossible to isolate the role of *waqf*. Certainly, the illegal, or at least dubious, practices which the exchanges of *waqf* property necessitated seem to have generated a profound need for comprehensive documentation. On the other hand, so too did the rapid division and sale of private property not held in *waqf*. As I made clear above, these documents were largely drawn up by the same groups of individuals: legal personnel with the knowledge of how best to generate effective documentation, and presumably also to disguise more dubious procedures.[483] It is perhaps best therefore not to draw too sharp a distinction between *waqf* documentation and the records of other legal procedures to which it was often inextricably linked.

Even so, it would be misguided to propose that *waqf* did not play a role in the development of such practices, especially given its known prominence within this late-Mamlūk Cairene milieu. It is here that the hypothesis regarding the 'legal personality' of *waqf* takes on significance. In the previous chapters we have seen examples of the ways in which *waqf* did contribute to the development of archives organised around the logic of *waqf* endowments. It appears, therefore, that the 'corporate' interest groups forged by the establishment of *waqf* endowments may, indeed, have led to distinct archival forms. More than this, though, I would suggest that the concept is at its most meaningful if we divorce it from its limited legal connotation and apply it for a broader historical purpose. I propose that we pinpoint, instead, the

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[482] See the point I made regarding the terms used to describe these collections in Chapter 1, 55.
[483] These documents might fruitfully be explored alongside contemporary *ḥīla* literature, whose *raison d'être* was to outline strategies of manipulating the law for essentially illegal ends. See J. Schacht, 'Ḥiyal', *EI2*.

particular 'personality' that *waqf* presented in specific historical settings. That is, a thoroughly historically contextualised view. As we have already seen, in late-Mamlūk Cairo, *waqf* had a critical role in shaping the social, political, and religious environment of the city, as well as a physical impact on its architectural and ceremonial spaces. We can now add to this the knock-on impact of *waqf* on wider patterns of property exchange in Cairo, the growing importance of thorough legal records, the increasing volumes of documentation that would accompany such processes, and the possible accompanying archive fever. As we have seen in this chapter, all these processes affected not just Mamlūk elites, but also the diverse population of Cairo. The personality of *waqf* outlined here is, thus, a deeply historically contextualised phenomenon, not a legal necessity.[484]

The question of *waqf*'s historical personality compels us to question to what degree we can separate legal theory from social practice, particularly when examining their impact on documentary and archival practice. When we consider the main corpora discussed in this chapter, it is very clear that these aspects are often deeply intertwined. It is for this reason, I would argue, that the identification of domains is useful. The domain of *waqf*, for instance, encompasses all the aspects of this convoluted historical-legal-social nexus, which in late-Mamlūk Cairo presented itself with such a distinct and characteristic personality. The conclusions of this chapter encourage us to view satisfactory knowledge of a domain, in all its historical, social, legal, and practical elements, as an indispensable backdrop to the exploration of archival practices, as well as the ways in which such domains can overlap. These will continue to be fundamental concerns in the next section of this thesis, as we leave the domain of *waqf* behind, approaching one that is, this time, barely known.

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[484] I should point out here that this in no way contradicts the arguments offered by Doris Behrens-Abouseif in her initial discussion of the 'legal personality' of *waqf*. We might, indeed, see the legal personality of *waqf*, when placed in context, as an important factor governing the manifestation of its broader personality in society. Behrens-Abouseif 2009, 55-60. This conceptualisation of the historical personality of *waqf* also has something in common with that of *waqf* as a 'total phenomenon', proposed by Willem Flinterman in his recent PhD thesis: Flinterman 2017, 16.

Part II: the Amir's Administration

Chapter 5

The Amir's Administration

Identifying and conceptualising an unexplored domain of archival practice

Introduction

When identifying domains in which archiving occurred, it rapidly becomes evident that there is a profound imbalance in the scholarship. Some domains, such as *waqf*, have been suggested by historians as promising suspects in a search for archival practices. Others, however, remain entirely neglected. Despite this, when we examine documentary material that survives in the lesser-used collections such as the Vienna papyrus collection, other domains emerge quite plainly.

When mining the documents in the Vienna collection, one is struck by their heterogeneity. Nonetheless, with a large enough sample of documents, patterns begin to emerge. Amongst those documents datable to the Mamlūk period, many emerge from a domain that can be best described as administrative. In papyrological literature, this domain is distinguished from other domains, such as the 'legal', or 'business' spheres, both of which are also well-represented within the Vienna collection. Though these divisions are somewhat arbitrary they nonetheless remain useful for making sense of the mass of material in the Vienna collection.[485] In this chapter I use administration to refer to the activities involved in the governance of populations, the exercise of authority, and management of resources for the purposes of taxation.[486]

As we have seen, the Vienna documents largely come from the Egyptian provinces, with many originating in the districts of Ashmūnayn and the Fayyūm, as well as various locations within the Delta region.[487] Located far from the Egypt's major political and cultural centres, namely Cairo and to a lesser extent Alexandria, these documents were produced in an administrative milieu distant from the central state apparatus. A Cairene focus characterises almost all the scholarly literature examining Mamlūk-period administrative archiving, informed heavily by the detailed information offered by Cairo-centric Mamlūk chancery manuals.[488] The

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[485] For instance, the oversimplifying division of material between Diem's three volumes of 'official' (*amtliche*), 'business' (*Geschäft*), and 'private' (*Privat*) letters: *P.Vind.Arab.* I-III. Beyond papyrological categorisations, the distinction between 'administrative' and 'legal' documents has also been considered problematic. See Rustow forthcoming, 129-32. See also below: 186.

[486] This definition strives to encompass the potentially varied forms of administration prevalent at higher and lower levels of the Mamlūk government. See, for instance, Van Steenbergen's discussion of the elite household (*bayt*) as the fundamental unit making up the Mamlūk state: Van Steenbergen 2013b.

[487] For the presumed geographical provenance of the Arabic paper material see my discussion in the introduction: 42-3; see also Loebenstein 1983, 4-6, 27.

[488] With the notable exception of: Hirschler 2016, esp. 17-26.

Vienna documents thus have potential to reveal new insights into the administrative milieu outside the capital.

The Vienna documents revolve around a number of amirs, senior military personnel who were active within the administration. From what is known of how the Mamlūk state governed its territories, these amirs were likely holders of *iqṭāʿ* land grants in these regions.[489] *Iqṭāʿ*-holders (sing. *muqṭāʿ*) were granted the temporary right to collect tax revenue from the land they held, in return for military service. Though *iqṭāʿ* was, by this period, the primary means by which the Mamlūk territories were administered, and by which the sultans paid their officials and armies, we know surprisingly little about how this functioned on the ground, particularly at the lower levels of administration.[490] As the works of Sato Tsugitaka and others have made evident, the Mamlūk-period chronicles, biographical dictionaries, and chancery manuals provide substantial information on the functioning of the *iqṭaʿ* system under Mamlūk rule.[491] Nonetheless, like much of the contemporary narrative literature, they maintain an extremely elite focus, and show considerable 'urban tunnel vision'.[492] The *muqṭāʿs* named in such narratives are usually holders of high government office, often recipients of multiple *iqṭāʿs* in far-flung Mamlūk territories, and distant from the day-to-day management of affairs on the ground.[493] *Muqṭāʿs* thus often appear to be Cairo-based absentee landlords, with their *iqṭāʿs* largely a means of sustaining themselves and their men, and supporting their elite status.[494]

In contrast to the narrative literature, the material from the Vienna collection stems from much further down the administrative hierarchy. Few of the amirs whose names appear in these documents can be identified in other contemporary sources.[495] It cannot be said with certainty that all of them even held the title of amir. The documents we are dealing with here, therefore, represent a milieu of which contemporary chroniclers and compilers of chancery manuals were either not aware, or more likely, were simply not interested in. Such levels of administration were, as far as they were concerned, marginal. In a rare study that makes use of the published Vienna material, Konrad Hirschler pointed out that these documents probably originate from the amir's *dīwān*, that is the amirs' own office. During this period, this office represented the 'main administrative partner' to the central state apparatus in Cairo.[496] This *dīwān*, though rather poorly-documented in the contemporary literature, appears to have been the institution through which amirs managed their *iqṭāʿs*.[497] As Hassanein Rabie stressed, what we know about the

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[489] *Ibid.*, 24-26.
[490] *Iqṭāʿ* was, of course not unique to the Mamlūk territories, and has a history stretching back well before the period covered by this thesis. See: Cahen 1953, 25-52; Lambton 1965, 358-76; Sato 1997.
[491] Sato 1997; Rabie 1972; Cahen 1953. See also Garcin 1976, esp. 231-86.
[492] This phrase is borrowed from Hirschler 2013, 175.
[493] See, for instance, the examples listed in Rabie 1972, 46-7
[494] For the residence of *muqṭāʿs*, see Rabie 1972, 63-4.
[495] Rare exceptions will be noted in what follows.
[496] Hirschler 2016, 21-26.
[497] Rabie 1972, 64-68; Sato 87-91.

highest-ranking amirs, and their apparent residence far from their *iqṭāʿ*s may well not apply to amirs of lower status.[498] The preservation of documents, for instance, in Ashmūnayn, implies that these amirs' *dīwān*s were indeed located in, or near, their *iqṭāʿ*s. Hirschler has argued for the decentring of archival practices in the Mamlūk state, highlighting the amir's *dīwān* at the site of the *iqṭāʿ* as an important location where archiving took place. He does not, however, explore the specific archival practices attested by these actual documents, commenting only on the absence of the 'concrete archival practices' we are led to expect from documents and chancery manuals produced higher up the administrative hierarchy.[499] As such, we so far remain largely ignorant as to the particular manifestations of archival practice within this marginal milieu.

This chapter begins from this point, returning to the documents within the Vienna collection in order to give further character to our understanding of these marginal administrative contexts. As Hirschler points out, the actual physical sites of local administrative offices cannot be identified.[500] Nonetheless, it is evident from the very existence of the documents that the day-to-day activities taking place in the amirs' *dīwān*s generated paperwork of various kinds. As we saw in the cases of both the *waqf*-related material and the varied documentary genres in the Ḥaram al-Sharīf collection, there is a predictable close link between the production of paperwork and the development of archival practices. Unlike the domain of *waqf*, though, the amir's administration is almost entirely unknown. The work of identifying, characterising, and understanding this domain must, therefore, precede the exploration of archival practices. This, in itself, entails a challenging piece of detective work. It involves establishing the major actors engaged in marginal administration, outlining the administrative processes in which they and their households were involved, in addition to exploring the nature of the paperwork that emerged out of these activities.

This chapter is divided into three parts. It begins by introducing the source material, outlining the characteristics of the genres to which the documents belong. I form subdivisions within the corpus in order to clarify the varied evidentiary value of documents that offer more or less contextual detail and have been preserved in complete or fragmentary states. As the main identifiable corpus emerging from this little-explored domain, this categorisation is essential to provide a full picture of the extent of evidence that has come down to us, and to clarify the way that the domain can be accessed through these documents. In the second part, I move on to outline the features of the amir's administration that appear within this documentary corpus. I begin by investigating the staffing and responsibilities of the administration, moving on to explore the personal and institutional channels through which amirs exercised their authority. In

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[498] Rabie 1972, 63.
[499] See comments on the absence of 'registration or copying notes' in the Vienna documents: Hirschler 2016, 24.
[500] *Ibid.*, 25.

the third part, I examine the traces of documentary practices manifest in this corpus, considering how the exigencies of the amir's administration, as outlined in the previous section, may have shaped these practices. Outlining a domain that is so far almost entirely unknown, this chapter provides a contextual basis for archival practices that will be explored more fully in the following chapter. Ultimately, I argue that the specificities of the amir's administration played a profound role in shaping the forms of paperwork that emerge from this domain, thus developing a series of distinct documentary practices.

Dossiers and documents: the amir's paperwork

The most straightforward evidence for a relatively heavy reliance on paperwork within the marginal administration of Mamlūk Egypt arises from the simple survival of documents from this domain. Originating as they do from the Vienna collection, however, the reflections that I made in the introduction to this thesis on the difficulties of dating and contextualising this material continue to be valid.[501] To recap, the main challenges of the Vienna collection, alongside the fragmentary and heterogeneous nature of the corpus, lie in establishing the geographical provenance and dates of documents. Though something is known of the series of acquisitions the library made, identifying the specific archaeological provenance of individual documents is in most cases impossible. It is, thus, important for me to explain clearly the criteria behind my document selection.

The documents used in this chapter mostly relate either to processes of petition and response or represent direct communications issued at the behest of authorities. Petitions were submitted to amirs to lodge requests or complaints, and amirs responded in one of two ways: by endorsing the petition with a rescript, that is, an official response drafted on the verso of the petition; or with a decree written on a separate support. Amirs also issued decrees on their own initiative, in order to communicate their wishes or orders to a variety of recipients. The documents investigated in this chapter can thus be fitted broadly into two related documentary genres: petitions and decrees.[502]

These documentary genres, especially decrees, have received some scholarly attention owing to the survival of decrees issued by the Fāṭimid, Ayyūbid, and Mamlūk chanceries. These have been preserved in the St Catherine's Monastery in Sinai, and in the Cairo Geniza, while a small number of decrees issued both by the Mamlūk chancery and by locally active amirs have

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[501] See above: 42-7.
[502] In his editions of some of these documents, Diem categorises them as 'decrees' (*Erlasse*) or 'petitions with an endorsing decree' (*Gesuche mit indossiertem Erlaß*): *P.Vind.Arab.* III. The genres are not entirely clear cut. In editions, for instance, there is often overlap between decrees and *subpoena*s, as well as between petitions, reports, and letters. See, for example: *P.HaramCat.*, 23-4. For further discussion of the problems of adopting a chancery definition of decrees see Müller 2013, 137-40.

survived in Jerusalem's Ḥaram al-Sharīf collection.[503] Like the documents used in this chapter, many of these decrees are written as rescripts on the verso of petitions submitted by a variety of individuals: the monks of St Catherine's, members of Cairo's Jewish, Christian, and Muslim communities, and diverse individuals from Jerusalem and its surrounds. There are certain similarities, in terms of formulary, script and graphic layout, between the material used in this chapter and the more illustrious examples emerging from the chancery. Nonetheless, it is immediately evident that the examples used here stem from a considerably less elevated setting. This renders them particularly valuable as evidence of practices emerging from a different, and less lofty milieu.

The genres of document used in this chapter are marked by greater ease of contextualisation than most other documents found in the Vienna collection. This is due to a combination of factors, related both to the content of documents and to their distinctive graphic features. Where the full text of a petition or decree survives, for instance, place names are often included. Though these kinds of documents are rarely internally dated, there are various ways in which we can establish their vintage. From the Ayyūbid period onwards, the practice of adopting emblematic signatures, even by low-ranking amirs, makes it relatively easy to identify documents produced from this period onwards.[504] In addition, the practice of deriving amirs' honorific *nisba*s from the names of the sultan they served sometimes makes it possible to date documents to a particular sultan's reign.[505] Finally, after encountering multiple documents of this type, the chancery-style cursive scripts used by these amirs' scribes become familiar, allowing at least tentative paleographical dating where the other features do not survive.

The documents that constitute the main source corpus for this chapter have therefore been selected for their origins in a well-defined geographical and social context, and within a discrete historical period. They consist of 56 separate documents, which fit into the genres outlined above: decrees and endorsed petitions. I argue that they constitute a coherent enough corpus to be used as evidence for the activities of a group of individuals, namely amirs active in the administration of marginal areas of Egypt during the Mamlūk period, and the broader administrative circles in which they were situated. Focusing on delineating this domain, it is therefore largely on the basis of contextual features that I categorise the evidential value of the

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[503] *P.St.Catherine* I; *P.Fatimid*; Stern 1964b; 1965; 1966; Heidemann et al 1997; Khan 1986; Rustow forthcoming; *P.HaramCat.*, 23-35; Müller 2013, 137-46.

[504] These signatures were probably inspired by the Seljuk *tughrā*. See C.E. Bosworth, 'Ṭughrā', *EI2*; Behrens-Abouseif 2007, 39. See also, for use of the *tughrā* in the Ḥaram al-Sharīf decrees, Müller 2013, 137-46. Calligraphic signatures also appear in chancery documents from the Fāṭimid period, but we do not have evidence of the filtering down of this to lower administrative levels at this stage: *P.Fatimid*, 123-65; Rustow 2014, 314. The *tughrā* and ʿalāma should strictly-speaking be differentiated from one another, though this is not so clear-cut in the Vienna material. See Dekkiche 2011, 398-405; 2013, 153. In the documents looked at in this chapter, signatures contain either the name of the issuing amir or 'mottos', usually consisting of a religious blessing, such as a ḥamdala or a ḥasbala.

[505] *P.Vind.Arab.* III, 7-8.

material to be used in this chapter. By explaining this in detail below, I endeavour to make clear the precise bases on which I draw my conclusions.[506]

1. Material with known geographical provenance and dates

The firmest category of evidence consists of documents for which both geographical provenance and dating can be relatively easily established. For many of these documents this is owing to the documentary features outlined above, with explicit indications of place names, and *nisba* titles or distinctive scripts establishing dates. Most of the identifiable place names found in these documents are located within the district of Ashmūnayn, though others originate from the Fayyūm region, and some mention village names in the Delta. This first category of documents can be further divided into two distinct groups: firstly, small sets of documents issued by the same amir, or related amirs, thus constituting 'dossiers'; and secondly, single documents without demonstrable connections to other documents in the collection.

Dossiers

The dossiers of documents consist of sets of decrees and endorsed petitions which can be connected to one, or several, individual amirs. In none of these dossiers is it specified that the amir in question held an *iqṭāʿ* but, as we shall see below, there are some indications that they did. In this chapter I identify four dossiers:

1. The first dossier (henceforth: 'the al-Azkā dossier') is the most significant merely on the basis of its size. It contains a group of decrees issued on the authority of a certain Jamāl al-Dīn Yūsuf al-Azkā, and documents issued by his two sons, Bahāʾ al-Dīn Aḥmad ibn al-Azkā, and ʿAlā al-Dīn ʿAlī ibn al-Azkā.[507] Many of these decrees are rescripts written on the verso of petitions, and most of them mention place names within the district of Ashmūnayn. The respective titles of these three individuals, *al-Malakī al-Nāṣirī* for Yūsuf and Aḥmad, and *al-Malakī al-Muẓaffarī* for ʿAlī, allows these documents to be dated to the period of the second sultanate of al-Nāṣir Muḥammad (698-708/1299-1309), and that of his successor al-Muẓaffar Baybars II (708-709/1309-10).[508] This is the only dossier to have generated any scholarly interest so far, since Werner Diem edited ten documents connected to these three related individuals.[509] Within the unpublished material in the Vienna collection, however, I was able to

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[506] Details of the precise documents included in each of the subcategories outlined in this section, including document type, inventory numbers, and publication information, can be found in Appendix 2.
[507] Though *iqṭāʿ*s were strictly-speaking not inheritable, they were in many cases handed down from father to son. For a concise discussion of this issue see Rapoport 2005, 21-2; see also Rabie 1972, 59-60. Research on this question has largely focused on *muqṭāʿ*s higher up the social ladder than the amirs discussed in this chapter. See e.g. Haarmann 1984, 141-68; 1998, 55-84.
[508] *P.Vind.Arab.* III, 240-2.
[509] A Ch 12502; 25677; 10809; 15499; 11584; 25676; 25674; 23075; 16220; 2007. See Hirschler 2016, 25-26.

identify several more documents belonging to this dossier. These include four documents issued by Yūsuf,[510] three by Aḥmad,[511] and one by ʿAlī,[512] all identifiable on the basis of their distinctively written signatures and official titles (see, for instance, figs. 12 and 13 below). This entire dossier thus contains eighteen documents, a substantial number considering the challenges of connecting documents within the Vienna collection.
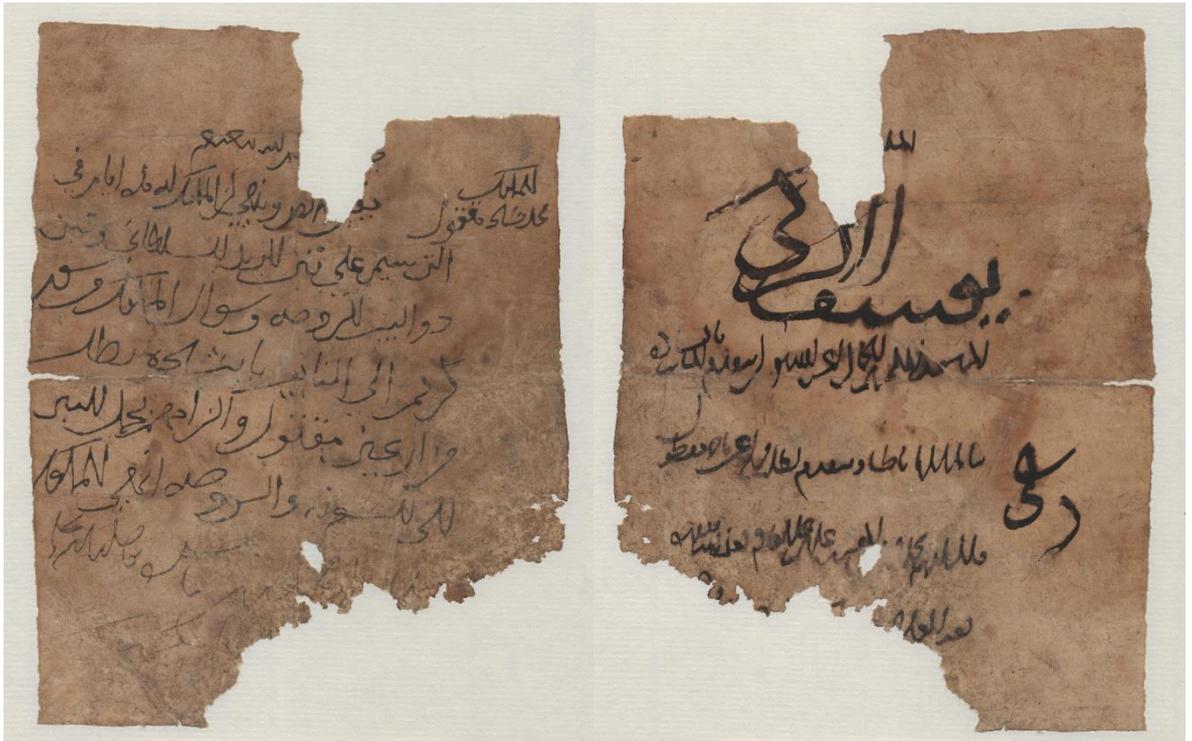
Fig. 12. Endorsed petition from the al-Azkā dossier containing Yūsuf al-Azkā's distinctive signature (A Ch 25677); petition on recto (left) and rescript on verso (right)

(Photograph: Papyrussammlung, Österreichische Nationalbibliothek)

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[510] A Ch 12503; 15915; 25672; 25675. Diem briefly notes the details of these four documents in his introduction to Yūsuf al-Azkā's documents but does not deem them worthy of a full critical edition, no doubt due to their fragmentary nature.
[511] A Ch 6249; 12531; 25966.
[512] A Ch 6239.

Fig. 13. Endorsed petition from the al-Azkā dossier containing Yūsuf al-Azkā's distinctive signature (A Ch 12502); petition on recto (left) and rescript on verso (right)

(Photograph: Papyrussammlung, Österreichische Nationalbibliothek)

2. The second dossier (henceforth: 'the Bahāʾ al-Dīn dossier') consists of just three documents: one decree and two endorsed petitions all issued by one individual, a certain Bahāʾ al-Dīn. From the evidence of place names found in one of the texts, Bahāʾ al-Dīn was also based in Ashmūnayn. One of the documents was published by Diem,[513] and the distinctive signature allowed me to identify the two other documents on the Vienna microfilms.[514] This dossier cannot be firmly dated as the *nisba* of the issuing amir is missing from all three documents. Nonetheless, formulary, layout and a cursive chancery-style script similar to that found within the al-Azkā dossier make a similar dating seem likely.

3. The third, and most tentatively identified, dossier (not henceforth referred to collectively) consists of two documents issued by an individual also with the honorific *nisba* al-Bahāʾī, or Bahāʾ al-Dīn.[515] Identified on the basis of this name and a similar signature, these two documents bring little in the way of contextual detail: only the opening formulae survive.

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[513] A Ch 25673c.
[514] A Ch 366; 5864. The latter is extremely fragmentary.
[515] A Ch 8490; 25680.

4. The final dossier contains two decrees, both published by Diem.[516] The major interest in this dossier (henceforth: 'the al-Būshī dossier') is in its origins in the Fayyūm region, a different geographical provenance than the other locatable dossiers. This provenance is identified on the basis of a village name included in one of the decrees.[517] The two decrees, issued by a certain Sayf al-Dīn ʿAlī al-Būshī, are in Diem's opinion to be dated to the sixteenth century sometime after 933/1526-7 on the basis of a place name that did not exist before this date.[518] This small dossier, then, offers us some indication of the chronological reach of the documentary practices that emerge within this corpus.

The possibility of identifying dossiers such as these is of considerable significance when examining archival practices. The survival of multiple documents connected to a single amir, or related amirs, constitutes strong evidence of documents being kept together, as well as suggesting the amir's *dīwān* as a likely site of preservation at some stage in these documents' lives. The appearance on documents of place-names within the very same areas of Egypt from which documents are known to have been excavated offers a strong indication of on-site preservation.[519] Though the dossiers do not, in themselves, constitute archives, I consider them likely to have been part of some kind of amiral archive, the characteristics of which I will discuss in greater detail in the next chapter.[520] Reconstructing these archives or making connections between documents is not the main aim of this chapter. Rather, the existence of multiple documents emerging from a single context provides an opportunity for a firmer understanding of context than is possible in cases where only one document survives. For this reason, the dossiers provide a valuable chance to see what administrative, documentary, and archival practices recur within the contexts they represent, and thus to make conclusions as to the prevalence of certain practices.

Individual documents

The second subcategory of well-contextualised documents consists of those which cannot be firmly linked together into dossiers, but which furnish the same level of geographical

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[516] A Ch 17306; 24993.
[517] A Ch 17306.
[518] The name Kawm Marzūq was apparently given to the village of Sayla, in the year 933/1526-7. *P.Vind.Arab.* III, 34.
[519] Regarding the published portion of the al-Azkā dossier, Hirschler argued that these documents were preserved in Ashmūnayn, suggesting that the amirs in question ended their potentially peripatetic careers in this region. Hirschler 2016, 25.
[520] The distinction between 'dossier' and 'archive' in the context of papyrology is discussed in an article by Katelijn Vandorpe, who argues that dossiers are put together in a modern context by scholars linking documents related to 'a particular person, family or a particular subject'. Vandorpe 2009, 218. The dossiers I identify in this chapter depart from this definition, referring instead to a small part of a contemporary archive. This is closer to the recent definition offered by Jean-Luc Fournet, where he defined a dossier as a 'subset' of a contemporary archive: Fournet 2018, 181.

and historical contextualisation as the examples outlined above. The disadvantage of such documents, in comparison to the dossiers, is that it is more difficult to get a sense of the 'representativeness' of the practices they manifest. As we shall see, though, the documents tend to exhibit more continuity than they do idiosyncrasy.

2. Material without firm context

The remaining material is represented by a more unwieldy corpus of documents. Though these conform to the same genres as the contextualised examples outlined above, they can be fragmentary, lack contextual detail, dating, and mostly cannot be placed in dossiers. Such documents might contain evidence of either geographical provenance or dating or may contain neither. Through familiarity with better-preserved and contextualised examples of documents, one begins to recognise the documentary features, formulary, and script of this genre, and thus comes to a point where it is possible to incorporate these de-contextualised or fragmentary examples within the corpus.

Though some of the material in this final category is interesting in its own right, its major value for the purposes of this chapter is to extend arguments that can be made on the basis of the better-contextualised dossiers and individual documents. For one, the apparent abundance of documents displaying similar documentary and material features implies that the practices that generated them were well-established in the administrative contexts from which such documents emerged. The sheer size and unwieldy nature of the Vienna collection necessitates this approach, as it is impossible to examine every document within the collection and, indeed, not all documents merit equal attention. It is only as part of a broader corpus that we can begin to understand to what extent the practices that emerge in individual documents followed normative patterns. Much of the material in this final category would have little to interest papyrologists of a philological bent, being poorly suited to editing. Nonetheless, I argue that the incorporation of this material is fundamental when attempting to form a more comprehensive understanding of the documentary, administrative, and archival practices that surrounded the production of documents of this type.

The amir's administration: conceptualising a domain

To risk stating the obvious, the survival of the documents introduced above attests to the functioning of procedures that led to their creation; procedures that relied on and generated written traces. As I have explained above, at this level of administration such procedures are not particularly well understood. Though paperwork-generating procedures are well-attested in the narrative literature at the central chancery level, it remains unclear how far such insights can be applied to more marginal administrative contexts. Looking superficially at the documents, it is

not always obvious what these procedures were, or into what kind of institutional framework or structure of authority such practices fit. Nonetheless, upon a close reading, the documents can offer insights that allow us to better understand this domain. They provide information on networks of individuals through whom amirs were able exercise their privilege and authority in these regions. They can also shed light on the actual activities and responsibilities of amirs involved in marginal administration and give some sense of the institutional framework through which they were able to carry out these roles. Relying mostly on the content of the documents outlined above, this section therefore explores the evidence for the amir's administration.

The amirs and their subordinates

The focus of these documents on processes of petition and response render them especially valuable for understanding the relationship between the amirs, their staff, and local populations. The petition and response process was the means by which subordinates and locals were able to address direct requests to the amir, and to elicit an official response. Petitioners would outline their complaint or grievance, laying out clearly the response that they hoped for from the amir. This was an established part of petition formulary, with the petitioner stating his or her request (*suʾāl al-mamlūk/a…*),[521] either for the amir to act on something specific, or to issue a decree (*marsūm karīm*) bestowing the authority necessary for such action to be taken. In the complete, or almost complete, examples that survive, decrees respond directly to the wishes of the petitioner.

In the documents examined here, the amirs usually address their responses not to the petitioner him- or herself, but to a variety of other individuals charged with the responsibility of dealing with the petitioners' issues. These details, as well as other references to people with specific roles found within the decrees, allow us to glimpse the range of personnel involved, in one way or another, in the administration of marginal areas. Though it is not always clear on the basis of the documents alone what role each of these played, it is possible to get a sense of the prevailing administrative hierarchies.

The two most regularly occurring groups of individuals called upon to act on petitions are the shaykhs, or elders, of a specific village, and the *nāʾib*, the amir's deputy, or representative in the village.[522] Commonly, decrees are directed at one or both of these groups within the village concerned, and it was primarily through these groups that amirs responded to local problems.[523]

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[521] This is the usual expression that opens the clause stating the request made in a petition from the Fāṭimid period onward: Khan 1990, 20; for a concise summary of Khan's eight-part petition structure see Rustow 2014, 307-8.

[522] For *nāʾib* in this context see Hirschler 2016, 26, footnote no. 166.

[523] For instance all the documents in the al-Azkā dossier complete enough to contain this information, one of the documents in the dossier of Bahāʾ al-Dīn (A Ch 366), and several of the rescripts that cannot be connected with a dossier: A Ch 2149; 15505; 12495.

Individuals holding other positions also appear. These include the *shādd*, the supervisor or overseer, who sometimes appears as the petitioner,[524] at other times as one of the individuals to whom the amirs address their commands,[525] and occasionally as part of the subject matter of decrees.[526] In addition, one petitioner names himself as *wakīl*, or agent.[527] The appearance of none of these is surprising, and in fact they serve to support the identification of the amirs in these documents as *iqṭāʿ*-holders. This series of individuals corresponds closely to the *muqṭāʿ*'s staff as revealed in the contemporary narrative literature: the *nāʾib* or *wakīl* was the *muqṭāʿ*'s deputy, or representative, sent to the site of an *iqṭāʿ* in order to manage it;[528] the *shādd* or *mushidd*, sometimes several in each *iqṭāʿ*, had more local supervisory duties, involving tax collection, overseeing the cultivation of land, and the punishment of criminals.[529] The governance of peripheral areas by means of local elites or elders is also well-documented.[530]

Moving beyond a simple list of personnel, the documents can offer further insight into the interface between Mamlūk-period *muqṭāʿ*s and their subordinates within this marginal setting. Though both the *nāʾib* and the *shādd* stood between the *muqṭāʿ* and the local population, these appear as distinct roles in the surviving documentation. One document from the al-Azkā dossier depicts these relationships in some detail.[531] Muḥammad, the *shādd* of Maqtūl, a village not far to the north-west of the city of Ashmūnayn, addresses a petition to Yūsuf al-Azkā. In it he complains that local farmers have not provided straw to provision the state postal service (*al-barīd al-sulṭanī*) and the waterwheels (*dawālīb*) of the neighbouring town of al-Rawḍa, both of which were presumably reliant on horsepower.[532] Muḥammad requests that Yūsuf address a decree to his representative (*nāʾib*) in the town of Ibshāda, who could then track down the necessary farmers and compel them to bring the straw.[533] In this case, we see not only the capacities in which the various men act, but also the connections between villages of different sizes. That the *shādd* requests action on the part of the amir's representative in Ibshāda demonstrates that the amir did not have such a representative in every settlement in the district. Ibshāda was a larger village, and the authority of the amir's man there extended to the smaller neighbouring villages.[534] Nonetheless, the *shādd* in the smaller village was charged with observing the situation there, and reporting on the transgressions of the locals to his superior.

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[524] A Ch 10809, of which more below.
[525] A Ch 17306; 24993.
[526] A Ch 10219r.
[527] A Ch 15707.
[528] Sato 1997, 72. Rabie 1972, 65.
[529] Sato 1997, 88; Rabie 1972, 66-7.
[530] Sato 1997, 183-4; Rabie 1972 66-8.
[531] A Ch 25677.
[532] For the Mamlūk *barīd* see Sauvaget 1941; Silverstein 2007, 165-85; for the use of waterwheels in irrigation of the Ashmūnayn region see the brief reference in Rapoport and Shahar 2012, 9-10. Such wheels would have used animal power to raise water for irrigation. Rabie 1981, 70-1.
[533]The clause runs as follows: *suʾāl al-mamlūk marsūm karīm ilā al-nāʾib bi Ibshāda bi ṭalab muzāriʿīn Maqtūl wa ilzāmihim bi ḥaml al-tibn.*
[534] By the early twentieth century, the village of Maqtūl was incorporated into Ibshāda. Halm 1979, 125.

The fact that the *shādd* of Maqtūl needed to petition the amir in order to provoke the *nāʾib*'s intervention implies that the *shādd* and *nāʾib* maintained distinct channels of communication with the amir. At least in this case, the *shādd* was unable to ask directly for the *nāʾib*'s assistance, for which he requested a decree from the amir. Perhaps this mechanism was designed to strengthen the amir's authority in the region, by ensuring that all subordinates were answerable to him. Beyond this, this document qualifies the picture of the *shādd*'s punitive role that we get from the narrative record; it seems that it was, rather, through the amir and his *nāʾib* that this responsibility was exercised.

The *shādd* and the *nāʾib* were certainly the *muqṭāʿ*'s men, and most likely also military personnel, some of them even identified as amirs themselves. In one decree, for instance, a *shādd* named Ṭūmān, is explicitly addressed as 'the amir' (*al-amīr*).[535] This decree, probably dating to the reign of the sultan Qāytbāy (872-901/1468-1495), provides explicit if anecdotal evidence for the *muqṭāʿ*'s delegation of authority to others within the military hierarchy.[536] Addressed to the shaykhs and farmers of a village called Shaybat Shaqqāda in the Sharqīya district, the eastern part of the Delta, the amir and secretary (*dawādār*) Yashbak al-Muḥammadī exhorts them, amongst other things, to provide Ṭūmān with his salary for the month of Shāʿbān. In another decree the amir Arikmās Yashbak addresses the shaykhs and farmers in the village of al-Jumayza, specifically those located in a share (*ḥiṣṣa*) of this territory associated with an individual named Yalbāy al-ʿAlāʾī, the *nāʾib* of Ibnās, a town in the Gharbīya district of the Delta.[537] The *nāʾib*'s honorific title, al-ʿAlāʾī, suggests that he too may have been an amir.[538] In this decree, Arikmās Yashbak explains that he has been granted the *iqṭāʿ* that includes this territory, and that the addressees should prepare the first instalment of their taxes. The decree concludes with a clause explaining that Arikmās Yashbak will deal with any requirements the locals might have: in essence an invitation for petitions.

As well as highlighting the military nature of the administrative hierarchy, this second decree offers compelling evidence of the way in which changes in personnel were managed on the ground. This decree essentially constitutes a proclamation by a *muqṭāʿ* of his newly acquired authority over the local population. In this case, the new *muqṭāʿ* was clearly able to rely on continuities in his subordinate personnel to ease the takeover of his new administrative position. The change of *muqṭāʿ* here, for instance, does not seem to have entailed a new *nāʾib*. In fact, the

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[535] A Ch 10219r. For the amiral status of those with the title of *shādd*, see Müller 2013, 454, 464-5.
[536] For the military status of such personnel see, for instance, Rabie 1972, 66-7.
[537] A Ch 10220.
[538] The bestowal of titles was part of the amiral investiture proceedings. See Van Steenbergen 2013a. It should be noted that holders of this kind of title also included senior legal personnel, such as qadis, though it is evident in the example cited here that this is not the case. For this very same title in a legal context see *P.Vind.Arab*. III, no. 78.

decree identifies its addressees by explicit reference to this locally-active subordinate.[539] The *muqṭāʿ*'s subordinate, then, seems to have constituted a more permanent element in the local administration, though still originating from within the same military hierarchy. He was thus able to ensure the continued effectiveness of day-to-day administration on the ground, in spite of changes in authority at the level of the *muqṭāʿ*. Perhaps such an arrangement prevented potentially rapidly-changing *muqṭāʿ*s from causing too much administrative disruption at a low level.[540] While the evidence this single decree provides is slim, it offers some further indications as to the nature of the relationship between the *muqṭāʿ* and the complex hierarchy of personal interconnections functioning beneath him.

The presence of multiple amirs acting in different capacities, and perhaps with varying degrees of permanence, in the region certainly demonstrates the complexity of the administration on the ground. This was certainly not a domain in which any individual's administrative jurisdiction was entirely clear-cut. This is visible, for instance, in the somewhat confusing series of complaints made by a group of farmers from the village of Abū Qirqāṣ, about 20km north of Ashmūnayn, found in a fragmentary endorsed petition from the al-Azka dossier.[541] Here, the farmers address their petition to ʿAlī ibn al-Azkā despite claiming to belong to a different amir, a certain Shihāb al-Dīn. They complain about another local farmer who is refusing to pay his head tax (*jawālī*), protesting: 'I do not belong to the amir'.[542] Apart from providing a fascinating example of low-level protest on the part of a presumably Christian tax-payer,[543] the implications of this petition are unclear. Perhaps the amir Shihāb al-Dīn was the local *nāʾib*, or *shādd*, and his authority was not sufficient to deal with this issue. In this case, the petitioners bypassed the amir in whose service they claimed to be, suggesting that they expected better success in their endeavour by addressing ʿAlī. Alternatively, the village these farmers lived in may have been under the control of more than one amir, or in an ill-defined border region between the jurisdictions of various amirs.[544] Being, perhaps, unsure under whose tax jurisdiction the recalcitrant farmer was situated, the petitioning farmers may have addressed ʿAlī to ensure that the protestor did not escape his dues. Unfortunately, a large portion of this document is lost, so

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[539] Though the exact connection of the *nāʾib* to the territory in which the addressees live is unfortunately obscured by a lacuna in the document.

[540] This parallels the situation in the qadi court of Jerusalem, where Müller has suggested that a more permanent group of deputies (also *nāʾib*, or *khalīfa*) and witnesses ensured the institutional continuity that might have been undermined by the rapid turnover of qadis: Müller 2013, 324-7.

[541] Calling themselves 'the farmers of the amir…' (*fallāḥīn al-amīr*). A Ch 2007.

[542] *anā mā anā li al-amīr*. The meaning of this expression is not entirely clear. Here I follow Diem's translation.

[543] *Jawālī* was used to denote the *jizya*, the tax payable only by non-Muslims. Cahen, 'Ḏjawālī', *EI2*.

[544] The division of individual villages between two or more *muqṭāʿ*s is well-attested, for instance, in al-Nābulūsī's *Taʾrīkh al-Fayyūm*, a late-Ayyubid tax register of the Fayyūm region. Databases from Yossef Rapoport's AHRC-funded project at Queen Mary, University of London, which focused on this register, are available online at: https://projects.history.qmul.ac.uk/ruralsocietyislam/database/, last accessed 28th November 2018. This information is presumably utilised in Rapoport forthcoming; see also Rabie 1972, 45-6.

it is impossible to ascertain how ʿAlī responded to the petition, information which might have helped to clarify this. Nonetheless, this episode serves to highlight the presence of multiple amirs in the region, active at different levels within a complex network of hierarchical relationships or competing for authority over the local population.

The view of these various individuals provided by the documents is inevitably incomplete and at times inconclusive. Despite this, it sheds light on the staffing of the amir's administration, as well as broadening the number of individuals, active in different locations, who can be connected to the various processes of producing, using, and preserving paperwork. Contrary to depictions of administration that situate all meaningful activity in Cairo, these documents demonstrate the integration of *iqṭāʿ*-holding amirs into administrative and documentary networks that extended into peripheral parts of Egypt, such as the smaller villages of Upper Egypt and the Delta.

Administrative roles and local institutions: the majlis al-ḥarb

Moving beyond personnel, the documents also shed light on the actual responsibilities of the amirs. For obvious reasons, scholarship on the administration of peripheral regions, for this period as well as others, has focused on taxation.[545] This was, indeed, the chief interest for rulers in the populace outside the major urban centres in which they were based, and this preoccupation is reflected in the contemporary narrative literature.[546] In the Mamlūk period, for *muqṭāʿ*s themselves, the collection of tax revenues must have been their administrative priority within these regions, so as to be able to pay the men that the *iqṭāʿ* was intended to support. Nonetheless, the generation of tax revenue inevitably involved other managerial responsibilities; most compellingly, that of ensuring the effective cultivation of agricultural land. The contemporary narrative literature thus stresses the involvement of *muqṭāʿ*s in the maintenance of the all-important Nile irrigation systems, and in the distribution of good seed to the local peasants.[547] On top of these practical responsibilities, the *muqṭāʿ*s were expected to render justice to the local population.[548]

The multiple roles of *muqṭāʿ*s are manifestly visible when reading the petitions addressed to amirs, which show the broad range of issues that they could be expected to deal with. Nonetheless, it is the last of these roles, that is, the upholding of justice, that looms especially large within this material. While some petitions are addressed by subordinates complaining of the failure by locals to pay taxes, or to carry out agricultural or other services

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[545] E.g. Frantz-Murphy 1986.

[546] See, for instance, the sources Sato used for his exploration of Ayyūbid and Mamlūk rural society, all of whose interest in such areas largely reflects fiscal motivations informed, no doubt, by the careers of their authors in the central state administration. Sato 1997, 178.

[547] *Ibid.*, 84-91.

[548] *Ibid.*, 90.

with which they were charged,[549] many others come from individuals providing accounts of criminal matters. These include cases of murder[550] and theft,[551] with requests for the amir to begin the process for administering justice. This process, though treated tangentially in most previous discussions of *iqṭāʿ*-holding, seems nonetheless to have been a substantial generator of paperwork.

It is instructive here to glance up the administrative hierarchy, where the sultans' responsibility for upholding justice amongst their subject populations is quite evident. Principally, this is manifest in the institution of *maẓālim*, the 'court for the redress of wrongs' over which rulers were supposed to preside.[552] *Maẓālim* is usually associated, both in the contemporary literature and in modern scholarship, with the punishment of officials caught abusing their positions of authority, but it extended beyond this to include a much broader range of requests and complaints addressed to the sultan.[553] The political significance of *maẓālim* at the level of the sultan was connected to a well-established theorisation of the importance of sovereign justice in contributing to the general prosperity of a state.[554] In practice, *maẓālim* represented one of the main points of interface between a sovereign and the general populace, and one in which the medium of the petition was of special significance.[555] In Marina Rustow's forthcoming study, which identifies a large corpus of petitions and decrees addressed to and from the Fāṭimid chancery extant within the Cairo Geniza, the petition submission process is more-or-less equated with *maẓālim*.[556] Rustow's study highlights the importance of sovereign justice at the state level as a generator of documentation, both on the part of the individuals hoping to resolve their grievances, and the state apparatus.

The prominence, amongst the corpus used in this chapter, of documents connected to the administration of justice alerts us to the prevalence of an altered concept of *maẓālim* justice further down the administrative hierarchy. In addition to revealing the amirs' role in criminal justice, however, petitions complaining of such offences also provide detail on the channels through which justice was served. They reveal the existence of practical and institutional frameworks designed to assist the amir in the execution of his specific roles. Conspicuously, in the criminal cases that appear in the documents, petitioners regularly request that the individuals

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[549] A Ch 25677.
[550] A Ch 16220.
[551] A Ch 366; 12502; 25676.
[552] The literal meaning of *maẓālim* is 'wrongs, injustices', however, this is extended to refer to complaints against such injustices. A nuanced discussion of the modern scholarship on *maẓālim* can be found in Tillier 2015; the most substantial work with a Mamlūk-period focus is Nielsen 1985; see also J.S. Nielsen, 'Maẓālim', *EI2*; Fuess 2009; Rapoport 2012, 71-102; and for other periods and regions van Berkel 2011, esp. 713-6; 2014a, 229-242; Tillier 2009a; Müller 2011b.
[553] Nielsen 1985, 43-7; Rapoport 2012, 71-102; see also Tillier 2015.
[554] Nielsen 1985, 18-31; Rustow forthcoming, 293-315.
[555] Nielsen 1985, 42, 63-75; Fuess 2009, 131-2; Rustow 2010, 5-6.
[556] Though not explicitly. Rustow forthcoming, 293-315.

who have wronged them should be brought as adversaries (usually: *gharīm*, sing.) before the *majlis al-ḥarb*. This enigmatic *majlis*, literally 'the council of war', is virtually absent from contemporary narrative literature, despite being repeatedly attested in the documents examined here, and has drawn almost no scholarly interest. To my knowledge, the only documentary mention of this *majlis* outside the Vienna collection is in one thirteenth-century decree preserved within the St Catherine's monastery, though this reference too has been so far deemed undeserving of attention.[557] In my view, however, its regular recurrence in the documents renders it worthy of examination.

The one narrative reference to the *majlis al-ḥarb* known to Diem is a single sentence in Ibn Mammātī's (d. 606/1209) *Kitāb Qawānīn al-Dawāwīn*, composed in the late twelfth century under the Ayyūbīd sultan al-ʿAzīz (589-95/1193-8).[558] In this work, which provides an abundance of detail on the agricultural and financial administration of Ayyūbid Egypt, Ibn Mammātī claims that the custom at this time was to place extracted taxes (*al-mustakhraj*) in the *majlis al-ḥarb*.[559] Ibn Mammātī's assertion implies that the *majlis* was associated with an actual site in which coin or agricultural products collected as tax could be stored.

Nonetheless it is not primarily as a store for collected taxes that the *majlis al-ḥarb* appears in contemporary documents. Instead, as we have seen, the majority of documents mentioning the *majlis* do so in relation to the resolution of interpersonal disputes, or the punishment of wrongdoings. Amongst the documents in the al-Azkā dossier, for instance, one explicitly refers to the *majlis*. In this document, two hunters or fishermen (*al-ṣayyādayn*) complain that their cousin has deprived them of some property they own, and request that he be summoned before the *majlis* to uphold their right. Yūsuf al-Azkā's endorsement answers their request by instructing the *nāʾib* of the village and the local shaykhs to find this man, to compel him to stop what he is doing, and to summon him before the *majlis*.[560] The *majlis* likewise turns up in one of the documents in the Bahāʾ al-Dīn dossier, where the petitioner complains of a theft from his shop (*dukkān*) that took place while he was attending a wedding. The amir orders the local shaykhs to find the men responsible and to summon them before the *majlis*.[561] Finally, in a well-preserved single document, datable, like Yūsuf al-Azkā's documents, to the reign of sultan al-Nāṣir Muḥammad (698-708/1299-1309), a petitioner explains that he purchased a share of cattle from a man who refused to write a document recording the sale (*waraqat al-shirāʾ*),[562]

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[557] In his edition, Richards reads the expression as a reference to the official 'seat of the Military Government' in the region involved and gives the expression no attention in his commentary. *P.St.Catherines* II, no. 2.

[558] A.S. Atiya, 'Ibn Mammātī', *EI2*; *P.Vind.Arab.* III, 323.

[559] Ibn Mammātī, *Kitāb Qawānīn al-Dawāwīn*, 303.

[560] *iḥḍārihi ilā majlis al-ḥarb al-saʿīd.* A Ch 12502.

[561] *iḥḍārihim ilā majlis al-ḥarb al-saʿīd*. A Ch. 366.

[562] According to Diem this might also be read *waraqat al-sharīk*, that is, a document recording co-ownership which, given the petitioner purchased only a half share, would also make sense. *P.Vind.Arab.* III, 288.

then subsequently took back and used the cattle without permission. The amir orders the local shaykhs to find the man and bring him to the *majlis*.[563] In all these cases, petitioners lodge grievances with the amir which are then referred to the *majlis al-ḥarb*.

In other documents we find summons addressed directly to the people charged to present themselves at the *majlis al-ḥarb*. These are sometimes named individuals, such as in a single document issued by a certain Sayf al-Dīn and dated to the reign of al-Nāṣir Muḥammad,[564] or at other times the entire population of villages, such as the shaykhs and farmers of the village of Shībīn al-Sarī in the Minūfīya district in the Delta.[565] Finally, several documents are explicitly issued from the *majlis al-ḥarb* (*min majlis al-ḥarb al-saʿīd*). Like the examples we have already seen, these call upon local representatives to deliver wrongdoers to the *majlis*.[566] The document from St Catherine's monastery is also issued directly from the *majlis*, in this case ordering unnamed subordinates to restrain the local Bedouin from their regular incursions on the monks' property.[567] The *majlis* also appears in other fragments that seem to represent a similar documentary genre, while the formulaic vocabulary associated with finding adversaries (*ṭalab al-gharīm*), summoning (*iḥḍār*), or actually bringing (*ḥaml*) them to the *majlis* is widespread amongst the more fragmentary documents within the dossiers I am using here.[568] On the evidence of these documents, then, the *majlis al-ḥarb* played a significant juridical role in these regions.

The documents I have discussed here were clearly produced as part of a documentary process which was itself connected to the *majils al-ḥarb*. Some of them were even issued in its name, thus providing valuable traces of the *majlis* in action, as well as offering indications of it taking on something of an institutional character. Further detail on the activities of the *majlis* is also, however, available in document genres with more tangential relations to the activities of amirs, such as in a long business letter, also published by Diem.[569] Though rather a jumble of different subject matters, the contents of this letter are worth relating at length, for the reflections they provide onto this intriguing *majlis*, its function, and its staff. Addressing the letter to a superior, the writer reports some difficulties he is experiencing in the process of attempting to

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[563] *ḥamlihi ilā majlis…* A Ch 12495.

[564] In his edition Diem places this document in a separate category of '*subpoena*s' (Vorladungen), despite very close formulaic similarities with the documents found in the section entitled 'decrees' (Erlasse). Many decrees do contain summons similar to those found in a *subpoena. P.Vind.Arab.* III, no. 69.

[565] A Ch 10681. For more on this intriguing document see Hirschler 2016, 24-5.

[566] A Ch 15707; 18877; 24330; 24511.

[567] *P.St.Catherines* II, no. 2.

[568] In the al-Azkā dossier one or more of these features are found in: A Ch 15499; 25674 and perhaps A Ch 6249; and amongst the more poorly contextualised and fragmentary material, for example: A Ch 2149; 5095; 5156; 5258; 5262; 5847.

[569] *P.Vind.Arab.* I, no. 48. Though Diem dates this letter to the twelfth century, he offers no clear indication of why. The dating could, perhaps, be later than this, though I would be wary of making this contention.

ship some grain from Ikhmīn to Aswān. He explains that, upon arrival in Ikhmīm, a large town and the capital of its district located around 200km south-east of Ashmūnayn,[570] he presented himself at the *majlis al-ḥarb* with a letter from his superior. At the *majlis* he was welcomed by an amir named Kamāl al-Dīn, who promised to help in the matter mentioned in the letter. He did so by locating a boat going to Aswān to carry the grain, and by going to see the grain measurer (*al-ṣāʾiʿ*).[571] The writer then was able to fix a price for the transportation of this grain in the presence of the employees representing the *majlis*.[572] To the writer's dismay, however, the shipment was not able to take place, because a local tax-farmer (*ḍāmin*), a certain Salīm, demanded payment of a customs levy (*rasm*), and the writer did not want to pay this. The writer explains that the amir Kamāl al-Dīn wants to be diplomatic with Salīm, because he is a tax-farmer,[573] but the writer is still hoping that he will not have to make the payment. Nonetheless, he has halted the shipment, not wanting to do anything wrong, and writes to his superior urgently asking for advice in the matter. Moving on, he addresses a few other tangential matters about the price of various commodities in the region (turnips, wheat, and barley), before raising a disagreement he has had with a certain Ismāʿīl about some legal and financial matters. He and Ismāʿīl also disagreed on whether they should go before the *majlis al-ḥarb*, perhaps to resolve this disagreement, but the writer has promised not to raise this issue with the '*mutawallī al-ḥarb*' without first getting permission from the addressee. He, thus, also asks the addressee to comment on this matter before concluding the letter.

This convoluted letter raises several points of interest. The *majlis al-ḥarb* here emerges as a body with responsibility for various different tasks. The first of these we have already seen in the petitions and decrees discussed above: dispensing justice. The second is a broader organisational and communicative role, acting as the first point of contact in the region for individuals involved in commercial matters but who did not have the necessary personal connections to carry out their pursuits. In this case, this involved assisting in the arrangement of practical measures regarding the shipment of commodities between different regions of Upper Egypt, the calculation of payments for these services, and negotiation between visiting merchants and local authorities. In addition, the title *mutawallī al-ḥarb* appears here to be applied to the individual in charge of the *majlis*, a title that also appears for the same position in

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[570] See G. Wiet, 'A<u>kh</u>mīm', *EI2*; this article contains a rather bizarre claim that 'the town has no history'.
[571] According to Diem's translation: *Getreidemesser. Ibid.,* 333.
[572] *bi maḥḍar min al-jamāʿa al-nuwwāb ʿan majlisihā fī khidmatihā*. For the grammatical peculiarities of this phrase see *ibid.,* 334.
[573] *al-amīr…yashtahī siyāsatahu bi ḥukm annahu ḍāmin*. Tax-farming (*ḍamān*) was apparently uncommon in Egypt alongside *iqṭāʿ*s. Nonetheless, the farming out of tax collection to *ḍāmin*s was practiced by *muqṭāʿ*s, especially when military duties took them away from their *iqṭāʿ*s. Rabie 1972, 136-7; Sato 1997, 242.

the decree from St Catherine's.[574] Though it is not made clear in this letter whether the amir Kamāl al-Dīn and the *mutawallī al-ḥarb* are the same individual, from Kamāl al-Dīn's prominent role in the writer's dealings with the *majlis*, it seems possible that this is the case.[575] Alternatively, Kamāl al-Dīn may have been acting on the *mutawallī*'s behalf.

What then, can we conclude, was the role and nature of this *majlis* which, despite leaving such little trace in the narrative literature, recurs with some regularity in documents from the Egyptian peripheries? In Diem's commentary to the aforementioned letter he provides his own suggestions, arguing that the *majlis al-ḥarb* was the official seat of the *mutawallī al-ḥarb*, and dealt with 'non-military', or 'civil' matters. He comes to this conclusion by making reference to identical or linguistically similar titles to that of the *mutawallī al-ḥarb* which appear in a range of narrative and documentary texts. These include a *mutawallī al-ḥarb* in tenth century Isfahan, mentioned by Ibn al-Athīr (d. 630/1233), several similar occurrences in Fāṭimid-period decrees from the St Catherine's monastery,[576] and a comment in al-Qalqashandī's *Subḥ*, in which he explains that the title *wālī al-ḥarb* was commonly used during the Mamlūk period for the commander of the *shurṭa*.[577] Thus, Diem argues, the *majlis al-ḥarb* should be seen as a kind of local 'police force' (*Polizeibehörde*).[578]

Diem's explanation fails, however, to fully make use of the information contained within the documents he himself has edited. For one, his characterisation of the *majlis al-ḥarb* as 'non-military' is problematic given what the documents reveal about its close connection to individuals with the military title of amir. In fact, as we have seen, the *majlis* seems to have taken on various roles which could be characterised as administrative and organisational, but also judicial, through its intervention in disputes and prosecution of crimes. Perhaps this reveals more about the inadequacy of categorisations such as 'military' or 'legal' to reflect historical realities than it does about the *majlis* itself.

The *majlis al-ḥarb*, as it emerges from the documents examined above, appears to have been a kind of local institutional framework through which *muqṭā*ʿs, and possibly other individuals, negotiated and carried out their roles in the administration of the region. Regarding its role in the resolution of criminal matters, there is some credence to Diem's hinted comparison to the *maẓālim* court.[579] Certainly the subject matter of cases referred to the *majlis al-ḥarb* has much in common with those dealt with by *maẓālim* justice higher up the government hierarchy.

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[574] In this document, formulaic blessings are bestowed upon 'its *mutawallī*' (*adāma Allāh ʿizz mutawallīhi*): *P.St.Catherines* II, no. 2.
[575] Diem argues that they are not the same individual. *P.Vind.Arab.* I, 326.
[576] *P.Fatimid.*, nos. 5-7, no. 9; Richards 1973, 140-58. The usage of this title in this corpus would benefit from further investigation.
[577] *P.Vind.Arab.* I, 324-5. For the *shurṭa*, see J.S. Nielsen, 'Shurṭa', *EI2*.
[578] *P.Vind.Arab.* III, 26; *P.Vind.Arab.* I, 324-5.
[579] *Ibid.*, 325.

The *majlis* was not, though, solely concerned with administering justice. In fact, its purview seems to have encompassed all the roles that would be expected of local government. This included the delegation of powers to subordinate employees, the collection of taxes, and the organisation of commercial matters, on top of the responsibility of sovereign justice, performed through its *maẓālim*-like role. The *majlis al-ḥarb* is thus an ideal lens through which to problematise a tax-centric understanding of *muqṭāʿs'* activities, and indeed of local government in general. Ibn Mammātī's mention of the *majlis* solely as a place for the deposit of taxes undoubtedly reflects his own understanding of marginal administration as largely directed towards fiscal exploitation.

Conceptualising the *majlis al-ḥarb* and its personnel as an institution for local government should not be taken to mean that this was a highly official, well-organised or heavily structured system. The complicated power relations witnessed between Kamāl al-Dīn of the *majlis al-ḥarb* in Ikhmīm and Salīm the local tax-farmer, for instance, reveal that the effectiveness of the *majlis* depended on a whole network of individuals with their own conflicting interests. Likewise, as far as we can see from the documents, petitioners addressed their complaints to individual amirs, not to the *majlis* itself, implying that the person of the amir, or whichever individual was in charge, remains key to understanding its functioning. Hirschler's brief characterisation of the *majlis al-ḥarb* as a 'local administrative office' may, therefore, imply something rather more structured than the documents themselves reveal.[580] Nonetheless, it might be suggested that the *majlis*, like the network of subordinate individuals on whom amirs relied to manage their *iqṭāʿs*, performed the role of guaranteeing administrative continuity in these regions. That is, by uniting the varied personnel active in the marginal administration within an institutional framework, the *majlis* was thus able to smooth out some of the more problematic aspects of a system relying on the cooperation of many different individuals. The division of villages into multiple *iqṭāʿs*, for instance, the potentially rapid turnover in *muqṭāʿs*, and indeed, the peripatetic lifestyles of senior *muqṭāʿs*, might have been easier to manage within the framing of the *majlis*. Though this remains a tentative suggestion, if we view it in this way, one major significance of the *majlis* is precisely the way it was able to give an institutional identity to the complex network of individual administrative actors we witness in the documents.

To fully understand its significance within the amir's administration, it is essential to address the question of the chronological development and geographical reach of the *majlis al-ḥarb*. Beginning with chronology, we know from Ibn Mammātī's writing that something with this name existed by the later twelfth century when he composed his work. Likewise, from the occasionally tentative dates given to the published documents, the *majlis* appears in documents

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[580] Hirschler 2016, 26.

from the twelfth or thirteenth centuries onwards.[581] The latest of the documents, going by Diem's suggestions, dates to the fifteenth century, though how he reaches this date is unclear, given the extremely inexpert hand in which this particular document is written, offering few paleographical clues.[582] Even if we disregard this dating, however, the other documents provide evidence of an active *majlis* at least up until the early fourteenth century.

Concerning the location of the *majlis*, the fragmentary documentation reveals its existence in various far-flung districts of Egypt, including Ashmūnayn, Ikhmīm, and also in the regions of Minūfīya and Sharqīya in the Nile Delta. Given the almost total neglect of the *majlis al-ḥarb* in contemporary narrative texts, it seems highly probable that it was limited to these more peripheral Mamlūk territories. Ibn Mammātī's family came from Asyūṭ in Upper Egypt so, when compiling his work, he might well have had insight into administration in marginal areas not known to other authors without such intimate knowledge of regions outside the capital.[583] In only two texts do we explicitly see the precise region over which the *majlis* apparently had responsibility. One of these is an unpublished document from the Vienna collection, with the decree issued directly from the *majlis al-ḥarb* 'in the districts of Ashmūnayn, and Ṭaḥā',[584] by which this administrative district was known after the cadastral survey (*rawk*) of 715/1315.[585] The other document is the St Catherine's decree, which is issued from the *majlis* in the Sharqīya district, the eastern part of the Nile Delta.[586] It seems, therefore, that the areas of jurisdiction of these *majālis* corresponded to pre-existing administrative divisions. The St Catherine's decree offers some indication of the limits of the *majlis*' jurisdiction. In this case, the monks, who were based in the southern part of the Sinai Peninsula had to rely on a *majlis* located a considerable distance away, in the Delta region. This seems to reflect the truly marginal nature of Sinai from the point of view of central government, compared with the districts in the Nile valley from which the documents examined in this chapter originate. The mapping of the *majlis* onto Egypt's administrative divisions offers further support for my above suggestion that the *majlis* should be interpreted as an institution for local government.

It should, of course, be pointed out that the word *majlis* is generally more strongly associated with people than with place. As with the qadi-court (*majlis al-ḥukm*), it may be that the *majlis al-ḥarb* was more an assembly of the relevant personnel than a 'brick and mortar' institution.[587] Nonetheless, from the sources outlined here it does seem that it was associated

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[581] The earliest dates Diem gives for documents mentioning the *majlis* are for A Ch 15707 and *P.Vind.Arab.* I, no. 48.
[582] A Ch 18877. His dating is possibly based on paper quality, but this is pure conjecture.
[583] Atiya, 'Ibn Mammātī', *EI2*.
[584] *bi al-aʿmāl al-Ashmūniya wa al-Taḥāwīya.*
[585] A Ch 24330; for the Nāṣirī *rawk*, and a list of the resulting administrative regions in Egypt see Sato 1997, 138-40.
[586] *bi al-aʿmāl al-Sharqīya. P.St.Catherines* II, no. 2.
[587] For the nature of the qadi court see Hallaq 1998, 418.

with specific districts. It was therefore probably also located at a specific place, most likely in each district capital, perhaps in the household of a local *iqṭaʿ*-holding amir, or a location central to the local community, such as a congregational mosque.

Having made reference to the qadi-court, it is worth briefly highlighting the potentially overlapping jurisdiction of this and the *maẓālim*-element of the *majlis al-ḥarb*. This is not the place to discuss in full the jurisdiction and functioning of the qadi court in these peripheral areas in Mamluk Egypt, which represents a separate domain from that of the amir's administration. Nonetheless, several of the surviving petitions I have examined in this chapter deal with issues that we might also expect to find brought before a qadi, to be ruled on according to the *sharīʿa* system. Indeed, within the Vienna collection we find large numbers of documents that appear to be related to the activities of qadis and their courts, many of them following formal documentary patterns very similar to those found in decrees from local amirs.[588] Amongst the more fragmentary documents in the collection it is even sometimes difficult to tell whether such a decree or summons was issued by an amir or a qadi. This overlap should not be too surprising. Scholarship on *maẓālim* processes has emphasised the artificiality of distinctions between judicial and administrative processes, highlighting the potentially competitive, but also sometimes cooperative, relationship between *maẓālim* and qadi justice.[589] In light of this, it would certainly not be surprising to find a similarly overlapping relationship in the regions discussed here, especially given the extent to which varied specialised administrative tasks seem to have been subsumed under the comprehensive institutional layout of the marginal administration. A full exploration of the relationship between the *majlis al-ḥarb* and the *majlis al-ḥukm* is the subject for another study. Nonetheless, it highlights the overlap of domains involved in documentary and archival practices, something to which such heterogeneous collections as the documents of Vienna bear witness.

In presenting the information available to us about the *majlis al-harb*, thus far a barely known institution, my aims have been twofold. Firstly, to provide further texture to our understanding of the ways and means by which administration was carried out in marginal areas of Egypt during this period, and to our broader knowledge of the roles of amirs. Secondly, to highlight the risks of projecting what we know about government at the state chancery level onto what was taking place on the margins. In some ways, the evidence outlined above supports the view of a model of administration in which versions of the duties incumbent upon, and the prerogatives held by, the sultan and his chancery were replicated too on a smaller scale in the power structures in peripheral areas.[590] In other ways, however, the sources reveal differences,

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[588] See, for instance, the contemporary *subpoena* summoning somebody to the *majlis al-ḥukm* in Ashmūnayn: *P.Vind.Arab.* III, no. 78.
[589] See Tillier 2009b; 2015, 4, 9-10; Rapoport 2012, 71-102.
[590] Expressed in a different historical and geographical context, for instance, in Lambton 1965, 373-5.

demonstrating that administrative processes were adapted to fit the relative importance of certain matters, and certain regions, in the eyes of the ruling elites. For instance, the *majlis al-ḥarb* seems to have been charged with a large range of governmental activities and to have absorbed these all under one umbrella, whereas at a state level such functions were charged to the staff of different *diwan*s. In what follows here and in the following chapter, I address similar issues when looking directly at the documentary and archival practices manifest in the material. That is, I question why we would expect central chancery practices to be identically reproduced at the level of administration on the margins, especially in light of what we have seen about the way administration occurred in this context. How, instead, did local administrative styles influence the ways that archiving, and other documentary procedures, took place?

The documentary face of the amir's administration

The documentary forms emerging from administrative processes in marginal areas unsurprisingly reflect the conditions and procedures that characterise this domain. Comparison with analogous surviving documents issued from the state chancery reveals the decrees of the amirs to be visibly less formal, despite commonalities in documentary practice. Mamlūk-period chancery decrees issued to the monks of St Catherine's, for instance, often exhibit the broad line spacing that had, by this time, come to characterise formal state documents, and they also show signs of chancery procedures, such as registration in government *dīwān*s.[591] Decrees issued by local amirs, on the other hand, are less impressive objects, written without generous line spacing, with much more concise formulary, dispensing with long lists of titles for the issuing authorities, and containing no registration marks.[592]

The absence of these features reflects various differences in the context surrounding these documents, as well as aspects of their use and archiving. The absence of lengthy titles, for instance, reveals the relatively low status of these amirs within the social and political hierarchy. The more frugal use of writing paper on these decrees contrasts with those issued by the state chancery, whose excessively wide line-spacing indicates the 'conspicuous consumption' that seems to have been the prerogative of the sultan.[593] In addition, registration marks on chancery decrees – short notes indicating that copies of decrees were recorded in the registers of various government offices – have been considered important evidence of archiving taking place at the central state level. This is because the appearance of such marks offers documentary

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[591] Stern 1966, esp. plates I-VII..

[592] Discussing the decrees that can be found within the Ḥaram al-Sharīf collection, Donald Little noted a similar discrepancy between sultanic and amiral decrees, the latter of which 'do not look nearly so rich and impressive'. *P.HaramCat.*, 25. On the other hand, amiral decrees in the St Catherine's documents are closer to chancery models. *P.St.Catherine* II, esp. plates I-XLVI.

[593] Or what Tamer El-Leithy has called 'the sovereign privilege of waste': El-Leithy 2011, 398; See Rustow forthcoming, 96; Dekkiche 2011 340.

confirmation of the existence of register archives within the government *dīwān*s, and thus of formal archival practices of the kind that are delineated, for instance, by al-Qalqashandī.[594] The absence of such marks in the Vienna documents has therefore been read to indicate the absence of such systematic archival techniques within this milieu.[595]

Despite, however, the fact that the documents looked at in this chapter do not reveal such features, they nonetheless illustrate the filtering down of other features found on state documents to a more local and informal setting.[596] The decree formulary found in these documents is close, though not identical, to that suggested by al-Qalqashandī for 'smaller decrees'.[597] In addition, the calligraphic signatures found in many of the decrees resemble those found on state chancery documents. The documents are evidently not, then, entirely formulaically separate from surviving examples from the chancery.

The physical differences between these two sets of documents cannot be explained by differences in the status of the issuers alone. The size and format of the material supports of endorsed petitions, for instance, is also indicative of the relative status of the petitioners, given that it was this side of the document that was written first. While the monks of Sinai submitted their petitions on lengthy paper scrolls,[598] the inhabitants of the villages around Ashmūnayn used loose sheets.[599] Of course, monasteries are famously literate sites, and access to scribes and writing materials can have posed no problems here. For the petitioners of Ashmūnayn it is more difficult to know how the process of writing petitions occurred. The petitions certainly exhibit a much broader range in levels of scribal skill than that seen in the responding decrees, or indeed in the petitions from St Catherine's. The scripts of petitions, for instance in the al-Azkā dossier, are largely practiced and legible, but they are not the recognisable cursive, chancery-style script that is found on responding decrees.[600] This implies that, while the decrees were drawn up by a limited number of chancery-trained scribes in the amir's *dīwān*, the petitions' scribes hailed from

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[594] For a concise discussion of registration in Fāṭimid chancery decrees see *P.Fatimid*, 166-175; Khan 1986, esp. 451. For Mamlūk documents: Stern 1966, 247-9; Dekkiche 2011, 429-33. For register archives in Mamlūk Cairo see Hirschler 2016, 12-17.

[595] *Ibid.*, 24.

[596] Krakowski and Rustow have examined a similar phenomenon taking place in Geniza documents, in this case Fāṭimid chancery styles coming to impact on the graphic and formulaic features of petitions, even those redacted in the Hebrew script. Krakowski and Rustow 2014, 111-146; Rustow 2014, 300-345.

[597] *al-marāsīm al-sighār.* Stern notes that the formulary al-Qalqashandī provides for such documents is also more or less identical to that observed within many of the Mamlūk period decrees from St Catherine's. Stern 1966, 245-6.

[598] See plates I-VII in *ibid*.

[599] The dimensions of the few complete documents within the al-Azkā dossier, for instance, are around 13cm wide and 18cm long. Petitions in the Ḥaram al-Sharīf can be found redacted on both loose leaves and small scrolls: *P.HaramCat.*, 35-50. For the dimensions of the Fāṭimid-era petitions preserved in the Geniza see Rustow forthcoming, 205-6.

[600] Many of the scribes of petitions use diacritical dots, for instance, a feature almost entirely absent from Mamlūk-period cursive chancery script. Compare the scripts on recto and verso in figs. 12-13, see above: 170-1.

outside the amir's household. The document layout, size, and formulary thus depended on the interplay between the social status and political importance of both the petitioner and the petitioned party.[601] In the context of the marginal administration, therefore, the physical appearance of petitions and decrees probably depends on a number of factors: the relatively low social status of petitioners and their marginal geographical location, uneven access to chancery-trained scribes, and the relative triviality of recorded administrative acts.

A particularly salient example of the social interactions determining documentary practice can be seen in one fragmentary published petition from Ashmūnayn with a verso rescript from the sultan Baybars (658-76/1260-77) and containing his signature.[602] The margin of the decree written on the verso contains a remark explaining that it was issued on the instruction of the *atābak al-ʿasākir*, the 'commander-in-chief' of the Mamlūk army.[603] This document must therefore have made the journey from Ashmūnayn to the chancery in Cairo before being sent back to the petitioner.[604] Though the main complaint of the petitioner is missing, we know that he was involved in some capacity at the congregational mosque in the city of Ashmūnayn,[605] and that his petition concerns something to do with the way the Qurʾān was being used in this mosque. The script of the petition here is closer to a chancery-style cursive than most of the petitions to amirs in Ashmūnayn so it was probably written by somebody with scribal training, perhaps someone involved in administrative or legal matters connected to the mosque. Notably, this document shows signs of having been subject to a more complex series of documentary procedures than the rescripts issued by locally-active amirs. It records elements of the decision-making process of responding to the petition, here found in a marginal note above the petition (see fig. 14 below). The scribe writes that in this matter the conditions laid down by the *wāqif* should be upheld, and that the Qurʾān should be honoured and venerated.[606] The decree was then

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[601] The impact of the relative status of, or hierarchical relationship between, writer and addressee on epistolary formulary is noted in *P.Vind.Arab.* II, in which Diem organises his editions around this principle. This was certainly an important consideration determining the form of communications written in the chancery: see Dekkiche 2011, 276-422; 2013, 142-60. For tendencies to shape petitions in particular ways in order to elicit a desired response see Rustow 2014; see also, the comparison of two petitions from very different sources, addressed to the same individual (the Fāṭimid princess Sitt al-Mulk). Rustow forthcoming, 73-79. For similar reflections on petitions and decrees in the Ḥaram corpus see Müller 2013, 136-7.

[602] A Ch 7328. There is some slight confusion in Diem's dating in that he claims in the document's title that the decree is issued by Baybars II, while the date he gives for the document is 'around 659/1261', that is, to the reign of Baybars I (658-676/1260-1277). It is possible that the first of these is a misprint; in his commentary he explains his choice of date on the basis of the issuing of the decree on the instruction of the *atābak*, a feature that is found on the three other surviving decrees issued by Baybars during the early years of his sultanate. *P.Vind.Arab.* III, 231-3.

[603] This is a feature that is also found on other extant decrees issued by Baybars: *ibid.*, 231-3. D. Ayalon, 'Atābak al-ʿAsākir', *EI2*.

[604] Assuming, as I think we must, that the document was archaeologically unearthed in Ashmūnayn.

[605] *al-qasīm bi jāmiʿ madīnat al-Ashmūnayn*.

[606] The context behind this is unclear. The full clause runs as follows: *yuwaqqiʿ bi an yaʿtamida fī dhālika sharṭ al-wāqif wa an yuʿaẓẓima kitāb Allāh, ʿazza wa jalla, wa yujilla*. The writing of decisions on submitted petitions prior to the full redaction of the responding decree is recorded in the chancery literature. For this process as recounted by al-Qalqashandī in Nielsen 1985, 66-71.

Fig. 14. Upper part of an endorsed petition containing the signature of the sultan Baybars (A Ch 7328); petition on recto (left) and rescript on verso (right)

(Photograph: Papyrussammlung, Österreichische Nationalbibliothek)

drafted to follow this instruction. This document thus provides traces of the way it was dealt with at various stages by the central state apparatus.

The content of this document is certainly intriguing, explaining that the mosque of Ashmūnayn was a beneficiary of a *waqf* endowment. It thus offers a rare point of overlap between the documentation emerging from this marginal context and the much more high-profile *waqf*-related documentation explored in the previous four chapters. More significantly for the purposes of this chapter, though, the presence of the marginal notes implies that the procedures that took place in the central chancery were more thorough than those that occurred in marginal administrative settings. By now this is not surprising and indeed we know it already from comparison with other chancery issued decrees. Notably, however, this decree still lacks the registration marks that can be found on decrees issued by Baybars to the monks of St Catherine's,[607] or to amirs in Jerusalem with responsibility for the *waqf* of the Ḥaram al-Sharīf.[608] This either indicates that it was not registered in the *dīwān*s of Cairo, or that the registration marks were simply not added to the document.[609] This single document is clearly not sufficient evidence upon which to base any profound conclusions on the Mamlūk state's treatment of matters in more marginal areas of Egypt. Still, it serves to illustrate further the correlation between visible documentary formalities and the level of administration they served.

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[607] Stern 1966, plate I verso; *P.St.Catherine* I, nos. 2-4.
[608] HS 34; *P.HaramCat*, 27-8; Müller 2013, 140.
[609] Or that they were written on the part of the document that has been lost.

Administrative documentary practice in the amir's *dīwān* was not, however, simply a watered-down version of that found at the centre. The practices exhibited in the decrees and rescripts examined in this chapter echo the specific needs of this local administrative setting. They reflect the delegation of authority that I examined above, as well as the geographical realities of the administered region. This can, for instance, be seen in the way the amirs address their decrees to local shaykhs and representatives. As Hirschler has argued, this implies that these documents, though centred on the amir's *dīwān* for their production and archiving, 'circulated' around within these broader administrative networks in which the amirs were active.[610] It is, in fact, in connection with this process that we find the unique procedural features of these documents. That is, the regular addition of notes in the decrees' right-hand margins, written in a thicker pen, and referring to individuals who were apparently charged with the delivery of the document. This feature is present in three of the four dossiers identified above, from both Ashmūnayn and the Fayyūm, as well as in several individual documents and fragments.[611] At times the note reads 'a soldier as messenger' (*jundī rasūl* or *jundī sāʿī*);[612] in others it is simply 'a soldier' (*jundī*),[613] 'a young soldier' (*jundī ṣabīy*),[614] or just 'a messenger' (*sāʿī*).[615] The regularity with which such remarks occur indicates that they represent part of a consistent documentary procedure surrounding these kinds of decrees, used in amirs' households in different parts of Egypt. Beyond this though, they serve to highlight the apparent significance of document delivery, and thus mobility, as part of the intrinsic function of these documents.

The deliberate mobility of documents within the domain of marginal administration is, perhaps, revealed most explicitly in the al-Būshī dossier, which originates in the early Ottoman Fayyūm. These documents reinforce what we have already seen about the ways amirs dealt with the multiple potentially geographically-dispersed settlements included in their *iqṭāʿ*s. Though the two decrees that make up this small dossier are fragmentary, what remains of the text is identical on both, and they were probably written by the same scribe. Al-Būshī orders that the *shādd* and watchmen (*arbāb al-adrāk*) repair watch posts (*al-maḥāris*) and set up a guard (*al-khafr*). The more complete of the decrees adds that this should be carried out 'as is customary',[616]

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[610] Hirschler 2016, 26.

[611] Documents containing these notes are signalled (†) in Appendix 2. It should be stressed that in many, if not the majority, of the documents examined here, the margin where these notes are usually located is missing due to damage, so it is possible that such notes were originally written on more of the documents.

[612] *Jundī rasūl* in two of the three documents in the Bahāʾ al-Dīn dossier; also A Ch 16196. I have suspicions that this latter document also belongs to the Bahāʾ al-Dīn dossier, though it is too fragmentary to be confirmed. *Jundī sāʿī* in one document from the al-Azkā dossier: A Ch 16220. Diem's translation reads 'Ein Soldat als Bote/Eilbote'.

[613] A Ch 17306.

[614] A Ch 12495.

[615] A Ch 25677. See Fig. 12, above: 170. The pen stroke below *sāʿī* may be a 'rāʾ' (ر), perhaps an abbreviation of *rasūl*.

[616] *ʿalā jārā al-ʿāda*. This reading is far from clear.

in accordance with the decrees that have arrived.[617] ʿAlī al-Būshī's signature was then added in a thicker pen, as well as the remark 'a soldier' (*jundī*) in the right-hand margin.[618] On this decree, however, another addition was made to the document in the same thick pen: two village names, Kawm Marzūq and Dāʾūd, written in a column below the main part of the decree (see fig. 15). The implication here, then, is that the decrees were intended to be sent to multiple locations, and that we would expect to find different place names at the foot of the second decree.[619] In its current fragmentary state, it is unfortunately impossible to tell whether this was the case. The decrees (*marāsīm*) referred to in the text also raise some questions: it is not clear whether these decrees are the surviving documents, or if they refer to documents that arrived earlier and which no longer survive. Diem suggests that they might refer to earlier instructions that al-Būshī himself had received.[620]

Fig. 15. Decree containing the signature of ʿAlī al-Būshī (A Ch 17306); verso is blank

(Photograph: Papyrussammlung, Österreichische Nationalbibliothek)

Whatever the case may be, it seems that the extant documents represent al-Būshī's comprehensive efforts to sort out the situation of the watch stations in the region of his *iqṭāʿ*. These decrees were the means by which he put this into effect, by ordering his subordinates in local areas to deal with the problem.

The example of the al-Būshī dossier highlights the uncertainties that must be dealt with when trying to interpret this kind of material. In the absence of a larger sample of documents that manifest similar practices, we are compelled to rely on speculation to interpret such enigmatic documentary features. Still, the practices that appear in this small dossier are striking if we accept Diem's dating of the decrees to the sixteenth century. If this is the case, then we have evidence of the practice of decrees circulating between amirs and their broader administrative circles, as well as the documentary practices this entailed, occurring not only in two rather distant regions of Egypt, but also across a period of two centuries or more. This was evidently a consistent and well-established practice at this level of administration.

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[617] *ḥasaba al-marāsīm al-wārida.*
[618] A Ch 17306.
[619] Discussed briefly by Diem in *P.Vind.Arab.* III, 32.
[620] *Ibid.*, 34.

The remarks regarding the delivery of documents, though dealing with the very practical issue of the physical movement of documents, seem to have been part of the documentary authorisation procedure by which decrees were marked as valid. The use of the same thick pen that was used for the signatures of amirs is, for instance, indicative of this validating function. This is in some ways comparable to the qadis' addition of the signature, date, and blessings to *isjāl*s that I discussed in Chapter 4.[621] As in the *isjāl*s, it is probable that the main body of the decree was written first, leaving space for the amir's signature, with the latter added to mark the decree's formal authorisation.[622] Given that the same pen seems to have been used for both the signature and delivery note, it thus seems likely that the remarks related to delivery were added at the same time, and were therefore part of the procedure verifying that the instructions on the decree were indeed to be carried out.[623] This is further implied by the addition on two of the decrees from the al-Azkā dossier of the rather ambiguous comment 'it should be remembered' (*yudhkar*).[624] Apparently, the choice to add such a comment was at the discretion of the scribe.

A validating process centred around recording the identity of somebody charged with the delivery of the document is meaningful for understanding the life-cycles of these documents. The decrees appear to have assumed their validity from the very process of delivery, implying that mobility was their *raison d'être*. Responsibility for this all-important procedure was attributed by the mention, albeit vague, of the messenger's identity. As such, though the executive authority for the instructions written on a decree stemmed from the amir, the document itself actually gained validity upon leaving the amir's household. Despite this, it seems that the documents ended up back in the amir's *dīwān*, implied by the survival of these dossiers. As such, the same messenger was presumably also responsible for bringing them back, and thus for the possibility of their effective archiving. The appearance of these delivery marks reveals that the documents had multi-staged life-cycles, an important part of which took place outside the physical confines of the amir's *dīwān*. Nonetheless, the documents' use was restricted to the personnel involved in administering the amir's territory, channelling information to the correct individuals within his administrative network. The practices exhibited in this corpus of decrees

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[621] See above: 147.

[622] For the use of a signature (*ṭughrā* or *ʿalāma*) to validate decrees, see also Müller 2013, 145-6.

[623] The use of a thick pen for validating documents within a petition and response procedure is evident from narrative references. For instance, in al-Maqrīzī's description of Fāṭimid *maẓālim* procedures, reference is made to the 'Secretary of the Thick Pen' (*muwaqqiʿ al-qalam al-jalīl*) cited in Nielsen 1985, 10. See also Heidemann et al 1997, 87-8. References to the use of the thick pen in legal literature were given in Chapter 4, 147, footnote no. 436. For techniques of validation in chancery documents, see Dekkiche 2011, 398-410.

[624] According to Diem's reading and translation: 'Es möge in Erinnerung behalten werden'. A Ch 12502; 16220. In the first of these documents there is another word written above this remark, lost now owing to a lacuna in the paper. In light of the other similar documents this should probably read *jundī*, *rasūl*, or similar. See fig. 13, above: 171.

and rescripts were, thus, responses to the practical exigencies of this domain, visible to us still through the development of consistently applied formulaic documentary procedures.

Alongside these documents produced for circulation within the amirs' administrative networks, we can find others which exhibit different traits, reflecting subtle functional distinctions. There are, for instance, several decrees which were issued directly on the amir's initiative, rather than responding to the petitions of locals or subordinates. Here, *muqṭāʿ*s introduced themselves to local populations and highlighted their rights of tax extraction, amongst other privileges, while offering their services as purveyors of justice.[625] In these cases, the documents appear to belong to a more elevated documentary type than the circulating decrees, with physical features, content, and formulary closer to those of state chancery documents. They contain no delivery remarks, but include more complete formulae, including extensive lists of amiral titles, and protracted concluding blessings. These practices certainly correspond to the distinct purpose of such decrees. In such documents, *muqṭāʿ*s presented themselves as direct representatives of state power, asserting their prerogatives over the local population. The documents were thus formulated in such a way as to assert this authority. Particularly within the competitive administrative milieu that I outlined above, these documents served to communicate this function through their content and their visual appearance.[626]

It should be noted that the surviving examples discussed here may not stem from the same kind of archival context as the smaller, internally circulating documents discussed above. These documents survive, not in dossiers, but as individual examples, originating in various regions of Mamlūk Egypt. Unlike the dossiers, these documents are largely complete examples, rather than fragments (see, for instance, fig. 16). In addition, they seem to represent the documentary output of a
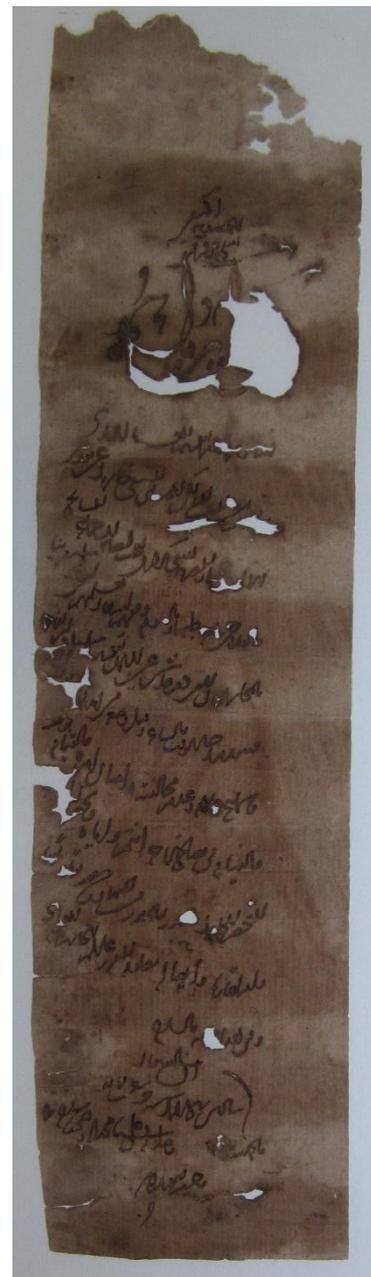
*Fig. 16. Decree issued by the amir Khāyir Bak (A Ch 10436r); verso is blank*

(Photograph: Papyrussammlung, Österreichische Nationalbibliothek)

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[625] A Ch 10219r; 10220; 10436r. I outlined the content of some such documents above, as they offer significant insights into local hierarchies: 176-7.
[626] For the relationship between the graphic vocabulary of documents and the portrayal of state power see: Rustow 2014.

higher-ranking group of amirs, with two of them potentially identifiable in contemporary narrative literature.[627] The limited number of documents of this type thus far identified means that it remains impossible to offer any meaningful suggestions as to their archival context. Putting this aside, the survival of such decrees serves to highlight the multiplicity of document types that were used within the amir's administration, as well as demonstrating the pragmatic ways in which individual documents were manipulated to suit different administrative purposes.

The close examination I have offered in this section emphasises the impossibility of accessing the entirety of administrative documentary practice through a focus on the state chancery alone. We do witness the filtering of chancery practice from centre to periphery, visible for instance in the use of formulary and calligraphic signatures. Nonetheless, there was enough flexibility in the activities of scribes and administrators to allow for adaptation in the face of local practices, contributing to innovations which themselves became formulaic within this marginal milieu. These innovations themselves responded to the functions of the local administration. The need to communicate amongst an extended household that included multiple villages sometimes quite far apart thus generated validating functions of delivery. Mobility became an important feature of the documents' life-cycles. Processes of petition and response are, of course, always to some extent characterised by mobility.[628] Nonetheless, the mobile documents examined here attest in a wider sense to administrative processes lower down the hierarchy, and the way in which documents were used in these day-to-day practices. Amirs and their households thus emerge as important actors in the development of a locally-specialised administrative documentary practice.

Conclusion

In this chapter, I have relied on a series of so far under-utilised documents to shed light on the administrative and documentary activities of amirs in parts of Egypt distant from the main political centres. I have shown that, far from being wholly Cairo-centric and isolated from their *iqṭāʿ*s, *muqṭāʿ*s functioned within a wide network of subordinates, geographically distributed, but in contact through documentary channels. Exploring the enigmatic details these documents provide, I highlighted the significance of the *majlis al-ḥarb*, which emerges prominently as an institutional framework surrounding the varied administrative activities of amirs. This *majlis* came to assume a regional identity, issuing documents in its name, and acting as a source of criminal justice recognised by local populations. Through this institution, amirs could perform, on a smaller scale, the multiple roles of central government within the specific conditions of

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[627] Diem proposes that the amirs who issued A Ch 10436r and A Ch 10219r may be individuals identified by Ibn al-Jiʿān (d. 885/1480) in his fiscal survey of Egypt for the year 777/1375-6, *Kitāb al-Tuḥfa al-Sanīya*. *P.Vind.Arab.* III, 8-9, 14-15.

[628] For the intrinsic mobility of decrees, for instance, see Rustow forthcoming, 348-405.

their households and local networks. These conclusions offer new insights into the functioning of the Mamlūk administration in Egypt.

In this chapter, I have been compelled to work backwards: to use the documents themselves to identify and conceptualise the domain before being able to explore the archival practices that emerge in this setting. It is for this reason that this chapter departs somewhat from a strictly archival focus. The archival practices that characterise this domain are not sufficiently evident to allow for their exploration without first comprehending their contextual surroundings. Nonetheless, this chapter reveals the value of this reverse process. Through the examination of these often fragmentary and ambiguous documents it has shed significant light on the milieu from which they emerged. In so doing, we come closer to understanding the archival meanings of traces of documentary procedures that appear on the documents. The material examined here certainly offers compelling evidence to support the previous scholarly recognition of the profoundly 'paperassière' nature of the Mamlūk administration,[629] extending this to apparently marginal areas. More specifically, though, I have identified the way in which the dispersed and hierarchical nature of local administration impacted on practices of document production, validation, and preservation. While the amir's *dīwān* was the locus around which documents circulated, many of these were travelling documents, their life spans entailing mobility, and specific practices were developed to ensure that this role could be performed effectively.

The decrees examined in this chapter, then, though appearing casual or informal compared to those from the state chancery, were fit for local purpose. Indeed, given the recognition that practice corresponds closely to specific functions and needs leads us to question the benefit of considering this domain to be 'marginal' at all. Such a descriptor may simply serve to project the Cairo-centric views of contemporary chroniclers and administrators onto our modern understanding of this domain. Certainly, compared to the elite figures that appeared in the *waqf*-related documents, the protagonists of these documents, unknown amirs, *shādd*s, and an assortment of local farmers, fishermen, and businesspeople, represent a rather more mundane level of existence. On the other hand, the very absence of such individuals from the surviving contemporary narratives renders these groups of particular historical interest. In fact, the administration explored in this chapter was simply low level, and what we witness in the surviving documentation represents practical responses to day-to-day realities. Though the bias of evidence does not allow for level comparison, the insights I have offered in this chapter imply that we should approach the amir's administration expecting to find as much (or as little) documentary initiative as we do at the political centre.

This chapter has endeavoured to overcome some of the difficulties posed by the problematic provenance of documents today preserved in the Vienna papyrus collection. It

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[629] Bauden 2013, 33.

remains, however, inevitable that the conditions of these documents' discovery limit the conclusions it is possible to draw about their contemporary archiving. Having come to scholarly attention from archaeological origins or purchase on the antiquities market, these decrees can sometimes only tentatively be linked to geographical locations, and the conditions of their preservation often remain obscure. Despite this, these challenges can in other ways be viewed as advantages. When we are compelled to dig deep to understand the circumstances of their contemporary use and archiving, the documents' fragmentary state, their broader materiality, and their physical archaeological origins can become valuable evidence in the search for archival sites and spaces. This chapter has already highlighted the physical shifts that characterised the administrative life-cycles of documents, shifts that involved movement between multiple villages and the hands of diverse personnel. It remains to consider in more detail the relationship between these life-cycles and the archiving of documents, extending the picture to include stages after the documents had performed their initial administrative functions. It is this that forms the focus of the next chapter.

Chapter 6

Documents lying around

Life-cycles and archival spaces in a marginal administrative domain

Introduction

The varied origins of extant documentary source material dictate a range of approaches to the exploration of archival practices. Certain types of documents compel us to focus on particular aspects of archival practice, and it is rarely possible to answer the same questions on the basis of all the surviving documents. When taking the documents themselves as a starting point, we are therefore forced to adopt a somewhat eclectic methodological model. As we saw in the previous chapter, this is particularly evident for the Vienna collection. The Mamlūk-era documents in the collection are little-used in scholarship so our understanding of the specific historical setting out of which they emerged remains limited. Within this corpus, this has thus necessitated a thorough consideration of these contextual aspects before being able to address the question of archival practice.

In the previous chapter, I presumed that deliberate archiving played a role in the life-cycles of these documents. In this, I followed Diem's suppositions for the published documents, which I extended to include the other documents I identified in the collection.[630] This argument extrapolates the existence of such archives from the survival of documents that are clearly related to one another, despite the problematic archaeological origins of papyrological material. As I explained in the introduction to this thesis, the fact remains that large numbers of nineteenth- and twentieth-century Egyptian document finds occurred in excavations of ancient and medieval rubbish heaps, where it seems the documents had been disposed of by their contemporary owners. Such origins hardly seem indicative of careful archiving by their medieval custodians. Despite this, these excavations tended to unearth documents in bulk, and some collections of papers were found in baskets, suggesting that they were brought *en masse* to the rubbish heap to be disposed of.[631] The implication here, is that documents were accumulated before at some point being deemed useless or irrelevant and thrown away. It is important to highlight that the evidence for this kind of archaeological provenance is not specific to the material I am dealing with here. There is no direct evidence that these particular documents were unearthed from such

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[630] *P.Vind.Arab.* III, 3; see also Hirschler 2016, 25-6.
[631] Cuvigny 2009, 50-53.

a rubbish heap. Nonetheless, given the history of the Vienna collection at large, this is probably the kind of backdrop that we should envisage for their preservation to the modern day.[632]

The preservation context of these documents is evidently problematic. It dictates methodological necessities that appear to limit our ability to draw conclusions about their contemporary archiving. For instance, one must exercise constant caution when dating and ascribing provenance to documents, a disadvantage that will have become clear in the previous chapter. Despite this, I contend that their problematic provenance also raises valuable possibilities for understanding archival practices and settings. In particular, their apparently accidental preservation, and the deliberate method of their disposal, serves to highlight the non-static nature of these documents, revealing a progression through multiple stages over the course of their documentary lives. Unlike material that has been carefully looked after over the intervening centuries, these documents demonstrate traces of use, re-use, and abandonment; care and also lack of care. They thus offer a relatively complete picture of the treatment of documents by the individuals and institutions that were involved in their contemporary creation, use, and archiving. Paradoxically, perhaps, this range of practices remains more obscure for documents that have been kept or frozen in a state of archival perfection. It is therefore from the point of view of these document life-cycles that I address archival practices within this corpus.

The life-cycles of these documents already emerged in the previous chapter as an important factor shedding light on their uses within this particular administrative milieu. We saw that documents, though redacted within the amir's *dīwān*, passed through a mobile stage, during which they circulated more widely within the region in order to communicate the amir's orders and resolve the grievances of petitioners. The importance of documentary life-cycles, however, goes well beyond the procedural stages in a document's life. The re-use of documents, for instance, has been identified in recent scholarship as a practice with profound implications for archival practices. Re-use practices, most prominently the use of old documents to produce quires for manuscripts, have shed light on the shifting meanings attributed to documents over time, their potentially declining archival value, and the practical and symbolic ways in which they were made use of.[633] Scholarly discussions of archiving place emphasis on the 'afterlives' of documents.[634] While historians do not always demonstrate consistency in the stages in documents' lives to which the term 'afterlife' is applied, its use further highlights the shifts that documents went through after fulfilling their immediate functional purposes.[635] Taking these discussions further still, Marina Rustow's recent work on Fāṭimid state documents preserved in

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[632] See above: 42-4; it is also worth pointing out that the archaeological origins of many of these documents is clearly perceptible from the soil that still adheres to much of the material in the collection.
[633] See Bauden 2004, 59-76; and more recently Hirschler 2017, 33-44.
[634] Rustow forthcoming, e.g. 11, 96; El-Leithy 2011, 426.
[635] Christian Sassmannshausen, for instance defines the use of late Ottoman *sijill*s in a court setting as an afterlife, even though this could be considered one of the main purposes for which such documents were produced. Sassmannshausen 2015, 180-1.

the Cairo Geniza argues for the reconstruction of an entire 'documentary ecology'. That is, she contends that the archival uses of documents are only to be fully understood within the broader range of processes in which documents played a part, including the 'migration' of documents to new sites and uses, and the documents' disposal.[636] It is thus clear that the identification of stages in the lives of documents, beyond the initial purpose for which they were drawn up, can contribute to an understanding of their perceived archival value.

In this chapter, I sustain this focus on documentary life-cycles, examining the life stages exhibited within the same source corpus I used in the previous chapter and using this to shed light on archival practice within the domain of the amir's administration. Above all, this chapter relies on the materiality of the surviving documents. Here, the very aspects that render this corpus so problematic become surprisingly beneficial. The heterogeneity in the materiality of the corpus emerges as highly valuable, allowing us to see stages in the documents' lives that would be more challenging to grasp in 'better looked after' document collections.[637] This chapter thus takes the imperfect state of preservation of the documents as an advantage, through which we are able to conceptualise their archival lives.

Through this, it becomes possible to sharpen our understanding of the archival spaces that define this domain. As I highlighted in the introduction to this thesis, identifying the physical characteristics of contemporary archival spaces remains one of the great challenges for the scholarly exploration of pre-modern Middle Eastern archiving. Certainly, in the first part of this thesis, it has become evident that there are considerable limitations to conclusions we can draw from the documents about how, physically, they were kept and organised.[638] Furthermore, discussions about medieval archival spaces remain entangled with the many questions that surround geniza-like practices. That is, the possibility that the survival of long-term depositories of documents does not imply the archival value of their contents, but instead reflects prevailing practices regarding how to deal respectfully with no-longer-useful texts that might retain religious or other symbolic value.[639] As we shall see in this chapter, the Vienna documents do not extricate us from this quandary; they may even dig us further in. Examining the various stages in these documents lives can, nonetheless, offer ways of understanding the spaces in which they were used, archived, and re-used, which extend beyond an over-simplistic identification of geniza-like practices. While we cannot identify specific sites, we can provide

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[636] Rustow forthcoming, esp. 9.
[637] A feature that this collection shares, for instance, with the Cairo Geniza: *ibid.*, 11, 79.
[638] With important exceptions, such as in the case of the chronologically-ordered archives of fourteenth-century Jerusalem. See Chapter 4, 141-6. Müller 2013, esp. 46-9.
[639] Hirschler 2016, 3-4; Cohen 2006, 129-45. For a recent appraisal of geniza-like practices see Rustow forthcoming, 36-9. The expression 'geniza-like' is borrowed from Sadan 1986, 36-58. The discussion of geniza-like practices is taken up in more detail below: 219-22.

some contextualisation for the documentation, developing an understanding of the kinds of functional spaces in which the amirs and their staff operated.

This chapter is divided into two parts. In the first part I explore the life cycles of these documents, focusing on three phases: the documents' archiving, their re-use, and their disposal. Illustrating these phases with examples from the corpus, I endeavour to make sense of these life cycles, situating them within their administrative context, and asking what they can tell us about the value of these documents for their users and custodians. In the second part, I question what this life-cycle can inform us about the nature of archival spaces within this domain. Ultimately, I argue that the afterlives of these documents reveal a continual shifting in the value attributed to documents by their custodians, manifest above all in the material ways in which they were used and preserved. Reflecting on the potential of these afterlives to shed light on archival spaces, I highlight the phenomenon of 'documents lying around', the significance of which stretches well beyond this small corpus.

The afterlives of documents in the amir's *dīwān*: three stages in an extended life-cycle

Examining the corpus of endorsed petitions and decrees produced for the purposes of the amir's administration, it becomes clear that every document contains traces of more than one stage in an extended life-cycle. These traces include textual content which clarifies the various steps involved in performing their initial documentary functions, as well as indications of the documents' afterlives, most of which can be gleaned from their materiality. As I noted above, afterlife can be an ambiguous term. Does, for instance, a rescript drafted on the verso of a petition constitute part of the document's afterlife? I would contend that the rescript represented one of the intrinsic functions of the initial text, despite constituting a separate phase in the document's material life. It was not, therefore, part of its afterlife. Instead, I use the term afterlife here to refer to all stages that took place after the initial functions for which the textual content of the document was produced. In the case of the decrees issued by amirs, this function was essentially a communicative one, ordering their subordinates to carry out the steps necessary to implement the decisions they had made.[640] Upon the completion of this, the main purpose of the document's redaction was fulfilled, and it is from this point onwards that we can speak of its afterlife.

If we combine all the stages that are visible within this corpus, the typical life-cycle of the documents can be summarised as follows:

1. The drawing up of the petition. As we have seen, this took place outside the amir's *dīwān*. The petition was then presented to the amir.

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[640] See, for instance, the examples of decrees' content discussed in Chapter 5, 175-8, 179-81. See also Müller 2013, 137-40.

2. The drawing up of the responding decree on the verso of the petition. This was carried out by the scribes in the amir's *dīwān*.

3. The circulation of the decree amongst the amir's relevant staff and subordinates in the region.

4. The document's return to the amir's *dīwān* for archiving.

5. The re-use of the document's material support.

6. The document's deliberate destruction and disposal.

7. Preservation until the modern day.

Not all documents found within the corpus display every one of these life stages. Not all decrees were drafted on the verso of a petition, or in response to one, so in such cases stage 2 would represent the beginning of the document's life. Many of the documents do not reveal clear signs of re-use (stage 5), and some do not show signs of disposal (stage 6). Nonetheless, each of these stages emerges with some clarity within the corpus, and several extant documents exhibit them all.

According to the definition I have adopted, stages 4-7 can here be defined as the document's afterlife. As I pointed out above, stage 7 represents the broad backdrop against which we must situate the documents' survival, offering only limited insights into their contemporary archiving. It is therefore the penultimate three stages (4-6) which present the most valuable opportunities for exploring this subject, and it is these phases that constitute the focus of the following section. Here, I address each of these stages in turn, exploring the material features the documents provide as evidence for each: the deliberate archiving of documents, their re-use, and their eventual disposal.

Archiving: the 'bundle-archive'

The deliberate archiving of the petitions and decrees that make up this corpus is undoubtedly the most intangible phase in these documents' lives. As has already been indicated, the documents show no signs of formal registration in separate register-archives.[641] Nor do they contain any other notable traces of techniques designed to assist in their systematic storage, such as the archival filing notes that are found on the outside of many of the *waqf*-related scrolls, and on documents in the Ḥaram al-Sharīf corpus. It may be tempting, then, to suggest that these documents were simply not archived at all.

Proposing such an argument *ex silentio*, however, would be to largely overlook the conclusions reached in the previous chapter. Administration at the level of the amirs' *dīwān* was shaped by its own exigencies, to which it responded practically with administrative processes and documentary forms designed to suit this domain. The archival requirements of the amir were

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[641] Hirschler 2016, 24.

clearly not the same as those required by the custodians of substantial sultanic *waqf* archives in Cairo, or the keepers of Jerusalem's numerous legal court-relevant documents. In such a context, we would therefore expect the methods of archiving adopted to likewise conform to the specific archival needs of this marginal administration.

In fact, the documents are better viewed against the background of other, simpler methods of archiving that are well-attested across the papyrological corpus. That is, what I designate 'bundle-archives'. As the name suggests, these are collections of documents, each piece tightly folded, and held together by various means. Bundle-archiving seems to have been particularly common for collections of documents that might be termed family or business archives.[642] One particularly well-contextualised example is the recently-published archive of the Banū Bifām, an eleventh-century Christian landowning family living in the Fayyūm region. This archive, containing Arabic legal documents, tax receipts and business letters, was unearthed in the excavation of the Naqlūn monastery in the eastern Fayyūm, situated in domestic buildings adjoining the church.[643] The legal deeds that were written on parchment were rolled and stored within a leather pouch, whilst the tax receipts, business letters and remaining legal documents that were written on paper were instead found in four small bundles of tightly-folded documents, each wrapped in a strip of linen. The packages of documents were themselves preserved within a large earthenware jar.[644]

Few papyrological documents have been unearthed in such well-defined archival circumstances. It is nonetheless possible to posit such archival techniques as a possible indicator of the way less easily-contextualised documents may have been kept. This is because bundle-archiving left material traces on the documents, many of which are still visible today. The large corpus of thirteenth-century business letters, notes, and accounts found in the excavation of a house in Quṣayr al-Qadīm on the Red Sea, offers a revealing example. These documents relate closely to the activities of a family of businessmen, and thus appear to have been part of a household business archive. Though discovered in a state that strongly suggests their deliberate disposal, several of the individual documents show signs of tight folding, some even discovered tied with a cord.[645] Though the folding of documents was also related to their delivery, with addresses of letters often written on the outside of the folded document, the survival of bundles demonstrates that documents were also preserved in this state.[646] The archival evidence from the Banū Bifām, and that gleaned from the Quṣayr documents, reveals archival practices of this somewhat informal variety prevailing in family, household, and business settings.

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[642] See, for instance: Fournet 2018, 178.
[643] *P.Fay.Villages*, 3-11.
[644] *Ibid.*, 5-6; see also images of the bundles, 305-6.
[645] Guo 2004, esp. plates 2-3: 108, 113, 115; see also Regourd 2008, 13-16.
[646] For the location of addresses on the outside of folded letters see: Grob 2010, 77-81; Khan 2008, 892; Müller 2013, 152.

The material traces that bundle-archiving left behind are shared by documents in all the amirs' dossiers presented in the previous chapter, as well as in many of the other individual documents and fragments emerging from this marginal administrative domain. These documents almost all show signs of having been tightly horizontally folded, and from patterns of accidental damage on documents, such as worm holes, it is certain that many were preserved folded until their modern discovery.[647] The implication, then, is that these amirs also kept bundle-archives.

Beyond this, one document within the al-Azkā dossier offers evidence, albeit ambiguous, of further methods used to group documents together that went beyond the straightforward assembling of bundles. The document in question, an endorsed petition containing the signature of Yūsuf al-Azkā, seems at one point to have been glued to another document. A narrow strip of another sheet of paper remains glued to the top edge of the support.[648] This evidence for the gluing together of documents to form longer scrolls implies an ordering or systematisation of these documents the exact nature of which we are unfortunately unable to establish. Such a practice would certainly complement a system of bundle-archiving, ensuring that documents within a bundle, perhaps united by a certain archival logic, could not be separated from each other and mislaid.[649] There may, however, be an alternative non-archival explanation for this material feature, related instead to the manufacture and sale of paper scrolls. Paper scrolls amongst the Cairene *waqf*-related documents, constructed out of multiple large paper sheets glued together, were cut or torn from much larger rolls, and contain similar traces of other sheets to which they were originally glued. The document under consideration here may then have simply been cut from a longer scroll of paper when the petition was being produced. Though we must be tentative with interpreting this very slim piece of evidence, the indications of bundle-archiving taking place in the amirs' *diwān*s alone remain a valuable insight.

This apparently informal method of archiving may seem inefficient for an administrative context. Nonetheless, the centring of the administration in these areas around the amir and his personal network brings this domain closer into alignment with the contexts surrounding other surviving bundle-archives. As we have seen, this was not an administrative set-up characterised by multiple specialised offices, rather, an accumulation of varied responsibilities focused around the person of the amir, with prevailing institutional frameworks set up under the aegis of his authority. His bundle-archives were, then, a reflection of this: a collection of papers generated in the process of tending to these multiple responsibilities. Of course, this method of archiving

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[647] For some prominent worm-holes, see fig. 13, above: 171.

[648] A Ch 12502. See also fig 13, though the glued strip of paper is not very visible in this image.

[649] Comparable gluing practices can be found in documents from the Geniza. Here a pair of petitions addressed to the same individual – the Fāṭimid princess Sitt al-Mulk – survived in the Geniza glued in much the same way as I have outlined here. Rustow argued that the gluing was carried out by the Jewish scribe who later redacted a liturgical text on their verso. It might alternatively be suggested that this gluing was an archival measure, performed before the documents ended up in the hands of this scribe. Rustow forthcoming, 73-79.

also corresponded to the documents' function, a function which in most of these documents was an immediate, communicative one. The need to refer to these documents after the commands they contained had been carried out was probably limited. Ease of access was not therefore the first priority in a bundle-archive of this kind of material. Endorsements of petitions were certainly not the only kind of documentation used in the amir's *dīwān*. Nonetheless, their immediacy and overwhelmingly practical value goes some way to explaining the informal archival practices that we witness in this domain.

The re-use of paper: blazons and snowflakes

Evidence for the next stage in the documents' lives comes in the form of traces of re-use. By the term 're-use' I refer, above all, to the secondary use of the paper supports on which documents were originally written. Like the document's afterlife, the concept of re-use has potential to become a rather ambiguous one. If defined broadly, it could cover an enormous variety of practices occurring at various stages in a document's life. This could include predictable re-uses that were part of the normative practices of producing these genres of documents, such as the redaction of a decree on the verso of an already-written petition. It also, however, includes less predictable re-uses, which appear to have no clear connection to the initial uses of the document. This second kind of re-use can be roughly equated with the concept of the 'recycling' of documents, which also emerges in the scholarly literature, and implies the complete repurposing of a document and its support.[650] It is these kinds of re-use that are the most valuable for conceptualising the life-cycles of documents, as they reveal what happened to a document after it had performed the function for which it was initially produced. It is, thus, to these kinds of re-use that I will devote my attention in the following section.

The documents emerging from the amir's administration attest to a diverse and creative set of re-use practices. Though the corpus thus seems an ideal place to explore the question of re-use, its diversity poses some challenges, not least because it is rarely clear what function the re-uses served. Perhaps the most fascinating, if puzzling, example can be found in a single fragmentary document from the al-Azkā dossier.[651] The recto of this document contains two lines of a petition regarding the dispatch of four camel-couriers from the village of Itlīdim, 13km north of Ashmūnayn, while the verso contains the responding decree, issued by Aḥmad ibn al-Azkā. At a later date, the text of the petition was largely obscured by the addition of an illustrated blazon, containing an image of a sword, on a tear-drop shield-shaped field, the central section of it coloured with red paint. On the verso, the text of the decree was covered by a circular

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[650] El-Leithy 2011; Hirschler 2016; Rustow forthcoming. The concept of 'recycling' can be dismissive, packaging together the full range of re-use practices in a way that might obscure differences in practice and motivation. It is for this reason that I avoid it in the following section. See, for instance, criticism of the concept in Hirschler 2017, 38.
[651] A Ch 23075.

decoration. Though the exact form of this figure is uncertain as much of the paint has flaked away, it contains a circular border in red with an almost-symmetrical black design in the middle, against a background of gold or ochre paint (See fig. 17).

Fig. 17. Endorsed petition from the al-Azkā dossier containing illustrated blazon (A Ch 23075); recto (left) and verso (right)

(Photograph: Papyrussammlung, Österreichische Nationalbibliothek)

The artistic re-use of this endorsed petition is curious. While doodles of various sorts appear with some regularity in the documents and fragments of the Vienna collection, this example is evidently not a casual scribble. The use of coloured paint and the quality of execution indicate that it followed a thought-out design and was produced with a specific purpose in mind. The presence of the military blazon is especially noteworthy.[652] For one, it highlights what we have already seen about the intrinsically military nature of the amir's administration. Bethany Walker has highlighted the importance of blazons as visible emblems of legitimacy within the Mamlūk social hierarchy, especially from the early fourteenth-century onwards; contemporary, in fact, with the career of Aḥmad ibn al-Azkā.[653] The blazon here brands this paperwork with a military identity, confirming the connection between the authority invested in the documentation and the person of the amir. This strongly suggests that the re-use of this document took place within the same documentary setting that initially issued the decree it contains, one defined by a strong military identity.

The blazon also itself provides indications of the time frame that we should envision for this instance of re-use. The tear-drop shaped field of this blazon is distinctive of those used by

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[652] For a general discussion of Mamlūk-era heraldic blazons (sing. *rank*) see Mayer 1933. See also: Nasser Rabbat 'Rank', *EI2*; Walker 1998, 223-5; 2004, 54-68; Behrens-Abouseif 2007, 38-9.
[653] Walker 1998, 254-55; 2004, 68.

amirs who paid allegiance to the sultan al-Nāṣir Muḥammad.[654] Aḥmad ibn al-Azkā to whom the initial petition was addressed, was himself in the service of this same sultan, as we know from his *nisba* al-Malakī al-Nāṣirī. Diem dated the document to al-Nāṣir Muḥammad's second reign: 698-708/1299-1309. While we cannot determine whether the blazon belonged to Aḥmad himself, we can nonetheless be sure that both the production of the document and the addition of the blazon occurred within this period of ten years.[655] We should probably not, therefore, envisage the period of this document's archival preservation as a very extended one, especially compared to those the legal deeds from the Wizārat al-Awqāf with life-spans of a century or more. Despite this, the appearance of the blazon allows us to some degree to locate the re-use of this document temporally as well as spatially.

These reflections do not, however, explain the reasons behind this creative re-use. What was the function of this attractively decorated piece of paper? It was evidently not a use for which the presence of legible traces of a rather mundane petition and its responding decree represented a hindrance. Despite this, some lengths were gone to in order to invest this small fragment with the visual trappings of military prestige. Perhaps the document should be interpreted as a practice illumination exercise, preparing images that were to adorn a more illustrious object. Alternatively, the folding visible on the document suggests that it may have been intended with a more material use in mind: to be wrapped around another object. The folding, illustrated in the mock-up in fig. 18, is vertical rather than the more usual horizontal.[656] It centres on the two roughly circular designs on recto and verso, meaning that when folded one
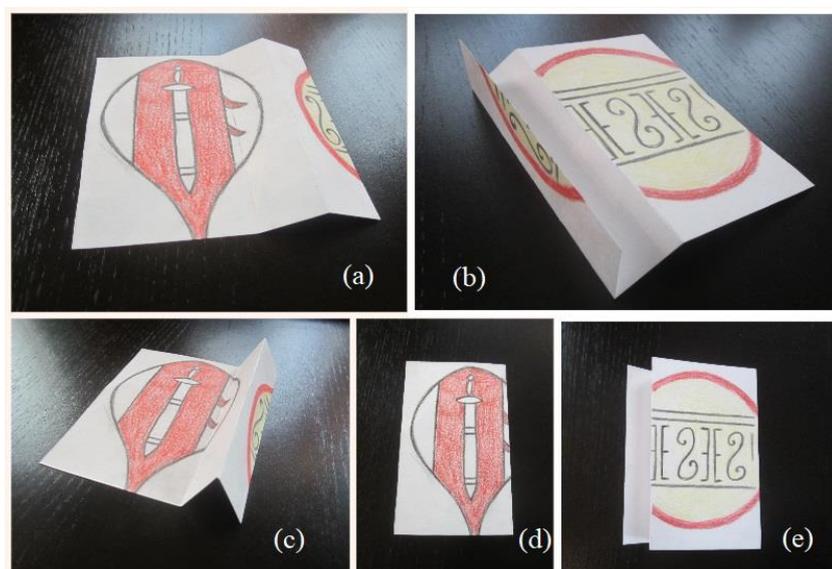
Fig. 18. Rough mock-up of vertical folding pattern on A Ch 23075

(a) recto

(b) verso

(c) folding of recto

(d) recto folded

(e) verso folded.

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[654] Rachel Ward pointed this out in her conference presentation 'Allegiance by Design: Mamluk Blazons' on 9th December 2017 at the International Conference *Material Culture Methods in the Middle Islamic Period* (8th-10th December 2017), Annemarie Schimmel Kolleg, University of Bonn.

[655] Aḥmad's father Yūsuf was also in the service of the same sultan, but it is not clear from the extant documents whether his son took over his position, or if they were active during the same period. We cannot, therefore, limit the period any further. For the dating of these documents see Chapter 5, 169-70.

[656] Though original horizontal folding is also visible.

of these images would have been visible on the outside of the folded document. The design on the verso was added to the document when its left side was folded, meaning that the left-hand segment of the circular pattern appears on the recto of the unfolded document, to the right of the blazon.[657] The placement of the image across both sides of the paper would seem unlikely, were this a simple example of painting practice. It is tempting to stretch this evidence well beyond what is reasonable, to suggest that such an object could have been used to wrap another folded document, or a bundle thereof: a label by which a small bundle-archive was marked with the blazon of the amir. Certainly, any object wrapped up with this document would have to be roughly the size and shape of a folded document. This suggestion is pure wishful speculation. Even so, this one instance of creative document re-use offers an exceptional and surprising insight into the potential range of uses of documents after their initial purpose was fulfilled.

It is also amongst the documents issued by Aḥmad b. al-Azkā that we find another kind of documentary re-use: the cutting of documents into shapes. This is, in fact, a re-use practice that emerges with some prominence in the Vienna collection at large. The document in question is another of Aḥmad's endorsed petitions, this time dealing with the murder of a woman by her husband.[658] At a certain point, this document was cut into a triangular wedge shape, with a fold down the middle. There is also a large hole pierced through the upper part of it (see fig. 19). As with the blazon document, it is not clear what function the cutting of the document into this
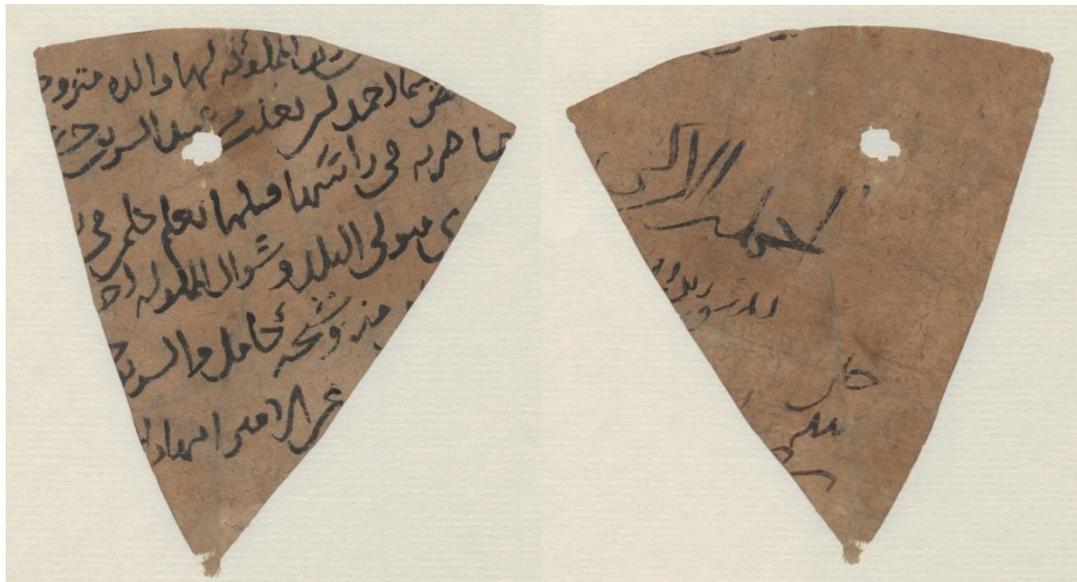
Fig. 19. Endorsed petition from the al-Azkā dossier cut into wedge shape (A Ch 16220); recto (left) and verso (right)

(Photograph: Papyrussammlung, Österreichische Nationalbibliothek)

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[657] From the folding it is impossible to tell which way these folds would have gone, so it is unclear which image would be on the outside of the folded document. Diem also described this physical layout in *P.Vind.Arab.* III, 266, though he offered no comment on the way these images should be interpreted.
[658] A Ch 16220.

shape might have served. We must be particularly careful with the cutting of documents, as it is impossible to establish when such re-use might have occurred. It could, in fact, represent the work of modern antiquities dealers.[659] Nonetheless, the extent of the practice of re-shaping old documents into new forms, particularly widespread in the Vienna collection, likely precludes an explanation based on modern interference.

One of the major problems with cut-up documents is that their diminutive size means that they furnish us with a smaller amount of text from which to glean context: to identify scripts or document types for dating purposes, or to establish provenance. It is not, however, impossible. There are, for instance, several other wedge-shaped documents, or fragments thereof, which contain Mamlūk-era chancery-type scripts, such as those found in the amirs' dossiers.[660] The careful cutting of these documents suggests that they were intended for quite a precise purpose, though the specificities elude us. Beyond the wedge-shaped documents, more complex shaping is also visible. One document, probably originally an endorsed petition,[661] was cut into an elaborate mirror-image *fleur-de-lis* shape (see fig. 20).[662] Another is cut into a heart shape.[663] Others can be found cut into forms similar to paper 'snowflakes', small pieces being cut out of a folded piece of paper.[664] This particular kind of document re-use implies uses of old paper of which it is difficult for us to get a meaningful grasp. The wedge-shapes bear superficial similarities to fragments of documents that

Fig. 20. Endorsed petition (?) cut into fleur-de-lis *shape (A Ch 25002a); recto (probably above) and verso (probably below)*

(Photograph: Papyrussammlung, Österreichische Nationalbibliothek)

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[659] See, for instance, a Mamlūk-era summons to the Ashmūnayn qadi-court for which Diem suggests that the peculiar diagonal cut made across the bottom of the sheet of paper may have been made by a modern dealer to even out the damaged edges common to documents in the papyrological corpus. *P.Vind.Arab.* III, no.78.

[660] A Ch 2434; A Ch 2143; A Ch 3196. A Ch 1938 also shares the wedge-shape though I am uncertain about the dating.

[661] The document contains different scripts on recto and verso, one of them a legible chancery script. To redact the verso, the document was, like endorsed petitions, turned around a vertical axis, like a page of a book.

[662] A Ch 25002a.

[663] A Ch 25610. The domain that produced this document is unclear.

[664] A Ch 25611; A Ch 25655. The context of the first of these is entirely uncertain; the second is almost certainly Mamlūk-era, from the use of a cursive *siyāq* script.

were found reused as arrow flights during the excavation of the citadel of Damascus. These documents too were cut into triangular wedge shapes, in this case designed to assist the aerodynamic qualities of an airborne arrow or crossbow bolt.[665] There is no evidence, however, to suggest that the Vienna documents were used in such a way.[666] Nonetheless, this usage alerts us to the possibly eclectic range of re-uses that old documents were put to, and at which the cut-up documents in the Vienna collection may hint. These documents may, for instance, have been cut up to provide structural or decorative elements of book bindings, or other objects.[667] Alternatively, they may represent the random fiddling of bored or procrastinating scribes in the amir's *dīwān*. Whatever the reality, the evidence of re-use that such documents offer provides yet another tantalising glimpse of their complex and multifaceted life-cycles.

The methods of re-use that emerge here differ in two significant ways from those that have earned prominence in the scholarly literature. For one, most previous scholarship on the subject has emphasised textual re-uses of documents, that is, cases where an old document was used as a support for later written texts. This includes the re-use of complete documents in the manufacture of manuscripts, such as in al-Maqrīzī's autograph manuscript identified by Frédéric Bauden, and in the Damascene *majmūʿ* manuscripts currently under investigation by Konrad Hirschler.[668] In these cases, old documents, some of which left a considerable amount of blank paper were used to build manuscript quires. Aside from these examples, probably the most famous instance of the textual re-use of old documents is the Cairo Geniza. The main explanatory logic behind the preservation of many Arabic documents in the Geniza is their re-use by Jewish scribes for the writing of Hebrew-script liturgical and scriptural texts.[669] The older documents, thus, became a new writing support for texts that did not require a clean, new surface.[670] Examples of this kind of textual re-use can almost certainly be found within the Vienna collection, though few emerge from the corpus of administrative documentation examined in this chapter. While there are examples of documents that might be classified as

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[665] Nicolle 2011, esp. 151-65, 315.

[666] It is unlikely that the wedge-shaped documents I found within the Vienna collection were used as arrow flights: David Nicolle, personal communication.

[667] Such as examples found in bindings for quire supports and sewing guards: Hirschler 2017, 36. See also http://www.ligatus.org.uk/lob/search?search_api_views_fulltext=sewing+guard. Last accessed 19th June 2018. More obscurely, Mamlūk-period documents have been found sewn into the lining of headgear, probably to stiffen the fabric. See, for instance, documents held in the Museum of Islamic Art in Berlin (inv. no. I. 6374) and in the Metropolitan Museum of Art in New York. For the latter, see: https://www.metmuseum.org/art/collection/search/450729?sortBy=Relevance&ft=Mamluk+silk&offset=0&rpp=20&pos=12: last accessed 28th August 2018. Thanks to Miriam Kühn, Irina Seekamp, and Shireen El Kassem for drawing my attention to this material.

[668] Bauden 2004; Hirschler 2017.

[669] Rustow forthcoming, esp. 7-12.

[670] There were also other motivations dictating re-use beyond material practicality. Hirschler's recent study has indicated that there may have also been symbolic reasons behind the textual re-use of certain documents. Hirschler 2017, 38-9. It is, however, a challenge to identify comparable motivations behind re-use within the corpus examined here. These documents were perhaps too mundane in content to be repurposed in a more symbolic way.

scrap paper, containing drafts of documents or brief notes, this represents a rather different phenomenon than the textual re-use of older documents.[671] In such cases, the document may have begun its life as scrap paper. The non-textual re-uses identified above are certainly challenging to interpret. Nonetheless, they serve to highlight a broader range of document re-uses than have previously earned comment.

The second major difference between the re-use practices examined in this chapter and these better-known examples is that most of the latter have been found re-used 'in an unsuspected place', to borrow Bauden's expression.[672] That is, the context surrounding their re-use is separate from that of their production and initial use. They were re-used outside the setting of their original archiving.[673] For the corpus examined here, on the other hand, the re-uses I have identified seem to have occurred within the same setting that initially produced, and subsequently archived them: the amir's *dīwān*. This difference should not be seen as indicative of the existence of an entirely different and unique range of re-use practices occurring at this low level of administration. Rather, this simply represents a corpus of re-used material the like of which has not survived within other collections.[674] Furthermore, documents from the amir's *dīwān* may have been extracted for re-use outside this immediate setting, perhaps also for textual re-uses like the better-known examples, but such documents were not then preserved alongside this corpus. It is worth pointing out that the documents that survived in this setting were potentially of limited use for textual re-use, being too small to offer substantial writing surfaces. The identifiable corpus instead seems to represent the flotsam and jetsam of a functioning office.

In fact, the material examined here highlights the way in which documents could progress through multiple life stages even within a single space or domain. The discovery of documents in surprising locations distant from the initial sites of their production and archiving is of course especially tantalising, compelling historians to solve real mysteries in the documents' life-cycles. Nonetheless, the recognition of extended archival life-cycles should not be confined to the investigation of such dramatic shifts. The re-use practices identified here allow us to trace the documents' evolution, even within a single setting, from records important for their textual content, to objects of primarily material significance. While the text of the

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[671] Such as one decree issued by an amir and *dawādār* Sayf al-Dīn Ṭūghān, whose verso contains a drafted receipt, as well as a series of intriguing notes relating, if my reading is correct, to various mosques and other pious institution in Cairo. Diem only edited the recto, though offered a reading of the text of the receipt: A Ch 8984.

[672] Bauden 2004.

[673] The focus on this kind of re-use explains scholarly enthusiasm for the phenomenon of the sale of chancery documents, initially highlighted by Bauden when considering al-Maqrīzī's remarks on the subject. *Ibid.*, 59-76. This phenomenon is likely even more significant than Bauden suggested: see Rustow forthcoming, 96-104. Even so, it cannot explain all examples of re-use. See, for instance, Hirschler 2017, 38-9, where the document under consideration, the marriage contract of the 'new' user's parents, may well have already been in his possession. Its position in the quires of his *majmūʿ* manuscript may not be such an unsuspected place after all.

[674] Except, for instance, in geniza-like collections.

original document may have continued to hold some meaning, it was the physicality of such documents, that is their material support, that offered the most promise and value to those intent on their re-use. The somewhat eccentric re-uses that we see within this corpus, then, bear witness to the gradually shifting archival value that the documents took on at different stages in their life-cycles.

Destruction and disposal

In the final stage of these documents' lives, it seems neither their textual nor their material value was significant enough to justify their continued preservation. At this point, the documents were deliberately destroyed and disposed of. Whilst we do not have direct evidence that this specific corpus originated in excavations of medieval rubbish heaps, the materiality of the documents themselves shows clear traces of deliberate destruction. Almost all the decrees and endorsed petitions were ripped, cut, or shredded. For many of the documents in the corpus examined here only the top half has been located within the collection,[675] owing to the presence of the amirs' signatures on this part of the decree which make them easier to identify on the microfilms. It is likely that many of their bottom halves are also extant within the collection, albeit more challenging to identify.[676] It seems that the documents were destroyed in a relatively systematic way, either being torn in half, or shredded into strips.[677]

Disposal indicates a conscious decision on the part of the documents' custodians concerning the need, or lack thereof, to preserve them any longer. Nonetheless, the deliberate way in which it was carried out also reveals something about the perceived value of the documents' content. The picture of these documents' life-cycles that has emerged so far suggests that the matters they dealt with were essentially trivial from the point of view of the Mamlūk administration.[678] Nonetheless, the deliberate destruction of documents implies that their content still maintained some importance. The need to rip documents at the time of their disposal suggests a fear that they retained some value: that their content was deemed confidential, or that there was a fear of forgery or other re-use not considered to be suitable for such documentation. This anxiety is more straightforward to grasp in the case of legal documents, where spurious claims made on the basis of out-of-date or counterfeit documentation might have led to real

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[675] By me, or by earlier editors of documents.

[676] There are, for instance, some fragments within the corpus examined here which do not contain the signature. E.g.: A Ch 5156; 5847; 6467; 16196. Only two of the documents in the al-Azkā dossier preserve the full length of the document: A Ch 12502; 25677; in addition, two documents from the Bahāʾ al-Dīn dossier: A Ch 366; 25673c. Other complete decrees include A Ch 10436r and A Ch 10219r, though the subtle material differences between these decrees and the other in the corpus were discussed in the previous chapter, 193-5.

[677] In this way this corpus reveals similarities with the Quṣayr corpus, many of which were ripped up 'by human hand' or 'kneaded into a paper ball of sorts and then tossed away': Guo 2004, 104; see also the Cairo Geniza in which such signs of disposal are ubiquitous.

[678] Perspective is all important as murders and thefts would certainly not have been trivial to those against whom they had been committed.

problems in legal courts.[679] Nonetheless, such concerns would certainly also have been relevant for an administrative context, where documents containing details of taxation and criminal justice would have required similarly tactful handling.[680]

Alternatively, the shredding of documents might not reflect the perception of the documents' content so much as representing a symbolic act of disposal. Instances of such symbolic practices can be found elsewhere, for instance in the Damascus papers where several marriage contracts were ripped at the time of divorce, with divorce documents redacted on the verso of the remaining half.[681] In such cases, the tearing of the document in half seems to be representative not so much of the termination of the validity of the documents' text but of the breaking of the actual legal ties binding the husband and wife. That is, a symbolic destruction that extended beyond the document itself to reflect on the social realities of the legal situation recorded in the documents.[682] The divorce documents written on the back of ripped contracts reveal that, in these cases, tearing did not entail the redundancy of the material support and the texts written on it, alternatively symbolising the end of the actual marriage.[683] Such direct symbolism cannot be found within the corpus examined here. We might, however, see the deliberate shredding of documents as symbolic of the moment of disposal, rather as one might shred revision notes after sitting an exam. Whether done to deliberately prevent the reconstruction of the text, or for more symbolic purposes, shredding can certainly be seen as a conscious marker of the documents' shift to another life stage.

Aside from highlighting the significance of disposal as a documentary life stage, the recognition of common patterns of deliberate destruction in the decrees and endorsed petitions allows us to tentatively broaden the corpus of documents originating within this domain. Indeed, the Vienna collection houses substantial numbers of documents that demonstrate an analogous process of systematic ripping and shredding. Of particular note is a large number of list- or account-type documents which, from their script and layout, are contemporary with the decrees examined here, and which seem, like the decrees, to have been methodically destroyed.[684] The documents were written on uniform-sized paper, in *daftar* format: that is, on rectangular sheets

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[679] As we saw in the case of the *waqf*-related documentation where the updating of old deeds may in part have been intended to prevent this possibility. See Chapter 1, 76-7.

[680] See, for instance, the destruction of dates in decrees from the Fāṭimid chancery: Rustow forthcoming, 376.

[681] *P.MariageSeparation*, nos. 6, 28, 35.

[682] The significance of marriage contracts as bearers of social and economic, as well as legal, status is discussed in Rapoport 2005, 54-5.

[683] The ripping of the document, for instance, does not seem to have been necessary to invalidate the marriage contract, as some divorce documents were redacted on the verso of contracts that were not ripped. E.g. HS 646. In fact, the content of the original marriage contract sometimes continued to be relevant at the time of divorce, for instance for identifying outstanding sums of marriage gift (*ṣadāq*). For marriage gift see also *ibid.*, 53-9.

[684] All dates I have been able to decipher from within these documents can be situated in the mid-eighth century AH/fourteenth century CE: A Ch 5815: 24 Ṣafar 747/16 June 1346; A Ch 10247: Rabīʿ II 765/Jan-Feb 1364 (?); A Ch 12506: Ṣafar 769/Sept-Oct 1367.

of paper folded in such a way as to form four-page bifolia.[685] The text was redacted in columns, and contains sections of itemised lists, including details of names, dates, commodities, or prices. Numerals are written in a cursive *siyāq* script: that is, each number represented by a kind of symbol, which was derived from its form when written out in full.[686] Almost all these accounts have been preserved in a fragmentary shredded state (see figs. 21 and 22).[687]

Fig. 21. Daftar *fragment (A Ch 5937); recto and verso (arrangement uncertain)*

(Photograph: Papyrussammlung, Österreichische Nationalbibliothek)
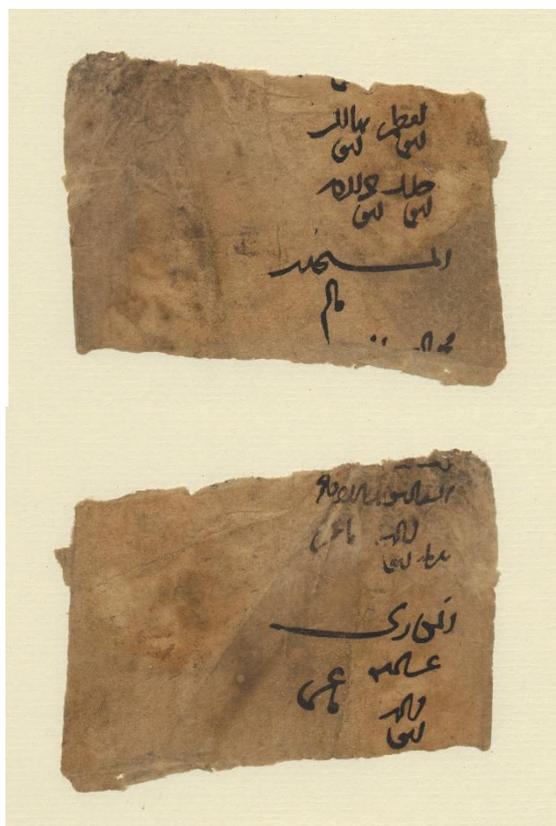
Fig. 22. Daftar *fragment (A Ch 6113); recto and verso (arrangement uncertain)*

(Photograph: Papyrussammlung, Österreichische Nationalbibliothek)

These fragmentary documents, being written in highly cursive scripts and representing documentary genres which remain rare amongst the published material, are challenging to decipher and thus encourage only very cautious conclusions. Nonetheless, they exhibit formal similarities with account-type documents that survive in large numbers within the Ḥaram al-

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[685] For the *daftar* layout see *P.HaramCat.*, 333; Bloom 2001, 140. Chapter 4, 139.
[686] *Siyāq* numerals have largely been studied in an Ottoman context, where they appear in extant documents produced by the fiscal administration. C.J. Heywood, 'Siyāḳat', *EI2*. See also Michel 1996, 129-31; For the Mamlūk era see Little 1998, 177-9.
[687] For example: A Ch 5175; A Ch 5289; A Ch 5438; A Ch 5453; A Ch 5632; A Ch 5642; A Ch 5656; A Ch 5695; A Ch 5703; A Ch 5758; A Ch 5815; A Ch 5844; A Ch 5879; A Ch 5928; A Ch 5937; A Ch. 5939; A Ch 6113; A Ch 6312; A Ch 6402; A Ch 6451; A Ch 6452. Less fragmentary examples of an apparently similar genre include: A Ch 12506; A Ch 10289; A Ch 10230. The narrow range of inventory numbers represented here is merely reflective of my discovery of most of these documents within one microfilm.

Sharīf corpus.[688] In addition to a similar graphic layout and use of *siyāq* numerals, the paper dimensions are similar, the full width of the unfolded page measuring around 18cm.[689] Like these Ḥaram documents, the Vienna fragments appear to record various processes of day-to-day record-keeping and accounting. Christian Müller defines this material within the Ḥaram corpus as 'administrative', though he applies this in a broader sense than the one I adopted in the previous chapter. He uses the term to differentiate documentation produced for 'internal' purposes, such as accounting of profits, revenues, or debts, from material in the Ḥaram corpus with more tangible rights- or proof-based legal functions.[690] Müller stresses that these kinds of accounts can be found within a variety of overlapping domains. The choice of document type corresponded, above all, to administrative need rather than reflecting tightly circumscribed and distinct legal functions.[691] There are, for instance, examples of the estate inventories I discussed in Chapter 4 that are redacted in *daftar* format, but also much more straightforward business accounts which were not legally notarised.[692] This recognition poses some problems for positively identifying the domain out of which the Vienna *daftar* fragments emerge. Whilst they may come from the offices of the amirs, they might also have been produced for the uses of local qadis or businessmen. Even in the case of the complete documents preserved in the Ḥaram corpus, it is not always possible to identify the specific subject matter of this kind of documentation, especially when explanatory preambles are not included.[693]

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[688] *P.HaramCat.*, 333-74; Müller 2013, 119-26.
[689] The Vienna fragments are usually only from one half of the folded page, measuring around 9cm. Measurements of the Ḥaram *daftar* documents are given in *P.HaramCat.*, 333-74.
[690] Müller 2013, 40-1, 119-126.
[691] Within the broadly legal framework of the Ḥaram al-Sharīf material. *Ibid.*, 119-126; see also Michel's comments on the meaning of *daftar*: Michel 2013, 231.
[692] For estate inventories in *daftar* format see e.g. HS 182; 830; for business accounts see Müller 2013, 179-86
[693] *Ibid.*, 124-6.

Despite this, several of the Vienna documents do contain indications that they emerged from a domain close to that of the amirs on whose administrative activities I focused in the previous chapter. One small fragment, for instance, contains an explicit, albeit decontextualised, reference to the *iqṭāʿ* of a certain individual named ʿAlam al-Dīn, indicating that the matters recorded here were of relevance to *iqṭāʿ* administration.[694] An almost complete bifolio, datable to 769/1367, contains clear itemisations of *kharāj* tax, the tax on land whose extraction was probably one of the responsibilities of the *muqtāʿ* (see fig. 23).[695] Beyond content, the cursive chancery-style script that appears on many of these fragments, and the use of *siyāq* numerals strongly suggest an administrative or legal setting. Though the use of the abbreviated *siyāq*
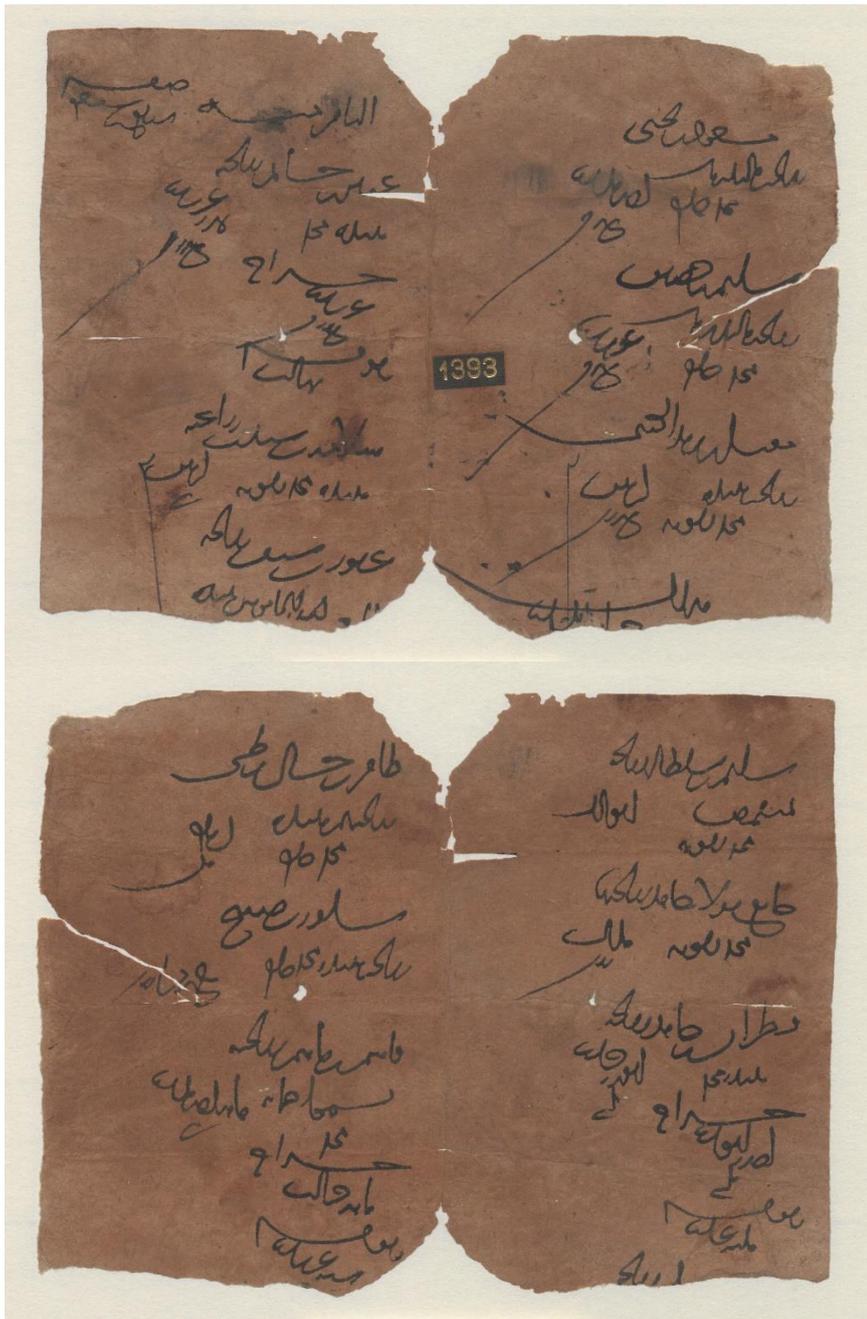

Fig. 23. Full daftar bifolio containing reference to kharāj tax (A Ch 12506)

(Photograph: Papyrussammlung, Österreichische Nationalbibliothek)

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[694] A Ch 5289.
[695] A Ch 12506. For the payment of *kharāj* tax to *muqtāʿ*s, see Sato 1997, 3-4, 68-72.

numerals in the Mamlūk period remains largely unstudied, it is generally understood that one of the advantages of such a script is its illegibility to the lay person, furnishing fiscal records with the confidentiality they required.[696] The lists and accounts identified here were probably, then, produced by scribes with a training for which such concerns were of relevance. It certainly seems possible, even likely, that such scribes would have been active in a similar setting as produced the decrees issued by the amir's *dīwān.*

A comprehensive investigation of these *daftar* fragments would lead us well away from the subject of archival practices and is therefore beyond the scope of this thesis.[697] The major value of these documents here is to highlight the way in which traces of the deliberate destruction of documents, which could be viewed as a disadvantage for the investigation of archival practices, can in fact offer us further bodies of evidence. The documentation emerging from this domain did not only include the corpus of decrees and endorsed petitions identified in the previous chapter. Rather, the administrative efforts of the amirs, their households, and personal networks encompassed a much broader range of paperwork-generating activities. The incorporation of this material also broadens our understanding of the physical archival techniques made use of within this setting. *Daftar* documents, after all, represent a physical form distinct from practices of bundle-archiving. Such documents were likely stored as stacks of folded documents, sometimes held together with string threaded through a hole in the centre similar to the Ḥaram al-Sharīf estate inventories whose storage I illustrated in Chapter 4.[698] The shredding of documents, then, visible both in the decrees and in a wider corpus of administrative material, may represent a more substantial process of archival decommissioning than is evident at first glance. Common patterns of destruction can, thus, be offered as evidence to connect diverse documents with different uses and physical formats, positing their possible preservation together prior to their disposal. While the shredding of documents was certainly not unique to this domain, alongside the internal indications of the administrative origins of this *daftar* material it becomes a valuable clue. Deliberate disposal thus emerges as an identifiable and meaningful stage in the lives of documents produced and used within the amir' administration.

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[696] See, for instance, Rustow's comments on the use of 'cipher' like numerals in Fāṭimid fiscal documents preserved in the Geniza: Rustow forthcoming, 451-3.

[697] Their formal similarities with the much completer and better-contextualised Ḥaram material might represent a promising avenue through which this might be approached in the future.

[698] See fig 11, above: 144. Holes for this kind of stitching can be found in various Vienna fragments: A Ch 12506, see fig 23, above: 216; A Ch 10230; A Ch 5175 (?). Though Müller is uncertain whether bifolia would have been assembled to form notebooks, or if such archives would be constituted as a series of consecutive bifolia, I favour the second possibility. This is on the basis of traces of mirror-image imprints on opposing pages that I found in a multi-page *daftar*-format document preserved in the Vienna collection: A Ch 10233, made up of 15 bifolia.

Conceptualising archival spaces: documents lying around

While the three life stages examined above emerge quite clearly within the setting of the amir's administration, there remain significant questions about some of the more concrete aspects of the documents' progression through these phases. The identification of extended documentary afterlives, and the material ways in which the stages of these lives remain visible on the documents highlight, in particular, the need to discern physical archival spaces where these lives were played out. The archiving of documents, insofar as they constitute physical objects, necessarily requires physical spaces. Though, as I have continued to stress, the specific physical sites of these documents' medieval preservation are now lost to us, in this section I nonetheless explore the connotations of these documents' life-cycles for understanding contemporary archival spaces.

The first point to highlight is that the documents, and the methods of their re-use, offer some insights into the nature of the amir's *dīwān* itself. From the textual evidence in the documents, it seems that the spaces in which they were drawn up constituted reasonably elaborate offices, suited to deal with the extensive paperwork that the amir's administrative roles entailed, and boasting a well-trained and skillful staff. This is evident, first of all, in the pervasive presence of consistent cursive chancery-style scripts and in the amirs' attractively written calligraphic signatures. Beyond this though, the blazon document reveals that the resources and skills for illumination were also kept and cultivated within these spaces, expertise that is rather more unexpected within this low-level administrative milieu. In the previous chapter, I endeavoured to move away from a characterisation of the amirs' governmental activities as simply a minor version of the central state administration, highlighting the practical ways in which they responded to local needs. Nonetheless, it would also be incorrect to view the amirs' administrative apparatus as being merely practical and rudimentary. Document production and re-use took place in spaces that were fit for purpose, characterised by the presence of skilled scribal, even artistic, personnel.

The life-cycles of the documents outlined above, and especially their patterns of re-use, imply that much of this material, after being deliberately preserved for a period of time, went through a phase of simply 'lying around' before its deliberate disposal. While lying around, the documents gradually lost their archival value, the perceived necessity of preserving their textual content progressively decreasing. By the time of their re-use, the material value of these old documents was prioritised to such an extent that re-use invested them only with new material meanings, not with textual ones.

Though seemingly rather a vague notion, documents lying around are in fact profoundly important for understanding the nature of archival spaces in this domain. These documents remained in a space, either deliberately deposited and kept, or simply left there, where they

remained for long enough for their perceived value and meaning to transform. Casual bundle-archives containing documents whose texts had a relatively immediate value, and for which long-term preservation may have been of limited functional use, might have been particularly prone to this treatment. One can imagine such bundles kept on the shelves, desks, or floor of a functioning office, until such time as a clear-out took place, or office staff requiring scrap paper saw fit to mine them for resources. The lying around stage should, then, be envisaged as an important part of the spatial and temporal backdrop to the progressing archival lives of these documents.

When addressing documents lying around, the most fitting point of reference within this historical milieu is, of course, the Cairo Geniza, as well as the wider canvas of geniza-like practices prevalent within the medieval (as well as ancient and modern) Middle East.[699] In genizas and similar depositories, documents 'lie around', sometimes for centuries. Indeed, that is theoretically the whole point in a geniza, preserving texts simply because their religious content meant that it was not acceptable to destroy them, rather than because of a perceived functional value.[700] It is this element of geniza-like practices that has led to their characterisation as 'counter-archival', which highlights the fact that preservation in such depositories has no implications for the perceived archival value and future accessibility of their contents.[701] The comparison of archaeologically unearthed papyrological material with geniza collections is not new.[702] Mark Cohen, for instance, has suggested that the Quṣayr documents might be interpreted as an 'Islamic Geniza', owing to the physical state that the documents were found in, which indicates that they had been deliberately shredded.[703] As we have already seen, the condition in which the Quṣayr documents were unearthed is not so different from that of the corpus examined here. Should we, then, see this corpus as constituting part of a geniza-like collection? What does this imply for our understanding of the space in which the documents' lives were played out?

Certainly, the documents lay around somewhere: in a functioning office, a cupboard or storehouse, or perhaps even a dedicated geniza-like space designed more for the documents' respectful entombment than their accessibility. It is even possible that the documents' final disposal may have been into a geniza depository, rather than being thrown onto a communal rubbish heap. Bearing in mind the ambiguities of these documents' modern discovery it is possible that they, in fact, remained in such a depository until the nineteenth century, when they were unearthed from its ruins.[704] Identifying the geniza-like nature of this documentary corpus

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[699] Sadan 1986; Cohen 2006.
[700] Sadan 1986, 36-58. For a welcome reappraisal of the motivations, both religious and social, behind geniza-like depositories, see Rustow forthcoming, 36-9.
[701] Hirschler 2016, esp. 3-7; Paul 2018.
[702] And, indeed, the other way round. See, for instance, Rustow 2008, xx-xxi.
[703] Cohen 2006, 138.
[704] The *sibākh*-digging by Egyptian farmers that coexisted with nineteenth-century archaeological excavations, and which also furnished documents for the antiquities market, often entailed the

can serve to complicate the admittedly oversimplified and linear timeline of the documents' lives that I outlined in the previous section of this chapter. While the decrees may have lain around prior to their re-use, they may also have done so after their shredding. Documents might, even, have been shredded prior to their re-use, with small document fragments being deliberately extracted from the 'geniza' for specific re-use purposes.[705] Such practices might help explain the specific profile of re-used material that is evident within this corpus, representing the limited range of re-uses that was possible with already fragmentary material. Whilst these hypotheses must ultimately remain conjecture, they nonetheless help to provide a more contextualised historical view of documents lying around than would be possible without comparison to known geniza-like depositories.

Identifying the significance of documents lying around reveals that it is the point in time when these documents seem to lose their archival value that can reveal the most profound insights into the physical spaces they inhabited. This is by and large because such moments left material traces on documents, such as evidence of re-use or destruction, which by their very nature encourage us to situate them within a physical world. In addition, the recognition that periods of lying around may have punctuated the progression of these documents' life-cycles highlights the human factors influencing archival preservation. Not all of these can be understood as well-planned, calculated, or deliberate.[706] The amir's *dīwān*, a space with profoundly 'paperassière' characteristics, was just the kind of setting in which one might expect piles or bundles of documents to lie around, be ignored, gradually forgotten about, and later rediscovered. The documents it received and produced served immediate communicative functions, or in the case of the tentatively identified accounts, recorded day-to-day administrative details that may quickly have lost their relevance. The progression of such documents from active and useful records to pieces of paper lying around may well have been a rapid one. We should, then, seek to understand the archival spaces of this domain in light of these multifunctional sites of administrative and documentary activity, in which the lives of documents sometimes haphazardly progressed.

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destruction of medieval buildings, owing to the value of their organic building materials for fertiliser. See Cuvigny 2009, esp. 32-5. Compare also the Quṣayr documents which were unearthed in the excavation of a house. Guo 2004, xi-xii; 1-28.

[705] The extraction of scrap paper from the Cairo Geniza was suggested by Goitein, though such a hypothesis is not substantiated on the basis of surviving re-used material: Rustow forthcoming, 56.

[706] It is perhaps instructive here to cite the modern archivist Terry Cook who has flagged up the way in which 'Archivists have…traditionally masked much of the messiness of records….from researchers, presenting instead a well-organised, rationalised, monolithic view of record collection…that very often never existed that way in operational reality…': Cook 2009, 527-8.

Conclusion

In this chapter, I have relied primarily on the tool of materiality to explore the afterlives of documents generated and used within the domain of the Mamlūk amir's administration. I have shown that it is possible to outline the gradual progression of the documents through various life stages, in spite of the fragmentary nature of this corpus; indeed because of it. We have seen that the initial stages that these documents went through to serve their administrative purpose were followed by further shifts in documentary function. These apparently problematic documents emerge, in some ways, as more conducive to the investigation of archival life-cycles than those preserved in more traditionally archival settings.

The documents' afterlives reveal the gradually shifting values attributed to documents at different stages of their lives. Documents initially preserved in bundle-archives for the text they contained gradually took on a greater material significance, their supports offering the raw material for a range of, often enigmatic, re-uses. Later, the deliberate shredding of much of this material indicates the symbolic end of one period of preservation or use, to be followed by their disposal or discarding. The material way in which such shifts are manifest on the documents foregrounds the physical aspects of documentary life-cycles. This allows us to further characterise the archival spaces utilised by the actors involved in administration, thus extending the discussion of the previous chapter onto a more explicitly archival plane. The amir's *dīwān* thus emerges as a multifunctional administrative space. Well-equipped, and served by highly-trained personnel, the *dīwān* was both an active office and a site of document storage, representing the spatial backdrop against which we witness the complete unfolding of these documents' lives.

Most significantly, the ordinarily overlooked moments in which documents were 'lying around' have emerged as key to understanding these archival spaces. Comparable to discussions surrounding geniza-like practices, this phenomenon encourages us to suggest various possible modes of preservation for these documents. Documents lying around can perhaps even offer a novel way of thinking about genizas, moving beyond the characterisation of such practices as simply 'counter-archival'. They emphasise instead the transitions in archival meaning granted to documents over the course of their complex lives, within the context of physical spaces whose characteristics were determined by specific human needs and activities. Above all, documents lying around bring to the fore the potential ambiguity of a document's value, even to its custodians. The original producers of documents, their keepers, and re-users, may have been uncertain as to whether preservation was, or was going to become, necessary or profitable. Rustow's characterisation of geniza-preserved documents as 'in limbo' is thus a useful one, though particularly if it is applied in a broader sense than the one for which she has intended

it.[707] This limbo might be seen not only to refer to an intermediate stage between calculated archival preservation and definitive disposal or destruction, but also to a state of uncertainty about the potential textual or material value of a document amongst the people in whose functional space it lay around. We thus witness what might be designated incidental archiving, whereby documents were kept long-term as a by-product of the preservation and daily use of other documents within the same spaces. This is further testament to the ubiquity of documents in the day-to-day activities of the communities and households concerned, such as the Cairene Jewish community, and the amir's *dīwān*, though such a point hardly needs to be repeated at this stage. Documents lying around may, ultimately, be key to avoiding an overly motive-driven and rationalistic view of archival practices, emphasising instead the contingencies of circumstance, and the potentially significant impact of human uncertainty.

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[707] She talks of documents in the geniza as placed in 'respectful' or 'dignified' limbo, thus emphasising the religious prescriptive side of the discussion. Rustow forthcoming, e.g. 7, 50.

Conclusion

In this thesis I have explored archival practices in Mamlūk Egypt through a documentary lens. Following the scholarly trends emerging from the wider archival turn, I have offered a micro-study of source corpora that have up until now not been exploited for the study of archival practice. Through the close investigation of these two main document collections, I foregrounded two domains of archival practice, both located outside the state chancery: Mamlūk-era *waqf* endowments, and the administration of low-ranking amirs active in areas of Egypt outside the orbit of central political power. I have thus been able to form an understanding of the archival practices that prevailed within each of these domains, conceptualising the connection between these practices and their historical, social, and legal backdrops.

The rationale of each chapter in this thesis is quite distinct, framed in each case by different historiographical questions. The conclusions that emerge are correspondingly diverse, specific to the domain and the source material under consideration, and to the different ways in which past scholarship has (or has not) engaged with these. Despite this, the broad research question I outlined in the introduction to this thesis can be answered affirmatively. I asked: what can extant Arabic documents tell us about archival practices in Mamlūk Egypt? It is clear from what we have seen in the preceding six chapters that the extant Arabic documents from the Mamlūk period offer an abundance of evidence for contemporary archival practices. The documents reveal substantial traces of their own archival histories, visible in the features of their internal design, their involvement in the archival strategies of known or unknown individuals, and in their sometimes convoluted trajectories of preservation until the modern day. The *waqf*-related documents show this most clearly, allowing us to reconstruct historical processes of archive assembly and configuration in a well-defined historical context. The Vienna documents too, though, evidently more challenging from an archival perspective, have allowed us to open the door to the study of a 'new' domain of archival practice, one which cannot be apprehended through any other extant source material. It has become clear that a focus on state-level archiving is simply not sufficient to characterise the range of practices that emerge within the varied domains that produced, used, and preserved documentary traces in Mamlūk Egypt. This thesis has thus shown the value of making the surviving documents the protagonists of research into archival practices.

Perhaps the most significant conclusion to emerge from all the chapters of this thesis is a confirmation of the extent to which archival practice was rooted in context. We cannot make assumptions about prevailing archival practices without establishing an understanding of the domains within which documents were produced, used, and preserved. Documents must therefore be firmly located within specific historical times and spaces, and against their particular social and legal backdrops, before we are able to fully apprehend their archival logic.

In the case of the Mamlūk-era *waqf*-related documents, for instance, we have seen that legal theory alone cannot provide a satisfactory explanation for the archival practices they manifest. Instead, these must be understood as part of the wider phenomenon that constituted *waqf* in late-Mamlūk Cairo. Likewise, in the case of the documents emerging from the amirs' administration, it is only through building an understanding of this obscure domain that we are able to assert the primacy of local logic in determining documentary and archival practices. With an appreciation of the specific demands of administration in these areas, we are able to distance the practices manifest in these documents from their better-studied analogues produced at the political centre. Even when considering the longer-term afterlives of material, historical context is key. Most notable here is al-Ghawrī's *waqf* archive, the full significance of which cannot be understood without an awareness of the historical accidents that determined its survival.

Despite the clear importance of locating documents within their immediate context, this thesis has shown Mamlūk-era archival practices to have existed on a broad continuum. The characteristics of different domains were quite divergent, bestowing documents with varied practical, legal, and symbolic meanings. Nonetheless, we find evidence of practices shared by the custodians of very different archives, though separated in time and space, suggesting that there were common requirements of individuals involved in the management of paperwork. The use of archival filing notes, for instance, can be found on both the *waqf*-related documents of Cairo and on the estate inventories in the Ḥaram al-Sharīf. Developed to assist in the practical navigation and categorisation of the contents of depositories, these notes clearly facilitated the use of large archives by their custodians. We might also posit a continuum between the apparently informal system of bundle archiving witnessed in the *dīwān*s of low-ranking Mamlūk amirs and the substantial collection of loose scrolls that made up al-Ghawrī's *waqf* archive. In both domains, the archives' material form is one that may seem inefficient to a modern mindset. Identifying the nature of archiving within these domains, however, it becomes clear that these apparently informal archives were fit for purpose. *Waqf-* and property-related archiving in late-Mamlūk Cairo was, above all, distinguished by extreme mutability, with individual documents coming in and out of diverse archival constellations in line with rapid property exchange and endowment. Archiving in the amir's *dīwān*, on the other hand, was mostly a rather short-term phenomenon, followed by the repurposing of documents within the context of an office, or a geniza-like depository. In both settings, bundles of documents or collections of scrolls make considerable sense, allowing the documents to perform the dynamic functions for which they were produced and preserved. Recognising points of overlap in the practices revealed by these very different document collections highlights the value in studying diverse corpora together, allowing us to identify archival pressures and responses that were shared across multiple domains.

Placing the different document collections examined in this thesis on such a continuum has allowed me to challenge some of the existing preconceptions about what 'archival' means, and thus to turn away from the too-narrow definition of 'the archive' that has at times prevailed in previous literature. On the one hand, I have begun to resurrect the archival status of documents not usually seen as archival: that is, the Vienna documents and the Ḥaram corpus. On the other hand, I have questioned the seemingly safe archival status of the Wizārat al-Awqāf collection. Exploring these corpora in this way, I have attempted to disentangle Mamlūk-era archives from longer histories of preservation until the modern day, interrogating scholarly assumptions, and showcasing the full complexity of archival life-spans.

Over the course of this thesis it has become clear that making archives the subject of research has an additional value beyond simply writing the history of archives within the period under consideration. While the study of archival practice during the Mamlūk period certainly contributes to a better understanding of society during this period, its significance transcends this. It can, in fact, have profound methodological implications. This is most clear in my assertion of the frozen status of al-Ghawrī's *waqf* archive, whereby I have challenged the extent to which this archive can be used as a straightforward source of historical information. By placing the objectivity of this archive in question, my discussion can be directly linked to one of the major preoccupations of the archival turn: that is, the need to problematise the form of an archive, and the processes, interests, and ideologies that contributed to its formation and configuration. In this thesis, this is done not so much by bringing out the personal or political agendas which dictated the form of this archive, as by highlighting the full significance of historical contingency in determining its preservation. It is, I would argue, only after the identification of this contingency that we can truly grasp the value of archives, finding ways to make them readable as sources for medieval history.

While the conclusions drawn in this thesis are manifold, there are undoubtedly ways in which they could be developed and enhanced by further research. The close analysis of the documentary corpora that I have offered in this thesis could, for instance, be complemented by greater engagement with other genres of source material, such as the Mamlūk-era chronicles and biographical dictionaries, chancery and legal manuals, that survive in such abundance. My decision to foreground original documents was a calculated one, made in response to the existing literature on this subject, to fill what I considered to be gaps in previous scholarship. Establishing their usability as sources for archival practices demanded a heavy time investment, as did the micro-methodology I chose to adopt, processes which I prioritised over the inclusion of other source genres. Nonetheless, my investigation of archival practices within the documents could certainly be supplemented by the different kinds of information that can be gleaned from more narrative or prescriptive texts. In the case of the *waqf*-related documents in particular, their elite origins bringing them closer to the social world visible through contemporary narrative texts,

the inclusion of detail from these other sources could be fruitful. Engaging with such sources might offer a way of rooting the archival practices visible in the documents more firmly within their historical context, telling a more sustained history of the documents' use by the people who produced and preserved them.

Looking forward, the approach I have taken in this thesis to the investigation of archival practices is one that I envisage being applicable to other extant sources. My choice of source material has had a profound impact on the questions I was able to ask and, therefore, on the kinds of conclusions I have been able to draw. The heterogeneity of my two corpora, though considered an advantage from the start, has limited the extent to which the conclusions I have drawn can apply beyond each specific domain. I was, for instance, compelled to present the material in the Wizārat al-Awqāf and the Vienna collection separately, asking different questions of the two corpora. Applying a similar approach to other sources would help to overcome some of the limitations of this thesis, by incorporating the analysis of other domains, and thus building a broader and more complete understanding of the archival fabric of Mamlūk society. As I showed in Chapter 4, the Ḥaram al-Sharīf corpus would certainly benefit from further exploration of this kind. In addition, the family archive contained in the *Jāmiʿ al-Mustanadāt* from late-Mamlūk Aleppo could fruitfully be examined from an archival perspective.[708] Exploring archival practices through a wider selection of documentary material would further facilitate the shift away from unproductive, and indeed inaccurate, questions about the non-survival of documents towards a fuller appreciation of the range of documents that do survive.

Beyond these documentary corpora though, this approach could also be employed in the analysis of other source genres. Scholars have already begun to attribute 'archival' functions to genres such as biographical dictionaries and chronicles.[709] The conceptualisation of archival that I have adopted in this thesis is one that I see as applicable to such sources.[710] We have seen throughout this thesis how an archival lens can illuminate various aspects of a source: not just its archival function, but its general purpose, the motivations of the actors who determined its production, use, and preservation, as well as its material history. Such a lens is, therefore, well suited to the examination of genres of sources where questions of authorial intent have increasingly come to be scrutinised.[711] Future research might, for instance, apply an archival approach more systematically to practices such as the copying of original documents into manuscript form, and the use of such copied documents within the construction of historical or

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[708] The editions of this lengthy scroll do not comment on the archival imperatives that contributed to its production. Saghbini 2005; 2014.

[709] For biographical dictionaries see: Hirschler 2013, 175-80; this is also the subject of the current PhD project of Benedikt Reier at the Freie Universität, Berlin. For chronicles see: Bora forthcoming.

[710] See above: 29-31.

[711] For historiographical texts, for instance, see Hirschler 2006, esp. 1-6.

biographical narratives.[712] Likewise, the archival function of manuscript notes such as readership notices (*samāʿāt*) and transmission certificates (*ijāzāt*), found in abundance in the margins of medieval scholarly works, could be more clearly delineated.[713] Such research would evidently be worthwhile in its own right, contributing to discussions around the intentions and motivation of both authors and users of texts. Beyond this though, I would suggest that applying a comparable approach to both surviving original documents and other sources genres outside the more traditional understanding of the archive is also a further way to sidestep the more vehement criticism of Chamberlain's theses. Scrutinising a fuller range of genres through an archival lens will help to build a better understanding of the relationship between the archiving of original documents and other forms of archival practice packaged in a less recognisably archival form.

As I have suggested here, there remains a lot of work to be done on the subject of archival practices. Having begun this thesis with a critique of the past fetishisation of the archive, however, I consider it prudent to conclude by warning against a new fetishisation of the 'archival'. If by characterising our sources as archival we obscure the presence of the actual social processes, legal imperatives, cultural mores, or economic incentives prevailing in the historical societies we study, we essentially fail at our task. The literature of the archival turn, as well as the conclusions gleaned in this thesis, reveal an enormous multiplicity of archival forms, meanings, and uses over the course of human history. These can be linked to a whole range of social, economic, political, and legal processes, their relationship with each of these configured differently at separate places in time and space. What is more, what constituted an archive of one kind at a certain time can transform into a very different kind of archive in another. Determining that a document had an archival function or value is, then, in itself meaningless if we do not also establish what this entailed within the society that preserved it.

Consider the frozen archive of al-Ghawrī. Here, it is easy to presume that long-term preservation was envisaged from the time of the archive's formation. We have seen, however, that this was not the case. Most of these documents were probably not intended to be preserved long term, though fatefully frozen in their early-sixteenth-century configuration. The fact that most of the documents in this archive were not 'discovered' even within their current depository until the 1960s implies that they had 'lain around' in relative oblivion in the centuries that intervened between their freezing and the attribution of their modern historical-archival status. The archival value of the documents in this archive has thus undergone substantial shifts, each of which reveals traces of different historical processes: the initial production of the documents themselves; the formation of a *waqf* archive; the impact of the Ottoman conquests on Mamlūk

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[712] See, for instance, the various kinds of texts discussed by Dekkiche 2011; 2013; 2016; and al-Qāḍī 1992; 2007a.
[713] The archival function of manuscript notes for the medieval scholarly community has already been identified but has yet to be fully conceptualised in this way in published writing: Konrad Hirschler, personal communication.

techniques of document preservation; the role of archives in the development of the Egyptian nation state; and the impact of modern historical scholarship on the constitution of archives. The history of this collections from the sixteenth century to the present, of course, largely remains to be told. For historians, the study of archival practices is at its most meaningful when it tells us more about the societies we examine, in such a way that it allows us to use our sources in a more perceptive and less anachronistic way. It is, above all, this goal that should drive such research in the future.

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Appendix 1

Lists of original documents viewed in the Wizārat al-Awqāf and the Vienna Papyrus Collection

Wizārat al-Awqāf

NB: I worked in the Wizārat al-Awqāf during two separate periods, from January to March 2016, and in April 2018. Documents I saw during the first visit are marked with a star (*), while those I saw during the second visit are marked with a cross (†)

*MMA 322/WA 531ح

*MMA 326/WA 728ح

*MMA 331/WA 704ح

*MMA 333/WA 562ح

*MMA 337/WA 685ح (microfilm print-out)

* MMA 341/WA 71ح

* MMA 342/WA 67ح

* MMA 346/WA 55ح

*MMA 384/WA 537ح

*MMA 385/WA 549ح

*MMA 390/WA 424ح

*MMA 401/WA 738ح

*MMA 405/WA 596ح

†MMA 422/WA 679ح

†MMA 458/WA 363ح

†MMA 459/WA 674ح

†MMA 460/WA 686ح

†MMA 463/WA 678ح

* MMA 469/WA 707ح

* MMA 471/WA 419ح (microfilm print-out)

†MMA 477/WA 683ح

*MMA 504/WA 471 ح

* MMA 528/WA 433ح

†MMA 603/WA 320ح

*†MMA 605/WA 401ح

*†MMA 606/WA 550ح

*†MMA 630/WA 333ح

†MMA 652/WA 882ق: an English translation of some of this document published in al-Hamzah 2009, 50-121.

†MMA 653/WA 884ق

*†MMA 658/WA 117ح

*†MMA 659/WA 176 ح

*MMA 695/WA 883ق: Part-edited in the doctoral thesis of ʿAbd al-Laṭīf Ibrāhīm, of which I was not able to get hold of a copy: Ibrāhīm ʿAlī, ʿAbd al-Laṭīf (1956), *Dirāsāt tāʾrīkhīya wa athariya fī wathāʾiq*

min ʿaṣr al-Ghawrī, PhD dissertation,
University of Cairo.

*Isjāl*s on the verso edited in Ibrāhīm
1957a.

†MMA 703/WA 130ح

†MMA 729/WA 362ح

* MMA 741/WA 331ح

*MMA 742/WA 314 ح

*MMA 743/WA 208ح

*†MMA 754/WA 338ح

*†MMA 766/WA 358ح

*MMA 799/WA 395ح

†MMA 836/WA 538ح

†MMA 837/WA 539ح

Vienna Papyrus Collection

A Ch 366

A Ch 1927

A Ch 1938

A Ch 2007; edited in *P.Vind.Arab.* III, no. 59

A Ch 2143

A Ch 2149; edited in *P.Vind.Arab.* III, no. 60

A Ch 2434

A Ch 3196

A Ch 5095

A Ch 5156

A Ch 5175

A Ch 5238

A Ch 5258

A Ch 5262

A Ch 5273

A Ch 5289

A Ch 5438

A Ch 5453

A Ch 5616

A Ch 5632

A Ch 5642

A Ch 5656

A Ch 5689

A Ch 5695

A Ch 5703

A Ch 5742

A Ch 5758

A Ch 5815

A Ch5844

A Ch 5847

A Ch 5864

A Ch 5872

A Ch 5879

A Ch 5928

A Ch 5937

A Ch 5939

A Ch 6113

A Ch 6223

A Ch 6239

A Ch 6249

A Ch 6288

A Ch 6312

A Ch 6341

A Ch 6402

A Ch 6451

A Ch 6452

A Ch 6467

A Ch 6602

A Ch 6769

A Ch 7328; edited in *P.Vind.Arab.* III, no. 48

A Ch 7332; *PERF* 1189

A Ch 7414; edited in *P.Vind.Arab.* III, no. 11

A Ch 8490

A Ch 8696; *PERF* 1316

A Ch 8984; edited in *P.Vind.Arab.* III, no. 4

A Ch 10217; edited in *P.Vind.Arab.* I, no. 68

A Ch 10219r; edited in *P.Vind.Arab.* III, no. 2

A Ch 10220; edited in *P.Vind.Arab.* III, no. 3

A Ch 10230

A Ch 10233

A Ch 10236

A Ch 10247

A Ch 10259

A Ch 10282; edited in *P.Vind.Arab.* III 46

A Ch 10289

A Ch 10436r; edited in *P.Vind.Arab.* III, no. 1

A Ch 10681; edited in *P.Vind.Arab.* III, no. 34

A Ch 10809; edited in *P.Vind.Arab.* III, no. 52

A Ch 11008; *PERF* 1337

A Ch 11180; edited in *P.Vind.Arab.* I, no. 55

A Ch 11331; *PERF* 1250

A Ch 11584; edited in *P.Vind.Arab.* III, no. 54

A Ch 11848

A Ch 12046

A Ch 12153; *PERF* 949

A Ch 12154; *PERF* 950

A Ch 12306; *PERF* 1140

A Ch 12341; *PERF* 1184

A Ch 12360; *PERF* 1205

A Ch 12396; *PERF* 1246

A Ch 12495; edited in *P.Vind.Arab.* III, no. 63

A Ch 12502; edited in *P.Vind.Arab.* III, no. 50

A Ch 12503; *PERF* 1390

A Ch 12506; *PERF* 1393

A Ch 12531

A Ch 12593

A Ch 13009; edited in *P.Vind.Arab.* III, no. 47

A Ch 13363; *PERF* 1343

A Ch 14412; *PERF* 1334

A Ch 14543; edited in *P.Vind.Arab.* I, no. 21

A Ch 15499; edited in *P.Vind.Arab.* III, no. 53

A Ch 15505; edited in *P.Vind.Arab.* III, no. 61

A Ch 15699; edited in *P.Vind.Arab.* III, no. 62

A Ch 15707; edited in *P.Vind.Arab.* III, no. 49

A Ch 15915

A Ch 16196; edited in *P.Vind.Arab.* III, no. 9

A Ch 16220; edited in *P.Vind.Arab.* III, no. 58

A Ch 17306; edited in *P.Vind.Arab.* III, no. 7

A Ch 18877; edited in *P.Vind.Arab.* III, no. 5

A Ch 23050; edited in *CPR* XXVI, no. 11

A Ch 23075; edited in *P.Vind.Arab.* III, no. 57

A Ch 24330

A Ch 24993; edited in *P.Vind.Arab.* III, no. 8

A Ch 24511

A Ch 25002a

A Ch 25002b; edited in *P.Vind.Arab.* III, no. 10

A Ch 25671

A Ch 25672

A Ch 25673c; edited in *P.Vind.Arab.* III, no. 6

A Ch 25674; edited in *P.Vind.Arab.* III, no. 56

A Ch 25675

A Ch 25676; edited in *P.Vind.Arab.* III, no. 55

A Ch 25677; edited in *P.Vind.Arab.* III, no. 51

A Ch 25680

A Ch 25707

A Ch 25794

A Ch 25966

Microfilms viewed in the Vienna Papyrus Collection

No. 1: A Ch 13 – A Ch 600

No. 2: A Ch 601 – A Ch 1200

No. 3: A Ch 1201 – A Ch 1800

No. 4: A Ch 1801 – A Ch 2600

No. 5: A Ch 2601 – A Ch 3200

No. 6: A Ch 3201 – A Ch 3800

No. 7: A Ch 3801 – A Ch 4400

No. 8: A Ch 4401 – A Ch 5000

No. 9: A Ch 5001 – A Ch 5600

No. 10: A Ch 5601 – A Ch 6200

No. 11: A Ch 6201 – A Ch 6800

No. 21: A Ch 10211 – A Ch 10330

No. 26: A Ch 11801 – A Ch 12800

No. 48: A Ch 25401 – A Ch 25000

Appendix 2

Charts outlining the documents in each of the categories outlined in Chapter 5[714]

1. Material with known geographical provenance and dates – dossiers

The Al-Azkā dossier

	Vienna Inventory No.	Published?	Date	Provenance[715]	Document type and physical state
1†	A Ch 12502	*P.Vind.Arab.* III 50	698-708/1299-1309	Ashmūnayn	Endorsed petition Complete though with multiple holes
2†	A Ch 25677	*P.Vind.Arab.* III 51	"	"	Endorsed petition Almost complete. Some text at top and bottom missing
3	A Ch 10809	*P.Vind.Arab.* III 52	"	"	Endorsed petition Fragment from top half
4	A Ch 15499	*P.Vind.Arab.* III 53	"	"	Endorsed petition Fragment from side
5	A Ch 11584	*P.Vind.Arab.* III 54	"	"	Endorsed petition Fragment from side
6	A Ch 25676	*P.Vind.Arab.* III 55	"	"	Endorsed petition Fragment from top half
7	A Ch 25674	*P.Vind.Arab.* III 56	"	"	Endorsed petition Fragment from top half
8	A Ch 25672	No	"	"	Decree Fragment from top half
9	A Ch 25675	No	"	"	Decree Fragment from side
10	A Ch 15915	No	"	"	Decree Fragment from side
11	A Ch 12503	No	"	"	Decree Fragment from top half

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[714] Pages 169-73. Documents marked with a cross (†) contain 'delivery notes'.

[715] I consider all the documents listed here to date to the Mamlūk period. Dates given here do not include those established on paleographic or stylistic bases, rather only those that are explicit from the text, or following suggestions offered in Diem's editions. Date and place names also include deductions on the basis of identical issuing amirs.

	Vienna Inventory No.	Published?	Date	Provenance	Document type and physical state
12	A Ch 23075	*P.Vind.Arab.* III 57	"	"	Endorsed petition Fragment from top side
13	A Ch 16220†	*P.Vind.Arab.* III 58	"	"	Endorsed petition Triangular fragment from side
14	A Ch 6249	No	"	"	Endorsed petition Fragment from side
15	A Ch 12531	No	"	"	Decree Fragment from side
16	A Ch 25966	No	"	"	Endorsed petition Fragment from side
17	A Ch 2007	*P.Vind.Arab.* III 59	708-709/1309-10	"	Endorsed petition Fragment from top
18	ACh 6239	No	"	"	Endorsed petition Fragment from side

The Bahāʾ al-Dīn dossier

	Vienna Inventory No.	Published?	Date	Provenance	Document type and physical state
1†	A Ch 366	No	?	Ashmūnayn	Endorsed petition Complete though with several holes
2†	A Ch 25673 c	*P.Vind.Arab.* III 6	?	"	Decree Fragment from one side
3	A Ch 5864	No	?	"	Endorsed petition Small fragment from side

Second Bahāʾ al-Dīn dossier

	Vienna Inventory No.	Published?	Date	Provenance	Document type and physical state
1	A Ch 8490	No	?	?	Endorsed petition Fragment from top
2	A Ch 25680	No	?	?	Endorsed petition Fragment from top side

The al-Būshī dossier

	Vienna Inventory No.	Published?	Date	Provenance	Document type and physical state
1†	A Ch 17306	*P.Vind.Arab.* III 7	10th/16th century; after 933/1526-7	Fayyūm	Decree Almost complete though with damaged edges
2	A Ch 24993	*P.Vind.Arab.* III 8	"	"	Decree Fragment from side

Material with known geographical provenance and dates – individual documents

	Vienna Inventory No.	Published?	Date	Provenance	Document type and physical state
1	A Ch 7328	*P.Vind.Arab.* III 48	658-76/1260-77	Ashmūnayn	Endorsed petition Fragment from top
2	A Ch 10219	*P.Vind.Arab.* III 2	872-901/1468-1495	Sharqīya	Decree Complete
3	A Ch 10220	*P.Vind.Arab.* III 3	?	Gharbīya	Decree Almost complete; bottom missing
4	A Ch 10436	*P.Vind.Arab.* III 1	6 Rabīʿ I 875/2 Sept 1470	Fayyūm	Decree Complete though with holes
5	A Ch 10681	*P.Vind.Arab.* III 34	After 679/1280	Ashmūnayn	Copies of reports and decrees Complete
6†	A Ch 12495	*P.Vind.Arab.* III 63	698-708/1299-1309	?	Endorsed petition Almost complete
7	A Ch 12511	*P.Vind.Arab.* III 69	698-708/1299-1309	?	Decree Complete

2. Material without firm context

	Vienna Inventory No.	Published?	Date	Provenance	Document type and physical state
1	A Ch 2149	*P.Vind.Arab.* III 60	?	Ashmūnayn	Endorsed petition

					Fragment from middle
2	A Ch 5095	No	?	?	Endorsed petition Small fragment
3	A Ch 5156	No	?	?	Endorsed petition Fragment from middle
4	A Ch 5238	No	?	?	Endorsed petition Fragment from top
5	A Ch 5258	No	?	?	Decree Fragment from top
6	A Ch 5262	No	?	?	Endorsed petition Almost complete though bottom missing
7	A Ch 5616	No	?	?	Endorsed petition Fragment from top
8	A Ch 5847	No	?	?	? Endorsed petition Small fragment
9	A Ch 5872	No	?	?	Endorsed petition Small fragment from top
10	A Ch 5742	No	?	Ashmūnayn	Endorsed petition Fragment from top
11	A Ch 6223	No	872-901/1468-1495	?	Endorsed petition Fragment from side
12	A Ch 6341	No	698-708/1299-1309	?	Decree Small fragment from top
13	A Ch 6467	No	?	? Ashmūnayn	? Endorsed petition or petition Small fragment from side
14	A Ch 7414	*P.Vind.Arab.* III 11	?	?	Decree Fragment from top
15	A Ch 8984	*P.Vind.Arab.* III 4	Before 842/1438-9	?	? Draft of decree Complete document
16	A Ch 15505	*P.Vind.Arab.* III 61	c. 8th/14th century	?	Endorsed petition

					Fragment from side
17	A Ch 15699	*P.Vind.Arab.* III 62	?	?	Endorsed petition Fragment from centre
18	A Ch 15707	*P.Vind.Arab.* III 49	?	?	Endorsed petition Fragment from side
19†	A Ch 16196	*P.Vind.Arab.* III 9	?	Ashmūnayn	Decree Fragment from bottom
20	A Ch 18877	*P.Vind.Arab.* III 5	?	Delta/Ashmūnayn[716]	Decree Complete
21	A Ch 24330	No	?	Ashmūnayn	Decree Fragment from top side
22	A Ch 24511	No	?	?	Decree Fragment from top
23	A Ch 25002 b	*P.Vind.Arab.* III 10	?	Ashmūnayn	Decree Almost complete
24	A Ch 25671	No	?	?	Decree Fragment from top

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[716] It is unclear why Diem chooses to interpret the place name *ar-Rawḍa* to refer to a village in the Delta, as opposed to the village of the same name in the district of Ashmūnayn. *P.Vind.Arab.* III, 26-8.