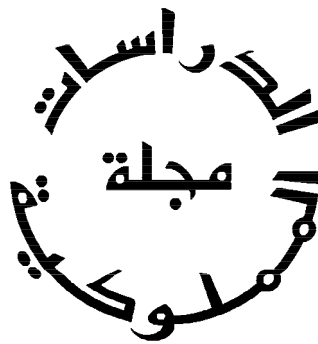


MAMLŪK STUDIES REVIEW

II



1998

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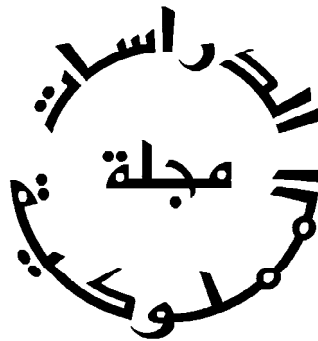
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R. STEPHEN HUMPHREYS

UNIVERSITY OF CALIFORNIA, SANTA BARBARA

Ayyubids, Mamluks, and the Latin East in the Thirteenth Century*

There was, once upon a time, a widely accepted myth that the Muslim rulers and peoples of southwest Asia were from the outset bitterly opposed to the presence among them of the Crusaders (variously portrayed as infidels or proto-imperialists), and that they struggled unceasingly if ineffectually to expel them. But that myth has long since been discarded among serious scholars. A series of essays in the mid-1950s by Claude Cahen and Sir Hamilton Gibb demonstrated that we can only perceive a consistent policy and ideology of opposition to the Crusades with the rise to power of Nūr al-Dīn (r. 1146-1174), and then in a more heightened manner under Saladin (r. 1169-1193). A more precise definition of this process, covering the whole two centuries of Crusader rule in Syria-Palestine, was developed for the first time in the splendid monograph of Emmanuel Sivan, *L'Islam et la Croisade*. Sivan almost certainly understated the sanctity of Jerusalem in Islamic consciousness in the pre-Crusade era, and he may not have done justice to the military efforts of the later Fatimids and the Saljuq amirs of Syria, both of whom had to contend with a very unfamiliar threat from a position of grave weakness. But on balance his account remains the best introduction to the subject of the "Counter-Crusade."¹

In spite of Sivan's important contribution, however, the nature of the relations between the Muslim rulers of Syria and Egypt and the Crusader states after the death of Saladin (1193) has remained something of a puzzle. But in the last three decades we have had an important series of studies on the eastern Mediterranean

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¹H. A. R. Gibb, "The Achievement of Saladin," *Bulletin of the John Rylands Library* 35 (1952-53): 44-60; reprinted in *Studies on the Civilization of Islam*, ed. Stanford J. Shaw and William R. Polk (London, 1962), 89-107; idem, "The Career of Nur al-Din," in *A History of the Crusades*, ed. Kenneth M. Setton (Madison, 1955-89), 1:513-27, esp. 514-16; and idem, "The Rise of Saladin," *ibid.*, 563-89. Gibb's near-apotheosis of Saladin should not be allowed to obscure his political acumen. Claude Cahen, "L'Islam et la Croisade," *Relazione del X Congresso internazionale dei scienze storiche, Roma 1955: Storia del medio evo* (Florence, 1955), 625-35. Emmanuel Sivan, *L'Islam et la Croisade: Idéologie et propagande dans les réactions musulmanes aux Croisades* (Paris, 1968).



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world in the thirteenth century. These began with two major books by Jonathan Riley-Smith, and now include studies on Crusader Cyprus by Peter Edbury, Crusader-Mamluk diplomacy by Peter Holt, the mid-thirteenth-century Crusades and the Mongol invasions by Peter Jackson, and the reign of Sultan Baybars by Peter Thorau and Reuven Amitai-Preiss. Taken together, these have brought the key issues into far sharper focus and suggested how they might be resolved.²

The problem, long familiar to students of the period, is simply that Saladin—by long-term design or happy accident—had left the Crusader states of Syria in a shambles. Even after the bitter and frustrating struggle with Richard Lion-Heart, the Crusaders retained only a few ports on the coast, with a hinterland no more than ten miles deep. The forces of the Franco-Syrian barons had been shattered in 1187-1188, and apart from their severe manpower losses, they had been stripped of almost all the landed possessions which had allowed them to support the surprisingly large military forces of the Kingdom of Jerusalem—forces which had been very nearly equal to those which Saladin himself could mobilize, though of course they were very different in character. And yet the Crusader states, even the frail Principality of Antioch, survived and even flourished for another century.³ They were clearly prosperous, more so than in the twelfth century. Finally, significant pieces of land, especially in Galilee and southern Lebanon, were recovered and refortified; even Jerusalem reverted to Latin control for about fifteen years, between 1229 and 1244, albeit in a very conditional and tenuous manner. How did they do it?

Part of the answer is certainly that the Crusader states were in reality far less fragile than we had once supposed. A number of scholars, but Professor Riley-Smith in particular, have underlined two key resources which these states still possessed:

²Jonathan Riley-Smith, *The Knights of St. John in Jerusalem and Cyprus, ca. 1050-1310* (London, 1967); idem, *The Feudal Nobility and the Kingdom of Jerusalem, 1174-1277* (London, 1973). Riley-Smith's more recent publications have focused on the earlier phases of the Crusades, in particular the nature of the movement and the motives which drove its participants. Peter W. Edbury, *The Kingdom of Cyprus and the Crusades, 1191-1374* (Cambridge, 1991). Peter Jackson, "The Crisis in the Holy Land in 1260," *English Historical Review* 95 (1980): 481-513; idem, "The End of Hohenstaufen Rule in Syria," *Bulletin of the Institute of Historical Research* 59 (1986): 20-36; idem, "The Crusades of 1239-41 and Their Aftermath," *Bulletin of the School of Oriental and African Studies* 50 (1987): 32-60. Peter M. Holt, *Early Mamluk Diplomacy (1260-1290): Treaties of Baybars and Qalāwūn with Christian Rulers* (Leiden, 1995). Peter Thorau, *The Lion of Egypt: Sultan Baybars I and the Near East in the Thirteenth Century*, trans. Peter M. Holt (London, 1992). Reuven Amitai-Preiss, *Mongols and Mamluks: The Mamluk-Īlkhānīd War, 1260-1281* (Cambridge, 1995).

³This point is argued by Riley-Smith in *The Feudal Nobility*, but the evidence for it was already presented by Wilhelm Heyd, *Histoire du commerce du Levant au Moyen Age*, trans. Furcy Reynaud, 2 vols. (Leipzig, 1885-86).



1) The positive role of the military orders, whose income from gifts and their vast landed holdings in Europe allowed them to garrison a large number of castles throughout Syria, and even to undertake the defense of new ones.

2) The revenues generated by the growing commerce of the Levant, especially through Acre, but Tyre, Beirut, and Antioch/San Simeon as well, largely replaced the agricultural rents and dues of the twelfth century.

Both of these points clearly imply that the Crusader states of Syria flourished because western Europe was flourishing—more precisely, because some part of the new wealth of Europe was siphoned off to keep them going. In spite of the undoubted contribution of Acre to the burgeoning commerce of Pisa, Genoa, and Venice, one suspects that on balance the Crusader states gained a good deal more from this commerce than they contributed to it.

Such considerations are strengthened when we look at the Crusades of the thirteenth century—which were far more numerous and better organized than those of the preceding era. Indeed, the recovery of Jerusalem and the security of the Latin Kingdom were a major focus of concern by the Papacy throughout the century. Apart from the two massive Crusades aimed at Damietta (the Fifth Crusade of 1217-1221 and the Crusade of St. Louis in 1249-1254), there were many smaller expeditions which focused on the Holy Land. These latter ironically achieved far more than the two big expeditions. Even when (as was often the case) the new Crusades were more a nuisance than a help to the Crusader states, they were always a standing threat, one which Muslim rulers had to keep constantly in mind in framing their policies. Even the miraculous victories of 1221 and 1250 had been a very near thing indeed—gifts of Crusader stupidity rather than the fruits of Muslim military prowess.

Yet even these elements of strength in the Crusader position do not explain the durability of the Frankish domains in Syria, beset as they were by structural fragmentation and (especially after 1210) weak leadership. This is especially the case after the catastrophic battle of La Forbie (al-Ḥarbīyah) in 1244, which decimated their military resources and led to the dissolution of the last vestiges of political cohesion among them. Even under these circumstances, the Franks managed to hang on for almost half a century longer. The Muslims plainly held an overwhelming theater advantage; they ought to have been able to eliminate these infidel vestiges at almost any moment had they really wanted to do so. But on the contrary, they often went to some lengths *not* to drive away the Franks, and indeed to incorporate them within their alliance and economic structures.

We have all been conditioned to interpret Muslim/Crusader interactions in ideological terms; even when we know better we cannot stop ourselves from measuring actual policies against the normative criteria of ideology, and then being mildly outraged by the inevitable gulf between one and the other. Even with



this caveat, however, it can be instructive to compare the pursuit of concrete goals by the two sides with their professed values. When we do that, we obtain an interesting result. Broadly speaking, the Franks of Syria were occasionally induced by the ideals of Crusade and Holy War to do things that they might otherwise have avoided on grounds of solid material interest. On the other hand, Muslim political elites during the thirteenth century appealed to the idea of *jihād* only to legitimize policies which were clearly demanded by very concrete geopolitical, economic, and military imperatives. That does not mean that this appeal was in any way hypocritical. But the concept of *jihād* is a plastic one, which can be deployed in widely varying ways for varying ends. For thirteenth-century Muslim rulers, there was a happy and all too rare marriage of values and interests. Our task in the balance of this paper is thus to search out the imperatives which underlay the apparently vacillating, shifting Muslim policies toward the Crusader states during the decades between 1193 and 1291.

Policy can only be generated within and applied through political institutions, and so we should begin by noting that Egypt and Syria were governed (more or less) by two very distinct political formations during this period: the Ayyubid Confederation created by Saladin and his kinsmen in the 1170s and 1180s, and the Mamluk Sultanate established by the palace guards who assassinated the last Ayyubid ruler of Egypt in 1250. These two formations had much in common—their formal ideologies, their fiscal administration, many (though certainly not all) of their basic military institutions—but on the deeper level of the often unspoken values, attitudes, and assumptions which shaped political conduct, the rules of the political game, they were fundamentally different.⁴ One question we have to ask is

⁴Claude Cahen, "Ayyūbids," *The Encyclopaedia of Islam*, 2nd ed., 1:796-807. R. Stephen Humphreys, *From Saladin to the Mongols: The Ayyubids of Damascus, 1193-1260* (Albany, 1977). There is no modern, full-length monograph on the early Mamluk regime (from 1250 to 1310). However, the concise survey of Robert W. Irwin, *The Middle East in the Middle Ages: The Early Mamluk Sultanate, 1250-1382* (Carbondale, 1986) is a good introduction. For brief treatments, see Peter M. Holt, "Mamlūks," *EF*, 6:321-31; and R. Stephen Humphreys, "Mamluk Dynasty," in *Dictionary of the Middle Ages* (New York, 1982-89), 8:70-78. Reflections on the relationship between the two regimes are found throughout the voluminous publications of David Ayalon; see especially his "Aspects of the Mamluk Phenomenon: Ayyubids, Kurds, and Turks," *Der Islam* 54, no. 1 (1977): 1-32; and idem, "From Ayyūbids to Mamlūks," *Revue des études islamiques* 49, no. 1 (1981): 43-57. Ayalon insists on the fundamental identity of the Ayyubid and Mamluk political and military systems. As always, his arguments are enlightening and richly documented; in spite of his criticisms, however, I still adhere to the main conclusions in my "The Emergence of the Mamluk Army," *Studia Islamica* 45 (1977): 67-99, and 46 (1977): 147-82. A recent reevaluation of the early Mamluk state is given in Amalia Levanoni, *A Turning Point in Mamluk History: The Third Reign of al-Nasir Muhammad Ibn Qalawun, 1310-1341* (Leiden, 1995), who departs from Ayalon on certain important points.



whether, or to what degree, these changes in political structure led to changes in policy. We should not take it for granted that the shift from Ayyubid to Mamluk rule necessarily entailed changes in Muslim policy toward the Crusaders, of course, but neither should we just dismiss the possibility.

Apart from the change in regime per se, the Ayyubids and early Mamluks each found themselves acting within a very different international milieu. For most of their existence, the Ayyubids faced no serious threat from their neighbors in southwest Asia; the Crusaders were the only dangerous "foreign" problem on the radar screen.⁵ The Mamluks, of course, had to contend with a very powerful and extremely hostile Mongol presence on their eastern and northern borders. The Il-Khans, we should recall, could draw on the fiscal and manpower resources of Iran, Iraq, the Jazira, and Anatolia, and they made a number of serious efforts to add Syria (and perhaps ultimately Egypt) to that list. On the other hand, after the end of Louis IX's venture in 1254 the threat of new Crusades receded markedly. Obviously one could take nothing for granted, and the Mamluks always had to be prepared to confront a new expedition from overseas. But in the event they never had to do so; in effect, the Muslims were now free to take the offensive against the Crusader states in Syria.

With these general points in mind, let us return to the first of our two questions. How did the characteristics of the Ayyubid and Mamluk political systems affect their policy toward the Franks of Syria?

The Ayyubid domination did not represent any sort of unified and centralized state; it was rather a confederation of autonomous appanages or principalities. (At least the principalities desperately desired to be autonomous.) Each of these principalities was governed, usually in a fairly regular hereditary succession, by an appanage prince belonging to a lineage stemming from Saladin's father Ayyūb or (in one case) his uncle Shīrkūh. For most of the six decades between 1193 and 1250 there were six major principalities (Egypt, Damascus, Homs, Hama, Aleppo, Jazira-Armenia), and each of these might claim suzerainty over one or more satellite principalities held by a cadet member of the locally dominant lineage.

There were no formal administrative structures to ensure general cohesion within the confederation. Such cohesion as there might be was achieved through the sense of common descent among the princely lineages, reinforced (not too strongly) by marriage ties. In addition, all the princes owed allegiance and personal deference to the senior member of the Ayyubid house (*al-bayt al-ayyūbī*, *banū Ayyūb*), who was usually the ruler of Egypt. The senior prince had the customary

⁵To be precise, there were two bad moments: an invasion of northern Syria by the Rum Saljuqs in 1218, at the very moment the Crusaders were laying siege to Damietta, and the penetration into Armenia and the Jazira by the stateless warlord Jalāl al-Dīn Mankūbirtī in 1225-1226 and 1228-1230. Threatening as they seemed, both of these dangers were quickly dispelled by Ayyubid counter-attacks.



right to confirm the succession to the throne in the other principalities, and he was expected to go to the aid of any appanage prince threatened by outside attack. This frail web of obligation and deference had real political consequences only in a few situations, however. First, when every appanage prince owed his current status and future hopes to the head of the family, as under Saladin and later his brother al-‘Ādil. Second—perhaps a special case of the first—when the head of the family was the father of the most important appanage princes and could use his position within the family to dominate them. (Happily the Ayyubids were not given to patricide.) If the nominal head of the confederation had the bad luck to be merely the older brother or nephew of the key appanage princes, he could enforce only a modicum of deference to his authority through cunning and war. These tools were wielded brilliantly by al-Kāmil (1218-1238), the son of al-‘Ādil and the brother of the princes of Damascus and the Jazira, but even he only got the upper hand in the last decade of his rule.

Political formations of this kind were very widespread throughout the Nile-to-Oxus region between the tenth and fifteenth centuries, and obviously they are inherently unstable. We might have expected the Ayyubid Confederation to fragment into a congeries of city-states after two or three generations, as so many such entities did. Instead, in the course of a complex series of internal struggles between 1237 and 1245, it bifurcated into two large and relatively centralized states. Egypt, Palestine, and Damascus were ruled by al-Šāliḥ Ayyūb (r. 1240-1249), who created a unitary, centralized regime with its capital in Cairo; in al-Šāliḥ’s domains all territorial government was assigned to men who belonged to his inner circle, either his personal *mamlūks* or free-born amirs with demonstrated loyalty to him, and these deputies held office at his pleasure. In building this regime, al-Šāliḥ created the model for the Mamluk Sultanate, though the turmoil following his death prevented this model from being deployed in any conscious and effective way for more than a decade. But when Baybars finally seized power in 1260, he proclaimed from the outset his firm resolve to follow the practices of his revered master al-Šāliḥ Ayyūb.⁶

In northern Syria, the troubles of 1237-1245 yielded a state centered in Aleppo and ruled by a great-grandson of Saladin. This entity was more loosely structured than the rival regime of al-Šāliḥ Ayyūb, since it was still based on the old appanage or confederative principle, but now the appanage princes were far more closely supervised than in the past. The “reformed” Ayyubid principality of Aleppo survived the Mamluk coup d’état in Egypt in 1250 and even occupied Damascus and part

⁶David Ayalon, “The Great Yasa of Chingiz Khan: A Re-examination,” *SI* 36 (1972): 156-58. See also Humphreys, “Emergence of the Mamluk Army,” 154-55.



of Palestine for the next decade. But it had no future, and was swept away in the Mongol deluge of 1259-1260.

What are the implications of the Ayyubid political system for Muslim-Frankish relations? In my judgment there are two main points to consider.

First, each principality within the Ayyubid Confederation had interests of its own, and each had to make its own arrangements with the Crusader states on its borders. Solidarity in the face of the infidel was hardly even an ideal, and was certainly not a reality. Thus, Aleppo was constantly embroiled with Cilician Armenia, and only once (in 1207) did the head of the confederation intervene. Aleppo also signed a series of four commercial treaties with Venice, with no reference to Cairo or anyone else. Likewise, Homs got little help in its constant skirmishes with the Hospitallers of the Crac des Chevaliers. Damascus and Cairo had the same neighbor (the Latin Kingdom of Jerusalem) and were equally affected by new Crusades, but from 1227 on they consistently lined up on opposite sides of any conflict. A Crusader threat to one was a welcome opportunity to the other.

Second, because the Crusader states down to the battle of La Forbie (1244) still represented a considerable military force, they were inevitably drawn (albeit with some reluctance) into the internecine quarrels of the Ayyubid princes. Their participation came with a price tag, of course, and they often gained substantial if temporary advantages from Ayyubid princes bidding for their support. Most significant perhaps was the series of concessions granted by al-Ṣāliḥ Ismāʿīl during his struggle with his nephew al-Ṣāliḥ Ayyūb during the early 1240s; these restored many of the castles in Galilee and south Lebanon lost to Saladin a half-century earlier, and the Franks would retain them until the campaigns of Baybars in 1265. Most shocking to contemporaries, no doubt, was al-Kāmil's agreement in 1229 to return Jerusalem to the Emperor Frederick II for a period of ten years. Indeed, the evidence suggests that al-Kāmil had himself initiated discussions with Frederick three years before, well before the Emperor had even begun to gather his forces for his long-promised and oft-postponed Crusade. At that time al-Kāmil had indicated that he might return Jerusalem to the Franks in return for Frederick's aid against his troublesome brother, al-Muʿazzam of Damascus.

Only in moments which combined grave crisis and an unusual degree of internal cohesion could the Ayyubids act in concert against the Franks. The severest test fell in the summer of 1218, when al-ʿĀdil died at a critical moment in the siege of Damietta. His eldest son and successor, al-Kāmil, was able to obtain the active support and close cooperation of his brothers ruling in Damascus and the Jazira until the collapse of the Crusade in 1221. This situation was never replicated, and it is worth asking how it happened even once. Any answer to that question is a matter of speculation rather than hard evidence, but I offer the following reflections. First, it was obvious to everyone that the summer of 1218 represented a very



grave crisis, one which could easily have led to the end of Ayyubid rule. Second, al-Kāmil was defending his own lands; his armies in the Egyptian Delta posed no threat to any other Ayyubid prince. Finally, the three brothers had not yet had any opportunity or need to test their positions vis-à-vis one another; each had been securely ensconced in his own principality for many years, and each had been kept on a very short leash by his autocratic father. The usual rivalries surfaced quickly enough after the crisis passed in 1221.

The political structure of the Ayyubid Confederation does much to explain the restraint, the eagerness to make a deal, which seems so anomalous in a dynasty which owed its legitimacy to the *jihād* of Saladin. But it does not explain everything. Let us examine two points in particular:

1) Sometimes the Ayyubids hastened to make concessions which were not compelled by internal feuding or external pressure. For example, al-‘Ādil restored a number of places on the Palestinian coast to the Franks in the quite petty Crusades of 1198 and 1204. Only once did they launch a serious sustained offensive; in 1247, the armies of al-Šāliḥ Ayyūb recaptured Tiberias and Belvoir/Kawkab in eastern Galilee along with the coastal town of Ascalon. Otherwise, Ayyubid forces always stuck to a defensive posture.

2) How were the Ayyubids able to square their conduct with the demands of the ideology of *jihād* which they had inherited from Saladin, and which they were obligated to exemplify in order to retain their mandate to rule?

The latter point first. As Sivan showed (following the lead of earlier scholars like Elisséeff and Max van Berchem), *jihād* was a complex concept in the twelfth and thirteenth centuries. Far more than a struggle against the foreign infidel, it was also an internal struggle within the Dār al-Islām against laxity and heresy. The commitment to *jihād* found expression not only in military expeditions and occasional inquisitions, but in such positive works as the founding of *madrāsahs*, *khānqāhs*, and other institutions of piety and sound learning. To the men of religion and the urban notables generally, the inward-looking face of the *jihād* was perhaps more significant. Indeed, as Michael Chamberlain has recently reminded us, they profited far more directly from this aspect of *jihād* than from any number of victories over the Franks—here again, that happy marriage of interest and religious values which frustrates our efforts to probe the inner motives of these people.⁷

⁷Michael Chamberlain, *Knowledge and Social Practice in Medieval Damascus, 1190-1350* (Cambridge, 1994), 51-66. See also Sivan, *L'Islam et la Croisade*, chap. 5; Nikita Elisséeff, *Nur al-Din: Un grand prince de la Syrie musulmane aux temps des Croisades* (Damascus, 1967), especially vol. 3. Van Berchem's ideas are scattered throughout his *Matériaux pour un Corpus Inscriptionum Arabicarum*, especially the three volumes on Jerusalem: *Mémoires publiés par les membres de l'Institut français d'archéologie orientale au Caire*, vols. 43-45 (Cairo, 1920-27).



In the internal *jihād*, Saladin's heirs performed splendidly. Most of the Ayyubid princes were, if not pious, men (and women) learned in the religious sciences, skilled litterateurs and poets, and exceedingly generous in the establishment of religious foundations. In Damascus alone they founded sixty-three *madrasahs*, as many as the combined total of the regimes a century on either side.⁸ In their official epigraphic protocols, the Ayyubid princes consistently combined titles and epithets denoting three qualities: God-given military victory, religious learning, and royal justice. Victory, of course, could be won against heretics and rebels as well as foreign infidels. A few outrages, such as al-Kāmil's retrocession of Jerusalem to Frederick II in 1229, or al-Ṣāliḥ Ismā'īl's exchange of eastern Galilee for a military alliance with the Franks of Acre in 1240, provoked scorching public denunciations from a few '*ulamā*', but nothing the Ayyubids did of this kind ever provoked a crisis of legitimacy among either the men of religion or the military elite. The coup d'état of 1250 was rooted in quite different problems. In brief, the Ayyubids knew how to make the ideology of *jihād* serve their policy, however paradoxical it might seem to the literal-minded.

The first point, however—the characteristic and often needless military diffidence of the Ayyubids—is more elusive. It was certainly not a matter of cowardice, since they were bold and tenacious soldiers when they had to be. The solution to this puzzle, I suggest, lies on two levels.

First, material self-interest. The Ayyubids profited enormously from the trade opportunities brought them by the Frankish outposts in Syria. It is clear that from Jaffa, Acre, Tyre, and Beirut a great deal of wealth (and apparently considerable silver) was funneled into Damascus. Likewise, these ports were prime outlets for goods that came to Damascus by way of the pilgrimage road to Mecca, the Red Sea, and the Persian Gulf-Euphrates route. The major Syrian towns had their own products and manufactures as well, and the Frankish seaports provided a convenient outlet for these.

No doubt Italian and Catalan ships would have continued to visit these places had they been in Muslim hands, but the Ayyubid princes of Syria must have reflected how much more attractive they were if they remained in Frankish hands. Recall also that the Syrian Ayyubids at least had no naval resources at all. Hence if they did recapture the Syro-Palestinian seaports, they had no means of protecting them from piracy or reconquest.

A second reason for Ayyubid caution in dealing with the Franks was doubtless even more compelling. The Ayyubids had been on the verge of ruin on three

⁸R. Stephen Humphreys, "Politics and Architectural Patronage in Ayyubid Damascus," in *The Islamic World from Classical to Modern Times: Essays in Honor of Bernard Lewis*, ed. C. E. Bosworth et al. (Princeton, 1989), 151-74; idem, "Women as Patrons of Religious Architecture in Ayyubid Damascus," *Muqarnas* 11 (1994): 35-54.



separate occasions—the Third Crusade, the Damietta Crusade of 1217-1221, and the Crusade of Louis IX in 1249-1250. At Acre in 1189-1191 and again at Damietta in 1218-1219, the combined forces of the Ayyubid confederation had been inadequate to break a Frankish siege. Indeed, after the fall of Acre Saladin's splendid army never won another victory, and came perilously close to disintegrating altogether. After the fall of Damietta, al-Kāmil's forces almost dissolved. And on more distant horizons, the Ayyubids were certainly aware of the catastrophic Almohad defeat at Las Navas de Tolosa in 1212 and the subsequent loss of al-Andalus to the armies of Castile and Aragon.

In brief, the Ayyubids were terrified of the Franks, who, however badly mauled they might be, just kept coming back. For this reason, they often went to extraordinary lengths to avoid threatening the status quo, and even to make generous concessions, in order to fend off a new expedition which might, this time, be fatal. In view of the powerful forces behind the crusading movement in Europe, such a policy of appeasement was bound to fail, but it was at least a rational choice.

We turn at last to the Mamluk Sultanate. The Mamluk coup d'état of course took place during—and on some level as a consequence of—Louis IX's expedition to Egypt. Louis's forces were defeated and he himself captured during the brief reign of the Ayyubid Tūrānshāh, but the final dispositions for his evacuation were made under the new regime. So the Mamluks started their career not only as assassins of their sovereign, but as victors over the Crusaders. For the next decade, however, they paid precious little attention to the Franks of Syria; they were after all too busy struggling to stay in power, sorting out (in what we would now call a mean-spirited manner) problems among themselves, and finally cobbling together an army which could defend Egypt from the Mongols. Only after that terrifying man Rukn al-Dīn Baybars seized and secured his throne did the Mamluks turn their attention to the Franks in any serious way. After 1263, however, Baybars began a relentless series of campaigns that by 1271 left the Frankish states of Syria in ruins and utterly beyond any serious hope of restoration. How can we account for such a radical and sudden shift in policy?

To answer this question, I propose a line of inquiry based on the following five propositions:

1) The Mamluk Sultanate was in principle—and to remarkable degree in fact—a highly centralized autocracy. In contrast to the localized perspectives of the Ayyubid principalities, the Mamluk regime was well able to shape a unified policy toward the Crusader states.

2) The political center of the Mamluk state was Cairo; Syria was a province (or more precisely, a cluster of provinces), and down to 1310 it was also a vulnerable and often-contested frontier zone. As a result, the interests of Egypt always had primacy in the Mamluk political calculus. As a frontier zone, Syria



was strategically vital to the early Mamluks—they fought all their campaigns there—but economically and politically it was of secondary concern. For that reason, the Mamluk regime could quite readily envision neglect or even suppression of the Syro-Palestinian ports and trade routes. Indeed, there was good reason to funnel all commerce with Europe through Alexandria, where it would most directly benefit the Cairo elite, while simultaneously depriving the provincial governors of Syria of a lucrative source of revenue.

3) The Mongol invasion of Syria and the Jazira in 1259-1260 had drastically altered the international context of Mamluk policy. The Mamluks did not have one permanent enemy, as did the Ayyubids, but two; assessing the preponderance of danger had to be their constant concern. Moreover, the Mamluks had to conjure with the possibility of a Mongol-Frankish alliance, and hence to devise a strategy which could frustrate that possibility.

4) The early Mamluks rose to power at an extremely turbulent moment in Mediterranean political history, and the tensions cut right across the traditional regional boundaries of the basin. In the West, the final dissolution of Almohad power left Spain and the Maghrib up for grabs among a host of local contenders, including the rival Kingdoms of Castile and Aragon. In the central Mediterranean, the struggle between the Papacy and the Hohenstaufen for the control of Italy also implicated the ruling house of France, the crown of Aragon, the Hafsid of Tunis, and the Byzantine Emperor Michael VIII. In the East, there was an ongoing contest between the Byzantines and their countless enemies to control Constantinople, along with the rivalry between Pisa, Genoa, and Venice to dominate the Levant trade. These constantly shifting political alignments provided some useful opportunities for the Mamluks, but also delicate challenges. After 1260 Mamluk policy had to be multi-focal, simply because the Sultanate's vital interests were challenged from every direction.⁹

5) Although the Mamluks maintained the formal ideology of the Ayyubids, with its emphasis on *jihād*, Islamic piety and learning, and royal justice, they laid far greater stress on the purely military dimension of *jihād*. Official Mamluk historiography and Mamluk chancery documents make it clear that in the final analysis *jihād* is war against the infidel. The tone of these texts is almost oppressively strident; a reader of Ibn 'Abd al-Zāhir's official biography of Baybars almost gets a headache from the throbbing drums and the glare of sunlight on armor. The Mamluk regime was a near-perfect embodiment of the praetorian state, of course,

⁹The literature is far too vast to survey here. Kenneth M. Setton, *The Papacy and the Levant, 1204-1571*, 2 vols. (Philadelphia, 1976-78), weaves together many of the threads. Naturally the general histories of the Crusades by Runciman and Setton are indispensable, uneven and out-of-date as they are.



so one should not be surprised at this. But the shift of tone is important and must be noted.

In following out the implications of these five propositions, we might begin by listing the main Mamluk campaigns against the Crusader states of Syria. The sequence is well-known and can be sketched as follows:

- 1265-1266: conquest of Caesarea, Arsuf, and Haifa on the coast,
Safad and Toron in Galilee and south Lebanon
- 1268: conquest of Jaffa, Beaufort, and (the crown jewel) Antioch
- 1271: conquest of the Crac des Chevaliers, 'Akkar, and Montfort
- 1289: conquest of Tripoli
- 1291: conquest of Acre, followed by the Frankish abandonment of
the remaining seaports, including Tyre, Sidon, and Beirut.

These major conquests clearly fall into two separate blocks, the first from 1265 to 1271, the second from 1289 to 1291. The apparent hiatus of almost two decades deserves some brief comment, since the campaign of 1271 had clearly set the stage for a final assault on Tripoli and Acre. The gap is partly an illusion, since this list of campaigns does not include Baybars's and Qalāwūn's extremely destructive raids on the Kingdom of Cilician Armenia, which was closely linked to the ruling house of Tripoli and Antioch. Nor does it include the incessant raiding by the two sultans against the coastlands, raids which both demonstrated Frankish defenselessness and deprived the Franks of any revenues from the villages around their main towns. Nor, finally, does it include Baybars's eradication of the *Ismā'īlī* strongholds in the mountains between Homs and Latakia.

But the eighteen-year break in campaigns against the Franks of Syria is not just an illusion. It reflects in part a complex transition of power. When Baybars died unexpectedly in 1277, he was succeeded by two of his sons, neither of whom was up to the job in the eyes of the Mamluk elite. The throne was ultimately seized (in 1280) by one of his most effective generals, Sayf al-Dīn Qalāwūn, but almost immediately he had to face a major Mongol invasion. When this was turned back at the battle of Homs (1281), Qalāwūn faced a severe struggle to secure his throne against the ambitions of other amirs, who regarded him as no more worthy than they. Only in 1289 did it again seem plausible to mount a major, and perhaps definitive, campaign against the Franks of Syria. For a brief time, the succession from Qalāwūn to his son al-Ashraf Khalīl (1290-1293) appeared to go smoothly, and al-Ashraf was able to complete the work commenced by his father. (Like his unfortunate predecessors Tūrānshāh and Quṭuz, he was unable to convert a brilliant victory into effective political capital, but that is a story for another time.)



Even though the war against the Franks of Syria was brought to an end under Qalāwūn and al-Ashraf Khalīl, it is clear that Baybars had made that end inevitable. His achievement therefore deserves closer inspection. Although Baybars was a soldier and spent much of his adult life on horseback, I think we must interpret his goals as essentially defensive rather than expansionist. He certainly realized that however powerful an army he might build—and he unquestionably devoted enormous resources and labor to this enterprise—he would never have the resources needed to capture and hold any substantial Il-Khan territories east of the Euphrates or north of the Taurus. With even greater reason, he could not hope to pursue the Franks beyond the sea. This sense of limits was surely confirmed by his two brief efforts to “expand the envelope”: the abortive naval attack on Cyprus in 1271, and his brilliant but evanescent victory over Il-Khan and Rum Saljuq forces at Elbistan in 1277.¹⁰ What he could do was to secure the borders of Egypt and Syria—essentially, just those lands held or seized by the Mamluks in the wake of ‘Ayn Jālūt. These he could make into a mighty citadel which his adversaries—the adversaries of Islam—could not penetrate or subvert, and that is what he tried to do. On the east, the Euphrates River, secured first and foremost by the great fortress of al-Bīrah, would fence out the Mongols. On the west, the Mediterranean Sea would be his rampart, and that explains his systematic dismantling of the port facilities of the coastal towns as they fell into his hands. (The great fortresses of the interior, like Safad and the Crac, were in contrast not only maintained but reinforced.)

The boundaries (and they really are boundaries, not fuzzy frontier zones) defined by Baybars remained almost unchanged down to the very end of the Mamluk Sultanate. The only area in which we find persistent efforts at territorial and administrative expansion is Nubia, and even that was foreshadowed in a pair of punitive campaigns sent out by Baybars. In the early fifteenth century, Sultan Barsbāy (1422-1438) did launch a far more aggressive policy, but his principal target was the Crusader Kingdom of Cyprus—a logical completion of the policy of Baybars and Qalāwūn. In any case, Barsbāy displays the only significant departure from the geopolitical conceptions of his great predecessor.¹¹

I have used the image of a fortress to describe the territorial entity constructed by Baybars. I might also have used the more Islamic metaphor of purification, a concept to which his propaganda often explicitly appealed. The enemies of the Mamluk Sultanate were in every case infidels and heretics—the Christian Franks, the Ismā‘īlīs, the pagan Mongols. In walling out the latter and eradicating the first two, he was purifying the lands of Islam from the pollution of unbelief. It is easy to think of Baybars as a wholly Machiavellian politician, a man obsessed with

¹⁰The best treatment of Elbistan is in Amitai-Preiss, *Mongols and Mamluks*.

¹¹Ahmad Darrag, *L'Égypte sous le règne de Barsbay* (Damascus, 1961), chaps. 7, 9.



power for its own sake. Certainly he was willing to do whatever it took to gain and hold power. But he also saw himself as a Muslim. We witness the public dimension of his commitment to the faith in his extensive program of public works and charitable/religious foundations, in his judicial reforms, in the quite puritanical public morality which he demanded, and—perhaps more persuasively—in his disciplined fiscal administration. The political elite was terrified of him, his ordinary subjects regarded him as a just and equitable monarch—and that was how things ought to be. Most intriguing, though a subject we cannot explore here, was his devotion to the shaykh Khaḍir al-Mihrānī, a man whom many of his contemporaries regarded as a despicable charlatan, but whom Baybars saw as a precious spiritual mentor. In any case, all the evidence indicates that Baybars was personally and deeply engaged with Islam, and this inevitably colored the way he envisioned his strategic policy.¹²

If it is fair to say that Baybars imagined his policies toward the Crusaders in a language of citadel-building and purification, we still need to review the substance of those policies. He was aware, to a very unusual degree, that he could succeed in his goals only within a favorable international environment, and he worked extremely hard to achieve such an environment. In the East, he strove to keep the Il-Khans “otherwise engaged,” to limit their opportunities to stage a new invasion of Syria. In the West, Baybars hoped to neutralize the possibility of any major new Crusades—and recall that only hindsight allows us to assert that after the fiasco of Louis IX, there was no longer any real danger from this quarter. Perhaps most of all, he had to do whatever he could to subvert a Papal-Mongol alliance.

To Baybars must surely go the credit for the first systematic and sustained diplomacy with Christian powers in Islamic history, and this he undertook right from the outset of his reign. In 1261 he established links with the Hohenstaufen in Sicily, knowing that they were not only the great barrier to Papal ambitions but also (since 1229) a traditional “friend” of the Egyptian court.¹³ But Baybars was a realist; when the Hohenstaufen collapsed in 1266 before the armies of the Papal

¹²A detailed list of his public works and charitable foundations is given in the contemporary biography written by ‘Izz al-Dīn ibn Shaddād, edited by Ahmad Hutait as *Die Geschichte des Sultan Baibars*, Bibliotheca Islamica, vol. 31 (Wiesbaden, 1983), 339-59. On his administration of religious institutions, see Joseph Escovitz, *The Office of Qādī al-Qudāt in Cairo under the Bahrī Mamlūks*, Islamkundliche Untersuchungen, vol. 100 (Berlin, 1984). On Khaḍir al-Mihrānī, see Peter M. Holt, “An Early Source on Shaykh Khaḍir al-Mihrānī,” *BSOAS* 46 (1983): 33-49; Thorau, *Lion of Egypt*, 225-29.

¹³A fascinating if all too brief “memoir” by Ibn Wāṣil, Baybars’s emissary to the court of Manfred in Sicily: *Mufarrij al-Kurūb fī Akhbār Banī Ayyūb*, ed. Sa‘īd ‘Abd al-Fattāḥ ‘Ashūr and Ḥasanayn Rabī‘ (Cairo, 1972), 4:48-251. For recent discussions and bibliography on the issues in this paragraph see: Thorau, *Lion of Egypt*; Holt, *Early Mamluk Diplomacy*; and Amitai-Preiss, *Mongols and Mamluks*.



candidate Charles of Anjou, he quickly moved to establish ties with the latter—and those ties may well have been instrumental in diverting Louis IX's second Crusade to Tunis in 1271. Likewise, in 1261, he sought a commercial treaty and a sort of alliance with the Byzantine emperor Michael VIII, newly reinstalled in the ancient capital of Constantinople. In harmony with his Byzantine alliance, he successfully sought an alliance with Genoa. Except for the commercial clauses (all-important in the case of Genoa), these treaties did not really commit any of Baybars's partners to anything substantive, but they did allow him to stay informed about events and trends in Christian Europe, and no doubt reinforced the innate coolness of his treaty partners toward the Crusading enterprise.

In the second half of the thirteenth century, the Il-Khans clearly represented the deadliest and most immediate threat faced by the Mamluk Sultanate. At three points—1260, 1281, and 1299-1303—the very existence of the state was in question. But apart from these major invasions, Baybars had to deal with a large number of Mongol incursions, and at least a few of these went well beyond raids in force. In this light, Baybars's understanding with the Golden Horde was invaluable. First of all, the very location of the Golden Horde was important, since they could penetrate through the Caucasus passes into northwest Iran, which was the center of Il-Khan power. These same passes gave them access to Il-Khan communications with their Rum Saljuq clients in Anatolia, and to the trade termini in the region (Trabzon, Sīvās, Āyās). Second, the Golden Horde controlled the slave markets of southern Russia (the Dasht-i Qipchaq), and in the thirteenth century (though not later) these were an essential source of Mamluk military manpower. We need to stress, I think, that much of the tension between the Golden Horde and the Il-Khans lay in the fact that these two empires represented rival lineages within the house of Chingiz-Khān, and had conflicting claims to Azerbaijan and Anatolia.¹⁴ Nevertheless, these tensions were clearly exacerbated by the conversion of the Golden Horde ruler Berke Khān to Islam, while the Il-Khans remained firmly committed to traditional Mongol beliefs. Certainly Baybars was able to exploit the religious link between his regime and the Golden Horde to great effect in his early contacts with Berke Khān in 1261-1262. Obviously the conversion of the Il-Khan elite to Islam under Ghāzān Khān (1295-1304) changed the religio-political dynamic, but that lay decades in the future.

Apart from the direct threat represented by the Il-Khans, there was the constant shadow of a Mongol-Papal alliance. No doubt the fear of such an alliance was one of the things that encouraged an aggressive policy toward the Franks of Syria, so as to deprive both the Il-Khans and any European expedition of a foothold in

¹⁴On this point, see Peter Jackson, "The Dissolution of the Mongol Empire," *Central Asiatic Journal* 32 (1978): 186-244.



Syria. Again in hindsight, we can say that all the diplomatic coming-and-going between Rome and Karakorum or Tabriz was a farce, in view of the cosmic political claims of the two parties. But in the mid-thirteenth century this was not so clear. Not only did the Papacy send several missions to the Mongol court; it was ultimately able to establish several flourishing missions in northern China, which survived down to the Ming restoration in 1368. Several Nestorian Christians held high positions at the court of Hülegü—his best general Kitbughā and his wife Dokūz Khātūn, to name two. In 1260, the Christian rulers of Cilician Armenia and Antioch were active allies of the Mongols, though the Franks of Acre did maintain a nervous neutrality. There was, in brief, every reason for Baybars to assume that an effective alliance between the Pope and the Il-Khans might be brought off. In fact such an alliance was concluded at the Council of Lyon (1274), which also momentarily reunited the Greek and Roman Churches. Fortunately for Baybars, this alliance quickly disappeared, due to the death of its guiding spirit Pope Gregory X in 1276 and the conflicting interests of Charles of Anjou, now titular King of Jerusalem and the would-be emperor of Constantinople. But it had been a near thing, and no doubt Baybars felt that his efforts with Michael VIII and Charles of Anjou had been well-invested.¹⁵

We might, finally, take a glance at the diplomacy involved in maintaining regular access to the slave markets of southern Russia. It required three simultaneous alliances: with the Golden Horde, which controlled the manpower reservoir; with Genoa, which controlled the Black Sea trade and the shipping routes between Constantinople and Alexandria; finally, with Byzantium, which controlled the Straits. These three alliances required a nice calculation of the vital interests of each party, and a capacity to exploit the conflicts of each with outside forces. This latter point involved, for example, Genoa vs. Venice, the Golden Horde vs. the Il-Khans, and Byzantium vs. the Papacy and the Angevins. That Baybars and later Qalāwūn brought it off is a high testament to their knowledge of the world outside their borders as well as to their diplomatic skills.

It is time to conclude. The Ayyubids were indeed, as their critics then and since have maintained, reluctant warriors, but I have suggested that they had compelling reasons to be. And likewise the early Mamluks were intensely focused on ridding Syria of the Crusading states at the earliest opportunity. But although

¹⁵The most recent treatment of Mongol-Frankish diplomacy is Amitai-Preiss, *Mongols and Mamluks*, 94-105. Jean Richard has devoted many important articles to this subject; as examples, see "The Mongols and the Franks," *Journal of Asian History* 3 (1969): 45-57; and idem, "Les Mongoles et l'Occident: Deux siècles de contacts," in 1274, *année charnière: Mutations et continuité* (Paris, 1977), 85-96. An older (much older than its date of publication) but carefully documented overview is Marshall W. Baldwin, "Missions to the East in the Thirteenth and Fourteenth Centuries," in Setton, *History of the Crusades*, 5:452-518.



this policy was in part driven by ideology, it was no expression of mindless fanaticism. On the contrary, the geopolitical realities of the world inherited by the Mamluks almost mandated such a policy; at the very least, it represented a sober and realistic assessment of the realities they had to face. Recall that both Ayyubids and Mamluks draped themselves in the mantle of *jihād*; they did so in very contrasting ways, with perfect accuracy and no doubt with perfect sincerity.



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A Holograph MS of Ibn Qāḍī Shuhbah's "*Dhayl*"*

INTRODUCTION

The following is a study of a hitherto uncatalogued holograph manuscript of a later Mamluk history entitled "al-Dhayl" by Ibn Qāḍī Shuhbah (d. 851/1448). A description of the manuscript and a short bibliographical study of the author or authors is provided, and the work itself is discussed within the framework of a number of larger questions. These questions include the value Ibn Qāḍī Shuhbah's work as a whole has for the modern historian of the Mamluk period; what the manuscript and other related manuscripts might offer studies of Mamluk historiography; and the place Ibn Qāḍī Shuhbah's work occupies as a product of the particular genre of Mamluk historiography known as the "Syrian school." Such questions are addressed through an examination and comparative analysis of the manuscript, other related manuscripts, and other contemporary histories.

DESCRIPTION OF CHESTER BEATTY MS 5527

In the summer of 1995, I undertook research at the Chester Beatty Library in Dublin, Ireland. In the course of that research, I was informed by the library staff that there were a number of manuscripts acquired after A. J. Arberry had completed his *Handlist* and which, in addition, had not been included in the more thorough catalogue made by Paul Kahle (the one copy of which is held at the Library). Loosely bound slips of paper, usually with no more than the name of the author and a guess at the title of the work, are all that identify these manuscripts. The manuscript to be examined here is MS 5527. It was rightly identified by the anonymous cataloguer as a holograph copy of a work entitled simply "al-Dhayl" by Ibn Qāḍī Shuhbah.¹ This manuscript is but one volume of a larger Mamluk

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* I would like to thank Dr. Michael Ryan and his staff at the Chester Beatty Library for their hospitality in August of 1995. I would also like to thank the staff at The University of Chicago Library for providing me with a number of manuscript microfilms. Dimitri Gutas and Ahmad Dallal, both of Yale University, read an initial draft and offered valuable advice and suggestions. I am particularly indebted to Franz Rosenthal for a number of corrections.

¹There is, however, a parenthetical note which questions whether it might be "al-I'lām bi-Ta'rikh al-Islām," another work by Ibn Qāḍī Shuhbah which contains biographies extracted from the history of al-Dhahabī, with supplemental information taken from the works of Ibn Kathīr and al-Kutubī. For the "I'lām," see Adnan Darwich, ed., *Ta'rikh Ibn Qāḍī Shuhbah* (Damascus, 1977-94),



history which our sources tell us covered, in its various versions, the years 764-ca. 850/1362-ca. 1446. The Chester Beatty manuscript contains the years 797-810/1392-1407.

A brief autopsy of this holograph manuscript provided the following information. The manuscript measures 28 cm. by 19 cm. It is heavily wormed and water-stained, particularly in the later folios. It is bound in worn brown leather and board. The manuscript consists of 402 folios; the work begins on folio 1v. and ends, without colophon, on folio 402r. There are twenty-three lines to the page, with extensive marginalia on almost every page. The author's hand is an abysmal *naskh*;² there is one other hand (aside from ownership and readership notes): a poor *ta'liq*, in the margin of folio 20v. The upper right margin of the title page is torn away, leaving only part of the title: . . . *manhal min al-Dhayl baynahu wa-bayna al-mujallad alladhī qablahu naqṣ arba' wa-'ishrīn sanah*. Most of this would seem to be an added note to the actual title, of which all that remains is the word [al-]Manhal. The note indicates that between (at least) two volumes held in one place, there were missing volumes which covered the years 773-796/1371-1393. The actual title ends with *al-Dhayl*; prior to the title there may have been an indication of volume number.³ The word *manhal* is interesting here: a similar title is to be found in two other manuscripts of Ibn Qāḍī Shuhbah's work. In his description of the holograph manuscript (Asad Efendi 2345) of the abridgement (*mukhtaṣar*) Ibn Qāḍī Shuhbah made of the "Dhayl," Adnan Darwich notes that he found:⁴ [*mu*]jallad *thānī min al-Dhayl al-Wāfī fī al-Manhal al-Ṣāfī*. In Chester Beatty 4125, which contains at least part of the "Dhayl" as well as other works by Ibn Qāḍī Shuhbah, we find on the title page: *min al-Dhayl min Kitāb al-Manh[al] lil-Shaykh al-Imām Taqī al-Dīn al-Ḥanafī al-Ḥalabī*; which has been corrected to: *min al-Dhayl min Kitāb al-Tawārīkh al-Imām* [sic] *Taqī al-Dīn Ibn Qāḍī Shuhbah*. And on folio 179r. of the same manuscript: *al-mujallad al-thālith al-Dhayl* [sic] *min al-Manhal al-Ta'rikh li-Imām* [sic] *Ibn al-Shiḥnah* [sic] *al-Ḥalabī al-Ḥanafī bi-khaṭṭih*. The title is incorrect and, in the last note, the author's name presumably confused with (Muḥibb al-Dīn) Ibn al-Shiḥnah.⁵ All of these notes are in different hands, so

vol. 2, French introduction, 23-27; and Caesar E. Farah, *The Dhayl in Medieval Arabic Historiography* (New Haven, 1967), 21.

²Modern scholars are not alone in this judgement; see his student's comments in a manuscript of the *mukhtaṣar* of the "Dhayl" described by Darwich (vol. 2, Arabic intro., 70) and Darwich's own comments (ibid., 59). For specimens, see the plates in Darwich, 2:63-68 and in Georges Vajda, *Album de paléographie arabe* (Paris, 1959), pl. 34.

³What remains of the bottom portion of the letters of the title would suggest *al-juz' al-rābi'*.

⁴Darwich, vol. 2, Arabic intro., 58.

⁵This Ibn al-Shiḥnah would seem to be Muḥibb al-Dīn Abū al-Faḍl Muḥammad ibn Muḥammad



ascription to one misguided owner or cataloguer is precluded, though there may have been a series of owners or cataloguers repeating an initial error. The note in the manuscript of the abridgement would suggest that the work was thought to be a *dhayl* of some sort to Ibn Taghrī Birdī's *al-Manhal al-Ṣāfi wa-al-Mustawfi ba'da al-Wāfi*.⁶

To the right of the title fragment in MS 5527 there is a brief note indicating the years 797-810 as those covered in the volume. One ownership note is clear: *min 'awārī al-dahr ladā al-faqīr shaykh Muḥammad ibn Muḥammad al-shahīr bi-Chūyi Zādah*. This gentleman remains unidentified, though he did own other manuscripts of Ibn Qāḍī Shuhbah's work.⁷ There are additional notes, now almost entirely effaced, in the upper and lower left corners. Additional information on the title page includes three catalogue numbers: one in Arabic, 44; and two others in Roman script, the Chester Beatty Library 5527 and what seems to read 2275. Four readership notes are found on folio 402r.: one by Muḥammad ibn Aḥmad ibn 'Abd Allāh al-Ghazzī, dated 848/1444;⁸ the second by Ibrāhīm Ibn Muflīh, dated 849/1445;⁹ the third, undated, is for one Muḥammad ibn 'Alī (?); and the fourth by one 'Alī ibn Yūsuf al-Buṣrawī, dated 873/1468.¹⁰

The identification of the work is a simple matter. Chester Beatty MS 5527 is unquestionably one of the later volumes, if not the last, of Ibn Qāḍī Shuhbah's work which came to be known alternately as "al-Dhayl" or simply "Ta'rīkh Ibn Qāḍī Shuhbah."¹¹ The work is a history of the Mamluk period between the latter

(d. 890/1485), who wrote, among other works, a *dhayl* entitled 'Nuzhat al-Nawāzīr fī Rawḍ al-Manāzīr' to the work by his grandfather Zayn al-Dīn Muḥammad ibn Kamāl al-Dīn (d. 815/1412) entitled 'Rawḍat al-Manāzīr fī 'Ilm al-Awā'il wa-al-Awākhir,' itself a *dhayl* to Abū al-Fidā's history; see Carl Brockelmann, *Geschichte der arabischen Litteratur*, 2 vols. (Leiden, 1943-49; hereafter *GAL*), 1:377, 2:42, 44; and idem, *Supplement*, vols 1-3 (Leiden, 1937-42; hereafter *S1-3*), 2:40-41 for Muḥibb al-Dīn; for the grandfather see *GAL* 2:46, 141, *S2*:176, and Dominique Sourdel, 'Ibn al-Shīḥna,' *The Encyclopaedia of Islam*, 2nd ed., 3:938.

⁶Published Cairo, 1957.

⁷His ownership notes are found in Chester Beatty MS 4125 (on which see below) and in a copy of the *mukhtaṣar* of the 'Dhayl' (see Darwich, vol. 2, Arabic intro., 71). Darwich records the name with a *jīm* but the *che* is clearly pointed in CB 4125.

⁸This is in fact Muḥammad ibn Ibrāhīm ibn Aḥmad ibn 'Abd Allāh al-Ghazzī (d. 864/1459) who, al-Sakhāwī tells us, "met with Ibn Qāḍī Shuhbah"; see al-Sakhāwī, *al-Ḍaw' al-Lāmi' fī A'yān al-Qarn al-Tāsi'* (Beirut, 1992), 6:324.

⁹This is Burhān al-Dīn Ibrāhīm ibn Muḥammad ibn 'Abd Allāh ibn Muḥammad ibn Muflīh al-Ḥanbalī (d. 884/1479); see al-Sakhāwī, *al-Ḍaw'*, 1:152, and Ṣalāḥ al-Dīn al-Munajjid, *Mu'jam al-Mu'arrikhīn al-Dimashqīyīn* (Beirut, 1978), 258.

¹⁰This is perhaps 'Alī ibn Yūsuf ibn 'Alī ibn Aḥmad, whom al-Sakhāwī mentions (*al-Ḍaw'*, 6:53) without birth or death dates.

¹¹Identification can be determined through: (1) references to such a work written by Ibn Qāḍī



half of the eighth/fourteenth and the first half of the ninth/fifteenth centuries and deals primarily with events in Syria and, more specifically, those centered on Damascus. The work was written jointly by Ibn Qāḍī Shuhbah and his master Ibn Ḥijjī (d. 816/1413) and was conceived as a supplement to the histories written by earlier Syrian traditionist-historians such as al-Birzālī (d. 739/1338), al-Dhahabī (d. 748/1347), and Ibn Kathīr (d. 765/1373).¹² The history of the work's composition is a rather convoluted one, exemplified by its many revisions and abridgements. This issue, along with brief biographies of the authors and additional description of the work, will be discussed further below. First, however, it might prove beneficial to examine some of the larger contexts in which this history may be situated in order to determine precisely what the discovery of this manuscript might mean for modern historians, whether concerned with Mamluk history or Mamluk historiography.

THE LARGER CONTEXTS OF THE "DHAYL"

One can approach a medieval Arabic history—whether hitherto unknown or not—with at least two initial goals: (1) to determine the importance the work might have as a historical source for the modern historian; and (2) to situate that history within the context of a study of medieval Arabic historiography, that is, to undertake a thorough examination of the conceptualizations of history, as well as the aims and methodology of the medieval Arab historian. It has long been accepted in the field of Mamluk studies that the first of these two aims represents the cornerstone of any research in Mamluk historical writing. The plethora of historical materials from the Ayyubid and Mamluk periods prompted Claude Cahen over thirty years ago to set forth his suggestions for the editing of these materials and to call for a "repertorium" of sources.¹³ Such a repertorium, which would identify,

Shuhbah in autobiographical and biographical sources (see, e.g., his own introduction to the *mukhtaṣar*, Darwich, 2:111-12); (2) a comparison of the hand in MS 5527 with that of previously identified specimens of his hand (see above, note 2); (3) comparison of this portion of the work with other identified portions of the work (e.g. Köprülü 1027, Chester Beatty 4125).

¹²Indeed, the work is often titled "al-Dhayl 'alā Ta'rīkh al-Dhahabī wa-Ghayrih" (viz., al-Birzālī, Ibn Kathīr, al-Ḥusaynī, etc.); see, e.g., al-Munajjid, *Mu'jam al-Mu'arrikhīn*, 229, and Darwich, vol. 2, Arabic intro., 30.

¹³Claude Cahen, "Editing Arabic Chronicles: A Few Suggestions," *Islamic Studies* 1 (1962): 1-25. Cahen chose the term "repertorium" as well as the unusual plural form "repertoriums" (ibid., 4); while one might prefer the simpler "repertory" (which, it should be noted, Cahen used to describe Carl Brockelmann's *GAL* [ibid.]), Donald P. Little continued such a usage (*An Introduction to Mamlūk Historiography* [Montreal, 1970], 2) and so the term seems to have established itself in modern scholarly parlance. Cahen's call for this repertorium stemmed from his dismay at the haphazard way in which the editing of manuscripts has been undertaken in the field. On the question of whether or not to devote the requisite energy to editing a manuscript, Cahen offered



analyze, and prioritize Mamluk histories on the basis of the original material they contained, was undertaken some ten years after Cahen by Donald Little.¹⁴ While Little limited his research primarily to the early Bahrī period historians, he did provide the field with a developed methodology for comparing our sources, with concrete examples of what such collation would produce and, most importantly, with a clear picture of the relations and interdependency of many major Mamluk histories. Work continues in this area, though largely confined to studies of individual historians and their histories; nothing on the scale of Little's production has been undertaken for the later Burjī period of Mamluk historiography. Thus, when approaching any historical source the student of Mamluk historiography must be prepared to present similar findings. The source's relation to and dependency on other sources of the period need to be outlined and a conclusion concerning the existence of any original material in that source should be provided.

The other aim, which Franz Rosenthal called the history of historiography,¹⁵ is concerned with developing an understanding of the contexts in which medieval Arab historians viewed history, and how they went about producing their works on history. The first of these questions is a large and formidable one and the present paper will not attempt to address it. The second of these questions, that concerning the methodology of medieval historians, cannot fail to be addressed in the course of analyzing the sources and dependencies of a medieval history. For instance, when reading Ibn Qāḍī Shuhbah with an eye to identifying his sources, one is immediately presented with at least one aspect of his methodology, that is, the various ways in which he integrates his sources into a narrative (or not). Furthermore, in the case of Ibn Qāḍī Shuhbah's 'Dhayl,' we are fortunate in that a number of the work's recensions have been preserved. As we shall see, the group of manuscripts in which the Chester Beatty manuscript finds a place provides a graphic representation of the development of the work. The various stages in the composition of the work are represented by different manuscripts containing revi-

the following guidelines: (1) if the manuscript preserves older, extant works, publish those first; (2) if the manuscript preserves an older lost work, it is worth publishing; and (3) if the manuscript contains original, contemporary (to the author) materials, publish those sections first. More recently, Li Guo ("Mamluk Historiographic Studies: the State of the Art," *Mamlūk Studies Review* 1 [1997]: 15-43) has surveyed and critiqued a number of editions of Mamluk histories, reiterating Cahen's exhortations.

¹⁴*An Introduction to Mamlūk Historiography*; a year before Little's survey appeared, Ulrich Haarmann published a similar work, though one more narrow in scope: *Quellenstudien zur frühen Mamlukenzeit*, Islamkundliche Untersuchungen 1 (Freiburg, 1969).

¹⁵See his *A History of Muslim Historiography*, 2nd rev. ed. (Leiden, 1968); more recently, Tarif Khalidi has published his *Arabic Historical Thought in the Classical Period* (Cambridge, 1994).



sions, additions, and abridgements. These manuscripts are a virtual treasure trove for information on the craft of at least one Mamluk historian.

These are the two larger contexts, then, in which a study of Ibn Qāḍī Shuhbah's "Dhayl," and the portion of it represented by Chester Beatty 5521, needs to be placed. They are concerned largely with the uses modern historians may have for medieval Arabic chronicles, one for the study of history, the other for the study of historiography. We also need to situate the "Dhayl" and the Chester Beatty manuscript within more immediate contexts. On the one hand, Ibn Qāḍī Shuhbah's "Dhayl" needs to be placed within its proper historical genre. On the other hand, the Chester Beatty manuscript has to be viewed within that group of manuscripts which represents the development of the "Dhayl." The identification of genres of Mamluk historical writing is, again, a large one and will be touched upon only briefly here. An excursus on the authors and the background of the composition of the work will provide us with the arena in which to identify the manuscripts of the "Dhayl" in its various versions.

Historical sources for the Mamluk period can be situated within a wide variety of genres but two such genres concern us here. Again, it was Little who first emphasized the contrast between histories written by Egyptian historians and those written by Syrian historians.¹⁶ Broadly speaking, the former are chiefly political histories while the latter are intellectual histories. Such intellectual histories are by no means concerned with the history of ideas (which is a distinctly modern concept); rather, the primary intention of intellectual histories of the Mamluk period is to produce a record of events and people connected to the institutions and fields of religion, law, and education. Moreover, the "Syrian school" of historians, as distinct from its Egyptian counterpart, produced works which, in terms of their structure, devote much more attention to biographies and specifically to biographies of people from the intellectual class. While the division of historical writing into *ḥawāḍith* (reports of events) and *tarājim* (biographies) is common to both genres, the differences that allow us to speak of the "Egyptian school" and the "Syrian school" are really those of emphasis.¹⁷ Ibn Qāḍī Shuhbah's "Dhayl" is clearly a

¹⁶Little, *Introduction to Mamlūk Historiography*, esp. 46; see also Li Guo, "The Middle Baḥrī Mamlūks in Medieval Syrian Historiography: The Years 1297-1302 in the 'Dhayl Mir'āt al-Zamān' Attributed to Qūṭb al-Dīn Mūsā al-Yūnīnī" (Yale University, Ph.D. diss., 1994), 117 ff.

¹⁷In "Mamluk Historiographic Studies," 29 ff., 37 ff., Li Guo has surveyed the scholarly debate over the existence of such "schools" and provided a detailed and convincing argument for the existence of a "Syrian school"; he is, however, less prepared to admit an Egyptian counterpart. There is a certain, admirable, hesitancy among those scholars who have addressed the question of the existence and nature of "schools" in Mamluk historiography in using the term "schools" to speak of what may very likely be no more than roughly discernible trends, concerns, and tendencies in conceptualizations of the aims, functions, and forms of historiography. While one is perhaps



conscious product of the "Syrian school." We shall see that, in his conception of the role of historical writing and in his identification of his predecessors, Ibn Qāḍī Shuhbah was himself aware that he was writing a specific type of history.

THE "DHAYL," ITS AUTHORS, AND THE MANUSCRIPTS

Before discussing the work of history represented in part by Chester Beatty MS 5527, a note concerning nomenclature would seem requisite, largely because the work exists or existed in a number of versions and chiefly because one of those versions has been edited and published under a somewhat misleading title. In the following pages, the title "Dhayl" (Supplement) refers to the history as represented by the Chester Beatty manuscript and the title *mukhtaṣar* (abridgement) to the version of the work represented by Adnan Darwich's three-volume edition which he chose to entitle *Ta'rīkh Ibn Qāḍī Shuhbah*. Admittedly, this choice of nomenclature might result in a certain degree of superficial confusion; however, it will prove to be of some importance not only for a discussion of the composition of the work but also when we draw conclusions about the importance the various versions of the work might have as sources for the modern historian. Our sources—both the biographical literature on or by Ibn Ḥijjī and Ibn Qāḍī Shuhbah as well as later historians—equally show no unanimity in naming the work. It was undoubtedly known as "al-Dhayl" but we also find reference to it as "al-Ta'rīkh."¹⁸ That said, we can now turn to a background study of our two authors and their work with its various recensions.

The composition of the "Dhayl" was initially undertaken by Ibn Ḥijjī and later, at his request, it was enlarged and continued by his student Ibn Qāḍī Shuhbah.

bound to recognize and appreciate such scholarly caution by signalling the peculiar connotations of terms like "school" by the use of quotation marks (viz., "Egyptian school," "Syrian school"), it would seem equally appropriate to recall the words of the "literary critic" Qudāmah ibn Ja'far (d. 337/948) on technical terms, written in another time and another context (*Naqd al-Shi'r*, ed. Muḥammad 'Abd al-Mun'im al-Khafājī [Beirut: Dār al-Kutub al-'Ilmiyah, n.d.], 68): ". . . I needed to establish certain technical terms (*asmā'*) for what became apparent [in the course of the research]. . . I have, in fact, done so and there should not be any controversy with regard to them, since they are just labels (*'alāmāt*). If one is satisfied with the technical terms I have established, fine; if not, then anyone who objects to [them] can devise others, for surely no one would argue about *that*."

¹⁸See, e.g., al-Nu'aymī, *al-Dāris fī Ta'rīkh al-Madāris* (Beirut, 1990), passim; al-Sakhāwī, *al-Ḍaw'*, 1:270, 11:22; Ibn Ṭulūn, *al-Thaḡhr al-Bassām fī Dhikr Man Wulliya Qaḍā' al-Shām* (Damascus, 1957), passim; idem, *al-Qalā'id al-Jawharīyah fī Ta'rīkh al-Ṣālihiyah* (Damascus, 1949-56), 1:178, 181. One would like to think that later historians distinguished between the "Ta'rīkh" as Ibn Ḥijjī had initially written it and the "Dhayl" as it was revised and supplemented by Ibn Qāḍī Shuhbah, but this does not seem to be the case. In his biography of Ibn Ḥijjī, Ibn Ṭulūn (*al-Qalā'id*, 1:181), calls the work "al-Ta'rīkh al-Tadhyīl."



The works of Aḥmad ibn Ḥijjī ibn Mūsā al-Ḥusbānī (d. 816/1413)¹⁹ fall into a number of broad categories, including law, *ḥadīth* and, most important for our purposes, biography and history. He is credited with a "Mu'jam al-Shuyūkh," a biographical work of the scholars from whom he heard *ḥadīth*, and a work entitled "al-Dāris fī Akhbār al-Madāris"²⁰ on the *madrasahs* of Damascus and their endowment deeds. The last of his historical works listed is the "Dhayl." We are told that nearly all of his works, excluding the "Dhayl," were destroyed in the sack of Damascus in 803/1400.

Taqī al-Dīn Abū Bakr ibn Aḥmad ibn Qāḍī Shuhbah²¹ was born in Damascus on 24 Rabī' al-Thānī 779/30 August 1377 and died on 11 Dhū al-Qa'dah 851/18 January 1448. The corpus of Ibn Qāḍī Shuhbah's writings fall into three categories: works on Shāfi'ī theoretical and applied law (most of which were commentaries on or abridgements of Shāfi'ī textbooks), studies in *ḥadīth*, and works on biography and history. In the biography (*ṭabaqāt*) genre, his two most important works are the collection of biographies of grammarians and the collection of biographies of Shāfi'īs. His most significant contribution in the field of history is the "Dhayl," a work which, as we have noted, was a revision, enlargement, and continuation of his master Ibn Ḥijjī's work. He also compiled another type of historical work, one of which is important for our purposes here. This type is made up of small books, properly notebooks, which were entitled "Selections," or "Excerpts" (*muntaqā*) and, on the basis of what remains of them in manuscript form, they were just that: excerpts, usually verbatim quotes, taken from the works of other historians. He is credited with making excerpts of works by such authors as Ibn 'Asākir, al-Dhahabī, Ibn al-Furāt, Ibn Duqmāq, and al-Nuwayrī. Of these, three have been identified in manuscript form: "al-Muntaqā min Ta'rīkh Ibn al-Furāt," "al-Muntaqā min Ta'rīkh Ibn Duqmāq," and "al-Muntaqā min Ta'rīkh al-Dhahabī." This last is identical to what has been called Ibn Qāḍī Shuhbah's "al-I'lām bi-Ta'rīkh al-Islām," and

¹⁹Bio-bibliographical sources for Ibn Ḥijjī include: Ibn Qāḍī Shuhbah, *al-Ṭabaqāt al-Shāfi'īyah* (Beirut, 1987), 4:12-14 (no. 717); Ibn Ḥajar al-'Asqalānī, *Inbā' al-Ghumr bi-Abnā' al-'Umr fī al-Ta'rīkh* (Cairo, 1969), 7:121-24; al-Sakhāwī, *al-Daw'*, 1:269-71; Ibn Ṭulūn, *al-Qalā'id*, 1:178-82; al-Nu'aymī, *al-Dāris*, 1:104-7; Brockelmann, *GAL* S2:50; al-Munajjid, *Mu'jam al-Mu'arrikhīn*, 229-30; 'Umar Riḍā al-Kahhālāh, *Mu'jam al-Mu'allifīn, Tarājim Muṣannifī al-Kutub al-'Arabīyah* (Damascus, 1957), 1:188. The edition of *Inbā'* used here notes (7:122, n. 3) manuscript evidence for the *nisbah* al-Ḥushbānī rather than al-Ḥusbānī, which latter all other sources provide, though in the same note al-Sakhāwī's *al-Daw'* is said also to indicate al-Ḥushbānī. It is not clear which edition of al-Sakhāwī's work was consulted by the editor of *Inbā'* but the one consulted for this article provides al-Ḥusbānī.

²⁰The title recalls the work by al-Nu'aymī (n. 18, above).

²¹Sources for the Ibn Qāḍī Shuhbah corpus have been treated in detail by Darwich, vol. 2, Arabic and French intros., *passim*.



includes extracts from al-Dhahabī's *Ta'rikh*, his *Mu'jam*, and his *al-Ibar*, with additions from Ibn Kathīr's *al-Bidāyah wa-al-Nihāyah* and al-Birzālī's "al-Muqtafā." The former two, extracts from Ibn al-Furāt and from Ibn Duqmāq, exist at least in part in another manuscript in the Chester Beatty Library, MS 4125. The importance of these notebooks will become clear in the discussion of the "Dhayl" and its recensions.

DESCRIPTION OF THE "DHAYL"

Ibn Qāḍī Shuhbah provides us with the most detailed description of the "Dhayl" in his introduction to its *mukhtaṣar*.²² The backdrop to this description is a brief excursus on the benefits to be had from writing and reading history. It is here that he clearly aligns his interests in historiography to those of the "Syrian school." Indeed, the chief benefit to be had from history books in Ibn Qāḍī Shuhbah's eyes are the biographies. From biographies the common man learns of the people from whom he has received his religion. And on the basis of biographies, the scholar (and here he has in mind specifically the traditionist) can "give preference to the most learned and deserving in cases of conflict" (*ta'arūḍ*).²³ The historians of the "Syrian school" were all traditionists first and foremost. The value of history books for these traditionists lay in the use to which they could be put in *ḥadīth* studies. But this did not mean, for Ibn Qāḍī Shuhbah at least, that the reports of events (*ḥawādith*) in history books were of minor importance.²⁴ In fact, in his introduction, he proceeds to identify histories which have managed in an equitable manner to combine both *ḥawādith* and *tarājim*. Significantly, not one contemporary history produced by the "Egyptian school" is mentioned in this list, presumably because such works generally avoided detailed biographies. In fact, when he reaches the eighth century, the works mentioned are entirely products of the "Syrian school," some of which managed to strike a proper balance between *ḥawādith* and *tarājim* and others which fell short.

²²Darwich, 2:107-112.

²³Ibid., 107.

²⁴It is interesting to note that the benefits of such reports for Ibn Qāḍī Shuhbah were akin to what *adab* works, for instance, provided the reader. The reader could "take the good qualities of human nature [recorded in history books] as examples, protect against what people condemn and censure, and learn profitable lessons from those who have passed away." Compare Ibn al-Athīr's discussion in his *al-Kāmil fī al-Ta'rikh* (Beirut, 1987), 1:9-10. The place of history in the education of rulers is an important element of this theme; see, generally, Rosenthal, *History*, 48 ff. Ibn Qāḍī Shuhbah also had recourse to the common argument of the traditionist-historian which notes al-Shāfi'ī's admiration of Muṣ'ab al-Zubayrī's attention to history as an aid to legal studies (Darwich, 1:107-8); cf. Abū Shāmah's defense of historiography noted by Rosenthal, *History*, 41, n. 3.



This list prefaces a discussion of the "Dhayl." Ibn Qāḍī Shuhbah presents Ibn Ḥijjī's work as one which struck the desired balance (though, as we will see, not as thoroughly as Ibn Qāḍī Shuhbah would have liked). Noting that there were no such histories available in his lifetime which covered the years after 741/1340-1341, Ibn Ḥijjī began his "Dhayl," conceiving of it as a combined supplement to the works of al-Birzālī (d. 739/1338), al-Dhahabī (d. 748/1347), Ibn Rāfi' (d. 774/1372), Ibn Kathīr (d. 774/1372), and al-Ḥusaynī (d. 765/1363), all Syrian historians.²⁵ (See fig. 1.) Ibn Ḥijjī began his work with the block of years 741-747/1340-1346 and then took it up again from 769-815/1367-1412. Ibn Qāḍī Shuhbah tells us that Ibn Ḥijjī's method of presentation was characterized by the monthly division of the year, that is, he divided the year into months and further divided those months into days, providing reports (*ḥawāḍith*) on a daily basis. Ibn Ḥijjī then appended to each month the biography section (*tarājim*) in which he provided biographies of those who had died in a given month. On his deathbed, Ibn Ḥijjī entrusted the completion of the work to Ibn Qāḍī Shuhbah. The latter had thought this task would involve the simple completion of the missing years 748-769/1347-1367. However, Ibn Qāḍī Shuhbah tells us that once he resolved to take up this task, he found his master's work to be less than adequate as a whole: many biographies had been neglected and accounts of events occurring outside of Syria had been omitted.²⁶ So he filled the lacunas, enlarged the existing biographies and added others; he also added reports concerning places beyond Syria and additional reports of events he had personally witnessed in Syria. Ibn Qāḍī Shuhbah indicates that in this revision he followed the structure of his master's work, that is, the monthly division with appended biographies.²⁷ He then tells us that he abridged the work

²⁵These authors are important because it is their works the "Dhayl" was designed to continue: al-Birzālī's *"al-Muqtafā"* (MS Ahmet III 2951) ended in 738; al-Dhahabī's *Ta'rikh al-Islām wa-Ṭabaqāt al-Mashāhīr wa-al-A'lām* (Cairo, 1974-present), combined with his other work *al-'Ibar fī Khabar man Ghabar* (Beirut, n.d.), reached the year 740; al-Ḥusaynī's work was a *dhayl* of al-Dhahabī to the year 764 (published in the Beirut edition of al-Dhahabī's *'Ibar*, 4:119-207); Ibn Rāfi's work (*"al-Wafayāt"*; see Munajjid, *Mu'jam al-Mu'arrikhīn*, 208-9) was a *dhayl* of al-Birzālī's work to 774; and Ibn Kathīr's *al-Bidāyah wa-al-Nihāyah* (Beirut, 1988) ended in 767. But Ibn Ḥijjī and Ibn Qāḍī Shuhbah's work begins with the year 741; why weren't the works of Ibn Kathīr, Ibn Rāfi' and al-Ḥusaynī taken into account? According to Ibn Qāḍī Shuhbah (Darwich, vol. 1, Arabic intro., 109-10), Ibn Kathīr's work was, up to the year 738, just an abridgement of al-Birzālī's *"al-Muqtafā"*; Ibn Kathīr's own additions to 767 were somewhat remiss in the quality of the biographies. One can only surmise that the reason Ibn Ḥijjī and Ibn Qāḍī Shuhbah did not take up where the works of Ibn Rāfi' and al-Ḥusaynī ended was that the latter were concerned only with biography, without the historical record. Perceived deficiencies in the original work is a reason often cited by authors of *dhayls* for such overlapping (see Farah, *Dhayl*, 1, 8).

²⁶Again we see the emphasis on a balanced history.

²⁷He is said to have then continued the work from 815/1412 to shortly before his death in



and gives a brief description of that process: he reduced the "Dhayl" to about one-third, summarizing accounts of well-known events,²⁸ abridging the biographies and relocating them to the end of the year in alphabetical order. This alphabetical arrangement he tells us he copied from al-Dhahabī's method in his *Ta' rīkh al-Islām*.²⁹ Manuscript evidence indicates that he later made an abridgement of this abridgement.³⁰

Ibn Qāḍī Shuhbah's description of the "Dhayl" clearly indicates his allegiance to a particular type of historiography in vogue among Syrian traditionist-historians. His description of his predecessors' work and his explicitly stated conceptualization of his own historical writing as a continuation of that genre is of great value to our understanding of the "Syrian school" of Mamluk historiography.

IBN QĀḌĪ SHUHBĀH'S RECENSIONS OF THE "DHAYL"

This, then, is the broad trajectory of the composition of the "Dhayl": Ibn Ḥijjī's initial work; a recension by Ibn Qāḍī Shuhbah; an abridgement of that recension; an abridgement of the abridgement. However, Ibn Qāḍī Shuhbah also tells us what was involved in completing his master's work, viz., he added information to it from other histories, expanded the biographies and added additional biographies. Manuscript remains of the "Dhayl" tell us precisely how Ibn Qāḍī Shuhbah went about that process. There exists an incomplete recension of Ibn Ḥijjī's work in Ibn Qāḍī Shuhbah's hand and another recension which incorporated his additions. (See fig. 2.) Many of those additions (for the years 797 and following) can be traced to the works of excerpts noted above, specifically those made of the works of Ibn al-Furāt and Ibn Duqmāq. The details concerning this process will play a part in the analysis of selected years presented below. Here I will provide descriptions of the manuscripts which represent this process of revision. Manuscripts for the *mukhtaṣar* will not be dealt with here (nor certainly the *mukhtaṣar al-mukhtaṣar*) but the work will be used in the analysis.³¹

This group is made up of the following manuscripts: Berlin 9458, Köprülü 1027, Chester Beatty 5527, and Chester Beatty 4125:

851/1447. These last years seem to have been written out in a number of separate notebooks which, his son Badr al-Dīn tells us, could not be found in his library after his death; see Darwich, vol. 2, French intro., 21.

²⁸On the basis of Darwich's edition of the *mukhtaṣar*, it would seem that, beyond a summary of content, these synopses of events (the term Ibn Qāḍī Shuhbah uses is *jumlah*; see Darwich, 1:14) involved the elimination of precisely identified dates.

²⁹Darwich, vol. 2, Arabic intro., 112.

³⁰Ibid., French intro., 27.

³¹Darwich has provided comprehensive descriptions of the various manuscripts of the *mukhtaṣar* in his edition, vol. 2, Arabic intro.



Berlin 9458: Wilhelm Ahlwardt, in his customary, detailed manner, provided a rich description of this manuscript.³² Though it was incorrectly identified as the history of Ibn Ḥajar al-ʿAsqalānī,³³ Ahlwardt determined it to be Ibn Ḥijjī's version of the "Dhayl," covering the years 796-815/1393-1412. Unfortunately, I have not been able to examine the manuscript. I argue here—rather boldly—that those years found in the other manuscripts of this group which have been identified as the first recension by Ibn Qāḍī Shuhbah will be found to reflect closely the corresponding years in the Berlin manuscript. This hypothesis is based on characteristics of the first recension "Dhayl" outlined below.

Köprülü 1027: A detailed description of this holograph manuscript cannot be provided here.³⁴ Darwich described this manuscript as a copy of Ibn Qāḍī Shuhbah's "Dhayl," covering the years 787-812.³⁵ In fact, the years covered are 787, 788, 791, 792, 796, 797, 798, 803, 811, and another recension of 791, in that order. A thorough study of the manuscript has also shown that we have in this manuscript years that are part of the second recension by Ibn Qāḍī Shuhbah (787-788, 792), years that are part of the first recension (791, 797; perhaps 796, which might also comprise no more than rough notes), years that are no more than rough notes (798, 803, 811) and finally one year—the second 791—which is probably from one of Ibn Qāḍī Shuhbah's *muntaqās*, likely that of Ibn al-Furāt's work, but might also prove to be no more than rough notes.

Chester Beatty 5527: A description of this holograph manuscript has been given above. It is the second recension of the "Dhayl" made by Ibn Qāḍī Shuhbah, covering the years 797-810/1394-1407.

Chester Beatty 4125: There is a brief identification of this holograph manuscript in Arberry's *Handlist*³⁶ which lists the three works contained in it as: "al-Muntaqā min Ta'rīkh Ibn al-Furāt"; "al-Muntaqā min Ta'rīkh Ibn Duqmāq"; and a fragment

³²Ahlwardt, *Verzeichnis der arabischen Handschriften der Königlichen Bibliothek zu Berlin* (Berlin, 1887-99), no. 9458. Basing himself on Ḥajjī Khalīfah's information, Ahlwardt identified Ibn Ḥijjī's work as a *dhayl* to al-Ḥusaynī's "Ibar al-A'ṣār wa-Khabar al-Amṣār"; see also Farah, *Dhayl*, 29.

³³Presumably, it was thought to be his *Inbā' al-Ghumr bi-Abnā' al-'Umr*; the title page has: *min Ta'rīkh al-'Allāmah al-Ḥāfiẓ Shihāb al-Dīn Ibn Ḥajar*.

³⁴A microfilm of the manuscript from Ma'had al-Makhtūṭāt al-'Arabīyah in Cairo (no. 99 *Ta'rīkh*) provided by the University of Chicago Library was used for the present article. A brief description of the manuscript can be found in *Catalogue of Manuscripts in the Köprülü Library*, R. Şeşen et al. (Istanbul, 1986), 1:525-26, where it is incorrectly identified as "al-I'lām bi-Ta'rīkh Ahl al-Islām," covering the years 787-791.

³⁵Vol. 2, French intro., 23.

³⁶A. J. Arberry, *The Chester Beatty Library: A Handlist of the Arabic Manuscripts* (Dublin, 1955-66), 4:40.



of a history of the ninth/fifteenth century. Darwich, for reasons unknown, believed this manuscript to be a copy of the "Dhayl" of Ibn Qāḍī Shuhbah covering the years 775-810/1373-1407.³⁷ This is clearly an error. The manuscript does indeed comprise three works, the first two of which Arberry correctly identified. The *muntaqá* of Ibn al-Furāt's work covers the years 773-793/1371-1390, that of Ibn Duqmāq's work the years 804-805/1401-1402. The last work in the manuscript comprises parts of both recensions of Ibn Qāḍī Shuhbah's "Dhayl." The first recension covers the years 801, 803-810 (fols. 206v.-325r.); the year 791 is found in its second recension (fols. 181v.-196r.). (See fig. 3.)

Two recensions of the "Dhayl" made by Ibn Qāḍī Shuhbah have been identified here; what is the evidence for this hypothesis? First and foremost, obviously, is the existence of two versions of certain years in the manuscripts described above: the Chester Beatty MS 5527 contains the years 797-810; overlapping years include 797, 798, 803 (Köprülü 1027), 804-810 (CB 4125). It could be argued that one copy represents Ibn Qāḍī Shuhbah's work copy, the second his clean copy, but nothing about either indicates this: the extent of marginalia is the same for both, the hand no neater, the material presented no more precisely. A beneficial starting point for determining recensions is marginalia. Marginal corrections (those ending with *ṣaḥḥ* and made by the copyist in the course of collation) are of little use here; both copies contain them and at any rate one cannot determine which copy served as the basis for correction.

However, marginal additions (those ending with the abbreviation *ḥ* for *ḥāshiyah*) can prove useful. The account of the year 810/1407 in the Chester Beatty MS 4125 (identified here as the first recension) contains lengthy *ḥāshiyah* marginalia which in the Chester Beatty MS 5527 are incorporated into the text.³⁸ The process does not work the other way: *ḥāshiyah* marginalia in Chester Beatty MS 5527 are not found in Chester Beatty MS 4125, either in the text or again in the margin.³⁹ Because these marginalia are not found anywhere in Chester Beatty MS 4125 and because they are clearly marked *ḥāshiyah* marginalia in Chester Beatty MS 5527, a hypothesis in favor of a mere copying process from Chester Beatty 4125 to Chester Beatty 5527 is untenable. We have before us, then, a clear recension process.

Other indications of a recension process from Chester Beatty MS 4125 to MS 5527 involve the wording of phrases, chiefly exemplified by a change from the first person to third person. Two examples from the year 810:

³⁷Darwich, vol. 2, French intro., 27.

³⁸E.g., CB 4125, 328r. marginalia incorporated into text of CB 5527, 392r., lines 19 ff.

³⁹E.g., two such *ḥāshiyah* marginalia in CB 5527, 392r.



1. In Chester Beatty MS 4125, 328v., lines 23-24, we find Ibn Ḥijjī's "quotation marks": *sami'tu min*. . . ("I heard from") which in Chester Beatty 5527, 393r., line 12, becomes: *hādhā kalām Ibn Ḥijjī* ("These are the words of Ibn Ḥijjī").
2. In Chester Beatty MS 4125, 327r., lines 5-6, Ibn Ḥijjī offers his opinion of someone: . . . *qubīda 'alā Sulaymān ibn al-Ḥājī wa-sullima ilā ustādhār al-ṣuḥbah wa-huwa min aẓlam khalq wa-alḥasihim*. In Chester Beatty MS 5527, 391r., lines 4-5, this becomes: . . . *qāla al-shaykh Shihāb al-Dīn Ibn Ḥijjī taghammadahu Allāh fīhi wa-huwa min aẓlam khalq wa-alḥasihim*. This first person to third person process evinces Ibn Qāḍī Shuhbah's acquisition of the work. The original narrator has become just another source.⁴⁰ Obviously, it is a process that does not work the other way. Further, this process is one of the reasons for arguing that the Berlin manuscript of Ibn Ḥijjī's original version would, if compared to the first recension years, on the whole agree. The first recension made by Ibn Qāḍī Shuhbah represents a *copy* of Ibn Ḥijjī's original which, with the marginal notes he added to it, formed the basis of his second recension.

There is one other very significant indication of the recension process. Again, Ibn Qāḍī Shuhbah tells us that one of the changes he made to Ibn Ḥijjī's work was to add material from other sources. We find graphic illustration of this in a comparison of Köprülü 1027 (the first recension) and Chester Beatty MS 5527 (the second recension), this time for the year 797 (the month is al-Muḥarram):

1. a. First Recension (Köprülü MS 1027, 166v., lines 15-16):

ويوم الخميس ثانيه وصل صاحبنا الشيخ محمد المغيربي عارف السلطان
يوم خروجه من حلب و أقام بحماة أياماً.

1. b. Second Recension (Chester Beatty MS 5527, 3r., lines 7-9):

ويوم الخميس ثالثه وصل الى مصر طلب الامير جمال الدين محمود
الاستاذ دار من الشام ويومئذ وصل الى دمشق الشيخ محمد المغيربي عارف
السلطان يوم خروجه من حلب و أقام بحماة أياماً.

1. c. The additional material can be traced to Ibn al-Furāt, *Ta'rikh*, 396, lines 6-7:⁴¹

وفي يوم الخميس ثالث المحرم الشهر المذكور حضر الى مصر المحروسة طلب
الامير جمال الدين محمود الاستاذ الدار العالية من الشام.

⁴⁰It might also be noted that the optative following Ibn Ḥijjī's name indicates that this recension was begun after Ibn Ḥijjī's death.

⁴¹Ibn al-Furāt, *Ta'rikh Ibn al-Furāt* (Beirut, 1936-42), vol. 9 pt. 2.



This process is repeated in our second example:

2. a. First Recension (Köprülü MS 1027, 166v., lines 16-18):

ويوم الجمعة قبل الصلاة ثلثه وصل قاضي القضاة بدر الدين بن أبي البقاء
عارف السلطان من حمص ويومئذ قدم آخر النهار الامير الكبير كمشْبُغا
فنزل بدار الحاجب على عادته.

2. b. Second Recension (Chester Beatty MS 5527, 3r., lines 7-13):

ويوم الجمعة رابعه توجه حاشية السلطان أحمد بن أُويس صاحب بغداد وحرime
لقصد بلادهم حسب مرسوم السلطان ويومئذ قبل الصلاة وصل قاضي القضاة
بدر الدين بن أبي البقاء عارف السلطان من حمص ويومئذ قدم الامير الكبير
كمشْبُغا الاتابك فنزل بدار الحاجب على عادته وبكلمش العلائي أمير سلاح.

2. c. Ibn al-Furāt, *Ta'rikh*, 397, lines 3-4:

وفي يوم الجمعة رابع المحرم المذكور توجهوا غلمان السلطان مغيث الدين
أحمد بن أُويس صاحب بغداد وحاشيته وحرime لقصد بلادهم حسب المرسوم
الشريف الظاهري

The formulations of the common report in the first and second recensions generally accord, though with minor modifications in the second recension. The second recension and Ibn al-Furāt are also in accord, showing a definite borrowing from Ibn al-Furāt in the wording of the report. Interestingly, Ibn Qāḍī Shuhbah adds the name of a second amir to the report common to the first and second recensions, *wa-Baklamish al-'Alā'ī amīr silāh*. The mention of this amir does not seem to find a place in the content of the report; certainly the intent might prove clear but the syntax is somewhat obscure. Turning to Ibn al-Furāt again (397, lines 5-6), we find Baklamish mentioned at the end of the report for 7 al-Muḥarram 797/2 November 1394, which immediately follows Ibn al-Furāt's report given above: . . . *dakhala al-Sultān al-Zāhir ilā Dimashq al-maḥrūsah wa-dakhala qablahu al-amīrayn* [sic] *Kamushbughā al-Ḥamawī atābak al-'asākir wa-Baklamish al-'Alā'ī amīr silāh*.

Ibn Qāḍī Shuhbah, in combining the report from his first recension (by way of Ibn Hījī's original) with Ibn al-Furāt's report, has reduced the two reports in Ibn al-Furāt to one—with, it might be added, awkward results. In fact, we might have here a case of homoeoteleuton or homoeoarchon, though one would need to examine the copy of Ibn al-Furāt's history that Ibn Qāḍī Shuhbah used, if indeed that copy has survived and could be identified.



This process is clearly one in which a second, expanded recension has been made from a first, more elemental one. Even more importantly perhaps, this examination of recensions has allowed us to identify one source Ibn Qāḍī Shuhbah used for his account of the year 797/1394 as Ibn al-Furāt's *Ta'rikh*. This should not come as a surprise; it has been noted above that he made a *muntaqā* of the Egyptian's history. But while he occasionally names his sources or alludes to them (e.g., *qāla ba'd al-mu'arrikhīn al-miṣrīyīn*), those instances in which he does not do so (as in the examples above) are far more numerous and they are almost exclusively—at least for the year 797—from Ibn al-Furāt.⁴²

It is clear, then, that manuscript remains of Ibn Qāḍī Shuhbah's corpus include two recensions of the "Dhayl" and, as such, constitute an important source of information for the study of book composition in the Mamluk period.

IBN QĀḌĪ SHUHBĀH'S SOURCES: SOUNDINGS OF THE YEARS 797, 801, 804, 810

In order to assess the importance the "Dhayl" may have for modern historians as a source for the Mamluk period, a number of soundings were made of Chester Beatty MS 5527. In what follows, an attempt is made to delineate the major sources Ibn Qāḍī Shuhbah drew upon in composing the "Dhayl" and to determine what unique information the "Dhayl" has to offer.

Ibn Qāḍī Shuhbah's reliance on Ibn al-Furāt's *Ta'rikh* for his account of the year 797 is in fact far more pervasive than these minor reports might lead us to believe. The two examples which follow illustrate this reliance and, in addition, provide illustration of how Ibn Qāḍī Shuhbah reworked the information taken from Ibn al-Furāt for inclusion in the *mukhtaṣar*.

The first example is of a report about the clash between the Sharīf of Mecca 'Alī ibn 'Ajlān and his forces and the Banū Ḥasan in Shawwāl of 797/July 1395.⁴³

1. a. Ibn al-Furāt, *Ta'rikh*, vol. 9, pt. 2, 413:

⁴²Darwich (vol. 2, French intro., 35-42) has rendered a valuable service in identifying many of Ibn Qāḍī Shuhbah's sources. However, his list would seem to be based almost exclusively on citations in Ibn Qāḍī Shuhbah's *mukhtaṣar* in which the author explicitly names his sources. The degree of borrowing is in fact far greater than such citations suggest.

⁴³One correction to the text of each of the three works used for this example has been made. This concerns the place name *Baṭn Marr*. Ibn al-Furāt's *Ta'rikh* reads *m-r-w*, Chester Beatty 5527 likewise, while Darwich's edition of the *mukhtaṣar* reads *Murah*. Medieval Arab geographers would seem to agree that the correct name is the one given above; see, for instance, Yāqūt, *Mu'jam al-Buldān* (Beirut, 1990), 1:533 and al-Muqaddasī, *Aḥsan al-Taqāsīm fī Ma'rifat al-Aqāsīm* (ed. M. J. de Goeje, Bibliotheca Geographorum Arabicorum, [Leiden, 1906]), 106. B. A. Collins, in his translation of al-Muqaddasī (*The Best Divisions for Knowledge of the Regions* [London, 1994], 97), transliterates the name as *Baṭn Marr*. It might be noted in connection with this that a manuscript variant in the account in Ibn Ḥajar's *Inbā'* (1:495) is given as *m-r-w*.



في يوم الاربعاء أول ذي قعدة من شهور هذه السنة قدم مقبل مملوك عجلان وجماعة نجابة من الحجاز الشريف الى الابواب الشريفة وأخبروا أن في شوال المذكور وقعت وقعة بين بني حسن وقواد مكة ببطن مرّ وحصل بين الشريف علي سلطان مكة وبين شخص من بني حسن تماسك فوقعا عن الخيل فضرب كل منهما صاحبه فقتل علي بن عجلان وعاش غريمه وأن قواد مكة وعبيدها ملكوا وحصنوها ولم يمكنوا بني حسن منها ولا من الدخول اليها وأن لهم عن مكة ثلاثة عشر يوماً وكان الشريف حسن بن عجلان محبوساً فأفرج السلطان عنه وأخلع عليه وولاه سلطنة مكة المشرفة عوضاً عن أخيه علي وأمره أن يسافر و يلحق الحجاج.

1. b. Ibn Qāḍī Shuhbah, "Dhayl" (CB 5527), 24v., marg. and *mukhtaṣar* (ed. Darwich), 3:555; those parts in brackets are missing from the *mukhtaṣar*:

وفي يوم الاربعاء المذكور قدم الى مصر نجابة من الحجاز الى مصر وأخبروا أن [في شوال المذكور] وقعت وقعة بين بني حسن وقواد مكة ببطن مرّ [وحصل بين الشريف علي صاحب مكة وبين شخص من بني حسن تماسك فوقعا عن الخيل فضرب كل منهما صاحبه] فقتل علي بن عجلان [وعاش غريمه] وأن قواد مكة وعبيدها حموها [وحصنوها] ولم يمكنوا بني حسن منها وأن لهم عن مكة ثلاثة عشر يوماً وكان السيد حسن بن عجلان محبوساً فأفرج السلطان عنه وخلع عليه سلطنة مكة عوضاً عن أخيه علي وأمر أن يلحق الحجاج.

Ibn Qāḍī Shuhbah's reliance on Ibn al-Furāt for this report is clear; aside from some minor changes and omissions the two reports are identical.⁴⁴ The report in the *mukhtaṣar* evinces what one expects of an abridgement, namely, the exclusion of extraneous material. The report in the *mukhtaṣar* does, however, contain an additional sentence: *wa-sāra wa-ma'ahu Yalbughā al-Sālimī fī sābi' al-shahr al-ātī 'alā al-hujun*. This sentence is to be found in Ibn al-Furāt (p. 414), and consequently in Ibn Qāḍī Shuhbah (fol. 26v., lines 1-7) under Tuesday, 6 Dhū al-Qa'dah as part of an account of the Amir Yalbughā's postponement of a trip to the Hijaz, a postponement occasioned by a dream in which his late master Abū Bakr al-Bajā'ī warned him against going before Dhū al-Qa'dah. He then duly set out with the new Sharīf of Mecca, Ḥasan ibn 'Ajlān.

⁴⁴It is worth comparing the reports of Ibn Ḥajar (*Inbā'*, 1:495) and al-Maqrīzī (*al-Sulūk li-Ma'rifat Duwal al-Mulūk* [Cairo, 1934], 3:2, 841), who also relied on Ibn al-Furāt (see Jere L. Bacharach, "Circassian Mamluk Historians and their Quantitative Data," *Journal of the American Research Center in Egypt* 12 [1975]: 84), with those of Ibn Qāḍī Shuhbah to see the differences in approach the three authors have to quoting other historians' material.



The second example is a more complex one. It again demonstrates Ibn Qāḍī Shuhbah's reliance on Ibn al-Furāt for a report which he recorded in his "Dhayl" (under the month Sha'bān) and then abridged for the *mukhtaṣar*. But we also find additional related reports unique to the "Dhayl" (in both recensions). The background is the sultan's borrowing of money against *waqfs* established for orphans in Egypt and Syria to finance an expedition to Syria. The related reports in the "Dhayl" detail the legal and financial processes involved in such a transaction.

2. a. Ibn al-Furāt, *Ta'rīkh*, vol. 9 pt. 2, 410:

وفي يوم السبت تاسعه رسم السلطان الظاهر بردّ دراهم الايتام الذي كان اقترضها من المؤدعين بمصر والشام عند توجّهه للشام، من مودع القاهرة خمسمائة الف وخمسين الف ومن مودع الشام ستمائة الف درهم فتسلّموها أُمْناءُ الحكم من مباشري السلطان.

2. b. Ibn Qāḍī Shuhbah, "Dhayl" (CB 5527), 19v., lines 18-23 and *mukhtaṣar* (ed. Darwich), 3:551; again, those parts in brackets are missing from the *mukhtaṣar*:

وفي بعض تواريخ المصريين أن في يوم السبت تاسعه رسم السلطان الملك الظاهر بردّ دراهم الايتام الذي كان اقترضها من المؤدعين بمصر والشام عند توجّهه للشام، من مودع القاهرة خمسمائة الف وخمسين الف [ومن مودع الشام ستمائة الف درهم] فتسلّم ذلك أُمْناءُ الحكم من مباشري السلطان.

The reports are nearly identical, though it is interesting to note that the *mukhtaṣar* has left out the sum borrowed from the Syrian depository, considering the usual emphasis Ibn Qāḍī Shuhbah places on Syrian affairs.⁴⁵ Next we find an additional report (under Dhū al-Qa'dah) in the "Dhayl" and the *mukhtaṣar*, detailing the result of this order from the Sultan:

2. c. Ibn Qāḍī Shuhbah, "Dhayl" (CB 5527), 26v., lines 7-13 and *mukhtaṣar* (ed. Darwich), 3:555:

ويوم الاربعاء سابعه وصل كتاب السلطان الى نائب السلطنة بأن يشتري ما أُبيع على الايتام وغيرهم من بيت المال عام أول وهو الطاحون بباب السلامة ونصف قرية الأقتريش ويبلغه خمسمائة الف درهم وأن يدفع الثمن اليهم من ثمن القند المبيع على نائب السلطنة ففعل ذلك بعد شهر وقبض المبلغ وأن يسامحوا بما قبضوا من الريع وكان السلطان فعل في شعبان مثل ذلك

⁴⁵There are other slight variations in the *mukhtaṣar*: for 'inda tawajjuhihi lil-Shām, there is *fi al-sanah al-khāliyah*; and in one of the MSS (as Darwich tells us [vol. 3, 551, n. 1]) the correction of *alladhī* to *allatī*.



بالقاهرة كما تقدم.

We then find two additional reports (under Dhū al-Ḥijjah) in the "Dhayl" (both recensions) not found in the *mukhtaṣar*:

2. d. Ibn Qāḍī Shuhbah, "Dhayl" (Köprülü 1027), 185v., lines 4-9 and (CB 5527), 27v., line 19-28r., line 2:

ويوم الثلاثاء خامسه جرى عقد التبائع لطاحون بباب السلامة ونصف قرية الأفتريش اشترى نائب السلطنة ذلك لمولانا السلطان بطريق الوكالة بمقتضى الكتاب الوارد في الشهر الماضي من المشتريين كذلك من بيت المال للايتام وغيرهم بحضور قاضي القضاة و القاضي المالكي و أحال النائب بالمال على المستلم من المشتريين للقند من النبات وقبلوا الحوالة وحصل القبض الشرعي وشرعوا في كتابة النسخ لذلك.

2. e. Ibn Qāḍī Shuhbah, "Dhayl" (Köprülü 1027), 185v., lines 12-17 and (CB 5527), 28r., lines 6-11:

وليلة الثلاثاء ثاني عشره أندبت كتاب التبائع الصادر من النائب بطريق الوكالة عن السلطان من المتكلمين على الايتام وغيرهم من الاوصياء على مشتري الوقوف لما كان أشتري من بيت المال لهم في العام الماضي بعد أن يُندب وكيل السلطان للنائب عند القاضي المالكي وأندبت التبائع المذكور بعد استيعاء الشرائط الشرعية ونقد من الغد على القضاة الاربعة وكتب به نسخة أرسلت الى مصر ونسخة استمرت عند النائب ثم كتب به نسختان أخريان بخط العليلى [؟] وتلك النسختان احدهما بخط ابن غزي و الاخرى بخط الرملي.

Two general conclusions can be drawn from these examples: (1) for the year 797/1394, Ibn Qāḍī Shuhbah's source for much of the information in his "Dhayl," and so also in his *mukhtaṣar*, was Ibn al-Furāt's *Ta' rīkh*; (2) there is information, perhaps valuable information, to be had from the "Dhayl" (whichever recension) which cannot be found in the *mukhtaṣar*. With regard to the first conclusion, the reliance upon Ibn al-Furāt is much more pervasive than two examples alone can demonstrate. In fact, a rough estimate of the combined *ḥawādith* and *tarājim* taken from Ibn al-Furāt for the year 797 is *fully half* of the "Dhayl" and *fully half* of the *mukhtaṣar*. The second conclusion, too, has further implications: *there is no information in the mukhtaṣar which is not to be had from the "Dhayl."* Moreover, the "Dhayl," as we have seen, contains information not taken from Ibn al-Furāt (or it seems from any other source) and which was not incorporated into the *mukhtaṣar*.



Such information is of two types: (1) information which expands upon the brief accounts found in the *mukhtaṣar*; (2) fully unique reports and biographies. The first type of information is akin to our second example above. The second is reports centered around academic, legal, and religious life in Damascus. These are accounts of who taught where and what was taught, legal and teaching appointments received and lost (and often the scandals which occasioned such changes), daily activities of the chief judges, lists and descriptions of letters received from travelling scholars, and bureaucratic information. There are some thirty such reports. Next, there are some twenty biographies unique to the "Dhayl," biographies of usually minor figures who were involved, again, in the intellectual life of Damascus.

So far, we have dealt with the historical importance of the "Dhayl" in relation to its *mukhtaṣar*, but what of the relative importance of the two recensions of the "Dhayl"? We have already seen that Ibn Qāḍī Shuhbah filled out his first recension with information taken from Ibn al-Furāt. There is, however, material in the second recension for the year 797 not to be had from the first recension. Such additions are largely biographies: of the twenty biographies unique to the two recensions of the "Dhayl," roughly half are found only in the second recension represented by Chester Beatty 5527. These are Ibn Qāḍī Shuhbah's own additions to the first recension.

But, admittedly, none of the information unique to the "Dhayl" for the year 797 is of a particularly profound nature. The *mukhtaṣar* records the most important events and biographies.⁴⁶ The information in the "Dhayl," then, helps to flesh out more fully the social and intellectual dimensions of Damascene life at the end of the eighth/fourteenth century. Granted, it is unfortunate that for the years 797-810/1394-1407 a manuscript of the "Dhayl" was not available when the decision to publish the *mukhtaṣar* was made, but such is the state of the field. However, it should be clear now that for the year 797/1394, only half of the information in the *mukhtaṣar* is of real worth as unique information for modern historians: the rest can be had from Ibn al-Furāt. Such a judgement most likely is also applicable to those years preceding 797/1394 and covered by Ibn al-Furāt. Ibn Qāḍī Shuhbah's *muntaqā* of Ibn al-Furāt's *History*, found in Chester Beatty MS 4125, covers the years 778-793/1376-1390, and so it is for those years that we can assume there was borrowing. And though not found in Chester Beatty MS 4125, we can surmise that information for the years 794-799/1391-1396 were also "selected" by Ibn Qāḍī Shuhbah on the basis of the presence of such information in the account of the year 797 in both the "Dhayl" and the *mukhtaṣar*. But—and this has significance beyond the question of the relative worth of the "Dhayl" and *mukhtaṣar*—no manuscripts of Ibn al-Furāt's *Ta'rikh* have come to light for the years 698-789/1298-

⁴⁶Such a qualitative judgement is, however, relative to what one wants from a Mamluk history.



1387.⁴⁷ A thorough investigation of Ibn Qāḍī Shuhbah's *muntaqā* of Ibn al-Furāt, his *mukhtaṣar* (as edited by Darwich) and the Köprülü MS of his "Dhayl" (which includes the years 787-788) for borrowings from Ibn al-Furāt would prove invaluable in reconstructing Ibn al-Furāt's *Ta'rikh* for that period.⁴⁸

To return to the "Dhayl" and Chester Beatty MS 5527, what can be said about the years after 800, the year the published edition of the *mukhtaṣar* ends?⁴⁹ For content concerning events in Syria and particularly Damascus, they resemble closely the preceding years and so equally have a value for the social and intellectual life of that city. It is not necessary to provide as detailed a study of those years as has been done for the year 797 as we are no longer constrained to a comparative study of the "Dhayl" and the *mukhtaṣar*. The pattern of expansion from first recension to second recension has also been established and need not be illustrated further.

We know the value of Ibn Qāḍī Shuhbah's history for events and biographies close to home, but as for those areas beyond Syria, and most especially Egypt, a pattern of borrowing from other histories has been established; thus, it would seem wise to determine just which histories he used to this end. Again, his *muntaqās* provide a good starting point. The *muntaqā* of Ibn Duqmāq in Chester Beatty MS 4125 covers only two years, 804-805. A brief analysis of the year 804 indicates Ibn Qāḍī Shuhbah's reliance on Ibn Duqmāq in the "Dhayl." One example, dealing with a minor rebellion by a group of amirs, will suffice. Ibn Duqmāq's version is given first, followed by Ibn Qāḍī Shuhbah's version from the Chester Beatty MS 5527, with sections in brackets indicating elements missing from his *muntaqā*.

1. a. Ibn Duqmāq, "al-Jawhar al-Thamīn,"⁵⁰ 219v., line 9 - 220r., line 4:

وفيهما في يوم الجمعة ثاني شوال حصل كلام بين الامير نوروز الحافظي وجمك الدوادار وبين الامير سودون طاز أمير أخور وحصل سر كبير الى أن لبسوا ونزل السلطان الى الاصطبل وأقام بالمقعد وتراموا بالنفط والنشاب. ثم إن أمير المؤمنين وشيخ الاسلام والقضاة دخلوا بينهم ومشوا بالصلح فاصطلحوا وطلع السلطان الى القلعة ونزل كل من الامراء الى بيته. ثم طلب السلطان

⁴⁷I rely on Cahen's somewhat dated article on Ibn al-Furāt in the *Encyclopaedia of Islam*, 2nd ed., but I am not aware of any further discoveries. Within that roughly hundred year gap, it is the latter half coinciding with the author's life that might prove of most importance.

⁴⁸Other historians, e.g. Ibn Hajar, al-Maqrīzī, and al-ʿAynī, also used Ibn al-Furāt (see Bacharach, "Circassian Mamluk Historians," 48), and so should be included in such a comparative study.

⁴⁹Darwich tells us (vol. 2, Arabic intro., 57) that the holograph manuscript of the *mukhtaṣar* ends with the year 808; it is not at all clear why he chose not to continue editing the work to this year.

⁵⁰A microfilm of the Bodleian MS Digby Or. 28 of Ibn Duqmāq's "al-Jawhar al-Thamīn fī Siyar al-Mulūk wa-al-Salātīn" was kindly provided by The University of Chicago Library.



الخليفة وقاضي القضاة فطلعوا الى السلطان. ثم نزلوا فحلفوا الامراء.

1. b. Ibn Qāḍī Shuhbah, "Dhayl" (CB 5527), 247r., lines 3-11 (brackets enclose major omissions in "al-Muntaqā min Ta'rīkh Ibn Duqmāq" [CB 4125], 201r., line 20-201v., line 2):

في يوم ثانيه حصل بين الامراء نوروز وجكم وقاني بيه ومن معهم وبين الامير سودون طاز أخور ومن انضاف اليه سر كبير ولبسوا في اليوم المذكور ونزل السلطان الى الاصطبل السلطاني وأقام به ويقا تل الامراء والممالك السلطانية وتعس الامراء في ذلك اليوم. ثم إن الخليفة والقضاة وشيخ الاسلام دخلوا بينهم ومشوا بالصلح فاصطلحوا في ذلك اليوم وطلع السلطان عشية النهار الى القلعة. ثم راح كل واحد منهم الى بيته وفي صبح الغد طلب الخليفة والشيخ والقضاة الى القلعة فاجتمعوا بالسلطان. ثم نزلوا الى بيت الامير [نوروز] ثم الى بيت الامير ولي الدين الاتابك والى بيوت مهمة الامراء [وحلفوهم.

Clearly, Ibn Qāḍī Shuhbah's version displays a few substantive differences, chiefly with regard to other people involved in the event. While the *muntaqā* made by Ibn Qāḍī Shuhbah reflects some of these changes (viz., Qānī Bāy, *mamālīk sulṭānīyah*), it does not include them all (e.g., the last line⁵¹). Two possibilities arise. The most obvious is that Ibn Qāḍī Shuhbah used a version of Ibn Duqmāq other than that represented by the Bodleian MS used here. This, however, does not explain the changes from the *muntaqā* version to the "Dhayl" version. In other words, Ibn Qāḍī Shuhbah drew either entirely on another source which also used Ibn Duqmāq but which also added the other elements, or he added the additional information from another source. This process could have begun with the *muntaqā* version which was then expanded for the "Dhayl" version using additional sources. For the example above, the problem is a minor one; the report agrees almost exactly with Ibn Duqmāq in substance and wording. But the implications for other borrowed elements found in the account for the year 804 are significant: it is likely that he used more than one source (Ibn Duqmāq) for the version he provides in the "Dhayl." This other source remains unidentified.

What of those years not treated in Ibn Qāḍī Shuhbah's books of excerpts? There is evidence that for the year 810 Ibn Qāḍī Shuhbah relied at least in part on al-Maqrīzī's *al-Sulūk*. For instance, the reports of the sultan's hunting trip in

⁵¹The last line in the *muntaqā* in fact reads: *thumma nazalū bi-dār wa-a'lá buyūt al-umarā' fa-ḥallafūhum*.



al-Muḥarram of that year in al-Maqrīzī and Ibn Qāḍī Shuhbah agree almost exactly:

1. a. Al-Maqrīzī, *al-Sulūk*, 4:1, 54:

وفي يوم الاثنين ثامن عشرينه سار السلطان من قلعة الجبل في آخر الثانية بطالع الاسد ونزل بمخيمه من خارج القاهرة تجاه مسجد تبر. وقد بلغت النفقة على الممالك الى مائة ألف دينار وثمانين ألف دينار وبلغت عدة الاغنام التي سيققت معه عشرة آلاف رأس من الضأن [الخ].

1. b. Ibn Qāḍī Shuhbah, "Dhayl" (CB 5527), 390v., lines 5-10:

ويوم الاثنين سابع عشرينه خرج السلطان من قلعة الجبل ونزل بمخيمه خارج القاهرة قال بعضهم وبلغت النفقة على الممالك الى مائة ألف دينار وثمانين ألف دينار وبلغت عدة الاغنام التي سيققت معه عشرة آلاف رأس من الضأن [الخ].

Aside from Ibn Qāḍī Shuhbah's editorial note, his report is very similar to that of al-Maqrīzī. But we also find in the "Dhayl" a marginal note listing which amirs accompanied the sultan and which of them stayed behind; no such list is found in al-Maqrīzī. There are additional reports for the year 810 that can be traced to al-Maqrīzī, but, significantly, others which cannot. Ibn Qāḍī Shuhbah introduces these other reports with the words *wa-fī tawārīkh al-miṣrīyīn*, "and in the Egyptian histories." Some biographies, like that of Shams al-Dīn Muḥammad al-Iskandarī, the *muḥtasib* of Cairo, are verbatim copies of al-Maqrīzī. Biographies for other, perhaps more significant individuals, such as that for the *atābak* of the Egyptian army Sayf al-Dīn Aytamish, cannot be found in al-Maqrīzī. This suggests that either Ibn Qāḍī Shuhbah used a common source with al-Maqrīzī or that he added these additional elements from another source altogether. This common or other source remains unidentified.

Ibn Qāḍī Shuhbah's account of the year 801 is replete with references to Egyptian histories. It seems that for this year, Ibn Qāḍī Shuhbah's source recorded events with a date differing from the one established by him, so we find phrases such as *wa-yawm al-aḥad sādisuhu wa-huwa fī tawārīkh al-miṣrīyīn khāmisuhu* continually repeated. Perhaps the most significant event of this year was the death of Sultan Barqūq. Ibn Qāḍī Shuhbah's biography does not, in even a general sense, reflect any of the other contemporary Egyptian sources (e.g., Ibn Taghrībirdī, al-'Aynī,⁵² Ibn Ḥajar al-'Asqalānī, al-Maqrīzī) though he must certainly have had

⁵²A microfilm copy (Ma'had al-Makhtūṭāt al-'Arabīyah 738) of the MS Ahmet III 2911 of



to rely upon an Egyptian source for this record. It is tempting to think that for 801/1398 and perhaps a few more years early in the ninth/fifteenth century, Ibn Qāḍī Shuhbah relied on Ibn al-Furāt who, as some sources tell us, wrote "a little" for the beginning of this century.⁵³ But as no manuscript remains of Ibn al-Furāt's *Ta'rikh* have come to light for the years after 799/1396, this is difficult to prove. Perhaps a stylistic study of these quotations in Ibn Qāḍī Shuhbah's works might help in this regard.⁵⁴

In brief, then, we have evidence that Ibn Qāḍī Shuhbah relied on both Ibn Duqmāq and al-Maqrīzī (or common sources) for certain years after 800, if only in part. It is also clear that other sources were used, but these remain to be identified. (See fig. 4.)

The soundings of Chester Beatty MS 5527 reveal a number of important facts. At least three contemporary historians were drawn upon in the composition of the "Dhayl." Modern historians' use of the "Dhayl" must, thus, be undertaken with a critical eye. Next, Ibn Qāḍī Shuhbah's use of Ibn al-Furāt's *Ta'rikh* has secured for modern historians parts of an important Mamluk history no longer extant in their original form. Finally, information unique to Ibn Qāḍī Shuhbah, and especially the information unique to the "Dhayl," can be added to the corpus of "Syrian school" histories upon which modern historians base analyses of the social and intellectual life of Mamluk Syria.

CONCLUSIONS

In drawing conclusions from the above analysis of Chester Beatty MS 5527 in particular and Ibn Qāḍī Shuhbah's "Dhayl" in general, it would be helpful to return to those larger contexts with which this study was introduced. Our first context is that of the modern study of Mamluk historiography, the immediate aim of which is to establish the general contours of relationship among Mamluk period histories. Precisely, one wants to know on the one hand what unique material is to be had from a Mamluk history and on the other what sources that Mamluk history drew upon. The above analysis has provided a number of answers to these questions. It has become clear that the historical information unique to the "Dhayl" (in its various recensions and including its abridgement) can be characterized largely as Damascene history for the latter half of the eighth/fourteenth century and the early

al-'Aynī's "Iqd al-Jumān fī Ta'rikh Ahl al-Zamān" was provided by The University of Chicago Library.

⁵³E.g., Ibn al-'Imād, *Shadharāt al-Dhahab fī Akhbār Man Dhahab* (Beirut, n.d.), 4:72: *wa-kataba shay' yasīr minhu awwal al-qarn al-tāsi'*.

⁵⁴Ibn al-Furāt's style is very distinctive (contemporaries and later historians accused him of a certain vulgarity; see Cahen, "Ibn al-Furāt") and so might allow for fruitful comparison with quotations in Ibn Qāḍī Shuhbah's work.



part of the ninth/fifteenth century. Moreover, the "Dhayl" is a history concerned with the social and intellectual dimensions of life in that particular time and place. The nature of this history, and its strength, lies in its detailed record of the minutiae of daily life. This characteristic is perhaps the immediate result of the work's emphasis on prosopography, that is to say the overwhelming emphasis and space it assigns to biographies. This is not to diminish its importance for political history, but again, in the elements original to the "Dhayl," that political history is limited to the Damascus-Syria area. For political history beyond that geographical area, the "Dhayl" has been shown to rely on other, Egyptian historians. Often, such reliance makes the "Dhayl" redundant as an original source, but in such cases where the original work no longer exists—as in the case of portions of Ibn al-Furāt's history—the "Dhayl" along with its *mukhtaṣar* proves an invaluable repository for information which may not be had from other contemporary sources. In short, and as always when dealing with Mamluk histories, the "Dhayl" is a mixture of important and not so important information for the modern historian.

Studies on the aims and methodology of Mamluk historians do not as yet seem to have acquired cachet with modern historians.⁵⁵ The field as a whole is still in its infancy. The group of manuscripts of the various recensions, reworkings, revisions, and abridgements of Ibn Qāḍī Shuhbah's historical legacy, collectively called the "Dhayl," will prove of enormous value to students and scholars who might direct their attention to such methodological studies. Obviously the process to which Ibn Qāḍī Shuhbah subjected his historical information is a complex one and perhaps taxing to work through but, perhaps unlike other contemporary historians whose main historical work gained immediate popularity and so quickly became standardized in clean copy, Ibn Qāḍī Shuhbah has left us with a detailed record of his job as an historian. Such a detailed record is of immense value for an understanding of the craft of the Mamluk historian.

Our third larger context is that of genre. From the foregoing, we can identify Ibn Qāḍī Shuhbah as a representative of the "Syrian school" of Mamluk historians. In his concerns and emphases, in the methodology and structure of his historical writing, he consciously aligns himself with the type of history common to the historians of that school. He, and his master Ibn Ḥijjī, were unquestionably important representatives of the "Syrian school." This is obvious from the readership notes in the manuscripts of his work, obvious even more in the extensive use later Syrian historians made of his work. Ibn Ṭulūn (d. 953/1546) and al-Nu'aymī (d.

⁵⁵For an example of the directions in which such studies might proceed, see Ayman Fu'ād Sayyid's analysis in "Early Methods of Book Composition: al-Maqrīzī's Draft of the *Kitāb al-Khiṭaṭ*" in *The Codicology of Islamic Manuscripts, Proceedings of the Second Conference of al-Furqān Islamic Heritage Foundation, 4-5 December 1993* (London, 1995), 93-101.



978/1570) come to mind in this regard. Egyptian traditionist-historians, such as Ibn Ḥajar al-ʿAsqalānī (d. 852/1448) and al-Sakhāwī (d. 902/1496) also quoted the "Dhayl" extensively.⁵⁶ For modern historians, then, Ibn Qāḍī Shuhbah represents the link between the earlier eighth/fourteenth century historians such as al-Birzālī, al-Dhahabī, and Ibn Kathīr and the later ninth/fifteenth century historians such as al-Sakhāwī and Ibn Ṭulūn. The addition of Ibn Qāḍī Shuhbah's work to the corpus of "Syrian school" histories, for now in the form of the *mukhtaṣar*, should further contribute to our understanding of the nature and development of this type of Mamluk history writing.

Ibn Qāḍī Shuhbah and his "Dhayl," then, are important to the many different facets of the study of Mamluk history and historiography. The dimensions to this judgement of Ibn Qāḍī Shuhbah's importance of course need to be more fully investigated and understood. Such work, in a profound sense, begins where this small study ends and it can only really begin with a critical edition of those years of the second recension "Dhayl" left to us in manuscript: 801-810/1398-1407.

⁵⁶For these authors in general see the articles in the *Encyclopaedia of Islam*, *GAL*, and al-Munajjid's *Muʿjam al-Muʿarrikhīn*. The case of Ibn Ḥajar is an interesting one; in his *Inbāʾ al-Ghumr* he cites only Ibn Ḥijjī by name (and not Ibn Qāḍī Shuhbah), a fact which leads one to suspect that he had access to the original draft of the "Dhayl" by Ibn Ḥijjī.



APPENDIX: WORKS BY IBN QĀDĪ SHUHBĀH

"Al-Dhayl."

Köprülü 1027 (microfilm: Ma'had al-Makhṭūṭāt al-'Arabīyah 99 Ta'rīkh).

Chester Beatty 5527.

Chester Beatty 4125, fols. 181v.-196r., 206v.-325r.

Fragments of unidentified historical and biographical works.

Chester Beatty 3151.

"Al-Muntaqá min Ta'rīkh Ibn al-Furāt."

Chester Beatty 4125, fols. 1v.-196r.

"Al-Muntaqá min Ta'rīkh Ibn Duqmāq."

Chester Beatty 4125, fols. 197v.-206r.

Ta'rīkh Ibn Qāḍī Shuhbah. 3 vols. Edited by Adnan Darwich. Damascus: Institut français de Damas, 1977-1994.⁵⁷

Al-Ṭabaqāt al-Shāfi'īyah. 4 vols. Edited by 'Abd al-'Alīm Khān. Beirut: 'Ālam al-Kutub, 1987.

⁵⁷Despite the title, this is the *mukhtaṣar* (abridgement) Ibn Qāḍī Shuhbah made of the "Dhayl." The sequence of the volumes for this edition is somewhat misleading: vol. 1, published in 1977, covers the years 781-800; vol. 2, published in 1994, covers the years 741-750 and includes lengthy introductions (in Arabic and French) by the editor on Ibn Qāḍī Shuhbah, the corpus of his works, and the manuscripts of the *mukhtaṣar*; vol. 3, published in 1994, covers the years 751-780.



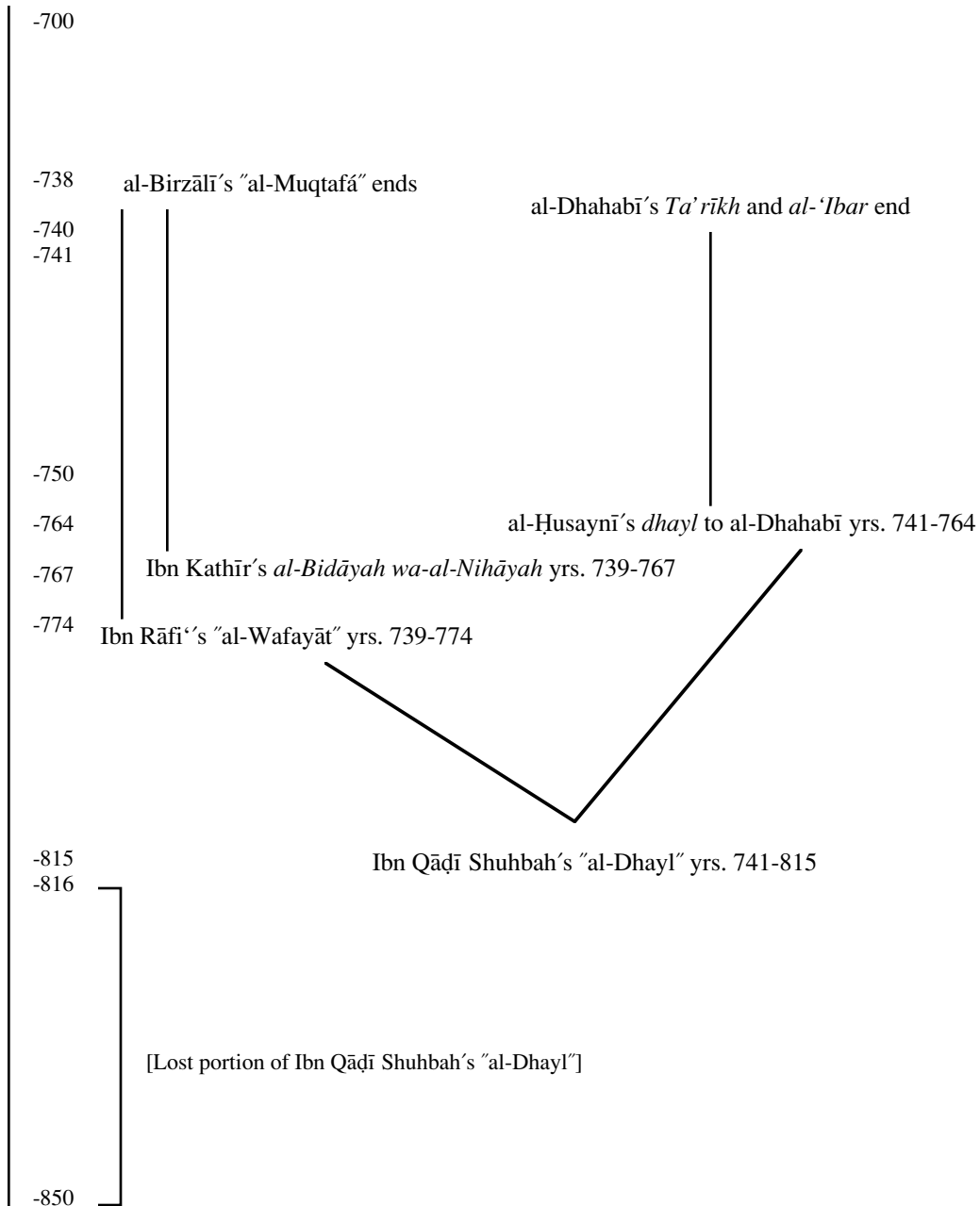


Figure 1. The "Syrian School" Histories Supplemented by Ibn Qāḍī Shuhbah



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DOI of Vol. II: [10.6082/M13F4MQM](https://doi.org/10.6082/M13F4MQM). See <https://doi.org/10.6082/MZQT-0D46> to download the full volume or individual articles. This work is made available under a Creative Commons Attribution 4.0 International license (CC-BY). See <http://mamluk.uchicago.edu/msr.html> for more information about copyright and open access.

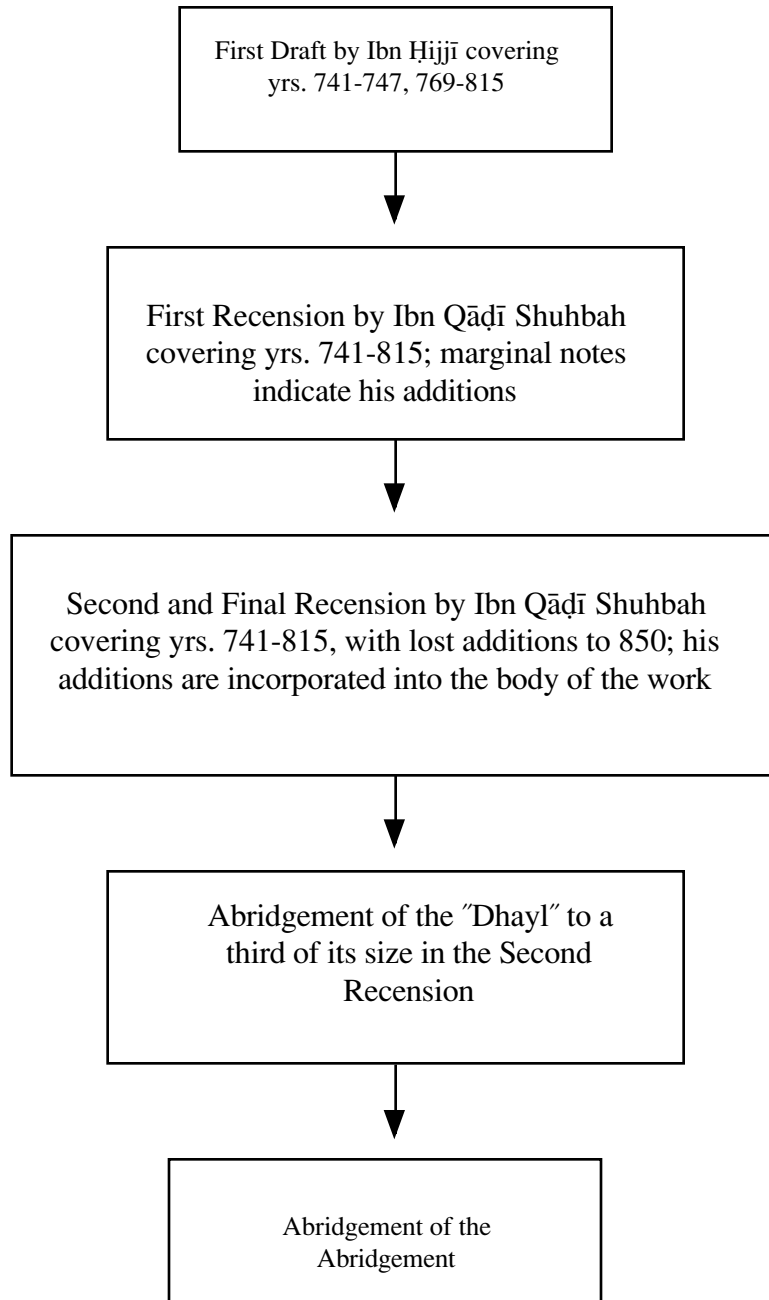


Figure 2. The Recensions and Versions of the "Dhayl"



	<u>Ibn Ḥijjī</u>	<u>Rough Notes</u>	<u>1st Recension</u>	<u>2nd Recension</u>
787				☐ Köprülü 1027
788				
791			☐ Köprülü 1027	☐ Chester Beatty 4125
792				☐ Köprülü 1027
796	Berlin 9458		☐ Köprülü 1027	☐ Chester Beatty 5527
797				
798		☐ Köprülü 1027		
799				
800				
801			☐ Chester Beatty 4125	
802		☐ Köprülü 1027		
803			☐ Chester Beatty 4125	
804				
805				
806				
807				
808				
809				
810				
811		☐ Köprülü 1027		
812				
813				
814				
815				

Manuscripts

Chester Beatty 5527: "al-Dhayl" (Second Recension)

Chester Beatty 4125: "al-Muntaqā min Ta'rīkh Ibn al-Furāt"; "Muntaqā min Ta'rīkh Ibn Duqmāq";
Fragments of "al-Dhayl" (First and Second Recensions)

Köprülü 1027: "al-Dhayl" (First and Second Recensions)

Berlin 9458: Ibn Ḥijjī's First Draft of "al-Dhayl"

Figure 3. Manuscript Remains of the "Dhayl" in its Various Drafts and Recensions



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DOI: [10.6082/M1PC30G7](https://doi.org/10.6082/M1PC30G7). (<https://doi.org/10.6082/M1PC30G7>)DOI of Vol. II: [10.6082/M13F4MQM](https://doi.org/10.6082/M13F4MQM). See <https://doi.org/10.6082/MZQT-0D46> to download the full volume or individual articles. This work is made available under a Creative Commons Attribution 4.0 International license (CC-BY). See <http://mamluk.uchicago.edu/msr.html> for more information about copyright and open access.

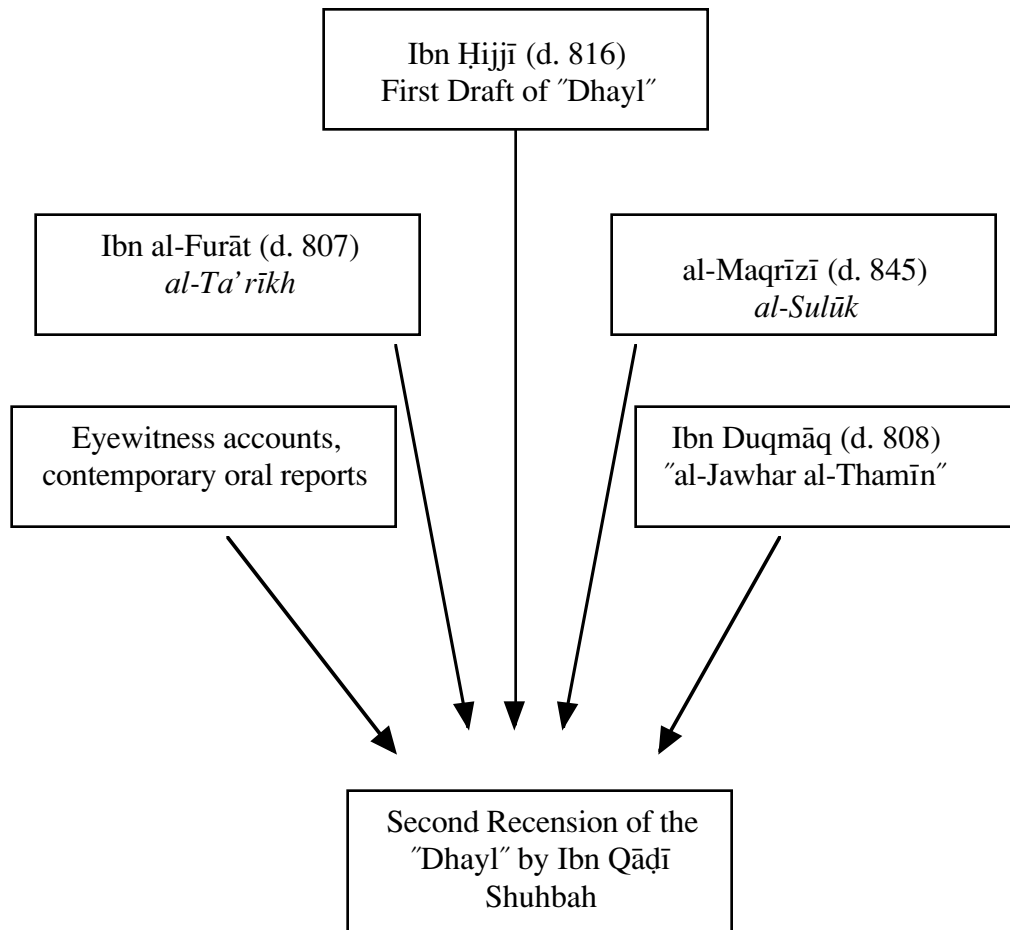


Figure 4. Ibn Qāḍī Shuhbah's Major Sources for the Years 797-810



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A Geniza for Mamluk Studies? Charitable Trust (*Waqf*) Documents as a Source for Economic and Social History*

R. Stephen Humphreys initiates his discussion of primary sources in chapter 2 of his magisterial *Islamic History: A Framework for Inquiry* with the following:

Islamists like to complain about the state of their sources, but in fact what they have is extraordinarily rich and varied, far surpassing the miserable fragments which challenge the student of the late Roman Empire or early medieval Europe. The real problem is to use this patrimony effectively.¹

No one would dispute Humphreys's assertion about effective use of surviving texts. But when one considers these admittedly copious sources, the nature of exactly what was preserved does qualify the kind of inquiry a researcher may undertake. It is now widely recognized that the discovery, and subsequent analysis, of the Cairo Geniza documents during the first half of the twentieth century enabled students of the Fatimid and Ayyubid periods to ask questions previously considered unanswerable—beyond exceedingly broad conjecture.² I have chosen to compare *waqf* documents with the Geniza material because I am convinced that the former play a role at least as significant for the Mamluk period as the Geniza documents have done for the eras preceding it.

It is important to realize that, for all its diversity and richness, the enormous trove of sources compiled during the independent Mamluk period in Egypt and Syria remains secondary for the most part. That is, most of what has survived

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*This essay is a revised lecture given in May of 1997 at the Mamluk Studies Workshop convened by the Center for Middle Eastern Studies at The University of Chicago. It aims at summarizing recent directions in scholarship rather than at presenting new research.

¹(Princeton, 1991), 25.

²On the progress of study on documents of the Cairo Geniza, see Norman Golb, "Sixty Years of Geniza Research," *Judaism* 6 (1957): 3-16; S. D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza*, 5 vols. (Berkeley, 1967-88); and idem, "The Documents of the Cairo Geniza as a Source for Islamic Social History," in his *Studies in Islamic History and Institutions* (Leiden, 1966), 279-95.



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amounts to narrative commentary by either on-site observers or post-hoc distillers of material from a preceding period. While the observations of a contemporary witness certainly count as a primary source, it is a highly selective one since that witness could only report what he saw personally or regarded as important enough to select out for discussion. And this problem of selectivity is greatly compounded in the second case when a chronicler did indeed tap archival material that no longer survives. His subsequent readers are totally dependent on what he elected to draw out from the original archival repository. His rationale for choice of material can only be surmised; his errors of omission or transmission cannot be detected and thus cannot be checked.

With regard to historians of medieval Islam—those for whom original archival data is important—the range of questions they could address has until recently been quite constrained. Why has this been so? An archive above all does not automatically introduce the bias of personal agenda. It rarely represents a process of selective culling on the part of a post-hoc commentator, but stands as the original body of evidence—presumably compiled as an accurate, and thus objective record, of the procedure it documented. An archive has rarely been compiled by a single author. In fact, most archives were assembled anonymously (we thus do not know who organized or quantified its data), or by known accountants, scribes, or notaries (certifying their work with signatures) whose job it was to record evidence accurately rather than to interject their own opinions. We may thus assume that an archive, even if not replete, was compiled objectively with the purpose of leaving an accurate account of the procedure it documented.

It is widely recognized that the states of the eastern Mediterranean and southwest Asia have been administered by sophisticated bureaucracies for millennia. Bureaucracy was indeed their invention. But the Islamic phase of their history is distinguished by a striking paradox. Despite the production of vast archival materials by these bureaucracies, almost none have been preserved from the time of the early Caliphate until around 900/1500. After this date, most of the larger Muslim states are documented by archival collections which are progressively better preserved as the decades proceed from ca. 900/1500. Exactly why archival materials were minimally preserved before this date, if at all, remains one of the salient enigmas of Islamic Studies, yet to be effectively explained. Such materials certainly existed because the extraordinary array of secondary historiographical sources so obviously derive their data from these lost collections. It is impossible to explain the production of such a work as al-Qalqashandī's enormous encyclopedia of diplomatic, *Ṣubḥ al-A'shā fī Ṣinā'at al-Inshā'*,³ without recognition of the vast

³14 vols. (Cairo, 1913-20, repr. Cairo, 1963).



archives of the chancery bureau (*dīwān al-inshā'*) which its author mined. Nonetheless, the original chancery materials have disappeared.

It is in this light that the surviving charitable trust (*waqf*; pl., *awqāf*) deeds of the independent Mamluk period warrant exploration for topics that have previously gone unaddressed. I do think that an explanation for their survival can be hypothesized. *Waqf* documents certify a perpetual legal endowment. As an act of bequeathal performed in the spirit of fulfilling the fourth so-called pillar of behavior incumbent upon a believer: charitable donation (alms-giving or *zakāh*), a pious endowment represented one of the most respected benefits a believer could bestow on the community.⁴ As I shall discuss subsequently, this benefit invariably aided its donor as well as its recipient(s)—in tangible as well as spiritual ways. As they evolved over the centuries, legal procedures governing the administration of charitable trusts were enormously elaborated to provide a rich diversity of religious, educational, and welfare services to the Muslim community.

At the same time, these procedures were structured to assure a secure legacy to descendants of their donors. Given the array of strategies that were designed to realize these objectives, the charitable trust remained in its essence an instrument dedicated to perpetual provision of resources. And for this reason, the preservation of its documentation was essential. That is, if a document provided evidence for legal precedent, it merited preservation. On the other hand, altruistic historical reference did not, by itself, constitute a motive for preservation. We cannot assume that the one thousand-plus documents that have survived from the independent Mamluk period in Egypt represent anything approaching the total number of deeds that were actually drawn up during this lengthy epoch. Nonetheless, the fact that these thousand have survived at all—uniquely among the myriad archival collections which once existed in the Mamluk bureaucracy—can be attributed to this underlying imperative of perpetuity and legal precedence. It should also be stressed that *waqfs* continued to be working documents, providing successive details of manipulation and change for the ongoing life and transformation of a perpetual trust.

In this context, some generic comments about the nature of the *waqf* document are in order before considering how it may enlighten our understanding of economic processes heretofore undetected. As I mentioned above, the *waqf* or charitable trust represents a specific aspect of inheritance law inspired by the fourth pillar of

⁴On the legal status of *waqf* endowments, see: W. Heffening, "Wakf," *Encyclopaedia of Islam*, 1st ed., 4:1096-1103; George Makdisi, *The Rise of Colleges: Institutions of Higher Learning in Islam and the West* (Edinburgh, 1981), 35-74; H. Cattān, "The Law of Waqf," in *Law in the Middle East, I: Origins and Development of Islamic Law*, ed. M. J. Khadduri and H. J. Liebesny (Washington, 1955), chapter 8; Nicolas Michel, "Les rizāq ihbāsiyya: Terres agricoles en main mort dans l'Égypte mamelouke et ottomane," *Annales islamologiques* 30 (1996): 105-98.



behavior incumbent upon a Muslim: charitable donation. In brief, any Muslim man or woman sound of mind and true of faith may grant a portion of his/her personal estate to pious activities that promote the religion or provide for the needs of less fortunate believers. In general, only fixed property (real estate), assets, or services may be designated as *waqf*, although the range of trust instruments is broad enough to permit flexibility in this matter. *Waqfs* were legally categorized as either charitable (*khayrī*) or familial (*durri*, *ahlī*), and could be reassigned, exchanged, replaced, sold, or transferred—but only under the supervision of a *qāḍī* or judge.⁵ The proceeds of a *waqf* were to be administered by a supervisor (*mutawallī*, *nāẓir*), often—but not always—the donor, and upon his/her demise one or more heirs. Since family *waqfs* designated a member of the donor's kin group as a recipient of proceeds, these endowments in particular were frequently subject to corruption and acrimonious litigation in the courts.

The institution of *waqf* attracted the special interest of the Mamluks because of policies and traditions imposed by their own class with respect to tenure over property. Since the Sultanate claimed ownership (or at least custodianship) over state lands, individuals received income rights from allotments (*iqṭā*'s) only during active service to the regime. Permanent ownership of an *iqṭā*' was normally denied them, and upon their retirement, dismissal, or death, such allotments reverted to the government for reassignment to a succeeding officer. Accordingly, fixed property granted to support an officer (*amīr*) in lieu of salary during active duty could not be bequeathed to his heirs as a patrimony. Under the law, only cash, movable items or real estate purchased independently constituted an amir's personal estate. Mamluk amirs regarded this policy of usufruct as a threat—and a very serious one—to their descendants' future security, not to mention their prosperity. They therefore devised a variety of maneuvers to circumvent it—of which manipulation of charitable trusts was the most reliable.

Given the hallowed status of the *waqf* under the Fourth Pillar of meritorious activity, it transcends laws designed to promote the objectives of a temporal regime. The state cannot prohibit an individual from donating assets to charity, since his generous impulse is sanctioned by Revelation and *sharī'ah*. Pious endowments thus provided Mamluk amirs with a convenient means of retaining a measure of control over property that otherwise would revert to the state at the end of their active careers. The extraordinary munificence of the military elite, beginning with the sultan himself, who was bound by the same principle of

⁵On alterations legally permissible for a *waqf* endowment, see Claude Cahen, "Reflexions sur le *waqf* ancien," *Studia Islamica* 15 (1961): 37-56; Muḥammad Muḥammad Amīn, *al-Awqāf wa-al-Ḥayāh al-Ijtimā'īyah fī Miṣr* (Cairo, 1980), esp. chapter 2: "Izdihār al-Awqāf wa-Tanzīmuhā fī al-'Aṣr al-Mamlūkī"; idem and Laylā 'Alī Ibrāhīm, *Architectural Terms in Mamluk Documents, 648-923/1250-1517* (Cairo, 1990).



usufruct as his subordinate officers, must be understood in this light. From the perspective of the Mamluk elite, the charitable trust enabled them to assure the integrity of their estates, and to pass at least a portion of them on to their heirs.

It is in this context that I should like to summarize some of my own findings that shed light on the fiscal agendas of Sultans al-Ashraf Qāyṭbāy and Qānṣūh al-Ghawrī (872-901/1468-1496 and 906-922/1501-1517, respectively), and then the discoveries of the prominent French analyst of the late Mamluk period, Jean-Claude Garcin—along with his Egyptian colleague, Mustapha Taher—with regard to the enormous *waqf* of the eunuch guardian of royal princes, Jawhar al-Lālā.⁶

With regard to Qāyṭbāy and al-Ghawrī, I noted, during my initial survey of Muḥammad Amīn's catalogue,⁷ that about thirty-five percent of all the one thousand documents listed there were either granted or acquired by three individuals: al-Ashraf Qāyṭbāy, his wife al-Khawand Fāṭimah al-Khaṣṣbakīyah, and Qānṣūh al-Ghawrī. My curiosity piqued by this extraordinary concentration, I began examining not only the deeds themselves but their patterns of acquisition.

I observed that Qāyṭbāy had begun acquiring property and placing it in trusts long before his enthronement. The earliest surviving deed in his name dates from 29 Dhū al-Qa'dah 855/23 December 1451, seventeen years in advance of his succession.⁸ He then purchased a 26.7 percent share of an agrarian tract in Nāḥiyat Salamūn, Gharbīyah Province, for 1,100 *dīnārs*.⁹ From this time until the year preceding his death in 1496, Qāyṭbāy acquired a vast array of rural and urban real estate, the bulk of which he assigned to his *waqf* donations. These deeds, several of which are lengthy and complex, date from 24 Jumādā II 879/5 November 1474 to 15 Dhū al-Ḥijjah 895/30 October 1490. They support some fourteen charitable foundations, including the sultan's mausoleum-mosque located in the Desert Cemetery east of Cairo, several public fountains, district mosques in the capital or Delta, and a college (*madrasah*) in Jerusalem (al-Quds).¹⁰

⁶"Enquête sur le financement d'un *waqf* égyptien du XV^e siècle: Les comptes de Jawhar al-Lālā," *Journal of the Economic and Social History of the Orient* 38, no. 3 (1995): 262-304.

⁷*Catalogue des documents d'archives du Caire de 239/853 à 922/1516* (Cairo, 1981).

⁸Amīn, no. 116: Dār al-Wathā'iq, Maḥfazah 18, Ḥijjah 111.

⁹Shares were not calculated on a decimal basis. Rather, each agrarian/district unit (Ar. *nāḥiyah*), usually corresponding to a village with surrounding fields, was divided into twenty-four portions at the time it was initially surveyed in the Nāṣirī *rawk*, the cadastre commissioned by Sultan al-Nāṣir Muḥammad (r. 1309-1340) and relied upon throughout the late Mamluk period. As the proceeds from these units were subdivided for subsequent reassignment, shares were recalculated as fractions of the original twenty-four portions. To derive percentages, I obtained the relevant fractional values for each transaction and then transformed them into the appropriate percentage figures. On the location of Nāḥiyat Salamūn, see Heinz Halm, *Ägypten nach den Mamlukischen Lehenregistern, 2: Das Delta* (Wiesbaden, 1982), 568.

¹⁰For a roster of Qāyṭbāy's charitable foundations, see my *Protectors or Praetorians: The Last*



Rather than elaborate further on Qāyṭbāy's generosity—which is well documented in narrative sources and widely known in the field—I want to focus on the marked discrepancies I found between annual yields of Qāyṭbāy's trusts: the total income they provide, and their annual disbursements for his designated charities as listed in the documents: their total expenses. I estimated the annual income from Qāyṭbāy's primary *waqf*—which supported eight of the above fourteen foundations—at about 58,600 *dīnārs*.¹¹ Annual disbursements, on the other hand, amounted to 4,082 *dīnārs*, 7 percent of the preceding estimated yield. Ninety-three percent of the yield was thus undesignated.

Note that this latter figure, 4,082 *dīnārs*, is not an estimate. The *waqf* deeds specify disbursements but do not provide income figures. Even if the yield estimate undercalculated revenues provided for student stipends, staff salaries, or operational supplies by half, the total would still amount to only 14 percent. Eighty-six percent of income would remain undesignated for any official purpose. Clearly, the great majority of generated income from the *waqf* writs, between 80 to 90 percent of the total, was not devoted to the writ's stated functions. Since the deeds simultaneously provided for the welfare of Qāyṭbāy's family and retainers, one might assume that these individuals collected all the remainder. But in fact, the writs often allow for discretion within the lineage. Amounts reserved for specific persons designated as beneficiaries vary widely from a majority of residual to mere pittances. And sums allotted for supervisory personnel represent minute fragments of total income. Allocation of the majority share of income thus remained undesignated in the documents examined here. For what purposes then was this undesignated majority share intended? To develop a hypothesis, one should compare

Mamluk Sultans and Egypt's Waning as a Great Power (Albany, 1994), 198, note 28.

¹¹The term "estimate" is emphasized. Since accountants compiling *waqf* documents did not provide specific figures for yields, only for disbursements, the former had to be estimated. Since many properties listed in the primary *waqf* writs granted by Qāyṭbāy and Qānṣūh al-Ghawrī also appeared in individual sale deeds held by the Waqf Ministry or National Archives, I was frequently able to identify their selling price. I then calculated their estimated annual yield as a percentage of this price, the percentage being derived from average figures on yields provided by scholars who have analyzed Egypt's agrarian system during the Middle Ages, in particular: Eliyahu Ashtor, "The Development of Prices in the Medieval Near East," *Handbuch der Orientalistik*, Abteilung 1: *Der nahe und der mittlere Osten*, Band 6: *Geschichte der islamischen Länder*, Abschnitt 6: *Wirtschaftsgeschichte des vorderen Orients in islamischer Zeit*, Teil 1, ed. Bertold Spuler (Leiden, 1977), 98-115; idem, *Histoire des prix et des salaires dans l'Orient médiéval* (Paris, 1969); Richard S. Cooper, "Land Classification Terminology and the Assessment of the *Kharāj* Tax in Medieval Egypt," *JESHO* 17 (1974): 91-102; idem, "A Note on the *Dīnār Jayshī*," *JESHO* 16 (1973): 317-18; Hassanein Rabie, *The Financial System of Egypt, 564-741 A.H./1169-1341 A.D.* (London, 1972). While I am confident of the broad accuracy of figures resulting from these calculations, I acknowledge that they are approximations with an inevitable measure of error. General proportions rather than exact sums should be noted.



Qāyrbāy's pattern of donations with that of his eventual successor, Qānshūh al-Ghawrī.

In marked contrast with Qāyrbāy, Qānshūh al-Ghawrī placed nothing in trusts prior to his enthronement in 1501. His earliest alleged purchases of real estate date from the year 907/1502, several months after his accession. But from then on to his departure for Syria to confront Selim Yavuz in 1516, al-Ghawrī engaged in an unprecedented acquisition of *waqf* properties (at least on the basis of the surviving collection of documents). Of the one thousand total that survive from before 1516 and the Ottoman conquest, some three hundred bear al-Ghawrī's name—almost one-third. Yet despite this wealth of documentation, al-Ghawrī's charitable donations are far more restricted than Qāyrbāy's. Al-Ghawrī issued only one major trust deed, and it supports only four foundations—with its benefits concentrated overwhelmingly on the Sultan's own mausoleum and Sufi hospice (al-Qubbah wa-al-Khānqāh al-Ghawrīyah al-Sharīfah).

From early 907 to the first transaction of his primary *waqf* deed,¹² dated 26 al-Muḥarram 909/21 July 1503, al-Ghawrī amassed a network of properties large enough to generate an estimated annual yield approaching 53,000 Ashrafī *dīnārs*. By the end of 914/April 1509, he had added holdings that provided 31,000 more per year. Thus, by 915, during an interval of seven years, this man gathered a trove of real assets providing roughly 83,000 *dīnārs* annually—all sheltered in a blanket trust dedicated ostensibly to the maintenance of his mausoleum. The other three foundations utilized minimal sums from the trust. But even yearly expenditures on al-Ghawrī's mausoleum were dwarfed by the trust's undesignated output. In 914, his mausoleum actually received slightly less than 6,000 *dīnārs*, again 7 percent of the total. The parallel with the ratio between yield and expenditures in Qāyrbāy's main *waqf* is obvious. In both cases, more than 90 percent was left as unassigned income.

Now it is in the context of al-Ghawrī's fiscal dilemmas which plagued his entire reign that this situation becomes quite interesting. It fits plausibly into the Sultan's fiscal stratagems. Al-Ghawrī was compelled to raise money to meet incessant demands for bonuses and pay increases by his troops from the day of his accession. He initially turned to the time-tested but politically risky expedient of mass confiscation—in particular of *waqf* yields.¹³ While al-Ghawrī was prepared to weather the storm of protest and ill-will generated by mass confiscations of assets, he seems to have found the productivity of this tactic to be inadequate to his fiscal needs—and certainly erratic. Confiscation yielded insufficient and unreliable results.

¹² Amīn, no. 652: Wizārat al-Awqāf 882 *qadīm*.

¹³ On the decreasing reliability of confiscation as a provider of revenue, due to concealment and hoarding strategies devised by asset holders, see Petry, *Protectors*, 166-76.



During this process of confiscation, al-Ghawrī (and his fiscal advisors) seem to have discerned the enormous potential benefit of acquiring title to trust properties outright, and thereby gaining control over the enormous undesignated surplus yield I mentioned above. I want to stress that no narrative sources allude to such a strategy—while they uniformly condemn al-Ghawrī’s confiscatory measures. But when I compared the acquisition dates on the hundreds of documents certifying properties al-Ghawrī allegedly purchased (or appropriated since no prices are listed on the sale certificates), I found that these paralleled periods of extreme fiscal exigency, when al-Ghawrī confronted truly dangerous episodes of sedition from even his own Mamluk corps. I should emphasize that al-Ghawrī does not seem to have advanced beyond conceiving of this trove as more than a reliable revenue base locked clandestinely in a personal, unofficial reserve. Keep in mind that just when al-Ghawrī was most aggressively engaged in *waqf* acquisition, the political situation on his northern frontiers was becoming unsettled—and diverting his attention from domestic matters.

Given the hypothesis I sketched out for Qānṣūh al-Ghawrī’s stratagem, what processes did Garcin and Taher discover when they examined the enormous trust set up by the eunuch guardian Jawhar al-Lālā? Well, some broad parallels, but also some perceptive discoveries. Jawhar, of Abyssinian (*ḥabashī*) origin, rose through the ranks open to a eunuch guardian of Mamluk trainees to become tutor (*lālā*) to two of Sultan Barsbāy’s sons. Prior to his death in 842/1438 (shortly after Barsbāy’s demise), he endowed a residence (*dār*) and a college (*madrasah*) in the Maṣna’ district of Cairo near the Citadel. Garcin and Taher meticulously studied each of several transactions (eight total) marking stages in the elaboration of the trust that Jawhar established in support of these and other charities. One should note that eunuchs who rose to elite levels of the ruling establishment were exceedingly vulnerable to appropriation, if not outright confiscation, of their worldly goods.¹⁴ And even though they could produce no children of their own as heirs, they often wished to leave a patrimony either to close associates, or to members of their particular class, or to the heirs of their former benefactors—presumably in return for some measure of protection for the integrity of their estates.

Garcin and Taher observed early on that Jawhar arranged for all proceeds from his trust to remain at his disposal without further justification in his own lifetime.¹⁵ Second, they detected that the majority of the *waqf*’s yield—from its several sources of rural agrarian land and urban rent-paying real estate—was left

¹⁴On the status of eunuchs in the Mamluk military hierarchy, see David Ayalon, “The Eunuchs in the Mamluk Sultanate,” *Studies in Memory of Gaston Wiet*, ed. Myriam Rosen-Ayalon (Jerusalem, 1977), 267-95; Shaun Marmon, *Eunuchs and Sacred Boundaries in Islamic Society* (New York, 1995).

¹⁵Garcin and Taher, 265, 274, 278, 282.



undesigned. They arrived at a proportion of roughly one-third designated/two-thirds undesigned.¹⁶

Garcin and Taher then proceeded to trace the acquisition process as applied to property purchases in several stages between the dates Jumādā I 831/February 1428 and 17 al-Muḥarram 840/1 August 1437. Over the course of these nine years, Jawhar concluded eight transactions in which property was purchased and/or reclassified. Garcin and Taher detected a shrewd pattern of land purchase wherein Jawhar (or, more likely, his accountants who remain unknown) selected land that was potentially productive but temporarily underutilized due to depopulation from such causes as plague mortality or bedouin spoliation.¹⁷ Available at a depressed price, the property was bought cheap. But its yield was soon restored, even within a decade (thus presumably repopulated and recultivated?). Jawhar was accordingly able to predict and benefit from future yield restoration and consequent price inflation for the rural properties he placed in *waqf*.

And once in trust, these properties were sheltered from taxes, and thus remained as secure from confiscation as any asset held by someone in such a high-profile but vulnerable position could be. Garcin and Taher went on to analyze the salary rates of officials paid out of the *waqf* yield. They noted that, even given the majority surplus, these salaries were calculated to be paid primarily from predicted rates of yield increase resulting from price inflation for the crops and/or rents generated by the *waqf* properties.¹⁸ That is, most of the actual costs of operating the trust charities were covered by inflation and thus represented no real drain on *waqf* proceeds at all.

What I should add to Garcin and Taher's exceedingly astute analysis is that Jawhar, or more likely his fiscal agents, had to possess some mechanism for calculating inflation accurately. What such a mechanism would be we cannot know, but its existence is a certainty because the predictions are a fact that can be noted by the figures provided in the several trust transactions. Jawhar and his advisors were sufficiently informed to make what amounted to futures decisions when they established salary rates for officials in the several *waqf* charities. But without the presence of these figures in the *waqf* document, this process could not be recovered; and thus no basis would exist for this hypothesis. It is the formation of such hypotheses, resting on careful and penetrating decipherment of the fiscal data in a rich primary source, that has advanced our understanding of financial procedures—and the economy in general—during the later medieval period in

¹⁶Ibid., 276.

¹⁷Ibid., 272-80.

¹⁸Ibid., 287-88, 291-301.



Egypt. Future research of a similar vein bodes well for even more promising discoveries.



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Qāyṭbāy's Foundation in Medina, the *Madrasah*, the *Ribāṭ* and the *Dashīshah*

Muslim rulers have always endowed the shrines of the holy cities of Mecca and Medina, competing, and even fighting, for the privilege to be titular custodians of the Ḥaramayn. With the annual pilgrimage caravan, gifts and donations of all kinds were sent to maintain, enlarge, and embellish the shrines, sponsor various religious and philanthropic institutions, support the inhabitants of the holy cities, and assist the pilgrims and the sojourners (*mujāwirūn*) settled there. Pious as well as private endowments, i.e., *awqāf*, from the entire medieval Muslim world generally include a clause stating that in case the primary beneficiary of the endowment or the designated alternatives, whether individuals or institutions, no longer exist, the *waqf* revenue should revert to the Ḥaramayn. Another endowment possibility frequently used was the allocation of a share of a *waqf* revenue, whether a family or a philanthropic *waqf* or a combination of both, for the benefit of the Ḥaramayn in order to provide a specific service, such as the supply of water, the purchase of candles, or the distribution of alms or food. But there were, of course, also direct endowments which were intended primarily for the benefit of the holy cities. The Mamluk sultans, who considered themselves the heirs of the Abbasid caliphs as guardians of the Ḥaramayn, and who did not allow other Muslim rulers to share this prerogative with them, constantly contributed to the architectural, philanthropic, and scholarly promotion of the Holy Cities, including Jerusalem and Hebron, which they had reconquered from the Crusaders.

One of the most prominent sponsors of Muslim holy places all over the Mamluk empire was Sultan al-Ashraf Qāyṭbāy, the only sultan of the Circassian period to have performed the pilgrimage.¹ His endowments for Mecca, Medina, Jerusalem, and Hebron have been emphasized in contemporary sources,² and some of them

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¹Of the Bahrī Mamluk sultans, al-Zāhir Baybars, al-Nāṣir Muḥammad, and al-Ashraf Sha'bān are reported to have performed the pilgrimage.

²Ibn Iyās, *Badā'i' al-Zuhūr fī Waqā'i' al-Duhūr*, ed. Muḥammad Muṣṭafā (Wiesbaden-Cairo, 1961-75), 3:164f., 329f.; al-Jawharī al-Ṣayrafī, *Inbā' al-Ḥaṣr bi-Abnā' al-'Aṣr*, ed. Ḥasan Ḥabashī (Cairo, 1970), 480f.; al-Sakhāwī, *al-Daw' al-Lāmi' li-Ahl al-Qarn al-Tāsi'* (Cairo, 1896), 6:205ff.; Quṭb al-Dīn al-Nahrawālī, *al-I'lām bi-A'lām Bayt Allāh al-Ḥarām*, ed. Ferdinand Wüstenfeld (Tübingen, 1857; repr. Beirut, 1964), 104f., 223, 225f., 229ff.; al-Samhūdī, *Wafā' al-Wafā bi-Akhhār Dār al-Muṣṭafā* (ed. Muḥammad Muḥyī al-Dīn 'Abd al-Ḥamīd (Beirut, 1401/1981), 2:639-47,



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are also documented by extant *waqf* documents. The *waqf* deeds of Qāyṭbāy's *madrasahs* in Jerusalem and Gaza have been published,³ while that of the *madrasah* in Mecca is not yet known. Qāyṭbāy's opulent endowment for Medina is the subject of this study.

The substantial *waqf* deed of Qāyṭbāy at the Bibliothèque Nationale (BN) in Paris, which has so far not been taken into consideration, opens up a new perspective for a study of Qāyṭbāy's pious works.⁴ It describes an endowment made for the benefit of a *madrasah*, a *ribāṭ*, and a charitable kitchen in Medina. But of course the value of the document goes beyond the religious and charitable aspects. The considerable real estate alienated in Cairo to finance this foundation reveals another interesting aspect of *waqf* administration in this period, and, moreover, the architectural descriptions of secular and religious buildings can significantly contribute to our knowledge of late Mamluk architecture.⁵

Like his earlier *waqfiyah* endowing his religious-funerary complex in Cairo, Qāyṭbāy's *waqfiyah* (235 fols.) at the BN consists of a collection of consecutive endowments dated between 889 and 899.

Qāyṭbāy's charitable works in Medina received particular attention in the chronicles because of the circumstances that accompanied this initiative and the way Qāyṭbāy himself advertised it. The sultan was deeply moved during his pilgrimage in 884/1480 by the poverty and deprivation he saw there. A few months later, in Rabī' I 885/1480, during the traditional banquet given by the sultan for the celebration of the Prophet's birthday and in the presence of the four chief *qāḍīs* and the great amirs, six slaves came in carrying dishes on their heads. When the dishes were uncovered, heaps of gold *dīnārs* were revealed to the guests. According to Ibn Iyās's account, Qāyṭbāy asked the Shāfi'ī *qāḍī* to keep the money (60,000 *dīnārs*) in trust, but he declined. Jawharī adds that none of the four *qāḍīs* was willing to keep this amount in trust, nor the three highest amirs, the great *dawādār*, the *atābak*, and the *rās al-nawbah*. Finally it was the treasurer, or *khazindār*, who agreed to take it in order to conduct the transactions necessary for the *waqf*. This is confirmed by the *waqf* deed which mentions the name of the *khazindār*, Barsbāy al-Maḥmūdī,⁶ as having purchased estates in his function as proxy for the sultan.

710-17; Muḥīr al-Dīn, *al-Uns al-Jalīl bi-Ta'rikh al-Quds wa-al-Khalīl* (Amman, 1973), 2:325ff.

³Abd al-Laṭīf Ibrāhīm, "Wathīqat al-Sulṭān Qāyṭbāy, Dirāsah wa-Taḥlīl: al-Madrasah bi-al-Quds wa-al-Jāmi' bi-Ghazzah," *Dirāsāt fī al-Āthār al-Islāmīyah* (Cairo, 1979), 483-538.

⁴Bibliothèque Nationale, Suppl. Ar. No. 471.

⁵See my forthcoming article "Qāyṭbāy's Real Estate in Cairo: *Waqf* and Power." The architecture of the Ashrafiyah of Medina will be discussed in another study now in progress.

⁶BN *waqf*, fol. 22.



Jawharī reports, furthermore, that the sultan urged his officials to acquire any decaying estate they might find, even by the means of *istibdāl*, i.e. exchange, and to restore it and invest it for the *waqf*. The Ḥanafī chief *qāḍī*, however, aware of the abuses that an *istibdāl* transaction usually led to, warned the sultan that this should not be practiced, unless it were fully justified.⁷ *Istibdāl* is the exchange or sale of an alienated estate that is no longer profitable, in order to allow the endower to substitute for it another more lucrative estate. Alienated or *waqf* estates were not allowed to be objects of transactions under normal conditions. In case the estate had deteriorated to the extent of no longer yielding a revenue, it could be sold in order to allow the acquisition of a better investment. This device was, however, regularly misused to release alienated estates for other purposes, for example when a sultan or an amir became interested in it.

Jawharī praised Qāyṭbāy for having established a *waqf* in the first instance for the benefit of Medina, and not as "other kings and people nowadays do" who dedicate the *waqf* to themselves, their family, and descendants in the first place, leaving to the holy cities only the remainder. The sultan meant to support the people of Medina by making them the first beneficiary of the *waqf* before its yield was consumed, and Jawharī adds: "if only it remains safe from *istibdāl*!" It is interesting to note that the sultan himself in his own *waqf* deed strictly prohibited the use of *istibdāl* without his permission, at any time and not even after his death.⁸ This did not prevent him, however, from making use of *istibdāl* in order to acquire the plot he wanted for his complex in Medina; a *madrasah*, a *ribāṭ*, and a house had to be demolished and rebuilt elsewhere to make place for Qāyṭbāy's constructions.⁹

THE MAWQUFĀT OR ALIENATED ESTATES

When Qāyṭbāy pledged to donate the sum of 60,000 *dīnārs* to the people of Medina, he stressed that this entire sum came from his own private account, not from the *bayt al-māl*.¹⁰ This is interesting because his previous endowment, dedicated to his funerary complex in Cairo, included both personal property as well as estates from the *bayt al-māl*. Some of the agricultural land alienated for the Medina foundation was *arāḍī kharājīyah*, that is, it belonged to the *bayt al-māl*, which means that Qāyṭbāy did not finance his philanthropic works exclusively with his private funds, but used also property of the *bayt al-māl*. The inclusion of *kharāj* land that had not been purchased in a *waqf* meant that only its tax revenue

⁷Ibn Iyās, 3:164f.; Jawharī, 480.

⁸BN *waqf*, fol. 17.

⁹Samhūdī, 2:643.

¹⁰Ibn Iyās, 3:165.



was alienated, not the land itself which remained in the possession of the state.¹¹ Without entering into the discussion over the complex subject of land property in medieval Islam and its evolution, one may generally say that in medieval Egypt land was considered property of the state. The *kharāj* or tax revenue of land was thus the property of the *bayt al-māl*, held in trust by the ruler for the community. The ruler had the right to lease the land in the name of the *bayt al-māl*, leasing only its usufruct to the holder who would pay the *kharāj* tax. Under the military *iqṭā'* system applied in Egypt since the Ayyubid period, the tax revenue of the land belonging to the *bayt al-māl* was granted as *iqṭā'* to the amirs as remuneration for maintaining the army.¹²

Theoretically the alienation of an estate as *waqf* could take place only when the estate had been acquired as private property, otherwise it was not *waqf* but *irṣād*. The latter was applied prior to the Ayyubid period, whenever the rulers financed institutions for the public interest or for philanthropic purposes. According to Muḥammad Amīn it was Ṣalāḥ al-Dīn who began to alienate *bayt al-māl* property for the benefit of members of the ruling establishment and their descendants. From that time on, the line between *bayt al-māl* and the sultan's private property was blurred; the Mamluk sultans alienated *bayt al-māl* estates and included them in their *waqfs* in which they themselves and their families were beneficiaries. The sultans were also authorized to sell property of the *bayt al-māl*, which officially opened the way for its alienation as *waqf*. At the end of the Mamluk period, half of Egypt's *kharāj* land was alienated in *waqfs*. Even when the purpose was a philanthropic one, the alienation of a *bayt al-māl* estate was subject to criticism because of its detrimental effect on the *iqṭā'* system and thus on military potential.¹³ As a result, it happened that in times of military emergency the state treasury was found empty, and the sultans had to request from the religious and administrative establishment authorization to confiscate *waqf* funds in order to pay the soldiers, a measure which was of course illegal. Sultan Qāytbāy himself, during his wars with the Dhū al-Qadr, found himself in such a situation and had to confront the violent opposition of the '*ulamā'*'.¹⁴ Thus when he declared that the 60,000 *dīnārs* he had sponsored came exclusively from his private purse, he was probably aiming

¹¹BN *waqf*, fol. 13v.

¹²Al-Maqrīzī, *al-Mawā'iz wa-al-I'tibār fī Dhikr al-Khiṭaṭ wa-al-Āthār* (Bulaq, 1270/1853-54), 1:85ff.; A. N. Poliak, *Feudalism in Egypt, Syria, Palestine and the Lebanon (1250-1900)* (London, 1939; repr. 1977); Abdalaziz Duri, *Arabische Wirtschaftsgeschichte* (Zurich, 1979), chap. 4; Claude Cahen, 'Iḳṭā'', *Encyclopaedia of Islam*, 2nd. ed., 3:1088-91.

¹³Muḥammad Muḥammad Amīn, *al-Awqāf wa-al-Ḥayāh al-Ijtimā'iyah fī Miṣr* (Cairo, 1980), 32f., 300f.

¹⁴Amīn, 326f.; Jawharī, 33ff.



to avert criticism from this side. He did, nonetheless, alienate *kharāj* land for his Medina foundation, as he had done earlier for his funerary complex.

Concerning the legal problems involved in the alienation of *bayt al-māl* property in *waqfs*, Jawharī reports a heated debate between the jurists of the four rites in which Qāyṭbāy himself participated. It dealt with the question of the extent to which the endower was allowed to modify the stipulations of a *waqf* in which *bayt al-māl* estate is included. He does not inform us, however, about the outcome of the debate.¹⁵

Apart from the agricultural land, the sultan alienated substantial commercial complexes within the city of Cairo, which shows that he did acquire buildings previously alienated and included them in his own *waqf*. There were also a few estates in Damascus, Aleppo, and in Medina itself.¹⁶ In Medina there were shops, a *ḥammām*, an apartment complex (*rabʿ*), as well as individual apartments, a house for rent, and three orchards whose revenue served the trust.¹⁷ A *wakālah* with a mill and a bakery were dedicated to the storage and preparation of the wheat for the *dashīshah*.

STIPULATIONS

The BN *waqf* document states that this endowment should follow the same stipulations established in the sultan's previous great *waqf* for his funerary complex.¹⁸ This seems to suggest that no other important *waqf* was established by Qāyṭbāy between that of the funerary complex dated 879, 881, and 884, and the Medina endowment. As supervisor (*nāẓir*) of the foundation, Qāyṭbāy nominated himself, to be succeeded by future sultans.¹⁹ The deputy-supervisors (*nāʾib nāẓir*) were to be the Chief of the Armies (*atābak*), the Chief Secretary (*dawādār kabīr*), and the Privy Secretary (*kātib al-sirr*). In his first endowment for the funerary complex there is no mention of future sultans as succeeding supervisors. As for the deputy supervisors, they are the same in both endowments. The four chief *qādīs* were to act as *shāhids* or notaries of the endowment.

THE DASHĪSHAH

Qāyṭbāy employed his public kitchen in Medina for the distribution of the *dashīshah*, a dish made of wheat and fat, following the model of the Hebron kitchen. The sultan had restored the shrine of al-Khalīl, or Hebron, but his chroniclers do not

¹⁵ Jawharī, 354f.

¹⁶ BN *waqf*, fols. 13v.-15.

¹⁷ Ibid., fols. 30ff.

¹⁸ Ibid., fols. 8v., 16v.

¹⁹ Ibid., fol. 15v.



provide details about a public kitchen there. Mujīr al-Dīn, however, writes that Sultan Barqūq (r. 1382-1399) had made an endowment specifically for the *simāt* in Hebron, i.e., for the distribution of food, and that he inscribed the endowment text at the doors of the shrine of Abraham.²⁰ This *simāt* was still going on during the reign of Sultan Jaqmaq (r. 1438-1453).²¹ This could have been the model for Qāytbāy's *dashīshah*. In his earlier endowment in Mecca, Qāytbāy also included a kitchen for the distribution of *dashīshah*.²² The word *dashīshah* derives from the verb *dashsha* meaning to crush. The *dashīshah* was thus a kind of porridge made of wheat and fat, perhaps something like the *harīṣah* common in Syria today.

Qāytbāy commemorated his endowments for the *dashīshah* in Medina in a long inscription at the entrance of his *wakālah* near Bāb al-Naṣr, which is unique in Cairene epigraphy.²³ It states that the sultan alienated this structure to serve bread and *dashīshah* to the pilgrims and the needy of Medina. It ends with a kind of prayer written as a poem in the first person, in which the sultan beseeches God to acknowledge his piety and reward him. This poem, of mediocre quality, could have been composed by Qāytbāy himself, for Ibn Iyās writes that he was the author of religious poems which were recited in mosques.²⁴

The *waqf* stipulates, furthermore, that six hundred *ardabbs* of Upper Egyptian wheat should be sent every year for *dashīshah* and bread to be distributed at Qāytbāy's *madrasah* in Mecca, also called al-Ashrafīyah, and that funds should be added to the endowment of the Meccan foundation whenever necessary. This *madrasah* is not included in this deed; it was begun in 883/1478-1479 and completed by the time Qāytbāy arrived in Mecca.²⁵

Seventy-five hundred *ardabbs* of wheat were to be shipped yearly to Medina for the preparation of *dashīshah* and bread (two loaves daily per person), to be distributed to the poor and the visitors (*al-ghurabā' wa-al-fuqarā' al-āfāqīyah*). Also the community of the *madrasah* was to benefit from this wheat, which was to be distributed indiscriminately to all of these people, whether rich or poor, big or small, male or female, free or slave, so that no one would need to buy food, "as is the case for the *simāt* of Hebron."²⁶ Whatever remained of the wheat was to be stored in order to be used when needed. The reference to women in this stipulation

²⁰Mujīr al-Dīn, 2:94.

²¹Ibid., 2:97.

²²Quṭb al-Dīn, 106.

²³Max van Berchem, *Matériaux pour un Corpus Inscriptionum Arabicarum*, vol. 1: Égypte (Cairo, 1894-1903), 4:494ff.

²⁴Ibn Iyās, 3:326.

²⁵Quṭb al-Dīn, 225.

²⁶BN *waqf*, fol. 15.



is noteworthy, but because of its singularity it does not allow more than speculation about a possible presence of women among the *madrasah's* community.

The *waqf* was responsible for the transportation costs of the wheat from Suez to Yanbu', through Jiddah and on to Mecca and Medina, including the cost of its storage, the purchase of oil and kitchen utensils, the upkeep of mills and bakeries, and the cooking and the distribution of the *dashīshah*. It seems that the wheat was to be processed in Cairo, as the *waqf* mentions among the alienated estates a large *wakālah* for wheat and its processing south of Bāb Zuwaylah. Qāyrbāy moreover alienated two ships (*markab mismār*) for the transportation of the wheat. The one was called Abū Salāmah, the other Abū al-Sa'ādāt. The first was twenty-nine *dhirā' bukhārī* long, and the other twenty-six.²⁷ One thousand *ardabbs* of wheat were to be granted yearly to the amir of Medina.

THE TAX EXEMPTION

A decree dated 890/1485 is included in the BN *waqf* document stipulating that the amir of Medina should free the city from all taxes.²⁸ The tax exemption was not an innovation of Qāyrbāy; al-Nāṣir Muḥammad and his son Sultan Ḥasan, as well as al-Ashraf Sha'bān, had coupled their endowments in the Holy Cities with a tax exemption.²⁹ It is interesting to note that the text of Qāyrbāy's decree included in his deed is almost identical with the one in Sultan Sha'bān's endowment deed for the Ḥaramayn, with one important difference, however. Sha'bān's decree excludes from this privilege persons adhering to Shi'ism (*zaydīyah wa-al-rāfiḍīyah*). There is no such exclusion in Qāyrbāy's endowment.

THE RELIGIOUS INSTITUTION

Qāyrbāy's buildings at Medina consisted of a *madrasah*, a *ribāṭ*, and a so-called 'imārah, which is described as a public kitchen and its annexes.³⁰ They were built as a complex adjoining the mosque of the Prophet. According to Ibn Iyās the building of the *madrasah* had already begun in Rabī' I 883/June 1478 and it was completed in Ramaḍān 887/October 1482,³¹ which, by Mamluk standards, is a long period. The reason for the delay could have been the fire which destroyed the

²⁷The Ottoman sultans took over the tradition of alienating ships for the transportation of the *dashīshah* to the Hijaz. Muḥammad 'Afīfī, "al-Awqāf wa-al-Milāḥah al-Baḥrīyah fī-al-Baḥr al-Aḥmar fī al-'Aṣr al-'Uthmānī," in *Le Waqf dans l'espace islamique: Outil de pouvoir socio-politique*, ed. Randi Deguilhem (Damascus, 1995), 87-100.

²⁸BN *waqf*, fol. 98v.

²⁹Rāshid Sa'd Rāshid al-Qaḥṭānī, *Awqāf al-Sulṭān al-Ashraf Sha'bān 'alā al-Ḥaramayn* (Riyadh, 1994), 40, 46, 229f.

³⁰BN *waqf*, fols. 28v.- 31v.

³¹Ibn Iyās, 3:145, 196.



prayer hall of the Prophet's Mosque and his funerary chamber in 886/1481, which Qāyṭbāy began immediately to rebuild. The earliest date mentioned in the *waqf* deed is 889/1484, two years after the date of the *madrasah*'s completion as reported by Ibn Iyās.

The restoration works were completed at the end of 887 and cost as much as 100,000 *dīnārs*.³² A second fire which broke out in Rabī' II 898 was followed by a new restoration. The rebuilding of the mosque, which required craftsmen and funds from Egypt, may have delayed the construction of the *madrasah*. Another, though less likely, reason for this delay was the legal problem that obstructed the acquisition of the land for the *madrasah*. To build this complex, Qāyṭbāy, as stated in the *waqf* deed, purchased and demolished several buildings, including houses. This did not occur without difficulty, however. Ibn Iyās reports that the *qāḍī* who authorized, or rather forced, the transaction was eventually killed by a Shi'ite (*rāfiḍī*) who owned one of these houses.³³ Similarly, the sultan had to dismiss a *qāḍī* in Mecca who tried to stop construction because the new *madrasah* encroached upon a public passage.³⁴

Next to the *madrasah*, which adjoined the Prophet's Mosque, was a *majma'* described as a shelter for the poor and the visitors coming to the *madrasah* (*ma'wan lil-fuqarā' wa-al-wāridīn min zuwwār al-madrasah*).³⁵ The complex also included a *sabīl*, and a *ribāṭ* consisting of eighty cells to be used as a hostel for visitors (*al-fuqarā' wa-al-wāridīn*), "as is the custom in the *arbiṭah*."³⁶ It included an ablution fountain and a small bath (*mustaḥamm*). Opposite the *madrasah* was a second building consisting of a *wakālah* with ten rooms for storing wheat above which was an apartment complex (*rab'*) with ten living units. The building included also a *sabīl* with a primary school (*maktab*) above it. The vestibule of this '*imārah* opened on to a mill, a bakery, the *dashīshah* kitchen, and a stable.

Unlike his *madrasah* in Cairo, Qāyṭbāy's *madrasah* in Medina was not a Friday mosque; neither a *khaṭīb* to preach the Friday sermon nor an *imām* to lead the prayer were appointed. The staff consisted of thirty Sufis and their shaykh who were to perform the daily *ḥuḍūr al-taṣawwuf*³⁷ and to dedicate the *thawāb*, that is, the blessing, to the founder and his descendants, as well as a reader of

³²Ibid., 3:187, 188, 294.

³³Ibid., 3:145.

³⁴Quṭb al-Dīn, 104f.

³⁵BN *waqf*, fol. 29.

³⁶Ibid., fol. 229v.

³⁷The *ḥuḍūr* consists of reading of specific Quranic texts followed by prayers, invocations, and chanting. J. S. Trimingham, *The Sufi Orders in Islam*, 204ff.; Leonor Fernandes, *The Evolution of a Sufi Institution in Mamluk Egypt: The Khānqāh* (Berlin, 1988), 57.



ḥadīth. The Quran reader appointed in this *waqf* was to perform in the Prophet's Mosque. The Sufis were to meet daily in the afternoon with their shaykh in the *madrasah* and to perform the *ḥuḍūr*, dedicating their prayers to the Prophet, to the founder and his descendants, and to all Muslims. The shaykh of the *ribāṭ*, who was not identical with that of the *madrasah*, was required to have scholarly qualifications (*min ṭalabat al-‘ilm*), to assist visitors, and to perform the *dhikr* ceremony with them.

The functions of the *majma‘* and the *ribāṭ* seem to have been complementary. The first is described as a shelter but without living units, perhaps only a gathering place like the *majma‘* at Qāyṭbāy's *madrasah* in Jerusalem.³⁸ The *ribāṭ*, however, was a complex of living units with domestic facilities but does not seem to have included a gathering room. The complex thus hosted a permanent *madrasah* community which consisted of the thirty Sufis and their shaykh who all received allowances, and served visiting scholars and Sufis for whom the *majma‘* was the meeting place. These were entitled to food but they received no stipend.

It is noteworthy that the term *ribāṭ* here does not refer to a well-defined Sufi institution but rather to a boarding facility connected with the *madrasah* and the *majma‘*. The *madrasah* itself, as far as the stipulations indicate, did not include the teaching of *fiqh*, as in earlier academic institutions, as none of the four rites of Islamic law is mentioned in this context, but only *ḥuḍūr* and *ḥadīth* reading. The only reference to *madhhabs* is made in connection with the ablution fountains, one consisting of a basin and called *shāfi‘īyah*, and the other a fountain with running water of the *ḥanafīyah* type. The *madrasah*, however, had a library for the use of students and scholars (*ṭalabat al-‘ilm*).

The term *madrasah* here should not be taken in its classical sense, but rather in the sense of a *khānqāh*. The fact that it did not include a *khuṭbah* may be explained by its close vicinity to the Prophet's Mosque, because the community could attend the Friday sermon and prayer there. In the Ashrafīyah of Jerusalem, however, the shaykh of the Sufis was in charge of teaching (*tadrīs*) as well as reading the *ḥadīth*; at the same time, he held the office of the *mashyakhah* of the Sufis. This *madrasah* included, according to the original stipulations of 878/1473, sixty Sufis and ten students, but later in 896/1491 the sultan changed the stipulations and appointed only Sufis.³⁹ However, at the *madrasah* in Mecca, which was planned to house forty students, the curriculum included the four rites of Islamic law.⁴⁰ The program offered by Qāyṭbāy's *madrasah* in Medina could be found in any mosque of this period and was no longer that of the thirteenth and fourteenth

³⁸Mujīr al-Dīn, 2:238.

³⁹Abd al-Laṭīf Ibrāhīm, 505, 525.

⁴⁰Quṭb al-Dīn, 225.



century orthodox institutions of this name. The loosening of the *madrasah* curriculum in favor of Sufi rituals was a development of the late fifteenth century.⁴¹

THE EXPENDITURES

The revenue of the *waqf* was to cover all expenses of the alienated agricultural land, including the expenses for peasants, fertilizers, dams, bridges, water ways, and waterwheels. The salaries of the staff appointed in Egypt were paid in silver *dirhams* on a monthly basis; the Medina staff was paid yearly in gold *dīnārs*. The latter must have received their pay upon the arrival of the Egyptian pilgrimage caravan. Allowances of the Cairene staff were paid in *dirhams* on a monthly basis.⁴²

2,000	each of the four chief <i>qāḍīs</i> of Egypt
3,000	each of the two prime deputy-supervisors, the <i>atābak</i> Azbak and the <i>dāwādār</i> Aqbardī; their successors were to receive only 2,000 <i>dh.</i> each
2,000	the Privy Secretary for his function as second deputy-supervisor
2,000	the secretary Abū al-Baqā ibn al-Jī'ān (<i>mubāshir</i>)
3,000	the intendant of the <i>waqf</i> (<i>shādd al-waqf</i>) Janbalāṭ min Yashbak (his successors were to receive only 2,000 <i>dh.</i>)
1,000	an administrator to collect the rents and oversee the craftsmen (<i>shādd al-mustakhraj wa-al-'imārah</i>)
1,000	an overseer of the silo (<i>mubāshir al-shūnah</i>)
500	a clerk (<i>muwaqqi'</i>)
1,500	two notaries (<i>shāhid 'adl</i>) to oversee the maintenance of the buildings (<i>taṣqī' [?] al-musaqqafāt</i>) ⁴³
Allowances of the staff of Medina paid in gold <i>dīnārs</i> , on a yearly basis: ⁴⁴	
44	the four chief <i>qāḍīs</i> of Medina as notaries (<i>shāhid</i>) of the endowment ⁴⁵
20	the <i>shaykh ṣūfīyah</i>
6	each of the thirty Sufis
24	a reader of <i>Ḥadīth al-Bukhārī</i> in the <i>madrasah</i>
24	a Quran reciter in the Prophet's Mosque
10	a custodian for the Quran (<i>khādim al-muṣḥaf</i>) in the Prophet's Mosque
36	a shaykh of the <i>ribāt</i>

⁴¹See Behrens-Abouseif, "Change in Function and Form of Mamluk Religious Institutions," *Annales islamologiques* 21 (1985): 73-93.

⁴²BN *waqf*, fols. 184v.-186v.

⁴³I was not able to find the exact meaning of *taṣqī'* in this context.

⁴⁴BN *waqf*, fols. 187ff.

⁴⁵The sums indicated for several persons were to be shared equally among them.



- 10 a custodian for the Qurans in the Prophet's Mosque (*khādim*
rab'a)
- 30 a librarian (*khāzin kutub*)
- 20 a teacher in the primary school for orphans (*mu'addib aytām*)
- 90 thirty orphaned schoolboys
- 32 four *mu'adhdhins*
- 8 a chief *mu'adhdhin* and time-keeper (*mu'aqqit*)
- 50 the shaykh of the Prophet's Mosque to supervise the *madrasah* and the
ribāt
- 30 a eunuch to supervise the trust in Medina (*shādd al-madrasah wa-*
al-awqāf)
- 20 two attendants for the two fountains (*muzammilātī*)
- 84 cost of refilling the cisterns
- 32 two overseers of the *dashīshah* (*amīn*)
- 32 two accountants for the bakery (*shāhid makhbaz*)
- 16 an accountant for the warehouses in Medina (*amīn ḥawāṣil*)
- 12 a rent collector (*jābī*)
- 20 two sweepers for the *madrasah* (*farrāsh*)
- 8 a sweeper for the ablution fountain of the *madrasah* (*farrāsh mīdā*)
- 4 a sweeper around the *madrasah* (*kannās*)
- 20 two persons in charge of the lighting (*waqqād*)
- 32 two doormen (*bawwāb*)
- 6 a craftsman to repair the marble of the *madrasah* (*murakhkhim*)
- 6 a plumber (*sabbāk*)

The expenditures enumerated in the *waqfiyah* do not indicate the salaries of the personnel working in the bakery and the *dashīshah* kitchen, or the staff in charge of transportation of the wheat and its processing and the maintenance of the *wakālah* and its kitchen, all of whom were to be remunerated by the *waqf*.

Less than a century later, Quṭb al-Dīn (d. 988/1580) wrote that the funds of the Meccan endowment were already exhausted; the pots of the *dashīshah* kitchen as well as *waqf* real estate were being sold.⁴⁶ A few years after these words were written, in 997/1589, another sultan, the Ottoman Murād III (r. 1574-1598) made a large endowment for Medina for which he alienated large plots of Egyptian agricultural land, to sponsor renovations at the mosque of Medina and a large public kitchen which served not just *dashīshah*, but an extensive menu including meat and sweets.⁴⁷

⁴⁶Quṭb al-Dīn, 106, 226.

⁴⁷Wizārat al-Awqāf, Cairo, *waqf* deed no. 906.



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The Proposers and Supervisors of *al-Rawk al-Nāṣirī* in Mamluk Egypt

The Nāṣirī cadastral survey (*al-Rawk al-Nāṣirī*) in Egypt and Syria during the years 713-725/1313-1325 was significant in that it determined state structure during the early and middle years of the Mamluk period (648-922/1250-1517). The Egyptian *rawk* of 715/1315, in particular, brought about great changes in the *iqṭāʾ* system through comprehensive land surveying and drastic taxation reform. In my recent book I investigated the object, content, and result of the Nāṣirī *rawk*, based on contemporary Arabic sources.¹ However, the names of the proposers and supervisors of the survey were cited without mentioning their origins, careers, or official duties.²

The present paper therefore will discuss in detail the proposers and supervisors of the Nāṣirī *rawk* in Egypt in order to better our understanding of this important survey. Using the biographical descriptions of the Coptic officials and the Mamluk amirs involved with the survey, the following questions will be addressed: (1) To what extent were the Coptic financiers responsible for *iqṭāʾ* administration in Mamluk Egypt? (2) Were there any criteria for choosing *rawk* supervisors from among Coptic officials and Mamluk amirs?

The primary sources are four biographical dictionaries: *Kitāb al-Wāfi bi-al-Wafayāt* by al-Ṣafadī (d. 764/1363), *Kitāb al-Muqaffā al-Kabīr* by al-Maqrīzī (d. 845/1442), *al-Durar al-Kāminah fī Aʿyān al-Mīʾah al-Thāminah* by Ibn Ḥajar al-ʿAsqalānī (d. 852/1449), and *al-Manhal al-Ṣāfi wa-al-Mustawfā baʿda al-Wāfi* by Ibn Taghrībirdī (d. 874/1470). In addition to these sources, *Tālī Kitāb Wafayāt al-Aʿyān* by Ibn al-Ṣuqāʾī (d. after 725/1325), *Nihāyat al-Arab fī Funūn al-Adab*

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¹Sato Tsugitaka, *State and Rural Society in Medieval Islam: Sultans, Muqta's, and Fallahun* (Leiden, 1997), 124-61. Other studies of the cadastral surveys during the Mamluk period include: A. N. Poliak, *Feudalism in Egypt, Syria, Palestine, and the Lebanon, 1250-1900* (London, 1939), 36-39; Ibrāhīm ʿAlī Ṭarkhān, *al-Nuẓum al-Iqṭāʾīyah fī al-Sharq al-Awsaṭ fī al-ʿUṣūr al-Wuṣṭā* (Cairo, 1968/1388), 91-114; Hassanein Rabie, *The Financial System of Egypt, A. H. 564-741/A. D. 1169-1341* (London, 1972), 52-56; P. M. Holt, "The Sultanate of al-Manṣūr Lāchīn (696-8/1296-9)," *Bulletin of the School of Oriental and African Studies* 36 (1973): 521-32; Heinz Halm, *Ägypten nach den mamlukischen Lehensregistern*, 2 vols. (Wiesbaden, 1979, 1982); Amalia Levanoni, *A Turning Point in Mamluk History: The Third Reign of al-Nāṣir Muḥammad Ibn Qalāwūn, 1310-1341* (Leiden, 1995); Heinz Halm, "Rawk," *The Encyclopaedia of Islam*, 2nd ed., 8:467-68.

²Sato, *State and Rural Society*, 138-40.



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by al-Nuwayrī (d. 733/1333), *Kitāb al-Sulūk li-Maʿrifat Duwal al-Mulūk* and *Kitāb al-Mawāʾiẓ wa-al-Iʿtibār bi-Dhikr al-Khiṭaṭ wa-al-Āthār*, both by al-Maqrīzī, also provide us with valuable information on the persons concerned with the survey. Al-ʿAynī's (d. 855/1451) description of the Egyptian *rawk* in his *ʿIqd al-Jumān fī Taʾrīkh Ahl al-Zamān*, of which parts are still in manuscript, is unique in offering the most detailed list of the supervisors dispatched to the provinces.³

THE PROPOSERS OF THE *RAWKS* IN MAMLUK EGYPT

In his third reign (709-741/1310-1341), Sultan al-Nāṣir Muḥammad ibn Qalāwūn carried out four comprehensive cadastral surveys: in central and southern Syria (713/1313), Egypt (715/1315), Tripoli (717/1317), and Aleppo (725/1325). Prior to these surveys, Sultan al-Manṣūr Ḥusām al-Dīn Lājīn (696-698/1296-1299) had carried out an Egyptian survey in 697/1298, known as *al-Rawk al-Ḥusāmī*. The person who proposed the *rawk* to Sultan Lājīn was Tāj al-Dīn al-Ṭawīl (d. 711/1312), a Coptic convert to Islam.⁴

His full name was Tāj al-Dīn ʿAbd al-Raḥmān ibn al-Sīrajī al-Miṣrī, but he was widely known as Tāj al-Ṭawīl.⁵ He was a Coptic Muslim (*Muslimānī al-Qibt*), who had converted to Islam in the reign of Sultan al-Ashraf Khalīl ibn Qalāwūn (689-693/1290-1293). Even after his conversion, it is said that he strongly favored the Coptic people.⁶ However, he was skilled in accounting (*ḥisāb*) and finance (*istīfāʾ*), and understood well the characteristics of every Egyptian district. According

³On Mamluk historiography, see the following works: Franz Rosenthal, *A History of Muslim Historiography* (Leiden, 1968); Ulrich Haarmann, *Quellenstudien zur frühen Mamlukenzeit* (Freiburg, 1970); Donald P. Little, *An Introduction to Mamluk Historiography* (Wiesbaden, 1970); idem, *History and Historiography of the Mamlūks* (London, 1986); Muḥammad Muṣṭafā Ziyādah, *al-Muʾarrikhūn fī Miṣr fī al-Qarn al-Khāmis ʿAshar al-Milādī* (Cairo, 1954).

⁴Al-Nuwayrī, *Nihāyat al-Arab fī Funūn al-Adab* (Cairo, 1975-92), 31:346; al-Maqrīzī, *Kitāb al-Sulūk li-Maʿrifat Duwal al-Mulūk*, ed. Muḥammad Muṣṭafā Ziyādah (Cairo, 1939-58), 1:842-43; Ibn Taghrībirdī, *al-Nujūm al-Zāhirah fī Mulūk Miṣr wa-al-Qāhirah* (Cairo, 1963-72), 8:92. On the Ḥusāmī *rawk*, see A. N. Poliak, "Some Notes on the Feudal System of the Mamlūks," *Journal of the Royal Asiatic Society* (1937): 97-107; Rabie, *The Financial System*, 52-53; Holt, "The Sultanate of al-Manṣūr Lāchīn," 521-32; Sato, *State and Rural Society*, 124-34.

⁵Ibn Ḥajar, *al-Durar al-Kāminah fī Aʿyān al-Miʾah al-Thāminah*, ed. Muḥammad Sayyid Jād al-Ḥaqq (Cairo, 1966-97), 2:50; al-Maqrīzī, *al-Sulūk*, 2:114. According to Ibn al-Ṣuqāʾī, Tāj al-Dīn's personal name was not ʿAbd al-Raḥmān, but ʿAbd Allāh; a mistake was made by the copyist; see *Tālī Kitāb Wafayāt al-Aʿyān*, ed. and trans. Jacqueline Sublet (Damascus, 1974), 110.

⁶Al-Maqrīzī, *al-Sulūk*, 1:842-43; Ibn al-Ṣuqāʾī, *Tālī*, 110. The behavior of the Coptic converts to Islam is described vividly by Donald P. Little, "Coptic Converts to Islam during the Bahrī Mamluk Period," in *Conversion and Continuity: Indigenous Christian Communities in Islamic Lands, Eighth to Eighteenth Centuries*, ed. Michael Gervers and Ramzi J. Bikhazi (Toronto, 1990), 263-88.



to al-Nuwayrī, Tāj al-Ṭawīl also had full knowledge of the *iqṭāʿ*'s held by the amirs in his time.⁷

When Tāj al-Ṭawīl proposed the implementation of the Egyptian *rawk* to Sultan Lājīn, the sultan appointed two amirs, Badr al-Dīn Bilīk al-Fārisī al-Ḥājib and Bahā' al-Dīn Qarāqūsh al-Zāhirī al-Barīdī, as supervisors of the survey.⁸ We are not well informed about Badr al-Dīn Bilīk's career, but in 679/1298 he was cited as one of three chamberlains (*ḥājib*) supervising Mamluk military affairs.⁹ Bahā' al-Dīn Qarāqūsh was appointed as governor (*wālī*) of Qūṣ in 680/1281, but his *iqṭāʿ* was later granted to the Mongol amir, Jankalī ibn al-Bābā, who emigrated to Egypt from Āmid in 703/1304.¹⁰

Together with these two amirs, Tāj al-Ṭawīl joined the Ḥusāmī *rawk* as a chief of finances (*mustawfī al-dawlah*). When the *rawk* was completed, Tāj al-Ṭawīl distributed the land according to the order of Sultan Lājīn and Vice-Sultan Mankūtāmūr. However, the distribution of *iqṭāʿ*'s in favor of the two rulers caused a violent reaction by the amirs against the government, and the Ḥusāmī *rawk* ended in the assassination of Sultan Lājīn and his *mamlūk* Mankūtāmūr by these amirs.¹¹ When Sultan al-Muẓaffar Baybars al-Jāshankīr (708-709/1309-1310) ascended the throne in 708/1309, Tāj al-Ṭawīl was dispatched to Tripoli to manage its financial affairs. However, as soon as al-Nāṣir Muḥammad started his third sultanate in 709/1310, he was called back to Cairo and was appointed superintendent of the central administration (*nāẓir al-dawāwīn*).¹²

From the very beginning of his third reign, al-Nāṣir Muḥammad was annoyed with the increasing power of the Manṣūrī *mamlūks*, that is, the Burjī *mamlūks* formed by his father, Sultan al-Manṣūr Qalāwūn.¹³ A man called As'ad al-Shaqqī

⁷Al-Nuwayrī, *Nihāyat al-Arab*, 31:364-65. See also al-'Aynī, "Iqd al-Jumān fī Ta'rīkh Ahl al-Zamān," Istanbul, Süleymaniye Kütüphanesi, MS Hacı Beşir Ağa 457, fol. 292v.; al-Maqrīzī, *Kitāb al-Muqaffā al-Kabīr*, ed. Muḥammad al-Ya'lāwī (Beirut, 1991), 4:23.

⁸Al-Maqrīzī, *al-Sulūk*, 1:842; see also Sato, *State and Rural Society*, 127.

⁹Karl Wilhelm Zetterstéen, ed., *Beiträge zur Geschichte der Mamlükensultane in den Jahren 690-741 der Hīgra nach arabischen Handschriften* (Leiden, 1919), 43. The text reads Aylīk, not Bilīk.

¹⁰Al-Maqrīzī, *al-Sulūk*, 1:703; idem, *al-Muqaffā*, 3:76. Jankalī ibn al-Bābā, also known as Badr al-Dīn Jankalī, was sent to the region of al-Gharbīyah on the occasion of the Egyptian survey of 715/1315.

¹¹Al-Maqrīzī, *al-Sulūk*, 1:842-44; al-Nuwayrī, *Nihāyat al-Arab*, 31:346. See also Sato, *State and Rural Society*, 129-34.

¹²Ibn al-Ṣuqā'ī, *Tālī*, 110; al-Maqrīzī, *al-Sulūk*, 1:842-43, 2:114.

¹³Reuven Amitai-Preiss, "The Remaking of the Military Elite of Mamlūk Egypt by al-Nāṣir Muḥammad b. Qalāwūn," *Studia Islamica* 72 (1990): 145-63; David Ayalon, "Baḥrī Mamlūks, Burjī Mamlūks: Inadequate Names for the Two Reigns of the Mamluk Sultanate," *Tārīḥ* 1 (1990): 36-37.



(d. 716/1316), who had been appointed superintendent of the central administration (*nāẓir al-dawlah*) after the death of Tāj al-Ṭawīl, proposed to the sultan that a cadastral survey be carried out. Al-Maqrīzī has the following to say about this in his *Kitāb al-Muqaffá*:

[As‘ad al-Shaqqī] advised Sultan [al-Nāṣir] to carry out the cadastral survey of Egypt, because the sultan was disturbed by [*al-mamālīk*] al-Burjīyah, the core of the Egyptian army. Because they had taken control of most of the districts [as *iqṭā‘*s], there remains no income to cover the sultan’s expenditures. When he was informed of this, As‘ad met the sultan secretly and discussed the *rawk* with him in order to regain and increase districts which might cover his expenditures.¹⁴

Like Tāj al-Ṭawīl, As‘ad al-Shaqqī was also a Coptic convert to Islam. His full name was Taqī al-Dīn As‘ad ibn Amīn al-Mulk, generally known as *al-shaqqī al-aḥwal* (Squint-eyed the Oppressive) due to his “evil” conduct.¹⁵ As already mentioned by Donald P. Little,¹⁶ he was forcibly converted to Islam by his Mamluk employer, the amir Burulghī al-Tatarī. After he served Burulghī as his scribe (*kātib*), As‘ad al-Shaqqī was appointed financier of the sultan’s servants (*mustawfī al-ḥāshiyah*). In 711/1311, when al-Nāṣir Muḥammad’s senior officer Tāj al-Ṭawīl died, As‘ad al-Shaqqī was appointed *nāẓir al-dawlah* and administered state affairs single-handedly after the abolition of the vizirate (*wizārah*).¹⁷

Al-Nāṣir Muḥammad was pleased with As‘ad’s advice about a cadastral survey. Fakhr al-Dīn Muḥammad ibn Faḍl Allāh (d. 732/1332), supervisor of military affairs (*nāẓir al-jaysh*), was ordered to draw up the documents according to As‘ad’s specification. When the documents were about to be read before the sultan, however, Fakhr al-Dīn opposed As‘ad’s plan, saying that his aim was to sow dissension between the sultan and his *mamlūks*. Although Fakhr al-Dīn persisted, al-Nāṣir Muḥammad did not change his favorable view of As‘ad’s plan until the amirs and soldiers began criticizing him after the cadastral survey.¹⁸ However, al-Maqrīzī

¹⁴ Al-Maqrīzī, *al-Muqaffá*, 2:77.

¹⁵ Ibid., 78; Ibn Ḥajar, *al-Durar*, 1:383. According to Ibn Ḥajar, As‘ad was called al-Shaqqī al-Aḥwal because the Muslims hated him.

¹⁶ Little, “Coptic Converts to Islam,” 264.

¹⁷ Ibn Ḥajar, *al-Durar*, 1:383; al-Maqrīzī, *al-Muqaffá*, 2:76. Burulghī al-Tatarī (d. 711/1311) was arrested by Muḥanná ibn ‘Īsá, *amīr al-‘arab* in Syria, and presented to al-Malik al-Ashraf Khalīl; however, he later married the daughter of Sultan Baybars al-Jāshankīr and was put in a position of prestige under him; Ibn Ḥajar, *al-Durar*, 2:9-10.

¹⁸ Al-Maqrīzī, *al-Muqaffá*, 2:77-78.



says in his *Khiṭaṭ*, "The sultan agreed with Fakhr al-Dīn about the implementation of the cadastral survey."¹⁹ If this account is correct, it might suggest that Fakhr al-Dīn, though unwillingly, gave in to As'ad al-Shaqqī and al-Nāṣir Muḥammad. Incidentally, when the Syrian cadastral survey was completed in 713/1314, the sultan bestowed robes of honor on both Fakhr al-Dīn and his associate, Quṭb al-Dīn ibn Shaykh al-Sallāmīyah.²⁰

Al-Qāḍī Fakhr al-Dīn Muḥammad ibn Faḍl Allāh was also a Coptic convert to Islam. After his conversion he would not allow any Christian to come near him, lest he associate with his former co-religionists. He made pilgrimages to Mecca and Jerusalem many times and built many mosques in Egypt. Since he enjoyed al-Nāṣir Muḥammad's full confidence, not a few notables, such as amirs, *qāḍīs*, and provincial governors, visited his house hoping to receive favors from him.²¹ One day al-Nāṣir said to a soldier who requested an *iqṭā'*, "Don't worry. If you are the son of the Qalāwūnid family, al-Qāḍī Fakhr al-Dīn will grant you a *khubz* ("bread"; that is, *iqṭā'*) with revenue exceeding 3,000 dirhams."²²

As mentioned above, three Coptic converts to Islam—Tāj al-Ṭawīl, As'ad al-Shaqqī and Fakhr al-Dīn—all acquired high positions in the central government and made the most of their superior knowledge of fiscal affairs. They exerted great influence on state policy through their advice to the sultan, particularly in *iqṭā'* administration. Although they were not favored by the common Muslims, the fiscal administration did not function well without their knowledge and efforts. According to Little's study, besides the sultan's privy purse, many other offices were often filled by Copts and Coptic Muslims. All of them were connected with finances and accounting during the Bahrī Mamluk period.²³

THE SUPERVISORS OF THE *RAWK*

As stated above, upon the advice of As'ad al-Shaqqī, Sultan al-Nāṣir ordered the Egyptian *rawk*. During Sha'bān 715/November 1315, therefore, the government dispatched amirs and Coptic officials as supervisors to five regions of Lower Egypt and six regions of Upper Egypt. Al-'Aynī lists the names of these supervisors in the most detail in "Iqd al-Jumān." The following is the list quoted in my book with some revisions.²⁴

¹⁹ Al-Maqrīzī, *Kitāb al-Mawā'iz wa-al-I'tibār bi-Dhikr al-Khiṭaṭ wa-al-Āthār* (Bulaq, 1270/1853, repr. Baghdad, 1970), 1:88.

²⁰ Zetterstéen, *Mamlükensultane*, 160-61.

²¹ Al-Ṣafadī, *Kitāb al-Wāfi bi-al-Wafayāt*, ed. Sven Dederling (Wiesbaden, 1959), 4:335; see also Little, "Coptic Converts to Islam," 277, 285.

²² Al-Maqrīzī, *al-Muqaffā*, 6:516-17.

²³ Little, "Coptic Converts to Islam," 270.

²⁴ Sato, *State and Rural Society*, 138-40; al-'Aynī, "Iqd al-Jumān," fol. 318r.-v.; their names are



Lower Egypt

- (A) al-Gharbīyah
 - (1) Amir Badr al-Dīn Jankalī (Janghalī)²⁵
 - (2) Naqīb al-Jaysh Ṭaybars
 - (3) Ḥājib Āqūl (A‘zal)²⁶
 - (4) Kātib Makīn al-Dīn ibn Qarawīnah (Farawītah)²⁷
- (B) al-Daqahlīyah and al-Murtāḥīyah
 - (5) Qullī al-Silāḥdār
- (C) al-Sharqīyah
 - (6) Amir ‘Izz al-Dīn Aydamur
 - (7) Aytamish al-Muḥammadī (al-Majdī)²⁸
 - (8) Amīn al-Dīn Qarmūṭ
 - (9) Sanjar Khāṣṣ Turkī
- (D) al-Manūfīyah
 - (10) Wābiyār Sāṭī
 - (11) Balabān al-Muḥassin (al-Muḥassinī)²⁹ al-Zarrāq
- (E) al-Buḥayrah
 - (12) Mughulṭāy ibn Amīr Majlis
 - (13) Muḥammad ibn Ṭurunṭāy³⁰
 - (14) Balabān al-Ṣarkhadī (al-Ṣarkhatī, al-Sarkhadī)³¹
 - (15) Ṭurunṭāy al-Qulanjiqī (al-Qalījī)³²
 - (16) Baybars al-Jamdār

Upper Egypt

- (A) al-Itfīḥīyah

listed also in al-Maqrīzī, *al-Sulūk*, 2:146-47, and idem, *al-Khiṭaṭ*, 1:88, in an abbreviated form.

²⁵Zetterstéén has Janghalī (*Mamlūkensultane*, 128). On the etymological explanation of Mamluk names, see Jean Sauvaget, "Noms et surnoms de mamlouks," *Journal asiatique* 238 (1950): 31-58.

²⁶Al-Maqrīzī, *al-Khiṭaṭ*, 1:88, has A‘zal.

²⁷Al-Maqrīzī, *ibid.*, has Makīn ibn Farawītah.

²⁸Al-Maqrīzī, *ibid.*, lists Aytamish al-Majdī. According to al-Yūsufī, Aytamish carried out an inspection (*kashf*) in the year of the *rawk*; *Nuzhat al-Nāẓir fī Sīrat al-Malik al-Nāṣir*, ed. Aḥmad Ḥuṭayṭ (Beirut, 1986), 331.

²⁹Both Ibn Ḥajar, *al-Durar*, 2:28, and al-Maqrīzī, *al-Sulūk*, 2:37, 385, have al-Muḥassinī.

³⁰Al-Maqrīzī, *al-Khiṭaṭ*, 1:88, and idem, *al-Sulūk*, 2:147, list Ibn Ṭurunṭāy.

³¹Zetterstéén, *Mamlūkensultane*, 134, lists al-Ṣarkhaṭī; al-Ṣafadī (*A‘yān al-‘Aṣr wa-A‘wān al-Naṣr*, ed. Fuat Sezgin [Frankfurt am Main, 1990], 1:261), lists al-Sarkhadī.

³²Al-Maqrīzī, *al-Khiṭaṭ*, 1:88, lists al-Qalījī.



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- (17) Bahādur al-Karakī (al-Karkarī)³³
- (18) Tanqish ibn al-Ḥimṣī
- (B) al-Fayyūm
 - (19) Tuquṣbā al-Zāhirī
 - (20) Sanjar al-Damīrī (al-Dumaytrī, al-Dumaythrī)³⁴
 - (21) Baybars al-Sāqī
 - (22) Mughulṭāy al-Martīnī
- (C) al-Bahnasāwīyah
 - (23) Aydughdī al-Talīlī (al-Balīlī)³⁵
 - (24) Uzbek al-Jarmakī
 - (25) Khaḍir ibn Nūkīyah (Nūkāy, Nūghīyah)³⁶
 - (26) Bahādur al-Ibrāhīmī
 - (27) Sanjar al-Marzūkī
- (D) al-Ushmūnayn and al-Ṭahāwīyah
 - (28) Azuktamur al-Silāhdār
 - (29) Ṭaybughā al-Shamsī
- (E) al-Ikhmīmīyah
 - (30) Qijlīs
 - (31) Sunqur al-Sa‘dī
- (F) al-Qūṣīyah
 - (32) Tuquṣbā

Among these supervisors the following nine persons cannot be identified from any Arabic biographies and chronicles: (9) Sanjar Khāṣṣ Turkī, (10) Wābiyār Sāṭī, (15) Ṭurunṭāy al-Qulanjiqī, (18) Tanqish ibn al-Ḥimṣī, (21) Baybars al-Sāqī, (24) Uzbek al-Jarmakī (27) Sanjar al-Marzūkī, (28) Azuktamur al-Silāhdār and (32) Tuquṣbā. We find that two Coptic officials, (4) Makīn al-Dīn ibn Qarawīnah and (8) Amīn al-Dīn Qarmūṭ, were appointed as supervisors of the *rawk* in Lower Egypt. According to al-Nuwayrī, the sultan dispatched one or several amirs into each region.³⁷ Most of the other supervisors, therefore, must have been chosen from among the Mamluk or Mongol amirs.

³³ Al-Ṣafadī, *al-Wāfī*, 10:300-301, lists al-Karkarī.

³⁴ Zetterstéen, *Mamlūkensultane*, 165, lists al-Dumaytrī, and al-Ṣafadī, *A‘yān al-‘Aṣr*, 1:407, al-Dumaythrī.

³⁵ Al-Maqrīzī, *al-Khiṭaṭ*, 1:88, lists al-Balīlī.

³⁶ Al-Maqrīzī, *al-Muqaffā*, 7:192, and Ibn Ḥajar, *al-Durar*, 2:173, list Nūkāy, while al-Maqrīzī, *al-Khiṭaṭ*, 2:63, lists Nūghīyah.

³⁷ Al-Nuwayrī, *Nihāyat al-Arab*, 30:299; see also al-‘Aynī, “‘Iqd al-Jumān,” fol. 318r.-v.



THE SUPERVISORS DISPATCHED TO LOWER EGYPT

First, let us look at the careers of the supervisors dispatched to the regions of Lower Egypt.

(A) al-Gharbīyah

(1) Badr al-Dīn Jankalī ibn al-Bābā al-Tatarī (d. 746/1346)³⁸ migrated with his family from near Āmid, then under the rule of the Mongols, to serve al-Nāṣir Muḥammad in 703/1304.³⁹ He was granted an amirate of a hundred cavalymen (*imrat mi'at fāris*) and enjoyed prestige and the favor of the sultan. He came to sit at the right hand of the sultan (*ra's al-maymanah*) at banquets (*simāt*), following the amir Jamāl al-Dīn Āqūsh.⁴⁰ His daughter married al-Nāṣir Muḥammad's son, the amir Aḥmad.⁴¹ Because Jankalī was talented in poetry and enjoyed amusements, he was said to have been loved by everyone. When al-Nāṣir died in 741/1341, Jankalī was reported to be the leader of twenty-five amirs of the rank of *muqaddam al-alf* (commander of a thousand).⁴² Two years later he was designated vice-sultan (*nā'ib al-salṭanah*) by these grand amirs to administer state affairs under the newly installed sultan, al-Ṣāliḥ Ismā'īl ibn al-Nāṣir Muḥammad (743-746/1342-1345).⁴³

³⁸Ibn Ḥajar, *al-Durar*, 2:76, has Jankalī ibn Muḥammad ibn al-Bābā ibn Jankalī ibn Khalīl ibn 'Abd Allāh al-'Ijlī. See also al-Ṣafadī, *A'yān al-'Aṣr*, 1:300.

³⁹Al-Maqrīzī, *al-Muqaffā*, 3:75-76; Ibn Taghrībirdī, *al-Nujūm*, 10:143-44.

⁴⁰For example, Baybars al-Manṣūrī, author of *Zubdat al-Fikrah*, held *ra's al-maysarah* until 725/1325 when the post was transferred to the amir Aydamur al-Khaṭīrī (6). See al-Maqrīzī, *al-Sulūk*, 2:266, 269. The editor of *al-Nujūm* explains that *ra's al-maysarah* designated an older amir holding the rank of amir of a hundred, who gave advice to the sultan (Ibn Taghrībirdī, *al-Nujūm*, 12:274, note 2). According to al-Qalqashandī, at the sultan's banquets the *nā'ib al-salṭanah* sat first in line before the sultan, then the *qādī al-quḍāh* sat on his right side, and the *kātib al-sirr* (chief secretary) on his left side. Amirs of *ra's al-maymanah* sat behind the *wazīr*, and amirs of *ra's al-maysarah* behind the *kātib al-sirr*. See al-Qalqashandī, *Ṣubḥ al-A'shā fī Ṣinā'at al-Inshā'* (Cairo, 1963), 4:195-96; cf. Muḥammad Aḥmad Duhmān, *Dimashq fī 'Ahd al-Mamālīk* (Damascus, 1964), 29.

⁴¹Zetterstéen, *Mamlūkensultane*, 195.

⁴²Al-Ṣafadī, *al-Wāfī*, 11:199-201; Ibn Ḥajar, *al-Durar*, 2:76-77; Ibn Taghrībirdī, *al-Manhal al-Ṣāfi wa-al-Mustawfā ba'da al-Wāfī*, ed. Nabīl Muḥammad 'Abd al-'Azīz (Cairo, 1988), 5:22-25; al-Maqrīzī, *al-Khiṭaṭ*, 1:425; 2:116, 134, 305; al-Shujā'ī, *Ta'rīkh al-Malik al-Nāṣir Muḥammad b. Qalāwūn al-Ṣāliḥī wa-Awlādih*, ed. and trans. Barbara Schäfer (Wiesbaden, 1978), 121, 191, 235; Ibn Taghrībirdī, *al-Dalīl al-Shāfi 'alā al-Manhal al-Ṣāfi*, ed. Fahīm Muḥammad Shaltūt (Mecca, 1983), 251; al-Yūsufī, *Sīrat al-Nāṣir*, 145, 387; al-Ṣafadī, *A'yān al-'Aṣr*, 1:300-301. According to Zetterstéen (*Mamlūkensultane*, 222), Jankalī was one of four grand amirs at the end of al-Nāṣir's reign. Furthermore, al-Ṣafadī relates that he derived his origin from Sultan Ibrāhīm ibn Adham, a famous Sufī saint in the early Abbasid period; see al-Ṣafadī, *A'yān al-'Aṣr*, 1:301.

⁴³Al-Maqrīzī, *al-Khiṭaṭ*, 1:425; however, in al-Maqrīzī's *al-Sulūk*, 1:620, the amir who was



(2) ‘Alā’ al-Dīn Ṭaybars (d.719/1319), an amir of forty (*amīr al-ṭablakhānah*), held the post of chief of military police (*naqīb al-jaysh*) for the long period of twenty-two years until his death.⁴⁴ He was also called al-Khāzindār, since he originally came from the *mamlūks* of Badr al-Dīn Bilīk al-Khāzindār, vice-sultan during the reign of al-Malik al-Zāhir Baybars (658-676/1260-1277).⁴⁵ Ṭaybars designed the Khashshāb garden along the bank of the Nile, used for excursions, and constructed a school (*al-Madrasah al-Ṭaybarsīyah*) adjacent to the Azhar Mosque, where he was buried.⁴⁶

(3) Sayf al-Dīn Āqūl al-Ḥājib (d. 738/1337-1338). In 725/1325 when al-Nāṣir ordered the amir Rukn al-Dīn Baybars to organize an army, Āqūl al-Ḥājib participated in it as an *amīr al-ṭablakhānah*. In 731/1331 Āqūl was also dispatched to the province of al-Buḥayrah as a supervisor (*mushidd*) to repair the Alexandria Canal.⁴⁷ Furthermore, he was appointed to the post of chamberlain in charge of the military administration under the grand chamberlain (*ḥājib al-ḥujjāb*),⁴⁸ although we cannot ascertain the exact year of his appointment. In 734/1334 Āqūl went to Damascus to assume the office of grand chamberlain.⁴⁹

(4) Al-Qādī Makīn al-Dīn Ibrāhīm ibn Qarawīnah (d. 771/1370)⁵⁰ was a Coptic official who served al-Nāṣir, as did his brother, Mājid ibn Qarawīnah.⁵¹ After the Egyptian cadastral survey in 715/1315, Makīn al-Dīn took the office of chief financial administrator (*mustawfī al-ṣuḥbah*), following Sharaf al-Dīn Ibrāhīm.⁵² In 725/1325 he was appointed supervisor of the cadastral survey in Aleppo, together with the amir ‘Alā’ al-Dīn Mughulṭāy al-Jamālī.⁵³ After he held the successive

designated as vice-sultan was not Jankalī, but Āqsunqur al-Salālī.

⁴⁴Zetterstéén, *Mamlūkensultane*, 149; according to al-Maqrīzī (*al-Sulūk*, 2:199), Ṭaybars held the post of *naqīb al-jaysh* for about twenty-four years.

⁴⁵Ibn Ḥajar, *al-Durar*, 2:330; al-Maqrīzī, *al-Muqaffā*, 4:11-12.

⁴⁶Ibn Ḥajar, *al-Durar*, 2:330-31; al-Maqrīzī, *al-Muqaffā*, 4:11-12; idem, *al-Sulūk*, 2:194, 199; idem, *al-Khiṭaṭ*, 2:304, 383, 426; Ibn al-Dawādārī, *Kanz al-Durar wa-Jāmi‘ al-Ghurar* (Cairo, 1960-72), 9:295; Ibn Taghrībirdī, *al-Nujūm*, 9:246.

⁴⁷Zetterstéén, *Mamlūkensultane*, 183.

⁴⁸On the position of *ḥājib*, see David Ayalon, "Studies on the Structure of the Mamluk Army-III," *BSOAS* 16 (1954): 60.

⁴⁹Al-Maqrīzī, *al-Sulūk*, 2:260, 371, 457; al-Shujā‘ī, *al-Nāṣir Muḥammad*, 91; Zetterstéén, *Mamlūkensultane*, 188.

⁵⁰As to the year of his death, we have other accounts: 749/1348 (al-Ṣafadī, *A‘yān al-‘Aṣr*, 1:27), 750/1349 (Ibn Taghrībirdī, *al-Nujūm*, 10:243), and 751/1350 (al-Maqrīzī, *al-Sulūk*, 2:812).

⁵¹Ibn Ḥajar, *al-Durar*, 1:54. Mājid served Sultan al-Nāṣir as *wazīr* in Syria and Egypt; see *al-Durar*, 3:361.

⁵²Al-Maqrīzī, *al-Sulūk*, 2:247.

⁵³Al-Fayyūmī, "Nathr al-Jumān fī Tarājim al-A‘yān," Cairo, Dār al-Kutub, MS Ta’rīkh 1746, vol. 3, fol. 190r.; al-Maqrīzī, *al-Sulūk*, 2:264, 812; al-‘Aynī, "Iqd al-Jumān," fol. 423v.; see also Sato,



posts of *wazīr*, *nāẓir al-khāṣṣ* (supervisor of the sultan's estate), and *mustawfī al-ṣuḥbah*, Makīn al-Dīn was appointed supervisor of military affairs in 740/1339-1340.⁵⁴ He constructed a grand mansion at the Khashshāb garden;⁵⁵ however, his entire estate was soon confiscated and he died of plague in 749/1348 as an unemployed person (*baṭṭāl*).⁵⁶

(B) al-Daqaḥlīyah and al-Murtāḥīyah

(5) Sayf al-Dīn Qullī al-Silāḥdār (d. 717/1318). In 711/1311 when he went to Syria with Badr al-Dīn Jankalī (1) and other amirs to subjugate Qarāsunqur al-Manṣūrī, the most prominent Manṣūrī (or Burjī) amir in Aleppo,⁵⁷ Sayf al-Dīn Qullī commanded an army as *ra's al-maymanah*.⁵⁸ When he died in 717/1318, his *iqṭā'* was granted to his comrade, Badr al-Dīn Jankalī.⁵⁹

(C) al-Sharqīyah

(6) 'Izz al-Dīn Aydamur al-Khaṭīrī (d. 737/1337) was a *mamlūk* of Sharaf al-Dīn Awhād al-Khaṭīr. Then he became one of al-Nāṣir Muḥammad's *mamlūks* and was given the rank of amir when al-Nāṣir ascended to his second sultanate in 698/1299. He served the sultan as majordomo (*ustādār*), administering the distribution of monthly salaries and rations to the Royal Mamluks.⁶⁰ In 708/1309 he traveled to Mecca together with al-Nāṣir. He was promoted to the rank of amir of a hundred as well as the holder of the left-hand seat at the sultan's banquets (*ra's al-maysarah*). People saw his favored status in the fact that he stayed at the Citadel in Cairo with al-Nāṣir even at night.⁶¹

State and Rural Society, 144-45.

⁵⁴ Ibn Ḥajar, *al-Durar*, 1:54-55; al-Shujā'ī, *al-Nāṣir Muḥammad*, 62.

⁵⁵ Al-Maqrīzī, *al-Khiṭaṭ*, 2:132.

⁵⁶ Al-Maqrīzī, *al-Sulūk*, 2:812; Ibn Ḥajar, *al-Durar*, 1:55; al-Shujā'ī, *al-Nāṣir Muḥammad*, 71; al-Ṣafadī, *A'yān al-'Aṣr*, 1:27; see also al-Yūsufī, *Sīrat al-Nāṣir*, 307, 381. According to al-Shujā'ī (*al-Nāṣir Muḥammad*, 231, 238), he held the post of *nāẓir al-jaysh* again from 742/1341-1342 to 743/1342.

⁵⁷ Ibn Abī al-Faḍā'il, *Kitāb al-Nahj al-Sadīd wa-al-Durar al-Farīd*, published as "Histoire des sultans Mamlouks (III)," ed. and trans. E. Blochet, *Patrologia Orientalis* 20 (1929): 208; Robert Irwin, *The Middle East in the Middle Ages: The Early Mamluk Sultanate 1250-1382* (Carbondale, 1986), 105-6.

⁵⁸ Al-Maqrīzī, *al-Sulūk*, 2:109; Zetterstéen, *Mamlūkensultane*, 156.

⁵⁹ Al-Maqrīzī, *al-Sulūk*, 2:177, 180.

⁶⁰ David Ayalon, "Studies on the Structure-III," 61-62.

⁶¹ Al-Maqrīzī, *al-Muqaffā*, 2:365-68; idem, *al-Khiṭaṭ*, 2:312; al-Ṣafadī, *al-Wāfi*, 10:17-18; Ibn Ḥajar, *al-Durar*, 1:458; al-Shujā'ī, *al-Nāṣir Muḥammad*, 12, 15; Zetterstéen, *Mamlūkensultane*, 193. According to both al-Ṣafadī (*al-Wāfi*) and al-Maqrīzī (*al-Khiṭaṭ*), Aydamur led one hundred twenty cavalymen.



(7) Sayf al-Dīn Aytamish ibn ‘Abd Allāh al-Muḥammadī al-Nāṣirī (d. 736/1336). He was originally one of Qalāwūn’s *mamlūks* (*al-Manṣūrīyah*) and then served al-Nāṣir Muḥammad. After holding the post of governor (*nā’ib*) of Karak for a period, Aytamish was called back to Cairo in 711/1311. The next year he took charge of the Citadel as acting sultan (*nā’ib al-ghaybah*) during al-Nāṣir’s pilgrimage to Mecca. He was appointed *amīr al-rakb* or leader of the pilgrims to Mecca three times, in 724/1324, 731/1331, and 734/1334. He was a well-educated Mongol, fully literate in his native language, and had full knowledge of Mongol customs. Perhaps because of his abilities and reputation for truthfulness, Aytamish was made an emissary between the Mamluk sultan and the Ilkhanid ruler, Abū Sa‘īd, at the conclusion of a peace treaty (*ṣulḥ*) in 723/1323.⁶² In 736/1336 he was appointed governor (*nā’ib*) of Ṣafad where he died five months later.⁶³

(8) Amīn al-Dīn Qarmūṭ (d. ?) was a Coptic financier from the sultan’s treasury (*mustawfī fī al-khizānah al-sultānīyah*). In 734/1333-1334 he was ordered by ‘Abd al-Wahhāb al-Nashw, the Coptic supervisor of the sultan’s estates (*nāẓir al-khāṣṣ*), to confiscate the sultan’s property in order to reduce the Sultan to financial difficulties. However, in 738/1337-1338 Qarmūṭ’s property was confiscated by al-Nāṣir.⁶⁴

(D) al-Manūfīyah

(11) Balabān al-Muḥassin al-Zarrāq (d. 736/1336) was given an amirate of ten (*imrat ‘asharah*) in 707/1307-1308 during the second reign of al-Nāṣir Muḥammad. After he held the posts of the supervisor of the central offices (*shādd al-dawāwīn*) and the governor (*wālī*) of Cairo, Balabān was appointed governor (*nā’ib*) of Damietta, probably in 735/1335.⁶⁵

⁶²Al-Maqrīzī, *al-Muqaffā*, 2:335-42; idem, *al-Sulūk*, 2:242; al-Yūsufī, *Sīrat al-Nāṣir*, 329-34; Ibn Ḥajar, *al-Durar*, 1:454; Ibn Taghrībirdī, *al-Manhal*, 3:138; Ibn Taghrībirdī, *al-Dalīl al-Shāfī*, 164; Zetterstéen, *Mamlūkensultane*, 166, 168, 175, 182; al-Shujā‘ī, *al-Nāṣir Muḥammad*, 3. On the career of the amir Aytamish, an article by Donald P. Little is the most informative: “Notes on Aytamish, A Mongol Mamlūk,” in *Die islamische Welt zwischen Mittelalter und Neuzeit*, ed. Ulrich Haarmann and Peter Bachmann (Wiesbaden, 1979), 387-401 (reprinted in Little’s *History and Historiography of the Mamlūks* [London, 1986]); see also Reuven Amitai-Preiss, “Ghazan, Islam and Mongol Tradition: A View from the Mamlūk Sultanate,” *BSOAS* 59 (1996): 5.

⁶³Al-Yūsufī, *Sīrat al-Nāṣir*, 287-88, 332; Zetterstéen, *Mamlūkensultane*, 191, 192.

⁶⁴Al-Maqrīzī, *al-Sulūk*, 2:370, 455; idem, *al-Khiṭaṭ*, 2:165. On ‘Abd al-Wahhāb al-Nashw, see Little, “Coptic Converts to Islam,” 270, 285.

⁶⁵Ibn Ḥajar, *al-Durar*, 2:28; al-Maqrīzī, *al-Sulūk*, 2:37, 385.



(E) al-Buḥayrah

(12) Mughulṭāy ibn Amīr Majlis (d. ?) is not to be confused with ‘Alā’ al-Dīn Mughulṭāy ibn ‘Abd Allāh al-Jamālī (d. 732/1331), majordomo of al-Nāṣir.⁶⁶ The first account of Mughulṭāy ibn Amīr Majlis says that he advanced into Syria as the commander of a thousand in 712/1312.⁶⁷ When the bedouin captured ‘Aydhāb in 716/1316, Mughulṭāy was dispatched to regain it with five hundred troops.⁶⁸ However, he was then ordered to go to Syria in 718/1318, retaining the same post of commander, and his *iqṭā’* of eighty cavalry in Egypt was granted to Rukn al-Dīn Baybars al-Dawādār al-Manṣūrī.⁶⁹

(13) Nāṣir al-Dīn Muḥammad ibn Ḥusām al-Dīn Ṭurunṭāy al-Nā’ib (d. 731/1331). The Arabic sources give us very little information on his career. We know only that his father Ṭurunṭāy was vice-sultan and that he was promoted to commander of a thousand.⁷⁰

(14) Balabān al-Ṣarkhadī (d. 730/1330) was an amir of forty, and it is said that he was diligent in observing everyday prayer. In 725/1325 he participated in the expedition to Yemen under the command of the amir Baybars al-Ḥājib.⁷¹

(16) Baybars al-Jamdār al-Ruknī al-Muẓaffarī (d. 740/1339-1340). In 729/1329 the amir Baybars was appointed governor (*wālī*) of Alexandria.⁷² The city of Alexandria was included administratively in the province of al-Buḥayrah where Baybars took charge of the *rawk* of 715/1315. He held the post of governor until the year of 740/1339, when all his property was confiscated. He died in Alexandria.⁷³

THE SUPERVISORS DISPATCHED TO UPPER EGYPT

(A) al-Itfīḥīyah

(17) Sayf al-Dīn Bahādur al-Sa’idī al-Karakī (d. 749/1348). In 710/1310 Sultan al-Nāṣir arrested the *mamlūks* of the amir Salār al-Manṣūrī, who, together with the amir Baybars al-Jāshankīr, actually controlled state politics during al-Nāṣir

⁶⁶Mughulṭāy al-Jamālī was appointed supervisor of the *rawk* in Aleppo together with Makīn al-Dīn ibn Qarawīnah (4).

⁶⁷Zetterstéen, *Mamlūkensultane*, 157.

⁶⁸Al-Maqrīzī, *al-Sulūk*, 2:162; Zetterstéen, *Mamlūkensultane*, 165.

⁶⁹Al-Maqrīzī, *al-Sulūk*, 2:185; Zetterstéen, *Mamlūkensultane*, 167-68. On the career of Baybars al-Dawādār, see al-Ṣafadī, *al-Wāfi*, 10:352.

⁷⁰Ibn Hajar, *al-Durar*, 4:79; al-Shujā’ī, *al-Nāṣir Muḥammad*, 121; according to al-Ṣafadī (*A’yān al-‘Aṣr*, 3:27), he made his pilgrimage to Mecca four times.

⁷¹Ibn Hajar, *al-Durar*, 2:27; al-Maqrīzī, *al-Muqaffā*, 2:522; idem, *al-Sulūk*, 2:260.

⁷²Al-Maqrīzī, *al-Sulūk*, 2:309; Zetterstéen, *Mamlūkensultane*, 180. Al-Maqrīzī relates that he was also governor of the frontier (*nā’ib al-thaghr*) in *al-Sulūk*, 2:319.

⁷³Al-Maqrīzī, *al-Sulūk*, 2:487, 505; Zetterstéen, *Mamlūkensultane*, 205.



Muḥammad's second reign (698-708/1299-1309). Al-Nāṣir then bestowed the rank of amir on some of his own *mamlūks*, including this man, Bahādur al-Karkarī (al-Karakī), as well as Baybughā al-Ashrafī and Ṭaybughā al-Shamsī (29).⁷⁴ Bahādur first served the sultan as an amir of the banner (*amīr 'alam*), which corresponded to an amir of ten. He was in charge of managing the storehouse for drums and trumpets.⁷⁵ In 717/1317 he went to the Hijaz together with the amir Aytamish al-Muḥammadī (7) and returned to Cairo after an absence of one hundred days.⁷⁶ He was then appointed chief of administrative offices in Ḥimṣ under the rule of Sayf al-Dīn Tankiz. He afterwards changed his post to that of an amir of forty in the local provinces of Syria, and died at Tripoli in 749/1348.⁷⁷

(B) al-Fayyūm

(19) Sayf al-Dīn Ṭuquṣbā al-Zāhirī al-Nāṣirī (d. 745/1344) often transferred his services from one amir to another and was himself granted an amirate by Sultan Ḥusām al-Dīn Lājīn. During the Egyptian *rawk* in 715/1315, Ṭuquṣbā held the post of governor (*wālī*) of Qūṣ.⁷⁸ He made two expeditions to Nubia in 705/1305-1306 and 716/1316. In 733/1332-1333 he was appointed *amīr al-rakb* of the year.⁷⁹ He lived over 120 years, and died as an amir of forty in Cairo in 745/1344.⁸⁰ This information implies that he was over ninety years old when the cadastral survey was carried out.

(20) 'Alam al-Dīn Sanjar al-Damīrī (d. 732/1331). We know only that he participated in the campaign against the town of 'Aydḥāb together with the amir Mughulṭāy ibn Amīr Majlis (12) in 716/1316.⁸¹

(22) 'Alā' al-Dīn Mughulṭāy ibn 'Abd Allāh al-Martīnī (d. 749/1348). The sources give us no information on his origins. He was first appointed to the governorship (*niyābah*) of Bahnasā in Upper Egypt and was transferred to Syria

⁷⁴ Al-Maqrīzī, *al-Sulūk*, 2:87; see also idem, *al-Muqaffā*, 2:535-36.

⁷⁵ Al-Maqrīzī, *al-Muqaffā*, 3:689. On the *amīr 'alam*, see al-Qalqashandī, *Ṣubḥ*, 4:13.

⁷⁶ Zetterstéen, *Mamlūkensultane*, 166.

⁷⁷ Al-Ṣafadī, *al-Wāfi*, 10:300-301; Ibn Ḥajar, *al-Durar*, 2:33. Al-Ṣafadī in *A'yān al-'Aṣr*, 1:265, has Sayf al-Dīn Bahādur ibn al-Karkarī.

⁷⁸ Al-Maqrīzī, *al-Sulūk*, 2:128.

⁷⁹ Zetterstéen, *Mamlūkensultane*, 187. Every year during the month of Shawwāl the camel-borne litter (*maḥmal*) departed from Cairo leading the Muslims to Mecca. An *amīr al-rakb* was chosen annually from among the influential amirs to guard them from raids by the bedouins; see F. Buhl and Jacques Jomier, "Maḥmal," *El'*, 6:44-46. The *amīr al-rakb* was also called *amīr al-ḥājj* during the Mamluk period; see al-Qalqashandī, *Ṣubḥ*, 7:74-75.

⁸⁰ Ibn Ḥajar, *al-Durar*, 2:326-27; al-Maqrīzī, *al-Sulūk*, 2:177-78, 236, 673; idem, *al-Khiṭaṭ*, 1:189; al-Shujā'ī, *al-Nāṣir Muḥammad*, 274. The person who was sent to Qūṣ in the survey was also called Ṭuquṣbā (32), who seems to be different from this *wālī* Qūṣ.

⁸¹ Zetterstéen, *Mamlūkensultane*, 165; see also al-Ṣafadī, *A'yān al-'Aṣr*, 1:407.



as the governor (*nā'ib*) of the citadel in Damascus. Then he was given the post of chamberlain, also in Damascus, but was arrested in 747/1346 and died of the plague in 749/1348.⁸²

(C) al-Bahnasāwīyah

(23) 'Alā' al-Dīn Ayduḡhdī al-Talīlī al-Shamsī (d. 728/1328) was one of the amirs in Damascus. In 705/1305-1306 during the second reign of al-Nāṣir, he was sent to the ruler of the Maghrib with the amir Ayduḡhdī al-Khwārizmī. In 710/1310 Ayduḡhdī was also chosen to be *amīr al-rakb*.⁸³ He died unemployed in Damascus.⁸⁴

(25) Jamāl al-Dīn Khaḍir ibn Nūkīyah al-Nāṣirī (d. 758/1357). His father, Nūkīyah or Nukāy al-Silāḥdār al-Tatarī, also had a daughter named Urduḡkīn. Khaḍir was made an amir in 709/1309-1310 by Sultan al-Nāṣir. His sister, Urduḡkīn, married al-Ashraf Khalīl, then after his death married his brother, al-Nāṣir Muḥammad, and gave birth to a son. When she died in 724/1324, Khaḍir was allowed to inherit her property.⁸⁵

(26) Sayf al-Dīn Bahādur al-Ibrāhīmī (d. ?) changed service and was promoted to the rank of *naqīb al-mamālīk*, which was restricted to the Royal Mamluks.⁸⁶ Although he was relieved from this post in 716/1316, Bahādur still held an amirate and was repeatedly appointed *amīr al-rakb*. However, he failed to quell the revolt of Ḥumayḍah ibn Abī Numayy, lord of Mecca, against the Mamluk regime in 718/1318. When he returned to Cairo the next year, Bahādur was arrested and imprisoned at Alexandria until 720/1320.⁸⁷ However, he still held the rank of amir of forty when al-Nāṣir Muḥammad died in 741/1341.⁸⁸

(D) al-Ushmūnayn and al-Ṭaḥāwīyah

(29) Ṭaybughā al-Shamsī (d. ?), together with Bahādur al-Karakī (17), was given the rank of amir when al-Nāṣir, as mentioned above, arrested amir Salār al-Manṣūrī and his *mamlūks* in 710/1310.⁸⁹

(E) al-Ikhmīmīyah

⁸²Ibn Ḥajar, *al-Durar*, 5:125; Ibn Taghrībirdī, *al-Dalīl al-Shāfi*, 738; al-Maqrīzī, *al-Sulūk*, 2:717; Zetterstéen, *Mamlūkensultane*, 209; al-Ṣafadī, *A'yān al-'Aṣr*, 3:276.

⁸³Zetterstéen, *Mamlūkensultane*, 132, 154.

⁸⁴Al-Maqrīzī, *al-Muqaffā*, 2:345; Ibn Ḥajar, *al-Durar*, 1:454.

⁸⁵Ibn Ḥajar, *al-Durar*, 1:370, 2:173; al-Maqrīzī, *al-Muqaffā*, 7:192; idem, *al-Khiṭaṭ*, 2:63.

⁸⁶David Ayalon, "Studies on the Structure-III," 65.

⁸⁷Al-Maqrīzī, *al-Muqaffā*, 2:504; Ibn Ḥajar, *al-Durar*, 2:31; Zetterstéen, *Mamlūkensultane*, 165, 167-68.

⁸⁸Al-Maqrīzī, *al-Khiṭaṭ*, 2:305.

⁸⁹Al-Maqrīzī, *al-Sulūk*, 2:87.



(30) Sayf al-Dīn Qijlīs ibn ‘Abd Allāh al-Nāṣirī al-Silāhdār (d. 731/1330) was one of the *mamlūks* of al-Nāṣir Muḥammad and was first appointed *amīr silāḥ* (amir of arms), which was customarily held by an amir of forty;⁹⁰ that is, it was an exceptional promotion for the Bahrī Mamluk period. He was said to have dressed well and to have had a sense of camaraderie. When the Mamluk army succeeded in conquering the town of Malatyah, Qijlīs returned from Syria with 350 captives in Rabī‘ I 715/June 1315, four months before the start of the Egyptian *rawk*.⁹¹ After the *rawk* was completed, he was chosen *amīr al-rakb* for 717/1317. Qijlīs became the supervisor of the Ibn Ṭulūn mosque in Cairo in 723/1323.⁹² When al-Nāṣir dispatched his son, al-Nāṣir Aḥmad, to Karak in 726/1326, Qijlīs and other amirs accompanied him.⁹³ Since Qijlīs had been given great prestige under al-Nāṣir, it is said that he was always ready to manage the important affairs entrusted to him.⁹⁴ Furthermore, he was well known as an expert in the making of time-pieces (*mawāqīt*), astrolabes (*aṣṭurlāb*), and quadrants (*arbā’*).⁹⁵

(31) Shams al-Dīn Sunqur al-Sa’dī (d. 728/1328) came from the non-Mamluk cavalry (*ajnad al-ḥalqah*). When al-Nāṣir went to Mecca in order to avert the threat of Amir Salār and Sultan Baybars al-Jashankīr in 708/1309, Sunqur accompanied him, as well as the amir Aydamur al-Khaṭīrī (6).⁹⁶ In Cairo Sunqur held the post of *naqīb al-mamālīk*,⁹⁷ but was exiled to Tripoli in 723/1323. He was greatly interested in the development of agriculture, and single-handedly established a village in the province of al-Gharbiyah.⁹⁸

THE PRINCIPLES FOR CHOOSING SUPERVISORS

We have described the origins, careers and official posts of the supervisors appointed for the Egyptian *rawk* in 715/1315. Now we will examine whether any principles

⁹⁰Ibn Taghrībirdī, *al-Dalīl al-Shāfi*, 535. According to Ayalon, the office of *amīr silāḥ* was held not by an amir of forty, but by an amir of a hundred (“Studies on the Structure-III,” 60). This amir’s duty was to bear the sultan’s arms during public appearances.

⁹¹Zetterstéen, *Mamlūkensultane*, 162-63.

⁹²Al-Maqrīzī, *al-Sulūk*, 2:247.

⁹³Ibn Ḥabīb al-Dimashqī, *Tadhkirat al-Nabīh fī Ayyām al-Manṣūr wa-Banīh*, ed. Muḥammad Muḥammad Amīn (Cairo, 1976-86), 2:161.

⁹⁴Ibn Ḥajar, *al-Durar*, 3:328.

⁹⁵Al-Ṣafadī, *A’yān al-‘Aṣr*, 2:350.

⁹⁶Al-Maqrīzī, *al-Muqaffā*, 7:190.

⁹⁷According to Ibn Ḥajar (*al-Durar*, 2:273), he held the post of *niyābat al-jaysh* (supervisor of military affairs).

⁹⁸Ibn Ḥajar, *al-Durar*, 2:273; al-Maqrīzī, *al-Sulūk*, 2:246; idem, *al-Khiṭaṭ*, 1:226. He also constructed al-Madrasah al-Sa’dīyah outside Cairo in 715/1315; see *al-Khiṭaṭ*, 1:250.



or criteria governed the way these twenty-three persons were chosen. Let us examine the above accounts from several points of view.

First, let us compare these men with the supervisors dispatched to the Egyptian regions to survey the irrigation system in 714/1314. According to al-Maqrīzī, the supervisors for the irrigation survey were:⁹⁹

Lower Egypt

- (A) al-Gharbīyah:
Amir Sayf al-Dīn Āqūl al-Ḥājib
- (B) al-Sharqīyah:
Amir ‘Izz al-Dīn Aydamur al-Khaṭīrī
- (C) al-Buḥayrah:
Amir ‘Alā’ al-Dīn al-Talīlī
- (D) al-Qalyūbīyah:
Amir Badr al-Dīn Jankalī ibn al-Bābā

Upper Egypt

- (A) al-Fayyūm:
Amir Badr al-Dīn Baktūt al-Shamsī
- (B) al-Bahnasāwīyah:
Amir ‘Alā’ al-Dīn Aydughdī Shuqayr
- (C) al-Ushmūnayn and al-Ṭahāwīyah:
Amir Sayf al-Dīn Qullī
- (D) Asyūṭ and Manfalūt:
Amir Sharaf al-Dīn Ḥusayn ibn Ḥaydar (Jandar)¹⁰⁰
- (E) Ikhnīm:
Amir Sayf al-Dīn Bahādur al-Mu‘izzī
- (F) Qūṣ:
Amir Bahā’ al-Dīn Aṣlam

Among the above-mentioned ten amirs, those who were re-appointed for the cadastral survey the next year were the following five persons: Sayf al-Dīn Āqūl, ‘Izz al-Dīn Aydamur, ‘Alā’ al-Dīn al-Talīlī, Badr al-Dīn Jankalī (in Lower Egypt), and Sayf al-Dīn Qullī (in Upper Egypt). Among them, Sayf al-Dīn Āqūl (dispatched to al-Gharbīyah) and ‘Izz al-Dīn Aydamur (to al-Sharqīyah) were sent to the same regions as in the cadastral survey. However, the above accounts of their careers show that the two amirs had no close connection to either region.¹⁰¹

⁹⁹ Al-Maqrīzī, *al-Sulūk*, 2:137-38; see also Sato, *State and Rural Society*, 227.

¹⁰⁰ Al-Maqrīzī in *al-Muqaffā*, 3:649, has Jandar.

¹⁰¹ In 712/1313 Sultan al-Nāṣir dispatched the Mamluk army to Syria against the Mongol invasion. Among the twenty-one amirs of a hundred who led the army, the following eight amirs were



Among the five amirs who were not chosen as supervisors in the cadastral survey in 715/1315, two—Aydughdī Shuqayr (al-Ushmūnayn and al-Ṭaḥāwīyah) and Bahādūr al-Mu‘izzī (Ikḥmīm)—were arrested with the amir Sayf al-Dīn Ṭughāy under suspicion of a plot to assassinate al-Nāṣir Muḥammad in Rabī‘ I 715/July 1315,¹⁰² just after the irrigation survey. ‘Alā’ al-Dīn Aydughdī Shuqayr (d. 715/1315) originally came from the Mamluk corps formed by Lājīn. During al-Nāṣir’s reign he was promoted to a high position through the good offices of his comrade (*khushdāsh*), the amir Ṭughāy, and became one of the sultan’s favorites.¹⁰³ Sayf al-Dīn Bahādūr al-Mu‘izzī (d. 739/1339) was also one of the *mamlūks* fostered by Ḥusām al-Dīn Lājīn, and was given the rank of amir when Lājīn ascended to the throne in 696/1296.¹⁰⁴ Thereafter Bahādūr was arrested, but was later released. In 730/1330, he was promoted to commander of a thousand.¹⁰⁵

Sharaf al-Dīn Ḥusayn ibn Jandar al-Rūmī (d. 729/1329), who was dispatched to Asyūṭ during the irrigation survey, came to Cairo from al-Rūm with his father and served al-Manṣūr Lājīn in Egypt and Syria. When al-Nāṣir ascended to the sultanate for the third time in 709/1310, Ḥusayn was appointed amir of a hundred because of his talent for hunting (*ṣayd*). Although he had belonged to Ṭughāy’s group of suspected plotters, he was found blameless when Aydughdī, Bahādūr, and Ṭughāy were arrested.¹⁰⁶ However, the fact that Ḥusayn was one of Ṭughāy’s intimate comrades (*min khawāṣṣ Ṭughāy*) might explain why he was passed over for the position of supervising the *rawk* in 715/1315. It is not clear why the two remaining amirs, Baktūt al-Shamsī and Bahā’ al-Dīn Aṣlam,¹⁰⁷ were not chosen as supervisors of the *rawk*. However, we may say that the way in which the supervisors

chosen again as supervisors of the irrigation survey in 714/1314: ‘Izz al-Dīn Aydamur al-Khaṭīrī, Badr al-Dīn Jankalī, Badr al-Dīn Baktūt al-Shamsī, ‘Alā’ al-Dīn Aydughdī Shuqayr, Sayf al-Dīn Qullī, Sayf al-Dīn Bahādūr al-Mu‘izzī, Bahādūr Aṣlam, and Sharaf al-Dīn Ḥusayn; cf. Amitai-Preiss, “The Remaking of the Military Elite,” 149.

¹⁰² Zetterstéen, *Mamlūkensultane*, 162; al-Maqrīzī, *al-Sulūk*, 2:144; al-Ṣafadī, *A‘yān al-‘Aṣr*, 1:214-15. Aydughdī Shuqayr, accused of plotting to murder the sultan, was killed on the day of his arrest. In 713/1313 a dispute over *iqṭā’* holdings occurred between Aybak al-Manṣūrī and Aydughdī Shuqayr. Sultan al-Nāṣir arrested Aybak al-Manṣūrī, grand amir of the Manṣūrī *mamlūks*, on the pretext that Aybak and his comrade intended to usurp the sultanate; see al-Maqrīzī, *al-Sulūk*, 2:128.

¹⁰³ Al-Maqrīzī, *al-Muqaffá*, 2:342-43; Ibn Ḥajar, *al-Durar*, 1:455; al-Ṣafadī, *A‘yān al-‘Aṣr*, 1:214.

¹⁰⁴ Al-Maqrīzī, *al-Muqaffá*, 2:501.

¹⁰⁵ Al-Ṣafadī, *A‘yān al-‘Aṣr*, 1:264.

¹⁰⁶ Al-Maqrīzī, *al-Muqaffá*, 3:649-50; *al-Sulūk*, 2:177-78, 313-14.

¹⁰⁷ Bahā’ al-Dīn Aṣlam ibn ‘Abd Allāh al-Nāṣirī (d. 747/1346) was originally a *mamlūk* of al-Malik al-Nāṣir and was promoted to amir of a hundred by him, a rank he held until he lost it to the sultan’s anger after the cadastral survey; see Ibn Taghrībirdī, *al-Manhal*, 2:455-56; al-Ṣafadī, *al-Wāfi*, 9:285.



were chosen was closely connected to the movements of the Mamluk factions competing around the sultanate in Cairo.

Now let us examine the accounts of the supervisors appointed for the cadastral survey in the following year. As mentioned above, among thirty-two supervisors we may identify twenty-three persons, including two Coptic officials. The biographical accounts do not reveal any close relation between the regions to which the twenty-one amirs were appointed and their posts or *iqṭāʿ*'s. In the *rawk* of Tripoli in 717/1317, for example, Sharaf al-Dīn Yaʿqūb al-Ḥamawī, chief of military affairs (*nāẓir*) at Aleppo, was put in charge of the cadastral survey. In the *rawk* of Aleppo in 725/1325, Muḡhulṭāy al-Jamālī, who held the offices of *ustādār* and *wazīr*, was appointed supervisor; that is, he was neither governor of Aleppo nor chief of military affairs there. This method of appointment was to avoid unfairness on the part of local chief officials or *iqṭāʿ* holders (*muqṭaʿ*).¹⁰⁸ Accordingly, it may well be said that such a principle was also followed in the *rawk* of Egypt in 715/1315.

We know the following posts of the supervisors, except the two Coptic officials, at the time of the cadastral survey:

- (2) ‘Alā’ al-Dīn Ṭaybars: *naqīb al-jaysh* (chief of military police)
- (3) Sayf al-Dīn Āqūl: *ḥājib* (chamberlain)
- (5) Sayf al-Dīn Qullī: *silāḥdār* (bearer of arms)
- (6) ‘Izz al-Dīn Aydamur: *ustādār* (majordomo)
- (11) Balabān al-Muḡassin: *shādd al-dawāwīn* (supervisor of central offices)
- (17) Sayf al-Dīn Bahādūr al-Karakī: *amīr ‘alam* (amir of banners)
- (19) Sayf al-Dīn Ṭuquṣbā: *wālī Qūṣ*
- (26) Sayf al-Dīn Bahādūr al-Ibrāhīmī: *naqīb al-mamālīk* (chief of *mamlūk* affairs)
- (30) Sayf al-Dīn Qijlīs: *amīr silāḥ* (amir of arms)
- (31) Shams al-Dīn Sunqur: *naqīb al-mamālīk*

It is remarkable that only one local governor (*wālī Qūṣ*) was appointed supervisor. The other supervisors held posts that were closely connected to the sultan's privy council, the Royal Mamluks, or the central administration. This indicates that the cadastral survey was carried out under al-Nāṣir's strong leadership. Al-Nuwayrī says, "Sultan al-Nāṣir himself proceeded to Upper Egypt to preside over the amirs and scribes."¹⁰⁹ The sultan had to obtain good results from the cadastral survey in order to establish a stable Mamluk regime.

¹⁰⁸ Sato, *State and Rural Society*, 143-45.

¹⁰⁹ Al-Nuwayrī, *Nihāyat al-Arab*, 30:299-300; see also Sato, *State and Rural Society*, 140.



Finally, let us look at the origins of the amirs appointed as supervisors of the cadastral survey in 715/1315. Among the twenty-one amirs identified above, one, Shams al-Dīn Sunqur (31), was from the non-*mamlūk* cavalry, and two, Badr al-Dīn Jankalī (1) and Khaḍir ibn Nūkīyah (25), were Mongol immigrants (*al-Wāfidiyah*) or the sons of such immigrants who came to serve al-Nāṣir. Both Mongol amirs were appointed to high positions through their relations by marriage to al-Nāṣir. From among the remaining supervisors, those who were *mamlūks* purchased and fostered by al-Nāṣir were (11) Balabān al-Muḥassin, (17) Sayf al-Dīn Bahādūr al-Karakī, (29) Ṭaybughā al-Shamsī, and (30) Sayf al-Dīn Qijlīs. Those who had been originally bought by another sultan or by an amir, and who later switched service to al-Nāṣir were (2) ‘Alā’ al-Dīn Ṭaybars, (6) ‘Izz al-Dīn Aydamur, (7) Sayf al-Dīn Aytamish, (19) Sayf al-Dīn Ṭuquṣbā, and (26) Sayf al-Dīn Bahādūr al-Ibrāhīmī. It is interesting that the same number of supervisors was chosen from among both the Nāṣirī and non-Nāṣirī *mamlūks*. However, even among these amirs we find no one who remained in his former faction, even after the accession of al-Nāṣir to the sultanate.

As I mentioned above, during al-Nāṣir’s second reign the Vice-Sultan Salār al-Manṣūrī and majordomo Baybars al-Jāshankīr actually controlled state politics. They were from the Burjī, or Manṣūrī, *mamlūks* formed by al-Malik al-Manṣūr Qalāwūn.¹¹⁰ Accordingly, when al-Nāṣir ascended to his third sultanate after eliminating Baybars al-Jāshankīr and his followers in 709/1310, the first thing he had to do was eliminate the influence of the senior Manṣūrī and other amirs.¹¹¹ He immediately sent letters to the local *wālīs*, ordering them to seize the estates of these amirs and send them to the prison in Alexandria.¹¹² In 710/1310 Sultan al-Nāṣir captured Salār and his *mamlūks*,¹¹³ and in 712/1312 he arrested six amirs of a hundred, including three Manṣūrī amirs.¹¹⁴ Furthermore, just after the irrigation survey in 714/1314, he arrested those senior amirs, like ‘Alā’ al-Dīn Aydughdī Shuqayr and Bahādūr al-Mu‘izzī, who had been fostered by al-Manṣūr Lājīn.¹¹⁵

¹¹⁰Ibn al-Ṣuqā‘ī, *Tālī*, 57-58, 89-90; al-Maqrīzī, *al-Muqaffā*, 2:534-55.

¹¹¹Abū al-Fidā’, *al-Mukhtaṣar fī Akhbār al-Bashar* (Cairo, 1325), 4:58-59; al-Maqrīzī, *al-Sulūk*, 2:71-72, 77-78; Zetterstéen, *Mamlükensultane*, 145-150; P. M. Holt, *The Age of the Crusades: The Near East from the Eleventh Century to 1517* (London, 1986), 112-13; Irwin, *The Middle East in the Middle Ages*, 106-7; Amitai-Preiss, “The Remaking of the Military Elite,” 106-7.

¹¹²Al-Maqrīzī, *al-Sulūk*, 2:77-78.

¹¹³Ibid., 2:87; Abū al-Fidā’, *Mukhtaṣar*, 4:60.

¹¹⁴Amitai-Preiss, “The Remaking of the Military Elite,” 154-55.

¹¹⁵Zetterstéen, *Mamlükensultane*, 162; al-Maqrīzī, *al-Sulūk*, 2:144. As to the affiliation of these amirs, see al-Maqrīzī, *al-Muqaffā*, 2:342-43, 501; see also Amitai-Preiss, “The Remaking of the Military Elite,” 149.



The next step was the execution of the cadastral survey, in order to decrease the *iqṭāʿ* revenue of those amirs left over from the reigns of the previous sultans.¹¹⁶ When al-Nāṣir resolved to establish a regime based on his own *mamlūks*, it was probably deemed proper that the *rawk* supervisors be chosen not from the Manṣūrī *mamlūk* amirs, but from his own confidants, including the Nāṣirī *mamlūk* amirs. After the cadastral survey, al-Nāṣir granted new *iqṭāʿ*'s to the amirs, his own *mamlūks* and the *ḥalqah* cavalrymen, and ordered that the land the Manṣūrī amirs had purchased in Giza be integrated into the sultan's domain. Furthermore he declared that anyone who returned his authorization (*mithāl*) of *iqṭāʿ* or complained of the survey results would be beaten and imprisoned after his *iqṭāʿ*'s were confiscated.¹¹⁷ This shows that al-Nāṣir evidently carried out the cadastral survey in order to implement his resolution to eliminate the senior non-Nāṣirī amirs.

¹¹⁶On the causes and objectives of the Nāṣirī *rawk*, see Sato, *State and Rural Society*, 145-52.

¹¹⁷Al-Maqrīzī, *al-Sulūk*, 2:156. On the results of the Nāṣirī *rawk*, see Levanoni, *A Turning Point*, 53-54; Sato, *State and Rural Society*, 152-61.



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Documents Related to the Estates of a Merchant and His Wife in Late Fourteenth Century Jerusalem

INTRODUCTION

The majority of the Ḥaram documents¹ are related in some way to the settlement of the estates of persons who died in Jerusalem during the last decade of the fourteenth century. There are over four hundred estate inventories alone, by which we mean lists of the assets and liabilities of dead or dying persons compiled under the supervision of the Shāfi'ī or Ḥanafī courts, often with the participation of officials of the Public Treasury and the Bureau of Escheat Estates as well as representatives of the Viceroy of Jerusalem. These inventories have been studied in detail, by no means exhaustive, for the purposes of social history by Huda Lutfi in her *Al-Quds al-Mamlūkiyya: A History of Mamlūk Jerusalem Based on the Ḥaram Documents*.² In this article I shall study one such inventory in conjunction with other types of court and notarial records from the Ḥaram collection which bear on settlement of the estate in question. While my main purpose will be to elucidate the general process of settling estates in Mamluk Jerusalem through the study of documents, several subsidiary goals will be served. Since so few court and notarial records have survived from the Muslim Middle Ages, those that have are of capital importance *qua* documents from several points of view: language and palaeography, for example, and notarial style. They are also significant, of course, as records of legal transactions and court procedures under Mamluk rule. All these points will be addressed in my commentary and analysis.

The four documents here in question—an estate inventory, a record of sale of objects from the estate, an attestation regarding the disposition of the estates, and a certification of the attestation—are all related to the estates of a merchant and

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¹The Ḥaram documents consist of approximately nine hundred documents discovered in 1974-1976 in Jerusalem at the Islamic Museum located at al-Ḥaram al-Sharīf. See Linda S. Northrup and Amal A. Abul-Hajj, "A Collection of Medieval Arabic Documents in the Islamic Museum at the Ḥaram al-Sharīf," *Arabica* 25 (1979): 282-91; Donald P. Little, "The Significance of the Ḥaram Documents for the Study of Medieval Islamic History," *Der Islam* 57 (1980): 189-217, reprinted in idem, *History and Historiography of the Mamlūks* (London, 1986); and idem, *A Catalogue of the Islamic Documents from al-Ḥaram aš-Šarīf in Jerusalem* (Beirut, 1984).

²(Berlin, 1985).



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his wife, both from Baalbek, who had possessions there as well as in Bekaa, Damascus, and Jerusalem. It is only because this merchant happened to die in Jerusalem that we have any knowledge of his or his wife's affairs, for the local Shāfi'ī Court, some of whose records have fortuitously survived for five hundred years, became involved in the settlement of their estates. I have chosen this particular case for study mainly because it is an extremely complicated one for which, exceptionally, several documents have survived and thus illustrates the intricacies and efficiency of the legal system in the Mamluk empire, even though, as will be seen, the surviving records are incomplete. But there is another reason for my choice. Three of the documents contain notations of numbers written in the Mamluk version of the *siyāqah* script, which I have gradually learned to read after much trial and, alas, continuing error. Though the *siyāqah* or *siyāqat*, as used by the Ottomans, is well known,³ its use by Mamluk notaries and chancery scribes has come to light only recently.⁴ Pending the publication of a fuller study of the Mamluk *siyāqah*, I would like to share with other scholars what I have learned so far.

Before we plunge into the details of this specific case, it should be helpful to review what is already known about the process of settling estates in Mamluk Jerusalem, drawing on Lutfi's work and my own. Basically, individuals had three options for arranging the disposition of their estates: wills, estate inventories, or a combination of the two. At an appropriate time a person, whether Muslim or *dhimmī*,⁵ could voluntarily draw up a will, in which he or she appointed an executor of the estate and designated bequests, not to exceed a third of the estate (in the case of Muslims), to persons, or charities, other than their legal heirs. Moreover, the testator could include in the will an enumeration of assets and liabilities, a declaration of legal heirs, and special instructions, regarding the funeral, for example, or for the performance of memorial prayers or proxy-pilgrimage.⁶ Wills were drawn up in the form of notarized documents and could be certified by a court.⁷ After the testator's death the executor proceeded to distribute

³See Lajos Fekete, *Die Siyāqat-Schrift in der türkischen Finanzverwaltung*, vol. 1: *Einleitung, Textproben* (Budapest, 1955), 13-33.

⁴See Felicitas Jaritz, "Auszüge aus der Stiftungsurkunde des Sultan Barqūq," in *Madrasa, Hānqāh und Mausoleum des Barqūq in Kairo*, ed. Saleh Mostafa, *Abhandlungen des Deutschen Archäologischen Instituts Kairo, Islamische Reihe*, vol. 4 (Glückstadt, 1982), 118, 168-69.

⁵See Donald P. Little, "Haram Documents Related to the Jews of Late Fourteenth Century Jerusalem," *Journal of Semitic Studies* 30 (1985): 255-56.

⁶For information on Haram wills see Little, *Catalogue*, 311-17, and Lutfi, *al-Quds*, 30-31. For samples, see Lutfi, *al-Quds*, 61-63 (no. 849), and K. J. Asali, *Wathā'iq Maqdisiyyah Ta'rīkhīyah ma'a Muqaddimah ḥawla Ba'ḍ al-Maṣādir al-Awwaliyyah* (Amman, 1983), 1:272-73 (no. 501).

⁷Haram no. 55 is an example; *Catalogue*, 313.



the estate in accordance with the will.⁸ If a person did not choose to make a will, and sometimes even when he or she did, the odds were strong that the state would intervene in the disposition of the estate, either before or after the person's death. As is well known, medieval Muslim states in Egypt and Syria maintained a special institution known as *Dīwān al-Mawārīth al-Ḥashrīyah* (Bureau of Escheat Estates), whose purpose was to insure that the government would receive the residue of estates not exhausted by the claims of legal heirs.⁹ The Ḥaram documents afford ample evidence that this Bureau was operative in Mamluk Jerusalem and that its efforts were coordinated with the *Bayt al-Māl* (Public Treasury).¹⁰ Although we cannot yet be sure whether all residents of Jerusalem of a certain class were subject to an estate inventory conducted under the auspices of these institutions and the courts,¹¹ the survival of 423 inventories conducted in Jerusalem during the last decade of the fourteenth century indicates that many (including Christians and Jews), if not most, were. These inventories always included an enumeration of assets and liabilities and identification of the heirs, including the *Bayt al-Māl* if it was entitled to a share. In addition, if the person was still alive when the inventory was made, he or she could designate bequests or, more rarely, appoint an executor.¹² Instances of both dispositions are infrequent but suffice to demonstrate the similarity of estate inventories to wills. Nevertheless, the fact that many of the inventories

⁸Examples of Ḥaram documents that contain information on the actions of executors include no. 659, a will, with an attestation dated four months later, that the executor had received the proceeds from the estate (*Catalogue*, 315); nos. 102, 184, and 205, acknowledgments that women had received maintenance payments for themselves or their children from executors (*Catalogue*, 195, 199, 203; Huda Lutfi, "A Study of Six Fourteenth Century *Iqrārs* from al-Quds relating to Women," *Journal of the Economic and Social History of the Orient* 26 [1983]: 262-66, 269-73; and Huda Lutfi and Donald P. Little, "*Iqrārs* from al-Quds: Emendations," *JESHO* 28 [1985]: 326-27). See also Ḥaram nos. 500, 625, and 709 (*Catalogue*, 265, 269, and 307-08).

⁹See Hassanein Rabie, *The Financial System of Egypt A.H. 564-741/A.D. 1169-1341* (Oxford, 1972), 127-32; Michael W. Dols, *The Black Death in the Middle East* (Princeton, 1977), 175-81; and Little, "The Jews," 254.

¹⁰Lutfi, *al-Quds*, 179-83.

¹¹*Ibid.*, 18-22; Donald P. Little, "Relations between Jerusalem and Egypt during the Mamluk Period According to Literary and Documentary Sources," in *Egypt and Palestine: A Millennium of Association (868-1949)*, ed. Amnon Cohen and Gabriel Baer (Jerusalem and New York, 1984), 89-93, reprinted in Little, *History and Historiography*.

¹²Examples of bequests: no. 607, published by Lutfi, "A Documentary Source for the Study of Material Life: A Specimen of the Ḥaram Inventories from al-Quds in 1393 A.D.," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 135 (1985): 213-26; also nos. 121, 189, 242, 290, 338, 408, 541, 638, 711, and 715 (*Catalogue*, 71, 201, 89, 97, 99, 175, 215, 150, 239, 221). Executors: nos. 161, 709 (*Catalogue*, 81, 269). In addition, no. 725 (*Catalogue*, 156) cites a will that was prepared three to four months before the inventory was made.



were made for persons already dead, the frequent presence of military and civilian officials, and evidence from Ayyubid, Mamluk, and Ottoman literary and documentary sources, indicate that estate inventories, unlike wills, were not voluntary or, at least, not always so.¹³ In most cases we do not know how the estate was distributed after the inventory was made. Sometimes, when there was a possibility of dispute or settlement had to be delayed for some other reason—the absence of heirs from the locality, for example—the estates were kept under seal or in a court depository. Public sales of chattels were held when necessary to satisfy the claims of beneficiaries, be they Quranic heirs or the Public Treasury.¹⁴ From a few documents we learn that after burial expenses and debts had been settled, the residue of an estate was distributed by an executor if there was one, or by a court,¹⁵ as we shall see in the documents studied in this article. Curiously, the Ḥaram documents make only infrequent reference to the apportionment of estates according to the *sharī‘ah* formulae governing shares—the *farā’ id*.¹⁶ Nevertheless, the identification of heirs both in wills and in estate inventories and the presence of witnesses appointed by the courts certainly suggest that at some stage the precise share due to each heir would have to be reviewed. Be that as it may, the Ḥaram records do show that the courts continued to oversee the disposition of estates when disputes arose among beneficiaries.

¹³See Lutfi, *al-Quds*, 13-21. Personally, I find the Ottoman seventeenth century procedures suggestive of what may well have happened under the Mamluks:

“According to Ottoman *qānūn*, when anyone died the treasury had to be notified immediately. A representative of the treasury was sent to the home of the deceased to determine whether the state had any rights over the inheritance (as happened when the deceased left no heirs or if the shares of the heirs did not exhaust the property). The main function of the treasury representative at first was to check the legitimacy of heirs. . . .

“The treasury referred cases in which the state had rights to the *qassām* [apportioner of estates for division]. . . . A committee was then formed, under the supervision of the *qassām*, to survey the estate. The committee was made up of the legal heirs, the representative of the treasury when appropriate, ‘*udūl* from the court, and *ahl al-khibrah*, whose services were needed for the evaluation or sale of properties. . . .

“The committee began by making a survey of the decedent’s estate: personal belongings, commodities and equipment, urban properties, loans outstanding, animals, and slaves. . . .” (Galal H. El-Nahal, *The Judicial Administration of Ottoman Egypt in the Seventeenth Century* [Minneapolis and Chicago, 1979], 47-48). While there were obvious differences between Ottoman and what we believe to be Mamluk procedures, the similarities are striking.

¹⁴El-Nahal, *Judicial Administration*, 35, and our own document no. 591, below.

¹⁵E.g., no. 709 (*Catalogue*, 269).

¹⁶References to the fourth due to a widow and the third set aside for charity and Quran recitations occur in no. 355.



Against this sketchy background we shall now proceed to examine our specific case by transcribing, translating, and analyzing the documents.

I. Haram document no. 133. 27 x 18 cms. Paper.

Recto. An estate inventory, dated 10 Dhū al-Qa'dah 793/9 October 1391, signed by a judge and containing his judgement, written in the right-hand margin, that the document and its contents are to be certified. See figure 1, p. 181.

*Arabic Transcription*¹⁷

١. بسم الله الرحمن الرحيم وبه توفيقي الحمد لله وأسأله التوفيق
٢. بتاريخ عاشر القعدة الحرام سنة ثلاثة وتسعين وسبعمئة حصل الوقوف على رجل ضعيف يسمى شمس الدين محمد بن شمس الدين محمد البعلبكي
٣. الشهير بابن جمال بدار يعرف بعبد الرحمن العتال بحارة المغاربة بالقدس الشريف والذين ذكر انهم يستحقون ارثه شرعا
٤. زوجه الملك بنت حسن بن علي البعلبكية الحاضرة معه وشقيقاه حسين وستيته واخوه لامه احمد واخته لامه التي
٥. ولدا محمد العجمي الغا[يب]ون بمدينة بعلبك والذي وجد بالببيت المذكور ضمن كيس اخضر فضة معاملة وضمن كيس ثان حرير [٧٧٨ درهما]¹⁸
٦. ذهب افلوري ضمن ورقة عدة وفضة معاملة وبنديقية درهم واحد ضمن [١٦] [٣٤٧ درهما وربع درهم]
- ورقة وضمن كيس ثالث ابيض قطن ذهب
٧. افلوري ضمن ورقة عدة وبنديقية ضمن ورقة وفضة معاملة وفضة بيد [٧] [٧ دراهم] [الف]¹⁹
- زوجته المذكورة فيه برسم النفقة [٩١ درهما]
٨. وذلك بجملته (?) ذكرت زوجته انه كان مودعا عند شمس الدين الزرعي

¹⁷Transcriptions generally follow the orthography of the documents with the addition of missing dots and occasional *hamzahs*.

¹⁸See for a full explanation of the interlinear numbers the list of numerical notations in appendix B, at the end of the article. In the Arabic transcription of the documents the interlinear numerical abbreviations (*siyāqah*) have been transcribed as numbers and are put between square brackets. This has been done for reasons of typography only.

¹⁹Or: ألفا درهم. Our scribe has written an abbreviation resembling either of these words: or



- التاجر بالقدس الشريف واحضره اليها (؟) تاريخه والذي
 ٩. وجد عليه ثياب بدنه قميص ابيض كتان وعمامة قطن وقبع وملوطة
 طرح وحنين طرح وميسر (؟) بحيده صوف
 ١٠. ازرق على فرو روس وضمن خرقة قطن بيضا عتيقة قميص ابيض كتان
 وعمامة صغيرة وشاش قطن وحنده طرح
 ١١. وملوطة طرح وملوطة ثانية طرح وعرقية راس (؟) بيضا وذلك كله في
 تسليم زوجته المذكورة ضبطه شهوده وتسلمته (؟) بحضرتهم
 ١٢. وله ايضا عند شهاب الدين احمد بن سناجق التاجر بالقدس الشريف من
 الدراهم الفضة الجيدة ثلاثة الاف درهم ودعها في مضانه
 ١٣. بمقتضى مسطور شرعي بشهادة كاتبه وشهاده الشيخ شهاب الدين احمد
 بن علم الدين سليمان المالكي وضبط ذلك حسب الاذن الكريم
 ١٤. سيدنا ومولانا العبد الفقير الى الله تعالى قاضي المسلمين الشرفي
 الانصاري الشافعي الحاكم بالقدس الشريف واعمالها
 ١٥. وسيخ الشيوخ وناظر الاوقاف المبرورات ادام الله تعالى تاييده واجزل
 من فضله مزيده وذلك في تاريخه اعلاه

[a]

١٦. وقفت
 ١٧. [على] المذكور وشهدت عليه بوراثه
 ١٨. وعلى زوجته بتسليم الاعيان تم
 ١٩. كتبه عبد الرحمن الشافعي
 ٢٠. شهد عندي

[b]

١٦. وقفت على المذكور اعلاه
 ١٧. شهدت عليه بوراثه وعلى زوجته بتسليم
 ١٨. الاعيان المذكوره فيه وعلى شهاب الدين
 ١٩. ابن سناجق بما عينه كتبه
 ٢٠. عبد الرحمن النقيب الحنفي
 ٢١. شهد عندي

[c]

١٦. وقفت
 ١٧. على المذكور وشهدت
 ١٨. عليه وعلى زوجته
 ١٨. بما نسب اليهما فيه (؟)



١٩. في تاريخه كتبه عبد الله بن محمد بن حامد تم
 ٢٠. شهد عندي
 [d]
 ١٦. وقفت على المذكور وشهدت عليه
 ١٧. بوراثه وعلى زوجته
 ١٨. بتسليم الاعيان المذكورة
 ١٨. في تاريخه كتبه احمد بن النقيب الحنفي

In the right margin of lines 2-14 is written:

ليشهد بثبوت ما قامت به البينة من اقرار شرعي فيه من العدة وبالله
 المستعان
 نسختان

Translation

1. In the name of God, the Compassionate, the Merciful, in Whom is my success. Praise be to God, I ask Him for success.
2. On the tenth of the sacred [Dhū] al-Qa'dah 793 [9 October 1391], viewing [the estate of] a weak man named Shams al-Dīn Muḥammad al-Ba'labakkī,
3. known as Ibn Jamāl, took place in a house known as 'Abd al-Raḥmān al-'Attāl's, in the Maghribī Quarter of Jerusalem the Noble. He mentioned that those legally entitled to his inheritance
4. are his wife, Ālmalik bint Ḥasan ibn 'Alī al-Ba'labakkīyah, present with him; his two full siblings, Ḥusayn and Sutaytah; and his brother and sister by his mother, Aḥmad and Altī,
5. the two children of Muḥammad al-'Ajamī, absent in Baalbek. That which was found in the aforementioned apartment is [as follows]: the contents of a green sack: silver in current use; the contents of a second, silk sack:
 [778 dirhams]
6. Florentine gold in a piece of paper, numbering, silver in current use, and
 [16 coins] [347 1/4 dirhams]
 one Venetian dirham in a piece of paper; the contents of a third, white cotton sack: gold,
7. Florentine, inside a piece of paper, numbering, Venetian [dirhams?] inside
 [7 coins]
 a piece of paper, and silver in current use; and silver in the possession of
 [7 dirhams] [2000 (?) dirhams]
 his aforementioned wife for the purpose of maintenance: [91 dirhams].



8. All of that, she mentioned, had been deposited with Shams al-Dīn al-Zura‘ī, the merchant in Jerusalem the Noble, and he brought it to her (?) on the date of the inventory. That which
9. was found on him (Shams al-Dīn al-Ba‘labakkī) were the clothes of his body: a white linen shirt, a cotton turban, a skull cap, a *ṭarḥ* cloak, a *ṭarḥ ḥanīn*, a ميسر with a blue wool حیده
10. on a Russian fur; inside an old piece of white cotton there was a white linen shirt, a small turban; a cotton turban wrapping, a *ṭarḥ* حنده
11. a *ṭarḥ* cloak, another *ṭarḥ* cloak, and a white head(?) cap. All of that was placed in the safekeeping (?) of his aforementioned wife. It was enumerated by the witnesses, and she received (?) it in their presence.
12. Also, he has with Shihāb al-Dīn Aḥmad ibn Sanājiq, the merchant in Jerusalem the Noble, of good silver *dirhams*, 3000, which he deposited in their usual places,
13. in accordance with a legal document witnessed by its clerk and al-Shaykh Shihāb al-Dīn Aḥmad ibn ‘Alam al-Dīn Sulaymān al-Mālikī. That inventory was made with the generous permission of
14. Our Lord and Master, the Servant Needy of God the Exalted, Qādī of the Muslims, Sharaf al-Dīn al-Anṣārī al-Shāfi‘ī, Magistrate in Jerusalem the Noble and its districts,
15. Chief Shaykh, and Supervisor of the Blessed Pious Endowments, may God the Exalted perpetuate his support and reward his increase generously from His bounty. That was done on the date mentioned above.

[a]

16. I viewed
17. the aforementioned person and acted as witness to him regarding his heirs
18. and to his wife regarding delivery of the enumerated items. The end.
19. Written by ‘Abd al-Raḥmān al-Shāfi‘ī.
20. He testified before me.

[b]

16. I viewed the person mentioned above
17. and acted as witness to him regarding his heirs and to his wife regarding delivery
18. of the items mentioned therein and to Shihāb al-Dīn
19. ibn Sanājiq regarding his deposition. Written by
20. ‘Abd al-Raḥmān al-Naqīb al-Ḥanafī.
21. He testified before me.



[c]

16. I viewed
17. the aforementioned person and acted as witness
18. to him and to his wife
- 18a. regarding what is attributed to them therein
19. on the document's date. Written by 'Abd Allāh ibn Muḥammad ibn Ḥāmid.
The end.
20. He testified before me.

[d]

16. I viewed the person mentioned above and acted as witness to him
17. regarding his heirs and to his wife regarding
18. delivery of the aforementioned items
- 18a. on the document's date. Written by Aḥmad ibn al-Naqīb al-Ḥanafī.

Right hand margin:

Let there be witnesses to the certification of the evidence established regarding a legal acknowledgment in it by a veracious person. God is the One Whose help is to be sought.

Two copies

Commentary

This estate inventory conforms to one of the five Ḥaram formats for this type of document, the one used most frequently in fact.²⁰ Its distinguishing characteristic is the use, after the date, of the opening phrase, *ḥaṣala al-wuqūf 'alā rajul/imra'ah* (viewing of the estate of so-and-so took place).²¹ Like the other types of inventories, this one includes the name and physical condition of the person in question; the place where the inventory was made; identification of the legal heirs, their relationship to the person, and their whereabouts; a list of assets and liabilities, including deposits; the name of the official who authorized the inventory; and the witnessing clauses of the witnesses. Although our document does conform to a standard Ḥaram format, it is unusual, being one of the three that were viewed and approved for certification by a judge. In two instances (no. 133, no. 707), the judge signed the document with his motto and added his judgement for its certification by

²⁰Of 423 inventories, 322 are written in this format. *Catalogue*, 63.

²¹Specimens of this type of document have been published by Lutfi, *al-Quds*, 37-38 (no. 82); Asali, *Wathā'iq*, 2:262-69 (nos. 163, 372, 395); Muḥammad 'Īsā Ṣāliḥīyah, "Min Wathā'iq al-Ḥaram al-Qudsī al-Sharīf al-Mamlūkīyah," *Hawliyat Kulliyat al-Ādāb, Jāmi'at al-Kuwayt*, no. 6 (1405/1985), 84-91 (no. 163); and Little, "The Jews," 232-40 (no. 554).



witnesses.²² In the third (no. 715) the judge did not sign but certified the transaction anyway, on verso.²³ Curiously, our document no. 133 is apparently incomplete. Normally, as we shall see when we examine no. 355, once a judge had endorsed a document with his motto and called for its certification, a consequential document of certification was written on verso, as is indeed the case with the second such inventory, no. 707.²⁴ Unless, then, the verso of no. 133 has not been photographed (and I do not believe this to be the case), the process of certification was not completed for some unknown reason. Also unknown is why only three of 423 estate inventories should have been singled out for judicial certification.

Contrary to what I have written elsewhere,²⁵ references to estate inventories can be found in some of the manuals of the Mamluk period, i.e., handbooks of judicial formularies drawn up for the benefit of notaries and judges. Since one of the aims of studying the Ḥaram documents is to determine the degree of conformity of judicial theory with practice, it will be useful to review what two Mamluk *shurūt* manuals record about inventories.²⁶ Only one of these has been published in full: *Jawāhir al-'Uqūd wa-Mu'īn al-Quḍāh wa-al-Muwaqqi'īn wa-al-Shuhūd* (The Nature of Contracts and the Aid of Judges, Notaries, and Witnesses) by Shams al-Dīn Muḥammad ibn Aḥmad al-Minhājī al-Asyūṭī.²⁷ An Egyptian Shāfi'ī *faqīh* who served a Mamluk amir as notary, al-Asyūṭī completed his manual of legal principles and models to be used in drafting documents in 865/1461.²⁸ His references to estate inventories come at the end of his chapter on wills, "Kitāb al-Waṣāyā," where he discusses the procedures that should be followed after the death of the testator and the executor has assumed responsibility for the estate. Once a judge has, if necessary, probated the will (*wa-thabata 'alā al-ḥākim al-sharī'ah al-muṭaḥharah mā yu'tabaru thubūtuhi fīhā bi-al-ṭarīq al-sharī'*) and "there is need to sequester the estate"²⁹ in the presence of the witnesses to the will,

²²Two other inventories were drawn up in a court, before a judge, but were not certified: nos. 500 and 698 (*Catalogue*, 265, 269).

²³*Ibid.*, 221.

²⁴*Ibid.*, 238.

²⁵Little, "Significance," 202; *Catalogue*, 59. Cf. Lutfi, *al-Quds*, 67.

²⁶Two other Mamluk manuals, which will be cited below, do not mention estate inventories.

²⁷Ed. Muḥammad Ḥāmid al-Fiqī, 2 vols. (Cairo, 1375/1955).

²⁸*Ibid.*, vol. 1, plate 2 and p. *nūn*.

²⁹According to *shurūt* formularies for wills, the executor was enjoined to sequester an estate upon the death of the testator so that the proceeds could be used to pay funeral expenses, outstanding debts, legacies, and claims of legal heirs. *Ibid.*, 1:464; Shihāb al-Dīn Aḥmad ibn 'Abd al-Wahhāb al-Nuwayrī, *Nihāyat al-Arab fī Funūn al-Adab*, vol. 9 (Cairo, 1351/1933), 105; and Muḥammad ibn 'Alī al-Jarawānī, "al-Kawkab al-Mushriq fīmā Yaḥtāju ilayhi al-Muwaththiq," Cairo, Dār al-Kutub, MS Fiqh Shāfi'ī 892, p. 58.



or others, "pending its settlement, a list is to be drawn up of the effects left by the deceased and surveyed by witnesses."³⁰ Here the implication seems to be that estate inventories, for al-Asyūṭī, were necessary only when a will existed. Not surprisingly, given the inherent rigidity of formularies, the list should follow a prescribed order, beginning with coinage, identified by type, weight, and number; cloth goods (*qumāsh*), by type and attributes; books, by title and number of parts; weapons; real estate; and instruments of debt. According to al-Asyūṭī, the list, signed by witnesses to the inventory and containing the names and relationships of the heirs, should be kept under lock or seal until such time as the goods were sold or distributed.³¹

The second, unpublished, *shurūt* manual, "al-Kawkab al-Mushriq fīmā Yaḥtāju ilayhi al-Muwaththiq" (The Resplendent Star for the Needs of the Notary),³² was also compiled by a Shāfi'ī scholar, Muḥammad ibn 'Alī al-Jarawānī, who, according to Carl Brockelmann, flourished around 788/1386.³³ Al-Jarawānī's references to estate inventories are also subsidiary to a discussion of other matters; they form one of six sections in a chapter on miscellaneous "Matters from Which a Notary Might Benefit." However, unlike al-Asyūṭī, al-Jarawānī did not confine the use of inventories to estates for which there was a will and an executor. On the contrary, he placed his discussion in the context of sales of estates which might be initiated by one of several persons, including "a judge, the director of the public treasury (*wakīl bayt al-māl*), the trustee of orphans (*amīn al-ḥukm*), or the certified executor of the will (*waṣī thābit al-īṣā*)."³⁴ Obviously, then, in al-Jarawānī's view an estate was subject to inventory if a public official—each of whom figures in the Ḥaram inventories—or a legally certified executor decided that the estate, or parts of it, should be sold. Such a view, as opposed to al-Asyūṭī's, is somewhat closer to our own characterization of the nature and purpose of the Ḥaram estate inventories insofar as the claims of the Public Treasury are concerned. Nevertheless, the format outlined by al-Jarawānī is very similar to al-Asyūṭī's: "The inventory of the possessions left behind by the deceased (*dabṭ al-mawjūd al-mukhallaf 'an al-mayyit*) will not omit coinage, cloth goods, or anything else, so that everything is enumerated in witnessed documents" (*awraq mashhūd fihā*).³⁵ In addition to the list of possessions, the document contains identification of the heirs, the names of the witnesses (the executor or other persons), and the place and date of the

³⁰ Al-Asyūṭī, *Jawāhir*, 1:464.

³¹ Ibid., 465.

³² See note 29 above.

³³ *Geschichte der arabischen Litteratur* (Leiden, 1936-42), S2:271.

³⁴ Al-Jarawānī, "al-Kawkab," 151.

³⁵ Ibid., 152.



inventory. That the inventory was not regarded as an independent document but was drafted as a preliminary record prior to a public sale al-Jarawānī makes clear when he stipulates that each item is to be listed in a specified order "so that there will be no confusion at the time of viewing [the goods] at the sale."³⁶ Furthermore, as will be seen in our discussion of document no. 591 below, both al-Asyūṭī and al-Jarawānī considered estate inventories to be closely related to another type of document, i.e., records of public sales.

A glance at the text of no. 133 and of other published Ḥaram estate inventories shows that they contain all the elements described by the two *shurūṭ* authors, though there are often deviations from the prescribed order of lists. In my view the most persuasive indication that the inventories described by al-Asyūṭī are equivalent in form to those drawn up by the Ḥaram clerks comes in a clause he recommends for inclusion in the document: *wa-ḥuḍūr man sayada'u khaṭṭahu bi-zāhirihi min al-'udūl al-mandūbīn bi-dhālika min majlis al-ḥukm al-'azīz al-fulānī fī ta'rīkh kadhā . . .* (in the presence of those witnesses who will place their signatures on verso, delegated by such-and-such court on such-and-such date . . .).³⁷ Except for the substitution, usually, of *shuhūd* for *'udūl*, and *ākhirīhi* for *zāhirihi*, the same, or a similar, clause appears on dozens of Ḥaram inventories, though not, unfortunately for our purposes, on no. 133.³⁸ Thus I would argue that despite deviations from the exact purposes and formats described by the two Mamluk *shurūṭīs*, the Mamluk notaries and clerks of late fourteenth century Jerusalem were clearly not working in a vacuum but were conforming to and adapting practices recommended by jurists. Conversely, one might argue with equal cogency that some of the *shurūṭ* scholars were describing and prescribing practices already in effect to varying degrees in such provincial sections of the Mamluk empire as Jerusalem.

1. *bismillāh* . . . The practice of opening legal documents with pious phrases is commended in Mamluk *shurūṭ* manuals.³⁹ The same practice was followed in Mamluk chancery documents for what Hans Ernst calls the "Eingangsprotokol."⁴⁰

³⁶Ibid.

³⁷Al-Asyūṭī, *Jawāhir*, 1:464.

³⁸See, e.g., no. 376: "*wa-dhālika bi-ḥuḍūr . . . man yaḍa'u khaṭṭahu ākhirahu min al-'udūl al-mandūbīn min majlis al-ḥukm al-'azīz al-Shāfi'ī bi-al-Quds al-Sharīf . . . fī ta'rīkhīh*," Asali, *Wathā'iq*, 1:266; see also *ibid.*, 264, and 2:35, 39, 44.

³⁹Al-Asyūṭī, *Jawāhir*, 1:25; al-Nuwayrī, *Nihāyah*, 9:7.

⁴⁰*Die mamlukischen Sultansurkunden des Sinai-Klosters* (Wiesbaden, 1960), xxv-xxvi; but cf. S. M. Stern, "Petitions from the Mamlūk Period," *Bulletin of the School of Oriental and African*



al-ḥamd lillāh wa-as‘aluhu al-tawfīq. This is the ‘*alāmah* (motto) used in lieu of a signature by the officiating judge who reviewed the transactions described in the document as well as the document itself.⁴¹ It was obviously written by a different hand and pen from those used in the text of the document.⁴² This particular ‘*alāmah* was used by al-Qādī Sharaf al-Dīn ‘Īsā al-Shāfi‘ī,⁴³ about whom more below. As we have already noted, this estate inventory is exceptional for the very reason that a judge has signed it, signifying here that the document should be certified, as per his judgement (*tawqī‘*) written in the right-hand margin (also with a thick pen) and his endorsement of the witnessing clauses at the end of the document. Because, however, the process of certification was apparently aborted for this document, we shall defer discussion of certification until we analyze no. 355 recto and verso below, wherein the process ran full course.

2. *bi-ta’rīkh* . . . This, of course, is the date of the inventory. Unfortunately, we do not know precisely when the person died. Obviously this occurred on or after the date of the inventory, when he was deemed to be *da‘if*, literally “weak,” and before the sale of goods from his estate, which took place on 23 Rabī‘ II 794/17 March 1392, a period of five months.⁴⁴
ḥaṣala al-wuqūf ‘alā . . . ; *wa-alladhīna dhakara annahum yastahiqqūna irthahu shar‘an* (line 3); *wa-alladhī wujida bi-al-bayt* (line 5); *wa-ḍubiṭa dhālika ḥasaba al-idhn al-karīm* (line 13); *wa-dhālika fī ta’rīkhihi a‘lāhu* (line 15) are all stock phrases and clauses used routinely in estate inventories.⁴⁵

Studies 29 (1966): 246, and Geoffrey A. Khan, “A Copy of a Decree from the Archives of the Fāṭimid Chancery in Egypt,” *BSOAS* 49 (1986): 448.

⁴¹For the use of ‘*alāmahs* by judges of late Mamluk and early Ottoman Egypt, see Rudolf Vesely, “Die richterlichen Beglaubigungsmittel: Ein Beitrag zur Diplomatie arabischer Gerichtsurkunden,” *Orientalia Pragensia* 8 (1971): 12-18.

⁴²With what al-Asyūṭī calls “a thick pen” (*al-qalam al-ghalīz*) (*Jawāhir*, 2:370).

⁴³The same ‘*alāmah* appears on no. 649, published in my “Two Fourteenth Century Court Records from Jerusalem Concerning the Disposition of Slaves by Minors,” *Arabica* 29 (1982): 17-28, reprinted in Little, *History and Historiography*. The same document has been published by Asali, *Wathā’iq*, 2:25-27. See also the marriage contract reproduced in *Catalogue*, plate 11. Since the Ḥaram documents originated in the court of this judge, his ‘*alāmah* appears on several other—as yet unpublished—documents.

⁴⁴Document no. 591, presented below, is a record of that sale.

⁴⁵Cf. Little, “The Jews,” 236.



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3. *Ibn Jamāl* not *Ibn Kamāl*.⁴⁶ The correct reading is derived from no. 355, line 6, and no. 591, line 3, below. He is further identified as a merchant in the former document.

Ḥārat al-Maghāribah is the famous quarter of Jerusalem adjacent to the Wailing Wall of the Ḥaram, settled since the late twelfth century by immigrants from the Maghrib.⁴⁷

- 3-5. *alladhīna . . . yastahiqqūna . . .* is a clause used to specify the heirs to an estate in accordance with Islamic law. Without going into detail, suffice it to say that Ālmalik was a primary Quranic heir, one of the *ahl al-farā'id*, as wife to Shams al-Dīn. Since he had no descendants, she was entitled to one-quarter of his estate. The uterine brother and sister, as secondary Quranic heirs, would share equally one-third of the estate. The full brother as a secondary male agnate, would inherit as a residuary.⁴⁸ In this respect it is interesting that this list of legal heirs differs somewhat from that in no. 355 recto, line 8, where Sutaytah is identified not as a full sibling but only as a half sister to Shams al-Dīn and, like Aḥmad and Altī, one of the children by their mother and Muḥammad al-ʿAjamī. This shows how easy it was, and is, for error to creep into legal documents, even certified documents.
5. *al-ghā'ibūn . . .* would probably read *al-ghā'ibīn* if we could restore the missing letters, since this is the form it takes in other Ḥaram documents. Be that as it may, the presence or absence of heirs is usually specified in estate inventories, presumably because this factor would affect the ease with which the estate could be settled and the possibility of intervention by the Bureau of Escheat Estates.⁴⁹ In reference to the Ayyubid period S. D. Goitein makes the following point:

. . . a person whose family was not with him at the time of his demise had to face the dire prospect that his property would be confiscated—a case particularly frequent in Jerusalem where old people used to spend the end of their days in devotion, far away from their families.⁵⁰

wa-alladhī wujida . . . It is noteworthy that the list of Shams al-Dīn's possessions follows the order recommended by al-Asyūṭī and al-Jarawānī

⁴⁶*Catalogue*, 75.

⁴⁷See Little, "The Jews," 250-51, and Lutfi, *al-Quds*, 246-47.

⁴⁸See N. J. Coulson, *Succession in the Muslim Family* (Cambridge, 1971), 41, 67.

⁴⁹See Little, "Relations," 90; Lutfi, *al-Quds*, 26; S. D. Goitein, *A Mediterranean Society*, vol. 3, *The Family* (Berkeley, 1978), 277-78.



(coins followed by fabrics), though a cash deposit is added in the end.⁵¹ *al-bayt*. Previously, in line 3, the inventory was said to have been conducted in a *dār*. In Ḥaram usage a *bayt* is normally one of the living units comprising a *dār*.

fiḍḍah mu'āmalah is often accompanied in the Ḥaram documents by the name of the mint. Here the term obviously means coinage which was negotiable in Jerusalem at the time and may have included coins from several mints.

sab' mi'ah. Although we shall defer discussion of the *siyāqah* numbers until the commentaries on nos. 355 and 591, here it may be noted that the *siyāqah* figures are usually placed under the objects numbered. But in line 7, the money held by Ālmalik for maintenance is incorporated, in *siyāqah*, into the text, while in line 12, three thousand *dirhams* is spelled out in normal script in the text. In other words, the scribe had considerable latitude in treating numbers in the text of a document.

6. *dhahab iflūrī* refers to florins, to be discussed in relation to Mamluk exchange rates in no. 355 recto, line 5, below.

bunduqīyah. Although this term sometimes denotes the Venetian ducat,⁵² here it clearly means the Venetian silver *dirham*, known to have been in circulation in Mamluk territory.⁵³

7. *nafaqah*. Presumably the amount legally due to the wife from the husband as support for food and shelter for a set period of time. The *shurūt* manuals often contain a chapter on documents which spell out such arrangements.⁵⁴ Many Ḥaram documents relate to *nafaqah*, particularly that due to minors after their father's death.⁵⁵

8. *mūda'an* . . . The depositing of goods or cash for safekeeping with another person was a practice sanctioned by Islamic law. Often a document was drawn up to record this transaction, as, indeed, was the case with another deposit made by Shams al-Dīn to one Ibn Sanājiq (line 13).⁵⁶ Perhaps the

⁵⁰Goitein, *A Mediterranean Society*, vol. 1, *Economic Foundations*, 63.

⁵¹See pp. 103-4, above.

⁵²William Popper, *Egypt and Syria under the Circassian Sultans, 1382-1468 A.D.: Systematic Notes*, part 2 (Berkeley, 1957), 46.

⁵³Jere L. Bacharach, "A Study of the Correlation between Textual Sources and Numismatic Evidence for Mamluk Egypt and Syria, A.H. 748-872/A.D. 1382-1468" (Ph.D. diss., University of Michigan, 1967), 229, 375.

⁵⁴E.g., al-Asyūfī, *Jawāhir*, 2:210-48; al-Jarawānī, "al-Kawkab," 87-89; al-Nuwayrī, *Nihāyah*, 9:125-26. Cf. John L. Esposito, *Women in Muslim Family Law* (Syracuse, 1982), 26-27.

⁵⁵See Lutfī, "Iqrār," 258-69; Lutfī and Little, "Emendations," 326-28.

⁵⁶Al-Asyūfī, *Jawāhir*, 1:473-74; al-Jarawānī, "al-Kawkab," 60-61. For a specimen of a Ḥaram



absence of such a document explains why al-Zura'ī brought the deposits to the house before the death of Shams al-Dīn al-Ba'labakkī.

Shams al-Dīn al-Zura'ī al-Tājir is probably the same merchant referred to as Shams al-Dīn Muḥammad ibn Shihāb al-Dīn Aḥmad al-Zura'ī al-Tājir bi-al-Quds al-Sharīf in two other Ḥaram documents, nos. 17 and 70, both dated 4 Shawwāl 795/13 August 1393.⁵⁷ In these he also figures as the holder of a deposit of a person who died in Jerusalem. These two documents are also interesting in that they both record the same transaction, each being drafted and written by a different witness.

9. *malūṭah* is defined by L. A. Mayer as an "ordinary cloak" or an "upper coat with a collar."⁵⁸

tarḥ is a type of cloth, frequently associated with cotton or linen.⁵⁹

ḥanīn. Dozy says that a *ḥanīnī* "semble être le nom d'un vêtement"!⁶⁰ In the Ḥaram documents *ḥanīn* is often associated with wool or linen.

- 9-10. حنيد also written as in no. 591, line 29 below, حندا, sometimes in combination with *ḥizām* (waistband, girdle).

11. *fī taslīm* . . . Occasionally the contents of an estate were turned over to an individual or individuals before the estate was settled but after the inventory had been conducted. In no. 524, for example, the goods of a weak woman were in the *taslīm* and *ḥifẓ* of one Ḥājj Mūsá, where *ḥifẓ* would seem to imply safekeeping.⁶¹ But in no. 154 the goods of a dead woman were turned over to two of the heirs.⁶² Whether these goods were being held in safekeeping before the final settlement of the estate is not clear. See also documents nos. 173 and 635.⁶³

12. *fī maḍānnihi* should probably be read *fī maẓānnihi*, meaning the places where one would expect to find such things. This confusion of *ḍ* and *ẓ* is a rare example of phonological confusion in the Ḥaram documents.⁶⁴

13. *maṣṭūr* is one of several general terms used for a legal document. *Ḥujjah*, as we shall see in no. 355, is another term frequently encountered in

wadī'ah, no. 487, see *Catalogue*, 322.

⁵⁷*Catalogue*, 226, 230.

⁵⁸*Mamluk Costume: A Survey* (Geneva, 1952), 24; cf. R. Dozy, *Dictionnaire détaillé des noms des vêtements chez les arabes* (Amsterdam, 1845), 412-13.

⁵⁹See Little, "The Jews," 236.

⁶⁰*Supplément aux dictionnaires arabes* (Leiden, 1881), 2:230.

⁶¹*Catalogue*, 136.

⁶²*Ibid.*, 179.

⁶³*Ibid.*, 85, 149.

⁶⁴See Little, "Court Records," 44.



Ḥaram documents, as is *maktūb*.⁶⁵ This particular *maṣṭūr* would have contained a *wadī‘ah*, a document of deposit.

al-Shaykh Shihāb al-Dīn . . . al-Mālikī may be al-Mawlā al-Shaykh Shihāb al-Dīn al-Mālikī, apparently a court clerk who endorsed the *tawqī‘* written on no. 279.⁶⁶

14. *Qāḍī al-Muslimīn al-Sharāfi* . . . is the Shāfi‘ī judge whose ‘*alāmah* appears on line 1. Of shady reputation, al-Qāḍī Sharaf al-Dīn Abū al-Rūḥ ‘Isā ibn Jamāl al-Dīn Abī al-Jūd Ghānim al-Anṣārī al-Khazrajī al-Shāfi‘ī is the Shāfi‘ī judge from whose court the Ḥaram documents are derived. In addition to the offices specified in the document he was Shaykh of the Ṣalāḥīyah Khānqāh.⁶⁷ For the title, al-‘Abd al-Faqīr ilā Allāh ta‘ālā, see commentary on no. 355 verso, lines 2-3 below, and no. 591, lines 6, 13-14 below.
- 16-21. These lines contain the witnessing clauses of the four witnesses to the documents, each of which is introduced by the clause, *waqaftu ‘alā al-madhkur*. Three of these clauses, [a], [b], and [d], specify that they bore witness to the identification of Shams al-Dīn’s heirs and to his wife’s receipt of the inventoried goods; [c], however, mentions neither the heirs nor the receipt of goods—only to what was attributed (*bi-mā nusiba ilayhimā*) to the husband and the wife in the document. I cannot account for the discrepancy. In any case these clauses make clear that three aspects of the process were deemed to be legally important by the witnesses: the inventory itself, identification of the heirs, and the *taslīm* of the goods.

It is also noteworthy that three of the clauses, [a], [b], and [c], were endorsed by the judge with the formula, written like his ‘*alāmah* at the top and his *tawqī‘* in the margin, with a thick pen, *shahida ‘indī*, rather than the usual *shahida ‘indī bi-dhālika*, as in no. 355 below. According to al-Asyūṭī this judicial notation is called in Arabic *al-raqm bi-al-shuhūd*,⁶⁸ and signifies that the judge has heard the testimony of witnesses whose legal integrity is known to him:

⁶⁵Other terms used by notaries are *kitāb*, *wathīqah*, *ṣakk*. See Émile Tyan, *Le notariat et le régime de la preuve par écrit dans la pratique du droit musulman*, 2nd ed. (Beirut, 1959), 44.

⁶⁶*Catalogue*, 45.

⁶⁷For other biographical details, see *Catalogue*, 9-10; Little, “Court Records,” 24-25; idem, “The Jews,” 238-39.

⁶⁸Al-Asyūṭī, *Jawāhir*, 2:370. But not *tarqīm* as in Lutfi, “*Iqrār*,” 281. Cf. the work of still another Mamluk notary in Gabriela Guellil, *Damaszener Akten des 8./14. Jahrhunderts nach at-Ṭarsūsīs Kitāb al-I‘lām: Eine Studie zum arabischen Justizwesen* (Bamberg, 1985), 300-302, 366-67.



Raqm varies in consideration of the testimony of the witnesses. If they are persons whose legal integrity has been confirmed (*al-mu‘addalīn*) and who sit in central offices (*marākiz*) according to Syrian practice or in shops (*ḥawānīt*) according to Egyptian, the judge notes (*yarqumu*) for each of them who has testified before him (*shahida ‘indī bi-dhālīka*). If they are not professionals (*al-jālisīn*), but the judge is cognizant of their legal integrity (*‘adālah*), he makes the same notation for them. But if he is not cognizant of their legal integrity, he requests attestation to this from an authorized person. If witnesses are accredited in his presence, he notes under the name of each, *shahida bi-dhālīka wa-zukkiya*.⁶⁹

In our document it would seem that the judge was cognizant of the integrity of three of the four witnesses. His failure to have the integrity of the fourth attested to (*zukkiya*) may mean simply that he realized that the testimony of three accredited witnesses was more than was required to certify the document.⁷⁰

Margin:

li-yushhada bi-thubūt mā qāmat bi-hi al-bayyinah . . . fī-hi . . . This notation, written with a thick pen, constitutes the third element, along with the *‘alāmah* and the *raqm* of a document deemed by a judge to be certifiable. Called a *tawqī‘* by al-Asyūṭī, it contains the judge’s verdict that witnesses should be called to attest to his opinion that the transactions recorded in the document and, by implication, the document itself are legally valid.⁷¹ As we have already noted, such a document is usually accompanied by a consequential document written on verso, containing the certification, as is the case with no. 355 below. Since no. 133 lacks this element, we shall defer full discussion of the *tawqī‘* to the commentary on no. 355. *mā qāmat bi-hi al-bayyinah*. See commentary on no. 355, lines 32-33 below.

⁶⁹ Al-Asyūṭī, *Jawāhir*, 2:370.

⁷⁰ It is well known that although only two male witnesses were needed to attest to Islamic documents, supplementary witnesses were often produced. See Jeanette A. Wakin, *The Function of Documents in Islamic Law: The Chapter on Sales from Ṭaḥāwī’s Kitāb al-Shurūṭ al-Kabīr* (Albany, 1972), 48-49.

⁷¹ Al-Asyūṭī, *Jawāhir*, 2:370-71. Cf. Lutfī, *“Iqrār,”* 282.



min iqrār shar‘ī . . . This reading, along with *min al-‘adalah*, is conjectural. If accurate, it refers to what is tacitly the wife’s legal acknowledgment (*iqrār*) regarding her husband’s estate.

nuskhatān. Many Ḥaram documents bear a notation in the lower right hand margin, close to the right-hand witnessing clause (which I believe to be that of the witness who actually drafted the document), which indicates how many copies were prepared.⁷² In fact, al-Nuwayrī notes that it was the practice to make such a notation “next to (*inda*) the witnessing clause.”⁷³

II. Ḥaram document no. 591 recto and verso. 27 x 18 cm. Paper.

A record of a public sale, dated 23 Rabī‘ II 794/17 March 1392, of chattels from the estate of Shams al-Dīn Muḥammad al-Ba‘labakkī, authorized by a Ḥanafī judge in Jerusalem.

Arabic Transcription

Recto A. See figure 2, right, p. 182.

١. بسم الله الرحمن الرحيم
٢. مخزومة
٣. مباركة بما ابيع من الحوايج المخلفة عن المرحوم شمس الدين محمد بن شمس الدين محمد بن جمال الدين البعلبكي
٤. بمدينة القدس الشريف المتوفى الى رحمة الله تعالى قبل تاريخه ابيع ذلك في وفا
٥. دين شرعي ثبت في ذمة شمس الدين محمد المسمى اعلاه للجناب العالي المخدومي
٦. الناصري بن الفقير الى الله تعالى القاضي امين الدين ابي الروح
٧. عيسى اعز الله اقضائه بطريق الحوالة الشرعية من خالته المصونة الملك
٨. بنت بدر الدين حسن بن علي بن ابي النور البعلبكي زوجة شمس الدين محمد
٩. المسمى اعلاه بمقتضى مسطور شرعى يتضمن اقرار شمس الدين محمد المذكور اعلاه
١٠. لزوجته الملك المذكورة اعلاه بمبلغ عشرة الاف درهم تاريخ الاقرار ثالث
١١. عشر شوال سنة ثمان وثمانين وسبع مية تاريخ الحوالة من الملك

⁷²I have only recently been able to decipher what I refer to as “squiggle” throughout my *Catalogue*.

⁷³Al-Nuwayrī, *Nihāyah*, 9:9.



- المذكورة الى بن اختها
 ١٢. الجنب الناصري من⁷⁴ المشار اليه اعلاه على زوجها المذكور اعلاه ثالث
 عشرى
 ١٣. صفر سنة تسع وثمانين وسبع مية وثبت مضمون الاقرار لدا سيدنا
 العبد الفقير
 ١٤. الى الله تعالى القضائي البدرى الرضى الحنفى خليفة الحكم العزيز
 الحنفى
 ١٥. بدمشق المحروسة تاريخ الثبوت مستهل الحجة سنة ثمان وثمانين وسبع
 مية وثبت
 ١٦. مضمون الحوالة لدا سيدنا ومولانا العبد الفقير الى الله تعالى القضائي
 ١٧. الشمسى الاخنائي الحاكم بالعساكر المنصورة وخليفة الحكم العزيز
 ١٨. الشافعى بدمشق المحروسة تاريخ الثبوت ثامن عشرى شهر ربيع الاول
 سنة
 ١٩. اربع وتسعين وسبع مية واتصل الثبوتين المذكورين اعلاه مجلس الحكم
 العزيز
 ٢٠. الحنفى بالقدس الشريف لدا خليفته العبد الفقير الى الله تعالى
 القضائي التقوى
 ٢١. الحنفى ايده الله تعالى وابيع ذلك بحضور من وضع خطه من الشهود
 المندوبين
 ٢٢. من مجلس الحكم العزيز القضائي التقوى الحنفى المشار اليه اعلاه
 بتاريخ
 ٢٣. ثالث عشرى شهر ربيع الاخر سنة اربع وتسعين وسبع مية
 ٢٤. مفصلة من الدراهم
 ٢٥. شاش قطن بيلون ابيض [٣٨٢ درهماً وربع درهم]
 ٢٦. [٢٨ درهماً ونصف درهم] [١٦ درهماً وربع درهم]
 ٢٧. قميصين كتان شاش قطن
 ٢٨. [١٤ درهماً] [١٦ درهماً ونصف درهم]
 ٢٩. حندا صوف ازرق حنين طرح بفرو

⁷⁴This word has been crossed out in the document.



٣٠. بفرو روس مصييص
٣١. [٩٨ درهماً] [٤٥ درهماً ونصف درهم]

Recto B. See figure 2, left, p. 182.

١. حنين طرح ملوطة طرح
٢. [١٦ درهماً] [٢٠ درهماً]
٣. ملوطة طرح ملوطة قضي
٤. [٩ دراهم وربع درهم] [١٦ درهماً]
٥. حندا فضي عباہ اكمونى
٦. [٣٨ درهماً] [١٥ درهماً ونصف درهم]
٧. عباة ونص عباة بقجة وجوبين
٨. [٩ دراهم] [٤ دراهم ونصف وربع درهم]
٩. سجادة عتيقة بساط عتيق
١٠. [درهمان] [٨ درهماً ونصف درهم]
١١. قبع وثلاث عرقيات لباد وخلق —؟—
١٢. [٤ دراهم] [١٤ درهماً ونصف درهم]
١٣. المصروف من ذلك
١٤. فيما يذكر [١٨ درهماً وربع درهم]
١٥. مفصلة
١٦. دلالة بيع حمولة حوايج
١٧. [٦ دراهم] [نصف درهم]
١٨. ثمن ورق شهود بيع ثلاث نفر
١٩. [ربع درهم] [١٠ دراهم]
٢٠. صيرفي
٢١. [درهم ونصف درهم]
٢٢. البارز بعد ذلك بما قبض ذلك جميعه الجنا ب الناصري المشار
٢٣. اليه اعلاه ثمنه من الدين الثابت حسب ما عين فيه مبلغ
٢٤. وهذه الاعيان هي التي كانت بمودع [٣٦٤ درهماً]
٢٥. الحكم العزيز الشافعي كتبه جمال الدين خليل
٢٦. وحسبني الله ونعم الوكيل

Verso C. See figure 3, right, p. 183.

١. والحمد لله وحده وصلى الله على سيدنا محمد وعلى اله وصحبه وسلم



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Verso D. See figure 3, left, p. 183.

- [a]
١. حضرت
 ٢. بيع القماش المعين باطنا وشهدت على الجنب
 ٣. الناصري بقبض المبلغ الباقي بعد
 ٤. المصروف كتبه يوسف بن سليم الحنفي تم
- [b]
١. حضرت
 ٢. البيع على ما شرح فيه باطنا وشهدت على الجنب الناصري بقبض المبلغ
 ٣. الباقي بعد المصروف
 ٤. كتبه ناصر بن سالم —؟—
- [c]
١. حضرت
 ٢. مبيع القماش المذكور باطنا على ما شرح فيه
 ٣. وشهدت على الجنب المشار اليه بقبض المبلغ
 ٤. المتاخر بعد المصروف باطنه في تاريخ المبيع
 ٥. كتبه ابراهيم بن محمد بن حامد

Translation

Recto A

1. In the name of God, the Compassionate, the Merciful.
2. A blessed *makhzūmah*
3. for the sale of chattels left in the estate of the late Shams al-Dīn Muḥammad ibn Shams al-Dīn Muḥammad ibn Jamāl al-Dīn al-Ba‘labakkī
4. in the city of Jerusalem the Noble, who was taken into the mercy of God the Exalted before the date of this document. These were sold in fulfillment
5. of a legal debt, certified as being the liability of Shams al-Dīn Muḥammad, named above, to the High Excellency and Master
6. Nāṣir al-Dīn *ibn* of the Needy of God the exalted al-Qāḍī Amīn al-Dīn Abū al-Rūḥ
7. ‘Īsá, may God strengthen his judgements, by a legal transfer from his maternal aunt, the virtuous Ālmalik
8. bint Badr al-Dīn Ḥasan ibn ‘Alī ibn Abī al-Nūr al-Ba‘labakkī, wife of Shams al-Dīn Muḥammad
9. named above, in accordance with a legal document containing the acknowledgment of the above mentioned Shams al-Dīn Muḥammad



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10. to his wife, the above mentioned Ālmalik, for the amount of ten thousand *dirhams*. The date of the acknowledgment is
11. 13 Shawwāl 788 [7 November 1386], and the date of the transfer from the aforementioned Ālmalik to the son of her sister
12. the Excellency Nāṣir al-Dīn referred to above, from her husband mentioned above, is 23
13. Šafar 789 [15 March 1387]. The contents of the acknowledgment were certified by Our Master the Servant Needy of
14. God the Exalted al-Qāḍī Badr al-Dīn al-Raḍī al-Ḥanafī, Deputy Judge of the Esteemed Ḥanafī Court
15. in Damascus the Protected, the date of certification being 1 Dhū al-Ḥijjah 788 [24 December 1386].
16. The contents of the transfer were certified by Our Master and Lord the Needy of God the Exalted al-Qāḍī
17. Shams al-Dīn al-Ikhnā'ī, Magistrate for the Victorious Armies and Deputy Judge of the Esteemed Shāfi'ī Court
18. in Damascus the Protected, the date of certification being 28 Rabī' I
19. 794 [23 February 1392]. The two certifications mentioned above were conveyed to the Esteemed Ḥanafī Court
20. in Jerusalem the Noble, to its deputy the Servant Needy of God the Exalted al-Qāḍī Taqī al-Dīn
21. al-Ḥanafī, may God the Exalted support him. The sale was conducted in the presence of those witnesses who affix their signatures, delegated
22. by the Esteemed Court of al-Qāḍī Taqī al-Dīn al-Ḥanafī referred to above, on
23. 23 Rabī' II 794 [17 March 1392].

24. Details	<i>dirhams</i>
24a.	[382 1/4]
25. a cotton turban wrapping	a white بيلون
26. 28 1/2 <i>dirhams</i>	16 1/4 <i>dirhams</i>
27. two linen shirts	a cotton turban wrapping
28. 14 <i>dirhams</i>	16 1/2 <i>dirhams</i>
29. a blue wool حنڍا	a <i>tarḥ ḥanīn</i> with a
30. with Russian fur	<i>Maṣīṣ</i> fur
31. 98 <i>dirhams</i>	45 1/2 <i>dirhams</i>



Recto B

- | | |
|--|-----------------------------------|
| 1. a <i>ṭarḥ ḥanīn</i> | a <i>ṭarḥ</i> cloak |
| 2. 16 <i>dirhams</i> | 20 <i>dirhams</i> |
| 3. a <i>ṭarḥ</i> cloak | a mildewed (?) cloak |
| 4. 9 1/4 <i>dirhams</i> | 16 (?) <i>dirhams</i> |
| 5. a mildewed حندا | a light brown wrapper |
| 6. 38 <i>dirhams</i> | 15 1/2 <i>dirhams</i> |
| 7. one and a half wrappers | a bundle with red kerchiefs |
| 8. 9 <i>dirhams</i> | 4 3/4 (?) <i>dirhams</i> |
| 9. an old prayer rug | an old carpet |
| 10. 2 <i>dirhams</i> | 8 1/2 <i>dirhams</i> |
| 11. a cap and three skull caps | an outer garment and a worn . . . |
| 12. 4 <i>dirhams</i> | 14 1/2 <i>dirhams</i> |
| 13. The expenses for that | |
| 14. as mentioned | 18 1/4 <i>dirhams</i> |
| 15. Details | |
| 16. sale brokerage | portage of chattels |
| 17. 6 <i>dirhams</i> | 1/2 <i>dirham</i> |
| 18. price of paper | three witnesses to the sale |
| 19. 1/4 <i>dirham</i> | 10 <i>dirhams</i> |
| 20. money changer | |
| 21. 1 1/2 <i>dirhams</i> | |
| 22. The balance after that, all of which was received by the High Excellency Nāṣir al-Dīn referred to | |
| 23. above, toward the value of the certified debt in accordance with what is specified in the document, is | The amount of |
| 24. These chattels were those in the depository of | 364 <i>dirhams</i> |
| 25. the Esteemed Shāfi'ī Court. Written by Jamāl al-Dīn Khalīl. | |
| 26. God is my sufficiency. What an excellent Guardian is He! | |



Verso C

1. Praise be to God alone. God bless and grant peace to Our Master Muḥammad, his family, and his followers.

Verso D

[a]

1. I attended
2. the sale of the cloth specified on recto and served as witness to the Excellency
3. Nāṣir al-Dīn's receipt of the amount remaining
4. after expenses. Written by Yūsuf ibn Salīm al-Ḥanafī.
The end.

[b]

1. I attended
2. the sale as set forth therein on recto and served as witness to the Excellency Nāṣir al-Dīn's receipt of the amount
3. remaining after expenses.
4. Written by Nāṣir ibn Sālīm—?—

[c]

1. I attended
2. the sale of the cloth mentioned on recto as set forth therein
3. and served as witness to the aforementioned Excellency's receipt of the amount
4. remaining due after expenses on recto on the date of the sale.
5. Written by Ibrāhīm ibn Muḥammad ibn Ḥāmid.

Commentary

As we have seen in the commentary on document no. 133, according to two compilers of Mamluk *shurūṭ* manuals, estate inventories were to be drawn up only in special cases, one of these being when an authorized person decided that goods left in an estate should be sold for some reason or other. Although we have reason to believe that the Ḥaram estate inventories were not so restricted, we need to refer again to the *shurūṭ* manuals on the sale of estates in order to set the present document, a record of the sale of chattels from the estate of Shams al-Dīn Muḥammad al-Ba'labakkī, in the perspective of Mamluk notaries.

Interestingly enough, the sale, conducted under the auspices of a Ḥanafī court in Jerusalem, was held not to satisfy the claims of the legal heirs but to pay a debt which Shams al-Dīn had owed his wife, Ālmalik, which she subsequently transferred to her nephew, al-Amīr Nāṣir al-Dīn. The sale was not held until five months after the inventory had been made. This delay may be accounted for by one or both of



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two factors. Shams al-Dīn may have died considerably later than the inventory since he was only “weak” when it was conducted. But also important is the fact that Nāṣir al-Dīn, in support of his entitlement, had to produce in Jerusalem two documents that had been certified by courts in Damascus. One of these certifications was granted only three and a half weeks earlier. Accordingly we may surmise that some time must have been lost in communications between the two cities.

Recto A

2-3. *makhzūmah mubārakah*. Among the Ḥaram documents there are twenty-three labelled *makhzūmahs*.⁷⁵ All of these except one contain itemized records of court-authorized sales of estates of persons who died in Jerusalem. The exception, no. 539, contains an itemized record of crop revenues included in the income of a *waqf*.⁷⁶ In addition there are two documents (nos. 530 and 580), among nineteen Ḥaram documents entitled *waraqah mubārakah*, which are written in the same format as the *makhzūmahs* and which also contain records of estate sales.⁷⁷ Several of the other *waraqahs*, like the exceptional *makhzūmah*, deal with *waqf* or other types of institutional finances or with estate matters. Thus we can say that a Ḥaram *makhzūmah* is one of two types of documents drafted to record the sale of chattels from an estate, though a *makhzūmah* might be used for other purposes.⁷⁸

All the *makhzūmāt* have the same format.⁷⁹ Written on a sheet of paper folded twice vertically in the middle so as to form four narrow pages, each page is divided into two parts divided by a fold. Page recto A begins with a preamble that contains a heading, the name of the owner of the chattels, the names of those who authorized the sale and the beneficiaries of the sale, and other relevant details. On the right-hand half of this page, under

⁷⁵ *Catalogue*, 335-47.

⁷⁶ *Ibid.*, 338.

⁷⁷ *Ibid.*, 347-56.

⁷⁸ For reference to a *makhzūmah* produced in a criminal case in Damascus in 682/1283-84, in al-Jazarī's *Ḥawādith al-Zamān*, see Ulrich Haarmann, *Quellenstudien zur frühen Mamlukenzeit* (Freiburg, 1969), 14. Elsewhere Haarmann points to the similarity between *makhzūmahs* and a Ḥaram *mufradah* containing a list of books and other items sold from a Jerusalem estate: “Die Leiden des Qādī ibn aṣ-Ṣā’igh,” in *Studien zur Geschichte und Kultur des Vorderen Orients*, ed. Hans R. Roemer and Albrecht Noth (Leiden, 1981), 17, and “The Library of a Fourteenth Century Jerusalem Scholar,” in *The Third International Conference on Bilad al-Sham: Palestine*, vol. 1, *Jerusalem* (Amman, 1983), 105-10, reprinted in *Der Islam* 61 (1984): 327-33.

⁷⁹ For photographs of other *makhzūmahs* see *Catalogue*, plates 13 and 14, and Asali, *Wathā’iq*, 2:162-63 (no. 586), with transcription, 157-61. Lutfi (*al-Quds*, 63-66 [no. 767j]) also transcribes and translates a *makhzūmah*.



the preamble, there is an itemized list of the objects sold, the price written in *siyāqah* script for each item sold, and, sometimes, the name of the purchaser. This list continues on subsequent pages if necessary and ends with itemized expenses incurred for the sale, with a notation of the net balance. The gross value of the sale is noted on recto A, in the left-hand half of the page, under the preamble. On a separate page, verso D in the present document, the witnessing clauses are written parallel to the center fold. Since verso C was not needed for the list, a pious sentiment was written on it.

Curiously, given the standardization of the Ḥaram *makhzūmahs*, the *shurūṭ* manuals lack formularies precisely corresponding to the practice of the Jerusalem notaries, as, indeed, was the case for the estate inventories. Nevertheless, both al-Asyūṭī and al-Jarawānī discuss similar documents in the context of estate settlement. If, says the former, goods from an estate were sold after probate of the will and drafting of the inventory, documents of sale (*awrāq al-mabīʿ*) were drawn up. These contained (a) a heading with the name of the deceased; (b) a detailed presentation of the contents of the inventory, including the names of the heirs; (c) the name of the person charged with conducting the sale (e.g., the executor of the will, an heir or his agent) plus the names of the witnesses, broker, and money changer; (d) an itemized list of the goods sold with the price opposite, along with the name of the purchaser and the broker; (e) the expenses incurred in the market, broken down into brokerage, rent, witness fees, etc., along with the balance; and (f) a statement of receipt of the proceeds.⁸⁰ In many, if not most, respects, al-Asyūṭī's *waraqat al-mabīʿ* sounds similar to the Ḥaram *makhzūmahs*, the main difference being that the latter do not contain the names of the purchasers, the brokers, or the money changers. Moreover, the *makhzūmah* for al-Asyūṭī seems to be a distinct document, for he goes on to say, "If the sale was conducted in a single market, a *makhzūmah* should be written for each day of the sale," and given to the executor, "in order to calm his heart."⁸¹ The format of the *makhzūmah* is similar to that of the *awrāq al-mabīʿ* and should contain (a) the heading (*makhzūmah mubārakah bi-mā buyiʿa min tarikat . . .*); (b) the name of the deceased; (c) the name of the executor who undertakes the sale along with the name of the wife of the deceased and her agent; (d) the name of the market where the sale was conducted; (e) a list of the items sold and their

⁸⁰ Al-Asyūṭī, *Jawāhir*, 1:465-66.

⁸¹ Ibid., 466.



price; and (f) itemization of daily expenses subtracted from the total sales.⁸² Still another document was to be drawn up summarizing the *makhzūmahs*: a *jāmi‘ah mubārakah*.⁸³

For al-Jarawānī, too, a *makhzūmah* is one of several documents used in settling estates which required a public sale of chattels left by the deceased. These documents include an estate inventory (*ḍabṭ al-mawjūd al-mukhallaf ‘an al-mayyit*), *makhzūmahs*, and a *jāmi‘ah mubārakah*. In one passage al-Jarawānī, like al-Asyūṭī, characterizes the *makhzūmah* as a daily record of sale, containing much the same material as al-Asyūṭī’s model. However, in a later passage al-Jarawānī briefly describes a *makhzūmat al-mabī‘*, which seems to be an independent document, also similar to al-Asyūṭī’s model but with the addition of a clause, declaring that the net balance from the sale was divided among the heirs according to their legal shares.⁸⁴

Since al-Asyūṭī’s and al-Jarawānī’s conceptions of the purpose and content of the *makhzūmahs* are similar, how do we account for the discrepancies between formularies and the Ḥaram *makhzūmāt*? Here we can only speculate, but it is important to recognize that the *shurūṭ* scholars of the Mamluk period did not regard estate inventories or *makhzūmahs* as primary Islamic documents of the same rank as acknowledgments, bills of sale, endowment deeds, marriage contracts, court records, etc. In fact, two authors, al-Nuwayrī and al-Ṭarsūsī, did not mention these two documents at all, and al-Asyūṭī and al-Jarawānī relegated them to chapters on other subjects—wills, for the former, and miscellaneous matters, for the latter. Accordingly we can surmise that an ability to draft estate inventories and *makhzūmahs* was not regarded as essential equipment for a notary, perhaps because they were not rooted in, or justified by, Islamic law. In addition, we should not assume that any of these particular *shurūṭ* works were available to or used by Jerusalem notaries, who may well have been following a local tradition or traditions which may, or may not, have been codified in a manual or manuals. Instead we refer to these four manuals as representative of those compiled under the Mamluks, without knowledge of how widely they circulated. That being the case, and taking into account the short shrift given to estate inventories and *makhzūmahs*, it is surprising that the Ḥaram specimens contain most, if not all, the elements described by al-Asyūṭī and al-Jarawānī.

⁸²Ibid.

⁸³Ibid.

⁸⁴Al-Jarawānī, “al-Kawkab,” 151, 256.



makhzūmah mubārakah bi-mā ubī'a min al-ḥawā'ij al-mukhallafah 'an al-marḥūm, the heading of the document, corresponds fairly closely to that recommended by al-Asyūṭī: *makhzūmah mubārakah bi-mā buyi'a min tarikat fulān*.⁸⁵

4-5. *fī wafā' dayn* . . . provides the reason for the sale, i.e., to settle a debt originally owed by the deceased to his wife. Islamic law countenances three types of claims against estates: burial, obligations incurred by the deceased, and succession to his property, in that order of precedence. This means that Shams al-Dīn's debts would have to be paid before his heirs designated in his estate inventory could make a claim on the estate.⁸⁶ It is noteworthy, to say the least, that the estate inventory makes no reference to the original debt or to its transfer.

5. *al-Janāb al-'Ālī*, according to al-Asyūṭī, is not a title denoting high rank. It was applied to notables in the non-slave regiment of the Mamluk army, i.e., the Ḥalqah, as well as leading non-commissioned officers and functionaries in the service of Mamluk amirs.⁸⁷ Since Nāṣir al-Dīn is further identified in document no. 355 recto, below, as a Ba'labakkī amir, it would seem safe to conclude that he was indeed a member of the Ḥalqah, especially since he was the son of a *qādī*. I have not been able to find any references to him or his father in Mamluk chronicles or biographical dictionaries.

al-makhdūmī is not mentioned by al-Asyūṭī. Al-Qalqashandī states merely that it denotes someone who bears high enough a rank to be served by someone else.⁸⁸

6. *al-Nāṣirī* is the polite, *nisbah*, way of referring to a man who bears the *laqab* (honorific title) Nāṣir al-Dīn. Unfortunately his *ism* (given name) is not mentioned in either document, but his *laqab* is often associated with military officers named Muḥammad and, less frequently, 'Umar.⁸⁹

al-Faqīr ilā Allāh ta'ālā is a title associated with persons of piety or a pious office but who enjoy no great distinction.⁹⁰ The absence of a loftier

⁸⁵ Al-Asyūṭī, *Jawāhir*, 1:466.

⁸⁶ Muhammad Abu Zahra, "Family Law," in *Law in the Middle East*, ed. Majid Khadduri and Herbert J. Liebesny (Washington, D.C., 1955), 161-62.

⁸⁷ Al-Asyūṭī, *Jawāhir*, 2:590.

⁸⁸ *Ṣubḥ al-A'shā fī Ṣinā'at al-Inshā'* (Cairo, 1913-19), 5:27.

⁸⁹ Al-Asyūṭī, *Jawāhir*, 2:574-75.

⁹⁰ See my "Six Fourteenth Century Purchase Deeds for Slaves from *al-Ḥaram aṣ-Ṣarīf*," *Zeitschrift der Deutschen Morgenländischen Gesellschaft* 131 (1981), reprinted in Little, *History and Historiography*, 302.



title and of mention in literary sources indicates that he was a low-ranking judge. In no. 355 he is further identified as *ibn al-Bayḥānī*, which probably refers to the south Arabian origins of the family, *Bayḥān* being a wadi and territory in Yemen.⁹¹

7. *al-ḥawālah al-sharʿīyah*. A *ḥawālah* is a type of legal document by which one person transfers a debt owed to him or her to the benefit of a third party. Al-Asyūṭī devotes a short chapter to the *ḥawālah*, and al-Jarawānī and al-Nuwayrī discuss it briefly.⁹²
9. *maṣṭūr sharʿī*. See the commentary on line 13 of no. 133, above.
10. *iqrār*. This term, meaning legal acknowledgment, is one we have already encountered in the margin of no. 133 above. Though an *iqrār* normally constitutes an independent document with a distinct format of its own,⁹³ it frequently forms a constituent part of other types of documents. In fact, al-Nuwayrī's formulary for a *ḥawālah* begins with *aqarra fulān . . . iqrāran sharʿīyan*. . . .⁹⁴ In the present case, however, the *iqrār* seems to have been an independent document acknowledging Shams al-Dīn's indebtedness to his wife, written on a larger document, referred to here as a *maṣṭūr* and in no. 355, line 15, as a *ḥujjah*.
13. *ṭhabata* in notarial parlance refers to the process whereby a judge certifies the validity of a document and its content. Thus, in the *tawqīʿ* written in the margin of no. 133 above, *li-yushhada bi-thubūt mā qāmat bi-hi al-bayyinah . . .*, the judge is calling for witnesses to certify the legal evidence established in the document. We shall discuss this process more fully in connection with no. 355 below.
- 13-14. *Sayyidunā al-ʿAbd al-Faqīr ilā Allāh taʿālā*, according to al-Asyūṭī, is a title used for deputy judges (*khalīfat al-ḥukm, nāʾib al-ḥukm*) in Syria as distinct from a longer title used for Egyptian deputies.⁹⁵
14. *al-Qaḍāʾī al-Badarī* . . . refers to al-Qaḍī Badr al-Dīn ibn Sharaf al-Dīn ibn Raḍī al-Dīn al-Ḥanafī, *Nāʾib al-Ḥukm wa-Shaykh al-Ḥanafīyah*, who served as deputy to various judges in Damascus from as early as 784/1382 until his death in 800/1398. He was an acknowledged expert on Ḥanafī

⁹¹O. Löfgren, "Bayḥān," *Encyclopaedia of Islam*, 2nd. ed., 1:1132.

⁹²Al-Asyūṭī, *Jawāhir*, 1:179-80; al-Jarawānī, "al-Kawkab," 27-28; al-Nuwayrī, *Nihāyah*, 9:17. Cf. A. Dietrich, "Ḥawāla," *EF*, 3:283.

⁹³See Lutfī, "Iqrārs," 255-58, and *Catalogue*, 188-89.

⁹⁴Al-Nuwayrī, *Nihāyah*, 9:17.

⁹⁵Al-Asyūṭī, *Jawāhir*, 2:594.



jurisprudence, Arabic language, Quranic recitation, and other subjects, and taught in at least three *madrasahs* in Damascus.⁹⁶

16. *Sayyidunā wa-Mawlānā*. Oddly enough, this title, as opposed to *Sayyidunā* alone, was used, according to al-Asyūṭī, to differentiate a Chief Qāḍī from a deputy, both in Egypt and Syria.⁹⁷ But the former could also be used for "leaders in knowledge, legal opinion, and instruction" (*mashā'ikh*), so that the drafter of this document may have bestowed it on this Deputy Qāḍī in this sense, since he identifies him as *khalīfat al-ḥukm* in line 17.
- 16-17. *al-Qaḍā'ī al-Shamsī* . . . refers to Muḥammad ibn Muḥammad ibn 'Uthmān ibn Muḥammad ibn Abī Bakr ibn 'Īsā ibn Badrān ibn Raḥmah al-Sa'dī al-Ikhnā'ī al-Shāfi'ī, known as al-Ikhnā'ī, born in 757/1356 and died in Damascus in 816/1413. He served in many judicial and administrative capacities in Gaza, Raḥbah, Zur'ah, Aleppo, Damascus, and Egypt; he also delivered *fatwās* and taught in a *madrasah* in Damascus. He is known to have been Deputy Qāḍī in Damascus in 793/1391 and 797/1394-1395 in addition to 794/1392 mentioned in the document.⁹⁸ In his obituary in *al-Manhal al-Ṣāfi*, Ibn Taghrī Birdī refers to al-Ikhnā'ī as *qāḍī al-quḍāh*.⁹⁹
17. *al-Ḥākim bi-al-'Asākir al-Manṣūrah* is probably equivalent to *qāḍī al-'askar*, the judge "responsible for handling judicial cases which arose while the army was on campaign."¹⁰⁰ None of the literary sources mentions that al-Ikhnā'ī held this post.
19. *wa-ittaṣala al-thubūtayn* . . . is a stock phrase signifying that a document certified by one court has been conveyed to and received by another court. According to al-Asyūṭī this conveyance could be effected in two ways: (a) by a *kitāb ḥukmī*, a court letter, issued by a judge and addressed to any Muslim judges that might be concerned, containing a summary of a legally certified transaction with the names of witnesses; and (b) by *shuhūd al-ṭarīq*, mobile witnesses, who accompany a claimant from one court to another in order to testify to the certification of the contents of a document issued by the former. Al-Asyūṭī asserts that judicial letters are little used at present, their effectiveness having atrophied, but produces, nevertheless, formularies

⁹⁶ Ibn Qāḍī Shuhbah, *Tārīḥ Ibn Qāḍī Ṣuhba*, ed. Adnan Darwich (Damascus, 1977), 1:686-87.

⁹⁷ Al-Asyūṭī, *Jawāhir*, 2:594. Cf. no. 133, line 14 above.

⁹⁸ Ibn Qāḍī Shuhbah, *Tārīḥ*, 1:388, 544, 545; Ibn Taghrībirdī, *al-Nujūm al-Zāhirah fī Mulūk Miṣr wa-al-Qāhirah* (Cairo, 1971), 14:125.

⁹⁹ Gaston Wiet, *Les biographies du Manhal Saḍī* (Cairo, 1932), 351.

¹⁰⁰ Joseph H. Escovitz, *The Office of Qāḍī al-Quḍāt in Cairo under the Bahrī Mamlūks* (Berlin, 1984), 187.



to be followed by both the original and the recipient judges.¹⁰¹ The fourteenth-century Ḥanafī judge of Damascus, Najm al-Dīn al-Ṭarsūsī, also produces formularies for correspondence between *qāḍīs* regarding legal transactions that transpired in their courts.¹⁰² In the present document there is no indication as to the method of transfer.

20-21. *al-Qāḍī al-Taḳawī* . . . refers to al-Qāḍī Taqī al-Dīn Abū al-Anṣāf wa-Abū Bakr ibn Fakhr al-Dīn Abī ‘Amr ‘Uthmān ibn Ṣalāḥ al-Dīn Abī al-Khayrāt Khalīl al-Ḥanafī. According to the historian Mujīr al-Dīn al-‘Ulaymī, Taqī al-Dīn was known to have been serving as Deputy Ḥanafī Qāḍī in Jerusalem in the year 796/1394 and thereafter.¹⁰³ This document establishes, of course, that he held that position as early as 795.

25. *shāsh quṭn*. It is interesting to compare the items contained on this list with those included in the inventory (no. 133) of Shams al-Dīn’s estate compiled five months earlier, recalling that the latter goods had been placed in the *taslīm* (safekeeping?) of his wife. Although all of the items in the inventory, except two turbans, are listed among the goods sold, the *makhzūmah* records several items sold that do not appear in the inventory: two rugs, for example, and several garments (two *ḥanīns*, two ‘*abā’ahs*, a *shāsh*, etc.). Why? The simplest explanation is that the inventory was not accurate; for some reason or another, the witnesses failed to record all the possessions that showed up later at the sale. But it should also be recalled that we do not know when Shams al-Dīn died so that some of these possessions may have been acquired during the interval between the inventory and his death. Noteworthy, too, is the fact that we learn nothing from the *makhzūmah* about the various amounts of cash mentioned in the inventory as belonging to Shams al-Dīn.

بيلون is perhaps Persian *pīlavan*, “a fine and costly silk.”¹⁰⁴ In context this seems more likely than *biliyūn*: bucket.¹⁰⁵ But my reading is conjectural.

لير The *makhzūmah* offers arithmetical difficulties associated with the use of the Mamluk *siyāqah*. Every Ḥaram *makhzūmah* drawn up for the sale of an estate contains five sets of computations in a standardized format: (a)

¹⁰¹ Al-Asyūṭī, *Jawāhir*, 2:403-5.

¹⁰² Guellil, *Akten*, 217-18.

¹⁰³ *Al-Uns al-Jalīl bi-Ta’rikh al-Quds wa-al-Khalīl* (Amman, 1973), 2:218.

¹⁰⁴ F. Steingass, *A Comprehensive Persian-English Dictionary* (London, 1892), 269, transliterated as *pelawan*.

¹⁰⁵ Dozy, *Supplément*, 1:137.



the price paid for each item, written under the item; (b) the total paid for all the items, written at the bottom left of the text of the *makhzūmah* preamble; in the present document this total appears on recto A, line 24; (c) the total expenses incurred in the sale, written immediately after the itemized sales: recto B, lines 13-14; (d) an itemization of the expenses, written under the total, i.e., following (c); (e) the balance remaining from the sale after the subtraction of the expenses, written to the left of the concluding text of the *makhzūmah*: recto B.

The presence of these computations provides a useful, but frustrating, check on our decipherment of the *siyāqah* numbers. Frustrating, because it is often the case that all the numbers cannot be reconciled with the totals because of errors made by the clerks in writing them or by us in trying to read them. In the present document there is no difficulty in reading (e), the balance of 364 *dirhams*, or (c), the total expenses of 18 1/4, which when added give 382 1/4. Nor is there any problem in reconciling the itemized expenses, which clearly add up to 18 1/4 *dirhams*. The trouble lies in reconciling the individual sales with the total (b). This figure looks very much like 382 1/4 *dirhams*, but if one calculates the sum of the individual prices, they add up to only 381 1/4 *dirhams*. Therefore, either the scribe, or we, have apparently made an error. Additional details on the *siyāqah* are provided in the commentary on no. 355, lines 42-46 below, and in Appendix B.

29. حندا Note that here this word is written with a dot over the second ligature, unlike recto B, line 5, and no. 133, lines 9, 10: حيدة. Moreover, in no. 721, line 6, the word is clearly written حندا.¹⁰⁶
30. Maṣṣīṣ refers to the Anatolian town known in Arabic as al-Maṣṣīṣah. "A speciality of the town was the valuable fur-cloaks, exported all over the world."¹⁰⁷

Recto B

3. قضي I read as *qaḍī*, which, when applied to a garment, means "old and worn out . . . from being long moist and folded."¹⁰⁸ *Fīḍī* is also a possibility, meaning sky blue.¹⁰⁹

¹⁰⁶Catalogue, 179.

¹⁰⁷E. Honigman, "al-Maṣṣīṣa," *EF*, 6:778.

¹⁰⁸Edward W. Lane, *An Arabic-English Lexicon* (1885; reprint, Beirut, 1985), 7:2537.

¹⁰⁹Dozy, *Supplément*, 2:273.



5. *akmūnī* I believe to be the Persianized form of *kammūnī*, meaning cumin colored.¹¹⁰
7. *jūbīn* is probably Persian *chubīn*, "a red kind of kerchief tied over the head."¹¹¹
- 24-25. *bi-mawda' al-ḥukm al-'azīz* refers to the depository of the Shāfi'ī Court in Jerusalem, to which there are many references in the Ḥaram documents.¹¹² In this depository money and goods were kept under the jurisdiction of the Shāfi'ī judge until they could be turned over to whoever was legally entitled to them. Thus it would seem that after the inventory of Shams al-Dīn's estate was made, his possessions were held temporarily in safe-keeping by his wife. At some point, perhaps at his death, they were consigned to the Shāfi'ī Court and held in its depository until the sale was held, interestingly enough, under the jurisdiction of the Ḥanafī Court.
26. *wa-ḥashbunī* . . . Al-Asyūṭī comments on the meritorious and traditional practice of ending documents with *al-ṣalāt 'alá al-nabī*, followed by the *ḥashbala*.¹¹³ In our document the former phrase is written on the otherwise blank verso C.

Verso D

All three witnessing clauses are phrased in such a way as to record the witnesses' testimony to the legality of two transactions set down in the document: (a) the sale itself and (b) Nāṣir al-Dīn's receipt of the proceeds.

III. Ḥaram document no. 355 recto and verso. 76 x 28 cms. Some holes.

Recto. An *ishhād* (of attestation), dated 24 Jumādā I 795/7 April 1393, calling for witnesses to and certification of Nāṣir al-Dīn's receipt of amounts held by the Shāfi'ī Court Depository in Jerusalem, due to him from the estates of Ālmalik and Shams al-Dīn. Like no. 133 recto, the document has been signed by a judge and contains his judgement, written in the right margin, that the document and its contents are to be certified. See figure 4, p. 184.¹¹⁴

Arabic Transcription

Lines 1-13. See figure 5, p. 185.

¹¹⁰See Steingass, *Dictionary*, 90 for *akmūn*.

¹¹¹*Ibid.*, 402.

¹¹²See *Catalogue*, index iv, "deposit."

¹¹³Al-Asyūṭī, *Jawāhir*, 1:25.

¹¹⁴Unfortunately there is no photograph of the entire recto. Figure 4 is a montage of figures 5-11.



١. بس[م] الله الرحمن الرحيم الحمد لله على نعمه
٢. اشهد عليه أَلجناب أَلكر[يم المو] لوى الا[ميد] رى [أَلكبى] رى الناصري ناصر الدين ابن العبد الفقير الى الله تعالى القاضي امين الدين عيسى ابن المرحوم
٣. البيحاني احد الامرا البعلبكىة الحاضر يومئذ بالقدس الشريف اعز الله نصرته وهو معروف عند شهوده انه قبض وتسلم وصار اليه من مقبض شرعي
٤. ما كان مودعا بمودع الحكم العزيز الشرفي الشافعي بالقدس الشريف وهو من الدراهم الفضة المتعامل بها يومئذ بالشام المحروس الف درهم
٥. واحدة وسبعماية درهم واربع وتسعين درهما ونصف وربع درهم ومن الذهب الافلوري عشرة شخوص مصارفها مائة درهم وخمسة وتسعون درهما
٦. وذلك من تركة شمس الدين محمد ابن محمد بن جمال التاجر البعلبكي ومن تركة الملك بنت بدر الدين حسن بن ابي النور البعلبكىة زوجة شمس الدين المذكور
٧. بحكم وفاة شمس الدين محمد المذكور الى رحمة الله تعالى بالقدس الشريف وانحصار ارثه شرعا في زوجته الملك المذكورة وشقيقه عز الدين حسين واخوته
٨. لامه شهاب الدين احمد والتي وستيته اولاد محمد بن ابراهيم العجمي الغائبين عن القدس الشريف ثم توفيت الملك المذكورة وانحصار ارثها شرعا في اخوتها
٩. العشرة ستية والتي واسن وست الوزرا وفاطمة اشقاها ومحمد الكبير المعروف بالاول [و] محمد الاوسط المعروف بالثاني ومحمد الصغير
١٠. المعروف بالآخر واسما ومغل لابيها من غير شريك ولا حاجب بمقتضى محضر شرعي تاريخه [لعشر] الاوسط من محرم سنة اربع وتسعين وسبعماية ثابت مضمونه
١١. لدى العبد الفقير الى الله تعالى اقضى القضاة تقي الدين ابي العباس احمد ابن المنجا الحنبلي الحاكم بدمشق المحروسة بمقتضى الاشهاد بظاهر المحضر تاريخه سادس عشر
١٢. الشهر المذكور متصل ثبوته بمجلس الحكم العزيز الحنفي بالقدس الشريف لدى اقضى القضاة تقي الدين ابي الانصاف ابي بكر خليفه الحكم العزيز الحنفي بالقدس الشريف بمقتضى الاشهاد
١٣. المورخ بتاسع عشر شهر ربيع الاخر سنة خمس وتسعين وسبعماية



واتصل ثبوته بسيدنا ومولانا العبد الفقير الى الله تعالى قاضي المسلمين شرف الدين ابي الروح عيسى

Lines 14-24. See figure 6, p. 186.

١٤. ابن العبد الفقير الى الله تعالى جمال الدين مفتي المسلمين ابي الجود غانم الانصاري الشافعي الحاكم بالقدس الشريف واعمالها وشيخ الشيوخ وناظر الاوقاف المبرورة ايده الله تعالى
١٥. بمقتضى الاشهاد المورخ بالربيع والعشرين من جمادى الاولى سنة خمس وتسعين وسبعماية وبمقتضى حجة شرعية تاريخها ثالث عشر شوال سنة ثمان وثمانين وسبعماية يتضمن اقرار
١٦. شمس الدين محمد بن محمد بن جمال المذكور اعلاه ان في ذمته بحق صحيح شرعي لزوجته الملك المذكورة اعلاه عشرة الاف درهم وبها فصل حوالة تاريخه
١٧. ثالث عشري صفر سنة تسع وثمانين وسبعماية يتضمن الاشهاد على الملك المذكورة انها احالت ابن اختها الجنب الناصري القابض اعلاه على زوجها المذكور اعلاه
١٨. بالمبلغ المقرر لها في اعلاه في الحجة المذكورة حوالة صحيحة شرعية وقبول المحتال الحوالة قبولا شرعيا وثبتت الحجة لدا العبد الفقير الى الله تعالى اقضى
١٩. القضاة بدر الدين ابن الرضي الحنفي خليفه الحكم العزيز بدمشق المحروسة بمقتضى الاشهاد المورخ بمسئهل الحجة سنة ثمان وثمانين وسبعماية وثبت
٢٠. فصل الحوالة لدا العبد الفقير الى الله تعالى اقضى القضاة شمس الدين الاخنائي الشافعي خليفه الحكم العزيز بدمشق المحروسة بمقتضى الاشهاد المورخ بثمان عشري
٢١. شهر ربيع الاول سنة اربع وتسعين وسبعماية واتصل ثبوت الحجة والحوالة باقضى القضاة تقي الدين ابي الانصاف ابي بكر الحنفي خليفة الحكم العزيز بالقدس
٢٢. الشريف بشهادة من يعين ذلك في شهادته اخرا ممن حضر مجلس حكمه من العدول حين الاشهاد عليه بالثبوت المذكور واحضر القابض المذكور اشهادا شرعيا
٢٣. مورخا بحادي عشري محرم سنة اربع وتسعين وسبعماية يتضمن اقرار محمد الثاني اقرارا صحيحا شرعيا في صحة منه وسلامة وجواز امر



ان الجناب الناصري
 ٢٤. القابض اعلاه يستحق قبض ما جره الارث الشرعي الى المقر من اخته
 الملك وما جره الارث الشرعي اليها من زوجها شمس الدين محمد بن
 الجمال المذكور اعلاه

Lines 25-34. See figure 7, p. 187.

٢٥. من قماش واثاث وذهب وزركش ولولو ومصاغ وديون شرعية ومال
 حاصل وغير ذلك مما هو بدمشق وبعليك وبمودع الحكم بالقدس الشريف
 ٢٦. ومن الزبيب والحبهان وغيره المعروف بينهما المعرفة الشرعية وبذيله
 وكالة شرعية تاريخها رابع محرم سنة اربع وتسعين وسبعماية تتضمن
 وكالة وزرا
 ٢٧. وفاطمة وستيته ومحمد اولاد حسن للجناب الناصري القابض اعلاه في
 المطالبة بما يخص الموكلات الثلاثة وما يخص اليتيم محمد الصغير
 المعروف
 ٢٨. بالآخر اخيهم لابيهم المستمر تحت وصية الموكل الرابع من تركة اخته
 الملك المذكورة وقبض ذلك وقبول الوكيل ذلك قبولا شرعيا ثابت
 ٢٩. مضمون الاقرار ومضمون الوكالة لدا العبد الفقير الى الله تعالى اقضى
 القضاة تقي الدين ابن مفلح الحنبلي الحاكم بدمشق المحروسة بمقتضى
 ٣٠. اشهاد شرعي تاريخه رابع شهر ربيع الاخر سنة اربع وتسعين
 وسبعماية واتصل ثبوته باقضى القضاة تقي الدين ابي الانصاف ابي
 بكر الحنفي خليفة
 ٣١. الحكم العزيز بالقدس الشريف بتاريخ ثامن عشر شهر ربيع الاخر
 المذكور واتصل ثبوت ذلك بمجلس الحكم العزيز الشرفي الشافعي الحاكم
 بالقدس الشريف المشار
 ٣٢. اليه اعلاه ايده الله تعالى بتاريخ الرابع والعشرين من جمادى الاولى
 سنة خمس وتسعين وسبعماية وقامت عنده بينة شرعية ان الموكل عن
 اليتيم المذكور
 ٣٣. وصي على اليتيم حين التوكيل مستمر الوصاية وقامت بينة شرعية
 عنده ان محمد الكبير المعروف بالاول واختيه لابيها اسما واسن اولاد
 المرحوم
 ٣٤. بدر الدين حسن ابن ابي النور وشقيقتهما التي اقروا في صحة منهم
 وسلامة وجواز امر في العشر الاول من صفر سنة خمس وتسعين
 وسبعماية



Lines 35-43. See figure 8, p. 188.

٣٥. ان الجناب الناصري المشار اليه اعلاه يستحق قبض ما جره الارث الشرعي اليهم من تركة اختهم لابيهم الملك المذكورة اعلاه مما خلفته ومما انتقل اليها
٣٦. بالارث الشرعي من تركة زوجها المذكور اعلاه بحق الربع من قماش واثاث وذهب وفضة ولولو وزركش و مصاغ ونحاس وديون ومال حاصل
٣٧. واملاك مما هو مخلف بدمشق وبعلبك وبقاع بعلبك والقدس الشريف وهو معلوم لكل منهم استحقاقا صحيحا شرعيا من وجه صحيح شرعي انتقل
٣٨. اليه بناقل شرعي يسوغه الشرع الشريف وحلف المقر له الجناب الناصري بالله العظيم اليمين الشرعية المعينة في الحكم على الغائب على ذلك وثبت
٣٩. الاقرار والحلف لدى سيدنا القضاي الشريف الشافعي الحاكم بالقدس الشريف المشار اليه ايده الله تعالى بمقتضى الاشهاد عليه المورخ بالربع والعشرين من
٤٠. جمادى الاولى سنة خمس وتسعين وسبعماية فلما ثبت ذلك جميعه واتصل ثبوته بمجلس الحكم العزيز الشريف الشافعي الحاكم بالقدس الشريف المشار اليه ايده الله تعالى
٤١. وساغ للجناب الناصري المذكور فيه قبض المبلغ المذكور اعلاه قبض ذلك قبضا كاملا تاما وافيا بحضرة شهوده ومعاينتهم ذلك وجملة ذلك بما فيه من مصارفه ذهب
٤٢. من الدراهم الفضة المتعامل بها يومئذ بالشام المحروس الف درهم واحدة وتسعمائة درهم وتسعة وثمانون درهما ونصف وربع درهم وذلك من التركتين

Lines 43-49. See figure 9, p. 189.

٤٣. المذكورتين من جملة سبعة الاف درهم وسبعماية درهم وتسعة وثمانين درهما تفصيله من تركة شمس الدين الزوج المذكور ومن تركة الملك
- [٥٧٠٧ دراهم ونصف وربع درهم]¹¹⁵

¹¹⁵ Although the notation interpreted here as 700 looks more like *tis'ūn* than *sab'a*, I have forced the latter reading in order to reconcile the arithmetical computation. In any case the notations for *sab'a* and *tis'a* are often difficult to distinguish from each other.



- المذكورة انصرف من تركة الملك
[٢٠٨١ درهماً وربع درهم]
٤٤. تجهيز ودين ام محمد والثلث الموصى به صدقة وختمات شريفة بالقدس
[٥٠ درهماً] [٥٠ درهماً]
- الشريف البارز بعد ذلك من ذلك ما قبضه الجنب الناصري قبل تاريخه
[٦٣٣ درهماً ونصف وربع درهم] [٧٠٥٥ درهماً وربع درهم]
- بمقتضى اشهاد من ابن سناجق من تركة
٤٥. شمس الدين وثمان الاعيان من تركة شمس الدين ايضاً وما قبضه من
[٣٠٠ درهماً] [٣٦٤ درهماً وربع درهم]
- تركة الملك ثمن حوايج مباعه قبل تاريخه وبقية المبلغ ما قبضه من
[١٧٠٨ درهم وربع درهم]¹¹⁶
- مودع الحكم العزيز الشافعي بالقدس الشريف المعين اعلاه
٤٦. وذلك من تركة شمس الدين المذكور ومن تركة الملك واقر الجنب
[١٨٤٣ درهماً ونصف درهم] [١٤٦ درهماً وربع درهم]
- الناصري المشار اليه اقراراً صحيحاً شرعياً طوعاً واختياراً في صحة منه
وسلامة و جواز امر انه اتصل
٤٧. الى جميع ما عين اعلاه وانه لم يبق يستحق بعد ذلك بمودع الحكم العزيز
المشار اليه ولا عند امين الحكم بالقدس الشريف شيئا قل ولا جل بوجه من
الوجوه وسبباً من الاسباب
٤٨. وصدق على ما اوصت به الملك المذكورة وهو ثلث مالها حسبما عين اعلاه
وان ذلك صرف في مصارفه الموصى بها وانه لم يتاخر بعد ذلك له ولا
لموكلية بمودع الحكم
٤٩. بالقدس الشريف ولا عند امينه شي قل ولا جل واشهد عليه بجميع ما
نسب اليه اعلاه ووكل في ثبوته وطلب الحكم به توكيلاً شرعياً فيه شهد
في الرابع والعشرين

Lines 50-56. See figure 10, p. 190.

٥. من جمادى الاولى من شهور سنة خمس وتسعين وسبعمائة وصلى الله
على سيدنا محمد واله وصحبه وسلم حسبنا الله تعالى ونعم

¹¹⁶This is what the document reads, but, to make the arithmetic in the document balance, this figure should read الف وسبعمائة درهم واحد وربع درهم. Accordingly, I assume that the scribe made an error in recording this figure by writing the abbreviation for eight dirhams instead of that for one dirham (cf. Appendix B), and I translate the latter numeral.



الوكيل

٥١. واشهد عليه الجناب الناصري المشار اليه انه لا مطعن له ولا دافع فيما اوصت به الملك المذكورة ولا في شي منه وبه تم الاشهاد في تاريخه المعين اعلاه

[a]

٥٢. اشهد على سيدنا الحاكم الشرفي المشار اليه اعلاه

٥٣. اسبغ الله ظلاله بما نسب اليه اعلاه وعلى الجناب

٥٤. الناصري المذكور اعلاه بما نسب اليه فيه اعلاه

٥٥. في تاريخه المعين اخرا اعلاه كتبه

٥٦. محمد بن سليمان الشافعي

٥٧. شهد عندي بذلك اعزه الله تعالى

[b]

٥٢. اشهد على سيدنا ومولانا الحاكم الشرفي

٥٣. المشار اليه اعلاه ايده الله تعالى وعلى القاضي

٥٤. تقي الدين الحنفي الحاكمين بالقدس الشريف بما نسب

٥٥. اليهما فيه اعلاه كتبه عيسى بن احمد العجلوني الشافعي

[c]

٥٢. اشهد على الحاكم الشرفي

٥٣. والقاضي التقوي ايدهما الله

٥٣أ. والجناب الناصري بما

٥٤. نسب اليهم فيه اعلاه

٥٤أ. وعاينت القبض في تاريخه

٥٥. كتبه احمد بن الجلال

٥٦. شهد عندي بذلك

[d]

٥٢. شهدت على سيدنا الحاكم الشرفي المشار

٥٣. اليه اعلاه

٥٣أ. ايده الله تعالى بما نسب اليه اعلاه وعلى الجناب

٥٤أ. الناصري المشار اليه اعلاه بما نسب اليه اعلاه

٥٥. في تاريخه وعاينت ما قبضه من مودع الحكم العزيز

٥٦. المشار اليه اعلاه كما عين اعلاه كتبه يوسف النقيب (؟) الحنفي

Lines 57-66. See figure 11, p. 191.

[a]



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٥٨. اشهد على سيدنا ومولانا الحاكم الشرفي
 ٥٩. المشار اليه اعلاه ايده الله تعالى وعلى القاضي تقي الدين
 ٦٠. الحنفي الحاكم بالقدس الشريف بما نسب اليهما فيه اعلاه
 ٦١. وعلي الجناب الناصري بما نسب اليه فيه اعلاه في تاريخه
 ٦٢. كتبه عبد الحميد محمد بن الجلال الانصاري
 [b]
 ٥٨. اشهد على ما صدر من القابض المذكور اعلاه بما نسب اليه فيه اعلاه
 ٥٩. وبقبض ما عين اعلاه وعينت القبض في تاريخه المعين اعلاه
 ٦٠. اعلاه¹¹⁷ كتبه احمد بن يوسف عفى الله عنهما وغفر لهما
 [c]
 ٥٧. شهدت على سيدنا الحاكم الشرفي المشار
 ٥٨. اليه اعلاه ايده الله تعالى بما نسب اليه
 ٥٩. اعلاه وعلى الجناب الناصري المشار اليه
 ٦٠. اعلاه اعز الله نصرته بما نسب اليه اعلاه
 ٦١. وعينت قبض ما قبضه من مودع الحكم
 ٦٢. العزيز في تاريخه اعلاه كتبه
 ٦٣. عبد الرحمن النقيب الحنفي
 [a]
 ٦١. اشهد على سيدنا ومولانا الحاكم الشرفي المشار اليه فيه
 ٦٢. اعلاه ايده الله تعالى وعلى القاضي تقي الدين الحنفي الحاكم بالقدس
 الشريف بما نسب اليهما
 ٦٢. فيه اعلاه وعلى الجناب الناصري بما نسب اليه فيه اعلاه في تاريخه
 كتبه محمد بن احمد الشافعي
 [a]
 ٦٣. اشهد ان الثلث المذكور صرف لمستحقه
 ٦٤. شرعا على الوجه الشرعي كتبه احمد بن محمد الشافعي
 ٦٥. شهد عندي بذلك
 [b]
 ٦٣. اشهد على القاضي الشرفي والقاضي التقوي خليفة الحكم الحنفي ايده
 الله تعالى
 ٦٤. والجناب الناصري بما نسب اليهم فيه في تاريخه وبصرف الثلث
 لمستحقه شرعا

¹¹⁷ *a'lāhu* has been inadvertently repeated.



٦٥. كتبه احمد بن محمد بن على عفا الله عنهم اجمعين
٦٦. شهد عندي بذلك

Upper line of the *tawqīʿ* in the margin:

ليشهد بثبوتيه والحكم بموجب ذلك وصحة الحوالة ولزومها وعدم رجوع
المحتال على المحيل وفي ما له مع العلم بالخلاف فيما فيه الخلاف وبالله
المستعان

Bottom of the *tawqīʿ* in the margin. See figure 12, p. 192.

وصرف المبلغ الموصى به وهو الثلث الى مستحقه شرعا وبالله المستعان

Translation

1. In the name of God, the Compassionate, the Merciful. Praise be to God for His blessings.
2. The Honorable, Masterful Excellency, the Great Victorious Commander, Nāṣir [al-Dīn], *ibn* of the [Servant Needy of] God the Exalted, al-Qāḍī Amīn al-Dīn ʿĪsā, son of the deceased
3. al-Bayḥānī, one of the Baalbek amirs, present on that day in Jerusalem the Noble, may God bolster His aid, and known to the witnesses of this document, called for witnesses that he took, received, and acquired from a legal repository
4. that which was deposited in the depository of the Esteemed Shāfiʿī Court of Sharaf al-Dīn in Jerusalem the Noble, namely, of silver *dirhams* in current use at that time in Damascus the Well-Guarded
5. one thousand seven hundred ninety-four and three-quarter *dirhams*, and of Florentine gold, ten pieces at the exchange value of one hundred ninety-five *dirhams*,
6. this amount being from the estate of Shams al-Dīn Muḥammad ibn Muḥammad ibn al-Jamāl al-Tājir al-Baʿlabakkī and from the estate of Ālmalik bint Badr al-Dīn Ḥasan ibn Abī al-Nūr al-Baʿlabakkīyah, wife of the aforementioned Shams al-Dīn,
7. by dint of the demise of the aforementioned Shams al-Dīn Muḥammad in Jerusalem the Noble. His inheritance was legally restricted to his wife, the aforementioned Ālmalik, his full brother ʿIzz al-Dīn Ḥusayn, and his siblings
8. by his mother: Shihāb al-Dīn Aḥmad, Altī, and Sutaytah, the children of Muḥammad ibn Ibrāhīm al-ʿAjamī, they being absent from Jerusalem the



Noble. Thereafter, the aforementioned Ālmalik died, and her inheritance was legally restricted to her

9. ten siblings: Sutaytah, Altī, Asin, Sitt al-Wuzarā', Fāṭimah: full siblings; and Muḥammad the Elder, known as the First; Muḥammad the Middle, known as the Second; Muḥammad the Younger,
10. known as the Last; Asmā'; and Mughul, [all being related] through her father [alone], with no other partner or precluder. This is in accordance with a legal court record dated the middle [ten days] of Muḥarram 794 [9-18 December 1391], the contents of which were certified
11. by the Servant Needy of God the Exalted, Aqḍā al-Quḍāh Taqī al-Dīn Abū al-'Abbās Aḥmad ibn al-Munajjā al-Ḥanbalī, Magistrate in Damascus the Well-Guarded, in accordance with the attestation (of certification) on the verso of the court record, dated the sixteenth
12. of the aforementioned month [14 December 1391], this certification having been conveyed at the Esteemed Ḥanafī Court in Jerusalem the Noble to Aqḍā al-Quḍāh Taqī al-Dīn Abū al-Anṣāf Abū Bakr, Ḥanafī Deputy Qāḍī in Jerusalem the Noble, in accordance with the attestation (of certification)
13. dated 19 Rabī' II 795 [4 March 1393], the certification of which was conveyed to our Lord and Master the Servant Needy of God the Exalted, Qāḍī of the Muslims, Sharaf al-Dīn Abū al-Rūḥ 'Isā
14. son of the Servant Needy of God the Exalted, Jamāl al-Dīn, Muftī of the Muslims, Abū al-Jūd Ghānim al-Anṣārī al-Shāfi'ī, Magistrate in Jerusalem the Noble and its districts, Chief Shaykh, and Supervisor of the Noble Endowments, may God support him,
15. in accordance with the attestation (of certification) dated 24 Jumādā I 795 [7 April 1393]. [The disposition of the estate was also] in accordance with a legal document dated 13 Shawwāl 788 [7 November 1386] containing the acknowledgment
16. of Shams al-Dīn Muḥammad ibn Muḥammad ibn al-Jamāl mentioned above that he was indebted by a valid, legal claim to his wife Ālmalik mentioned above for ten thousand *dirhams*. In this document there is a transfer clause dated
17. 23 Ṣafar 789 [15 March 1387] containing the aforementioned Ālmalik's attestation that she transferred to her nephew (her sister's son) the Excellency Nāṣir al-Dīn, the receiver mentioned above, against her husband mentioned above,
18. the amount acknowledged to her above in the aforementioned document, this transfer being valid and legal and the acceptance of it by the transferee being legal acceptance. The document was certified by the Servant Needy of God the Exalted, Aqḍā



19. al-Quḍāh Badr al-Dīn ibn al-Raḍī al-Ḥanafī, Deputy Qāḍī of the Esteemed Court in Damascus the Well-Guarded, according to the attestation (of certification) dated 1 [Dhū] al-Ḥijjah 788 [24 December 1386].
20. The transfer clause was certified by Aqḍā al-Quḍāh the Servant Needy of God the Exalted, Shams al-Dīn al-Ikhnā'ī al-Shāfi'ī, Deputy Qāḍī in Damascus the Well-Guarded, in accordance with the attestation (of certification) dated 28
21. Rabī' I 794 [23 February 1392]. Certification of the document and the transfer was conveyed to Aqḍā al-Quḍāh Taqī al-Dīn Abū al-Anṣaf Abū Bakr al-Ḥanafī, Deputy Qāḍī in Jerusalem
22. the Noble, by the testimony at the end of the document of one of the legal witnesses in attendance at the court at the time of the attestation to the aforementioned certification. The aforementioned recipient brought a legal attestation
23. dated 21 Muḥarram 794 [19 December 1391] containing the acknowledgment made in health and sound mind and with free disposition of his affairs, that His Excellency Nāṣir al-Dīn,
24. the above-mentioned recipient, is entitled to receive whatever is conferred on the acknowledger by legal inheritance from his sister Ālmalik and to whatever was conferred on her by legal inheritance from her above-mentioned husband Shams al-Dīn Muḥammad ibn al-Jamāl
25. of fabric, furniture, gold, brocade, pearls, jewelry, legal debts, productive property, etc., in Damascus, Baalbek, and the Court Depository in Jerusalem the Noble as well as
26. raisins and cardamom, and other things known to the two of them in legal cognizance. An appendix [to the acknowledgment] contains a legal power of attorney dated 4 Muḥarram 794 [2 December 1391] for [Sitt al-]Wuzarā',
27. Fāṭimah, Sutaytah, and Muḥammad [II], children of Ḥasan, assigned to His Excellency Nāṣir al-Dīn, the aforementioned recipient, to claim whatever pertains to the three female mandators and to the orphan Muḥammad the Younger, known as
28. the Last, their brother by their father, who remains under the guardianship of the fourth [male] mandator, of the estate of their aforementioned sister Ālmalik. The proxy received that [power of attorney], his acceptance being legal, and the contents of the
29. acknowledgment and the power of attorney were certified by the Servant Needy of God the Exalted, Aqḍā al-Quḍāh Taqī al-Dīn ibn Mufliḥ al-Ḥanbalī, Magistrate in Damascus the Well-Guarded, in accordance with



30. a legal attestation (of certification) dated 4 Rabī' II 794 [29 February 1392]. Its certification was conveyed to Aqdā al-Quḍāh Taqī al-Dīn Abū al-Anṣāf Abū Bakr al-Ḥanafī, Deputy
31. Qāḍī in Jerusalem the Noble, on 18 of the aforementioned Rabī' II [12 March 1392], and the certification of that was conveyed to the Esteemed Court of the above-mentioned Sharaf al-Dīn al-Shāfi'ī, Magistrate in Jerusalem the Noble,
32. may God support him, on 24 Jumādā I 795 [7 April 1393]. Legal evidence was established before him that the mandator for the aforementioned orphan
33. was his legal guardian, with continuing guardianship, at the time of assignment of the power of attorney. Legal evidence was [also] established before him that Muḥammad the Elder, known as the First, and his two sisters by his father, Asmā' and Asin, children of the late
34. Badr al-Dīn Ḥasan ibn Abī al-Nūr, and their full sister Altī acknowledged in health, sound mind, and free disposition during the first ten days of Ṣafar 795 [17-26 December 1392]
35. that the above-mentioned Excellency Nāṣir al-Dīn is entitled to take possession of whatever is conferred on them by legal inheritance from the estate of their sister by their father, the above-mentioned Ālmalik, from what she left behind and from what was transmitted
36. by legal inheritance from the estate of her above-mentioned husband, by the right of one-fourth, of fabric, furniture, gold, silver, pearls, brocade, jewelry, copper, debts, productive property,
37. and real estate from that left behind in Damascus, Baalbek, Bekaa Baalbek, and Jerusalem the Noble, he being known to each of them, and this being a valid, legal entitlement in a valid, legal mode.
38. This [entitlement] was transmitted to him by a transmittance sanctioned by the Noble Law. The acknowledgee, the Excellency Nāṣir al-Dīn, swore to that by God the Glorious, the legal oath designated for a judgement against an absent person.
39. The acknowledgment and the oath were certified by Our Lord the aforementioned Qāḍī Sharaf al-Dīn al-Shāfi'ī, Magistrate in Jerusalem the Noble, May God the Exalted support him, in accordance with the attestation (of certification) dated 24
40. Jumādā I 795 [7 April 1393]. When all of that had been certified and its certification conveyed to the Esteemed Shāfi'ī Court of Sharaf al-Dīn, the aforementioned Magistrate in Jerusalem the Noble, may God the Exalted support him,
41. and the aforementioned Excellency Nāṣir al-Dīn was permitted to take possession of the amount mentioned above, he did so completely, entirely,



- and exhaustively, in the presence of legal witnesses and under the surveillance of them. The total of that, with the exchange for gold,
42. of silver *dirhams* in current use in Damascus the Well-Protected is one thousand nine hundred eighty-nine and three-quarter *dirhams*, this being from the two aforementioned estates
43. from the total of seven thousand seven hundred eighty-nine *dirhams*, divided between the estate of Shams al-Dīn, the aforementioned husband, and
[5707 3/4 *dirhams*]
from the estate of the aforementioned Ālmalik. There was spent from
[2081 1/4 *dirhams*]
Ālmalik's estate
44. for burial, the debt of Umm Muḥammad, and the third bequeathed as
[50 *dirhams*] [50 *dirhams*]
charity and for noble recitations of the Quran in Jerusalem the Noble,
[633 3/4 *dirhams*]
leaving a balance thereafter, less that which the Excellency Nāṣir al-Dīn
[7055 1/4 *dirhams*]
received previously, according to an attestation from Ibn Sanājiq, from the estate of
45. Shams al-Dīn, plus the value of the chattels, also from the estate of Shams
[3000 *dirhams*] [364 1/4 *dirhams*]
al-Dīn, and what he received from the estate of Ālmalik from the value of goods sold previously. The balance is what he received from the Depository
[1701 1/4 *dirhams*]¹¹⁸
of the Esteemed Shāfi'ī Court in Jerusalem the Noble, specified above:
46. from the estate of the aforementioned Shams al-Dīn and from the estate of
[1843 1/2 *dirhams*]
Ālmalik. The aforementioned Excellency Nāṣir al-Dīn made a valid, legal
[146 1/4 *dirhams*]
acknowledgment voluntarily, by choice, in health, sound mind, and free disposal of his affairs, that he had received
47. all which is specified above and that he was no longer entitled thereafter to anything whatsoever, in any manner or form, in the aforementioned Depository of the Esteemed Court or with the Trustee of Orphans in Jerusalem.

¹¹⁸ الف و سبع مئة درهم و ثمانية دراهم و ربع درهم, but to make the arithmetic in this document balance, this figure should read الف و سبع مئة درهم و واحد و ربع درهم. Accordingly, I assume that the scribe made an error in recording this figure by the logogram for eight *dirhams* instead of that for one *dirham*, and I translate the latter numeral.



48. He verified what the aforementioned Ālmalik bequeathed, i.e., one-third of her property in accordance with what is specified above, that this was spent on the expenses of the legacy, and that thereafter nothing remained to him nor to his mandators, either in the Court Depository
49. in Jerusalem the Noble or with its Trustee, nothing whatsoever. He called for witnesses to everything attributed to him above and made a legal warrant of attorney authorizing that this be certified and requesting that a judgement be made to that effect. He testified on 24
50. Jumādā I 795 [7 April 1393]. Blessings and peace upon Our Lord Muḥammad, his family, and companions. God the Exalted is our sufficiency! What an excellent Guardian is He!
51. The aforementioned Excellency Nāṣir al-Dīn attested that there is no challenge or rebuttal to that which the aforementioned Ālmalik bequeathed or in anything thereto appertaining. Thus the attestation was completed on the date designated above.

[a]

52. I am witness to Our Lord the Magistrate Sharaf al-Dīn mentioned above,
53. may God lengthen his shadow, as to what is attributed to him above in this document, and to the aforementioned Excellency
54. Nāṣir al-Dīn as to what is attributed to him above in this document
55. on the date designated above at the end. Written by
56. Muḥammad ibn Sulaymān al-Shāfi'ī.
57. He testified to that before me, may God the Exalted strengthen him.

[b]

52. I am witness to Our Lord and Master the Magistrate Sharaf al-Dīn
53. mentioned above, may God the Exalted support him, and to al-Qāḍī
54. Taqī al-Dīn al-Ḥanafī, the two magistrates in Jerusalem the Noble, as to what is attributed
55. to them above in this document. Written by 'Īsā ibn Aḥmad al-'Ajlūnī al-Shāfi'ī.

[c]

52. I am witness to the Magistrate Sharaf al-Dīn
53. and to al-Qāḍī Taqī al-Dīn, may God support them,
- 53a. and to the Excellency Nāṣir al-Dīn as to what
54. is attributed to them above in this document,
- 54a. and I viewed the taking of possession on its date.
55. Written by Aḥmad ibn al-Jalāl
56. He testified to that before me.

[d]

52. I was witness to Our Lord the Magistrate Sharaf al-Dīn



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53. mentioned above,
 53a. may God the Exalted support him, as to what is attributed to him above,
 and to the above-mentioned Excellency
 54a. Nāṣir al-Dīn as to what is attributed to him above
 55. on its date, and I viewed that which he took possession of from the Depository
 of the Esteemed Court
 56. mentioned above as designated therein. Written by Yūsuf al-Naqīb (?)
 al-Ḥanafī.
- [a]
 58. I am witness to Our Lord and Master the Magistrate Sharaf al-Dīn
 59. mentioned above, may God the Exalted support him, and to al-Qāḍī Taqī
 al-Dīn
 60. al-Ḥanafī, Magistrate in Jerusalem the Noble, as to what is attributed to
 them above in this document,
 61. and to the Excellency Nāṣir al-Dīn as to what is attributed to him above in
 this document on its date.
 62. Written by ‘Abd al-Ḥamīd Muḥammad ibn al-Jalāl al-Anṣārī.
- [b]
 58. I am witness to that which issued from the above-mentioned recipient as to
 what is attributed to him above in this document
 59. and to his taking possession of that which is designated above. I viewed
 the taking possession on its date specified above.
 60. Written by Aḥmad ibn Yūsuf. May God forgive and pardon both of them.
- [c]
 57. I was witness to Our Lord the Magistrate Sharaf al-Dīn mentioned
 58. above, may God the Exalted support him, as to what is attributed to him
 59. above, and to the above-mentioned Excellency Nāṣir al-Dīn,
 60. may God strengthen his aid, as to what is attributed to him above,
 61. and I viewed the taking possession of what he received from the Depository
 of the Esteemed Court
 62. on its date. Written by
 63. ‘Abd al-Raḥmān al-Naqīb al-Ḥanafī.
- [a]
 61. I am witness to Our Lord and Master the Magistrate Sharaf al-Dīn mentioned
 62. above, may God the Exalted support him, and to al-Qāḍī Taqī al-Dīn
 al-Ḥanafī, Magistrate in Jerusalem the Noble, as to what is attributed to
 them
 62a. above in this document, and to the Excellency Nāṣir al-Dīn as to what is
 attributed to him above in it on its date. Written by Muḥammad ibn Aḥmad
 al-Shāfi‘ī.



[a]

63. I testify that the mentioned one-third was spent for those entitled to it
 64. legally, in the legal manner. Written by Aḥmad ibn Muḥammad al-Shāfi‘ī.
 65. He testified to that before me.

[b]

63. I am witness to al-Qāḍī Sharaf al-Dīn and to al-Qāḍī Taqī al-Dīn, Ḥanafī
 Deputy Qāḍī, may God the Exalted support him,
 64. and the Excellency Nāṣir al-Dīn, as to what is attributed to them in this
 document on its date and to the disbursement of the one-third to those
 legally entitled to it.
 65. Written by Aḥmad ibn Muḥammad ibn ‘Alī, may God forgive all of them.
 66. He testified to that before me.

Right-hand margin:

1. Let there be witnesses to its certification and to the judgement to the obligatoriness of that, to the validity and bindingness of the transfer, and to the absence of a claim for restitution on the part of the transferee against the transferor and his property, in spite of cognizance of disagreement about that which disagreement exists, God being the One Whose help is to be sought. And [witnesses] to disbursement of the bequeathed amount, i.e., the third, to its claimants legally, God being the One Whose help is to be sought.

Commentary

This *ishhād* forms the first part of a type of document described by al-Asyūfī in a chapter on *al-qaḍā’*, meaning judging, or judicial procedure. Therein al-Asyūfī discusses the different practices followed by Egyptian and Syrian judges and notaries in drafting documents certifying (*thubūt*) legal transactions. His comments on the Syrians’ practice are relevant to this document and to no. 133 recto, above, though, as will be recalled, the latter lacks the requisite consequential document:

They write (a) the judge’s request for witnesses (*ishhād*) to [the validity of] certification (*thubūt*), judgement (*ḥukm*), and implementation (*tanfīdh*). (b) The judge writes his motto (*‘alāmah*) on the recto of the document, to the left of the *basmalah*. Next, (c), in the margin he writes in his own handwriting a request for witnesses to the judge regarding certification, judgement, and implementation. Then (d) he endorses [the witnessing clauses of] the witnesses. (e) The clerk (*al-kātib*) writes the request for witnesses to the judge



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(*al-ishhād*) on the verso of the document, without a motto or anything else.¹¹⁹

Although no. 355 recto does not mention implementation (*tanfīdh*), it does contain all the formal components mentioned by al-Asyūfī except (e), which is found, of course, on no. 355 verso.¹²⁰

The recto of this document takes the form of an *ishhād* judged to be valid by a judge. In notarial parlance *ishhād* is an ambiguous term, and I myself have mentioned elsewhere the different types of *ishhāds* found among the Ḥaram documents.¹²¹ I have also pointed to the similarity of one type of *ishhād*, attestation, to the *iqrār*, or acknowledgment, concluding that the difference between the two is a matter of form and language.¹²² In her study of the fourteenth-century Ḥanafī formularies of al-Ṭarsūsī, Guellil describes three types of *ishhāds*, which, on the basis of format, she labels as *ishhād-shahādah*, corresponding, roughly, to my attestation;¹²³ *ishhād-isjāl* (*kitābat ḥukm*), corresponding to my certification;¹²⁴ and the *ishhād* form of witnessing clauses.¹²⁵ Professor ‘Abd al-Laṭīf Ibrāhīm has also called attention to the various types of documents subsumed by the term *ishhād* and gives a concise statement of its applications. *Ishhād*, he explains, originally meant a request that witnesses testify to the occurrence of a matter; later, it denoted legal instruments such as *iqrārs*; finally, during the Mamluk period in particular, it was applied to court documents which certify and register transactions. In the last case, *al-ishhādāt al-shar‘īyah* applies to “a *waqf* document, [for example,] which had become an official, notarized record with executive force and a legal deed accepted in every circumstance and condition. Accordingly, the purpose of *ishhādāt* is to increase the certitude, confirmation, and authority of the contract, ‘pour confirmer le contrat’.”¹²⁶

Our document no. 355 recto-verso contains, or refers to, all types of *ishhād* adumbrated above. Recto is (i) an *ishhād* of attestation calling for witnesses to the document and the legal transactions it records; as such it is both a simple attestation

¹¹⁹ Al-Asyūfī, *Jawāhir*, 2:369-70.

¹²⁰ For other examples from the Ḥaram, see Asali, *Wathā’iq*, 1:227-30 (no. 28a-b) and Lutfī, “*Iqrārs*,” 278-87 (no. 315a-b).

¹²¹ *Catalogue*, 224.

¹²² *Ibid.*, 225.

¹²³ Guellil, *Akten*, 257.

¹²⁴ *Ibid.*, 260.

¹²⁵ *Ibid.*, 360.

¹²⁶ Al-Tawthīqāt al-Shar‘īyah wa-al-Ishhādāt fī Ḥaḥr Wathīqat al-Ghawrī, “*Majallat Kullīyat al-Ādāb, Jāmi‘at al-Qāhirah* 14 (1957): 301.



before a judge and a step in al-Asyūṭī's process of judicial certification. Verso is (ii) an *ishhād/ishjāl*, the witnessing clauses of which are cast in an *ishhād* form (iii). In my translations I have distinguished between (i) and (ii) with the term "attested," "called for witnesses," and "attestations" for (i) and "attestation (of certification)" for (ii).

On 24 Jumādā I 795/7 April 1393, a year and a month after the public sale of Shams al-Dīn's Jerusalem estate and a year and six months after the original inventory was made, Nāṣir al-Dīn appeared before a Shāfi'ī judge in Jerusalem, calling for witnesses to attest that he had taken legal possession of silver and gold worth 1989 3/4 Damascus *dirhams* which had been kept in the Shāfi'ī Court Depository in Jerusalem until the estates of his uncle, who had died in Jerusalem, and his aunt had been settled there. Nāṣir al-Dīn's claims on the estates were complex and had nothing to do, apparently, with his blood relationship to his aunt Ālmalik. When Shams al-Dīn died, sometime before 23 Rabī' II 794/20 March 1392 (the date of the public sale), his legal heirs, according to this document, were his wife, a full brother, and three brothers and sisters, though as we have seen, Sutaytah was identified in the inventory as a full sister.¹²⁷ Since he had no surviving descendents, his wife, Ālmalik, was entitled to a fourth of his estate. But this amount was augmented by the long-standing debt of 10,000 *dirhams* owed her by Shams al-Dīn and legally acknowledged in an *iqrār* dated 13 Shawwāl 788/7 November 1386. In the following year Ālmalik transferred her claim on the debt to her nephew, Nāṣir al-Dīn, in a *hawālah*. As we have seen Shams al-Dīn neglected to declare this debt in his Jerusalem estate inventory, perhaps, we may speculate, because he considered it to be a liability against his Damascus, as distinct from Jerusalem, holdings. In any case the *hawālah* constituted one basis for Nāṣir al-Dīn's claim to Shams al-Dīn's estate. In the meantime, however, Ālmalik died, leaving heirs of her own, namely her ten brothers and sisters, five of whom were full siblings, the other five related to her through their father alone. When Ālmalik died, all of these brothers and sisters, apparently with one exception, formally authorized Nāṣir al-Dīn to represent them in their claims against their sister's estate, and these authorizations formed the second basis of Nāṣir al-Dīn's claim when he appeared before a Shāfi'ī judge in Jerusalem.

Remarkably, all or most of these transactions were recorded in legal documents that were certified and registered in courts, originally in courts located in Damascus, presumably because Shams al-Dīn and Ālmalik had been living there or under its jurisdiction. Later, however, when Shams al-Dīn died in Jerusalem and some of his estate had to be settled by Jerusalem courts, it became necessary to have the Damascus documents transferred and certified there, including those related to

¹²⁷See no. 133, line 4, above.



Ālmalik's estate. Some of these we have already had occasion to notice in connection with the *makhzūmah*.¹²⁸ In brief, this process took place in two phases, as follows:

- (a) Shams al-Dīn Muḥammad made an *iqrār* acknowledging his debt of 10,000 *dirhams* to Ālmalik on 13 Shawwāl 788/7 November 1386.
- (b) The *iqrār* was certified on 1 Dhū al-Ḥijjah 788/24 December 1386 by a Ḥanafī judge in Damascus.
- (c) Ālmalik added a transfer clause (*faṣl ḥawālah*) to the *iqrār*, transferring the proceeds from the debt to her nephew, Nāṣir al-Dīn, on 23 Ṣafar 789/15 March 1387.
- (d) The transfer clause was certified on 28 Rabī' I 794/23 February 1392 by a Shāfi'ī judge in Damascus.
- (e) Both these certified documents were conveyed to a Ḥanafī judge, Taqī al-Dīn, in Jerusalem sometime before 23 Rabī' II 794/20 March 1392,
- (f) when, under the authorization of this *qāḍī*, a sale of chattels in Shams al-Dīn's estate was held in order to satisfy his debt to his wife, transferred to Nāṣir al-Dīn.

But these legal transactions were conducted only in conjunction with Nāṣir al-Dīn's claim to the transferred debt. As we have already seen, he also made a claim to Ālmalik's estate on the basis of authorizations assigned to him by some of her legal heirs. We do not know the date of Ālmalik's death; it must have occurred around 4 Muḥarram 794/2 December 1391, when some of those heirs assigned their power of attorney to Nāṣir al-Dīn, enabling him to act on their behalf in settling the estate. Nor do we know with certainty where she died since the place is not specified in any of the available documents. In all probability she died in Jerusalem since part, at least, of her estate was held and settled there, but there is no evidence to place her there at the time of her death. In any event Nāṣir al-Dīn appeared in Jerusalem with several certified powers of attorney and other forms of authorization from Ālmalik's heirs, which he used to take possession of money in Jerusalem due to these heirs and himself. The process by which the relevant documents were issued and certified can be outlined as follows:

- (a) Muḥammad II made an *iqrār* on an unspecified date authorizing Nāṣir al-Dīn to claim his (Muḥammad's) portion of Ālmalik's estate.
- (b) In an appendix to this *iqrār*, dated 4 Muḥarram 794/2 December 1391, three sisters and Muḥammad II in his capacity as guardian over Muḥammad III assigned their power of attorney to Nāṣir al-Dīn.
- (c) In mid-Muḥarram 794/9-18 December 1391, a court record was issued defining Ālmalik's heirs.

¹²⁸See no. 591 recto A, lines 7, 9, 10, 15, 18, above.



- (d) This court record was certified by a Ḥanbalī judge in Damascus on 16 Muḥarram 794/14 December 1391.
- (e) Muḥammad II's *iqrār* mentioned in (a) was certified on 21 Muḥarram 794/19 December 1391.
- (f) The *iqrār* and the appendix mentioned in (b) were certified by the Ḥanbalī judge in Damascus on 4 Rabī' II 794/29 February 1392.
- (g) The certified *iqrār* and appendix were conveyed to the Ḥanafī judge Taqī al-Dīn on 18 Rabī' II 794/15 March 1392. (Shortly thereafter, on 23 Rabī' II 794/20 March 1392, the sale of chattels from Shams al-Dīn's estate in favor of Nāṣir al-Dīn was held in Jerusalem.)
- (h) Muḥammad I and three sisters made an *iqrār* during the first ten days of Ṣafar 795/17-26 December 1392 that Nāṣir al-Dīn was entitled to their share of Ālmalik's estate. Nāṣir al-Dīn swore an oath to this effect.
- (i) The certified court record mentioned in (d) was conveyed to the Ḥanafī judge Taqī al-Dīn in Jerusalem on 19 Rabī' II 795/14 March 1393.
- (j) On 24 Jumādā I 795/7 April 1393 all the relevant documents already conveyed to the Ḥanafī judge Taqī al-Dīn, plus others held by Nāṣir al-Dīn, were conveyed or presented to the Shāfi'ī judge in Jerusalem, Sharaf al-Dīn. On the same date this judge heard evidence on other dispositions connected with Nāṣir al-Dīn's claims, to which Nāṣir al-Dīn swore an oath. All that being done, and certified by Sharaf al-Dīn, Nāṣir al-Dīn took possession of what was owed to him and acknowledged that nothing more was due to him and that Ālmalik's provisions for legal bequests had been fulfilled.
- (k) On the same date Nāṣir al-Dīn requested that all these transactions, along with the document recording them, be certified by a court.
- (l) Thereupon, on the same date, witnesses signed the document, and their signatures were endorsed by a Shāfi'ī deputy judge. He himself signed the document, issued the judgement that the transactions therein recorded were legally valid, and called for witnesses to certify the judgement, the transactions, and the document.

In Appendix A, below, we shall synthesize all the transactions involved in Nāṣir al-Dīn's claims. In the meantime we should note that neither of the two documents already discussed in this article, i.e., the estate inventory and the *makhzūmah*, is mentioned in no. 355. This document we shall now proceed to annotate.



1. *al-ḥamd lillāh ‘alā ni‘amihi* is the motto¹²⁹ used by the Shāfi‘ī Deputy Judge Jamāl al-Dīn Abū Muḥammad ‘Abd Allāh al-Anṣārī, cited on verso, lines 2-5, where biographical details are given in the commentary. For obvious reasons judges were supposed to choose distinctive *‘alāmahs* that no other judge of the same district and time used. Nevertheless, this was apparently a popular motto in fourteenth-century Palestine. It appears on Ḥaram no. 35, dated 6 Rabī‘ II 778/23 August 1376 as the motto of Deputy Qāḍī Abū al-Ḥasan ‘Alī . . . al-Ghazzī al-Shāfi‘ī, a judge in Gaza;¹³⁰ no. 708, dated 7 Dhū al-Ḥijjah 778/17 April 1377, for Deputy Qāḍī ‘Alī ibn Muḥammad al-Shāfi‘ī of Jerusalem;¹³¹ no. 76, dated 26 Dhū al-Ḥijjah 790/26 December 1390, no. 353, dated 15 Ṣafar 777/16 July 1375, no. 354, dated 14 Muḥarram 781/2 May 1379, and no. 369, dated 10 Muḥarram 771/14 August 1369, for Deputy Qāḍī ‘Alā’ al-Dīn Abū al-Ḥasan ‘Alī al-Umawī.¹³²
2. *ashhada ‘alayhi*. The use of this phrase, or of *ashhada ‘alā nafsīhi*, meaning he called for witnesses to himself,¹³³ establishes the document as an *ishhād* no. (i): “an *ishhād* of attestation calling for witnesses to the document and the legal transactions it records” (see above, p. 143). As we shall see, the response of the witnesses to an *ishhād*, which they write in the witnessing clauses at the end of the document, normally takes the form *ashhadu ‘alā fulān*.
3. *aḥad al-umarā’ al-Ba‘labakkīyah*. Previously (see above, pp. 121-122), we noted that Nāṣir al-Dīn was probably a member of the Ḥalqah in Baalbek. During the Baḥrī Mamluk period Baalbek had the status of a *niyābah* (viceroysip) and was administered by an amir of ten, later an amir of forty, named by the Viceroy of Syria.¹³⁴ Nāṣir al-Dīn was apparently an officer of the Ḥalqah attached to this administrative center. In any case Nāṣir al-Dīn, his aunt Ālmalik, and her husband Shams al-Dīn have all been identified now as being associated with Baalbek. As a merchant Shams al-Dīn seems to have been active in both Damascus and Jerusalem. *wa-huwa ma‘rūf ‘inda shuhūdihi* is an identification formula used in legal depositions to establish that the identity of the attestor is known to the witnesses. According to al-Asyūṭī, “the Muslim community’s consensus is

¹²⁹For a survey of the use of the *‘alāmah* in various types of Islamic documents, see S. M. Stern, *Fāṭimid Decrees* (London, 1964), 123-65.

¹³⁰*Catalogue*, 255-56.

¹³¹*Ibid.*, 253.

¹³²*Ibid.*, 289.

¹³³Not “called upon himself as witness” as in my “Court Records,” 21, and “The Jews,” 259.



that if someone acts as a witness to a person whose name and *nasabs* he does not know, his testimony is not valid. . . .”¹³⁵

qabaḍa wa-tasallama wa-ṣāra ilayhi are all stock terms to establish not only that the receiver has taken possession of the property but that it has moved into his hands in a legal manner.¹³⁶

4. *al-Sharafi*. This is the same Shāfi‘ī judge who authorized the estate inventory for Shams al-Dīn. See commentary on no. 133, line 14 above.

al-muta‘āmila bi-hā . . . bi-al-Shām. According to al-Qalqashandī, Jerusalem’s standard currency was that of Damascus. This was only natural since Mamluk Jerusalem was under the administrative jurisdiction of Damascus.¹³⁷

5. *al-dhahab al-iflūrī . . . maṣārifuḥā . . .* refers to the florin, a coin of about 3.5 grams, in use in the Mamluk empire. Its exchange rate in relationship to the *dirham* fluctuated according to the gold and silver content of coins, not to mention governmental monetary policy. According to al-Qalqashandī the “exchange value around 790 A.H., 1388 A.D., was . . . 85 per cent of a dīnār (*Ṣubḥ*, III:442.8: the dīnār at 20 dirhams, the ifrantī [florin] at 17).”¹³⁸

According to our document, dated 795/1393, the exchange rate in Jerusalem was 19.5 *dirhams* per florin. This citation is important because it provides independent documentary evidence for the relative value of the florin in the Mamluk empire at a time, moreover, when literary references are lacking.¹³⁹

6. *min tarikat Shams al-Dīn . . . wa-min tarikat Ālmalik . . .* It is not clear here whether Ālmalik left an estate of her own in Jerusalem apart from what was owed to her from the estate of her husband. Later in the document, however, there are indications that she left possessions of her own in the city.¹⁴⁰

¹³⁴ Al-Qalqashandī, *Ṣubḥ*, 12:115.

¹³⁵ Al-Asyūfī, *Jawāhir*, 1:80.

¹³⁶ Wakin, *Function*, 54, note 4.

¹³⁷ Al-Qalqashandī, *Ṣubḥ*, 4:199.

¹³⁸ Popper, *Systematic Notes*, 2:47. For a fuller discussion see Bacharach, “A Study,” 160-69. Cf. also Bacharach, “The Dinar versus the Ducat,” *International Journal of Middle East Studies* 4 (1973): 77-96, and Boaz Shoshan, “Exchange-Rate Policies in Fifteenth-Century Egypt,” *JESHO* 29 (1986): 28-51.

¹³⁹ Using Venetian documents, Eliyahu Ashtor (*Les métaux précieux et la balance des paiements du Proche-Orient à la basse époque* [Paris, 1971], 43) records that a ducat was worth 20 3/4 Egyptian *dirhams* on 2 August 1395.

¹⁴⁰ See commentary on line 45 below.



7. *wa-inḥiṣār irthuhu* is a stock phrase used to specify the heirs to an estate according to Islamic law.¹⁴¹
- 7-8. *ikhwatuhu li-ummihi* . . . *Sutaytah*. It will be recalled that Sutaytah was designated a full sister in the estate inventory.
- 8-9. *fī ikhwatihi al-‘asharah*. Without going into the complex issue of how much of the estate would be due to the uterine collaterals as opposed to agnatic brothers and sisters, suffice it to say that Nāṣir al-Dīn, as a nephew, would have been excluded.¹⁴²
10. *maḥḍar shar‘ī*. Perhaps this court record took the form of an estate inventory certified by a court, similar to no. 133 above. Estate inventories, it will be recalled, invariably list assets and liabilities as well as legal heirs. *thābata maḍmūnuhu ladā* . . . signifies that the document was certified by a court according to the same process by which the present *ishhād* no. 355 was certified.
11. *Aqdā al-Quḍāh Taqī al-Dīn* . . . *al-Ḥanbalī*. Al-Qāḍī Taqī al-Dīn Aḥmad ibn Muḥammad ibn Muḥammad ibn al-Munajjā ibn ‘Uthmān ibn As‘ad ibn Muḥammad ibn al-Munajjā al-Ḥanbalī served as a Deputy Qāḍī (hence the title *Aqdā al-Quḍāh*)¹⁴³ to his brother ‘Alā’ al-Dīn and later became Ḥanbalī Chief Qāḍī of Damascus in 803/1401 for a few months. He died in 804/1402.¹⁴⁴
- al-Ḥākim* . . . In a study of medieval Islamic documents from Chinese Turkestan, Monika Gronke discusses the distinction in rank between *qāḍī* and *ḥākim*. After examining the evidence in her documents, she observes that *qāḍī* seemed to have a higher value than *ḥākim* and asks, “May we conclude that *qāḍī* did not just designate a superior judge in the Yārkand area, but was also the current general term for ‘judge’ without referring to specific rank? The question must remain open.”¹⁴⁵ Insofar as I have been able to determine, in the Ḥaram documents *al-ḥākim*, in the sense of presiding judge or magistrate, was used for both full *qāḍīs* or Qāḍī al-Quḍāh and Deputy Qāḍīs or *Aqdā al-Quḍāh* and Nā‘ib al-Ḥukm.¹⁴⁶ In terms of

¹⁴¹ Al-Asyūṭī, *Jawāhir*, 1:43.

¹⁴² See Coulson, *Succession*, 65-78.

¹⁴³ Al-Asyūṭī, *Jawāhir*, 2:594.

¹⁴⁴ Ibn al-‘Imād, *Shadharāt al-Dhahab fī Akhbār Man Dhahab* (Cairo, 1351/1932-33), 7:42.

¹⁴⁵ “The Arabic Yārkand Documents,” *BSOAS* 49 (1986): 483. Cf. Gronke, *Arabische und persische Privatsurkunden des 12. und 13. Jahrhunderts aus Ardabil (Aserbeidschan)* (Berlin, 1982), 77.

¹⁴⁶ E.g., in the present document, line 11, “*Aqdā al-Quḍāh Taqī al-Dīn Abū al-‘Abbās* . . . *al-Ḥanbalī, al-Ḥākim*”; lines 13-14, “*Qāḍī al-Muslimīn Sharaf al-Dīn* . . . *al-Ḥākim*”; line 12, “*Aqdā al-Quḍāh Taqī al-Dīn* . . . *Khalīfat al-Ḥukm*”; but lines 59-60a, “*al-Qāḍī Taqī al-Dīn al-Ḥanafī al-Ḥākim*”;



rank, then, I am inclined to believe that *qāḍī* and *ḥākim* were equal in Mamluk Jerusalem.

bi-muqtadā al-ishhād bi-ẓāhir al-mahḍar refers to an *ishhād* of certification like that on the verso of the present document and as defined above, no. (ii), p. 143.

12. *Aqḍā al-Quḍāh Taqī al-Dīn* . . . The same judge who authorized the public sale of Shams al-Dīn's estate in Jerusalem. See commentary on no. 591, recto A, lines 20-21 above.
15. *ḥujjah shar'īyah*. This is the same document referred to in no. 591, recto A, line 9 above as a *masṭūr shar'ī*.
16. *faṣl ḥawālah*. The use of *faṣl* makes it clear that the *ḥawālah* was added as a clause to the *iqrār* and that the *iqrār* and *ḥawālah* constituted the *masṭūr/ḥujjah*.
18. *qubūl al-muḥtāl al-ḥawālah qubūlan shar'īyan* is a stock phrase used to indicate that the person to whom the debt is transferred accepts the transfer in lieu of an obligation owed him by the person who initiates the transfer. Although members of the various legal schools do not agree on all details of this transaction, they do concur that "it is not obligatory for the transferee (*al-muḥtāl*) to accept the transfer."¹⁴⁷ Hence the necessity to include the clause in the document.
19. *Aqḍā al-Quḍāh Badr al-Dīn* . . . See the commentary on no. 591, recto A, line 14 above.
20. *Aqḍā al-Quḍāh Shams al-Dīn* . . . See the commentary on no. 591, recto A, lines 16-17.
22. *bi-shahādat man* . . . This is the most explicit and detailed reference we encounter in this document and no. 591 of the process by which a document from one court was conveyed to (*ittaṣala*) another. Although the Arabic is ambiguous, it could mean that the witness was actually present in the court of Taqī al-Dīn and was thus one of the *shuhūd al-ṭarīq* referred to above in the commentary on no. 591, recto A, line 19. In any event it would seem that it was only the *iqrār* and the *ḥawālah* that were conveyed by this means rather than by a *kitāb ḥukmī*. 'Uḍl was sometimes used like

and lines 52-54b, "al-Ḥākim al-Sharafī . . . wa-'alā al-Qāḍī Taqī al-Dīn al-Ḥanafī al-Ḥākimayn . . .!"

¹⁴⁷ Al-Asyūṭī, *Jawāhir*, 1:179. Cf. Joseph Schacht, *An Introduction to Islamic Law* (Oxford, 1964), 148-49.



shuhūd to denote notaries or witnesses.¹⁴⁸ But *‘udūl* could also mean professional witnesses whose integrity had been examined, confirmed, and certified by a court.¹⁴⁹

ishhādan shar‘īyan refers here to the simplest form of this type of document—an attestation in which the attestor calls for witnesses to the transaction recorded in the document, namely the *iqrār* cited in line 23. In all probability this type of *ishhād* corresponds to no. (i), p. 143, above.

23. *fī siḥḥah minhu wa-salāmah wa-jawāz amr*. These are standard phrases of *iqrār*s, establishing the competence of the acknowledger to make a valid acknowledgment.¹⁵⁰
- 23-24. These lines establish Nāṣir al-Dīn’s entitlement to receive Muḥammad II’s share of his sister’s estate, including the assets due to her from her late husband’s estate, whether in Baalbek, Damascus, or Jerusalem. We do not know, of course, whether estate inventories and public sales were conducted in the two former places as well as in Jerusalem. In effect, Muḥammad II’s acknowledgment must have constituted an assignment of his power of attorney to Nāṣir al-Dīn.
25. *qumāsh wa-athāth* . . . Whether or not this is a list of specific assets and liabilities or simply a formula is not clear. In model documents al-Asyūfī uses such phrases as *darāhim wa-dhahab wa-thaman qumāsh wa-naḥās wa-athāth wa-ḥayawān wa-ṣāmit wa-nātiq wa-ghayr dhālika*.¹⁵¹ In another model he adds *ḥulī zarkash*, and *lu’lu’*.¹⁵² Notice, however, that this list in the document adds two specific items—*al-zabīb wa-al-ḥabbahān*—not covered by the generic list. Cf. the list on lines 36-37 below.
26. *al-ma‘rūf baynahumā al-ma‘rifah al-shar‘īyah*. It is not evident here what would constitute legal cognizance on the part of the two parties (the *muqirr*, Muḥammad II, and the *muqarr lahu*, Nāṣir al-Dīn) but *ma‘rifah shar‘īyah* is certainly a recurring phrase in legal documents. There are, of course, standard formats for assigning proxies or powers of attorney.¹⁵³
27. *wa-Muḥammad*. Inadvertently, I believe, the notary has failed to specify which of the three Muḥammads is meant. But since Muḥammad III was an orphan, and Muḥammad I assigns his own power of attorney in lines 33-35, Muḥammad II is left by process of elimination.

¹⁴⁸Tyan, *Le notariat*, 17-18.

¹⁴⁹See the commentary on no. 133, lines 16-21, above. Cf. El-Nahal, *Judicial Administration*, 18.

¹⁵⁰See Lutfī, “*Iqrār*s,” 260; Guellil, *Akten*, 244.

¹⁵¹Al-Asyūfī, *Jawāhir*, 1:42-43.

¹⁵²*Ibid.*, 50.

¹⁵³*Ibid.*, 192-208; Guellil, *Akten*, 175-76. For examples from the Ḥaram see *Catalogue*, 306-10.



al-yatīm Muḥammad al-ṣaghīr, therefore, refers to the fact that he was not yet of age, as does the term *al-ṣaghīr*.

28. *waṣīyah*. The usual term for guardianship is *wiṣāyah*, whereas a *waṣīyah* is a testamentary deposition "appointing an executor and/or guardian" (*waṣī*).¹⁵⁴ *wa-qabaḍa dhālika wa-qubūl al-wakīl dhālika qubūlan shar'īyan* . . . in order for a *wakālah*, or power of attorney, to be valid, the proxy must formally accept it from the person who assigns it.¹⁵⁵
29. *Taqī al-Dīn ibn al-Mufliḥ* . . . refers to al-Qāḍī Burhān al-Dīn wa-Taqī al-Dīn Abū Ishāq Ibrāhīm ibn Muḥammad ibn Mufliḥ ibn Mufarraǵ al-Rāmīnī al-Dimashqī al-Ḥanbalī. Born in 749/1348-1349 into a family of prominent Ḥanbalī scholars and judges, he became a teacher in Damascus, where his discourses were attended by jurists of all four legal schools. Author of several books, he was regarded as leader of the Ḥanbalī school in Damascus. Before becoming Ḥanbalī Chief Judge, he served as a Deputy Judge to several Ḥanbalī judges. He died in 803/1401.¹⁵⁶
- 32-33. *wa-qāmat bayyinah shar'īyah 'indahū*. The use of this clause probably indicates that oral testimony was given to establish that Nāṣir al-Dīn was (a) the guardian of Muḥammad III when the power of attorney was assigned and (b) the agent of Muḥammad I, Asmā', and Asin, authorized to take possession of Ālmalik's estate. "In legal terminology the word *bayyinah* denotes the proof *per excellentiam*—that established by oral testimony—, although from the classical era the term came to be applied not only to the fact of giving testimony at law but also to witnesses themselves."¹⁵⁷ In any case the use of this clause signals that these aspects of Nāṣir al-Dīn's claims to his aunt's estate were established by a means different from those used for other aspects, for which he produced legal documents, as opposed to testimony, certified by courts in Damascus and conveyed to courts in Jerusalem. For some reason or another it would seem that he did not have certified documents for (a) and (b) above and that he therefore had to produce oral testimony in support of them. The clause also appears in the *tawqī'* of no. 133 above.
35. *mimmā khallafathu wa-mimmā intaqala ilayhā bi-al-irth* . . . This clause reinforces Nāṣir al-Dīn's claim to what was due to his aunt from her husband's estate.

¹⁵⁴Schacht, *Introduction*, 173.

¹⁵⁵*Catalogue*, 306.

¹⁵⁶Ibn al-'Imād, *Shadharāt*, 7:22-23.

¹⁵⁷R. Brunschvig, "Bayyina," *ET*², 1:1150-51. Cf. Little, "Court Records," 27.



36. *ḥaqq al-rubʿ* refers to the fourth due to a widow from her husband's estate in the absence of a descendant.¹⁵⁸
37. *Biqāʿ Baʿlabakk* refers to the plain, Bekaa, lying between the mountains of Lebanon and anti-Lebanon, the most important center of which is Baalbek itself. In the Mamluk period the *Biqāʿ al-Baʿlabakkī* was one of two *Biqāʿ wilāyahs* subject to the Viceroy of Baalbek.¹⁵⁹
- 37-38. *intaqala ilayhi bi-nāqil sharʿī*. I do not know the precise meaning of this clause. Although al-Ṭarsūsī gives two formularies for a *munāqalah*, both the transactions therein described involve the exchange of goods without resort to cash.¹⁶⁰ In our document the use of this clause reaffirms the inference that Nāṣir al-Dīn did not have certified legal documents for this aspect of his claims against the estate.
38. *al-muqarr lahu* is the beneficiary of an *iqrār*, one of the three essential components of this type of document. The others are *al-muqirr*, the declarant, and *al-muqarr bi-hi*, an object of recognition.¹⁶¹ *ḥalafa al-yamīn al-sharʿīyah* . . . Again, presumably because there were no certified legal documents for this *iqrār* and no contrary witnesses to it available in Jerusalem, Nāṣir al-Dīn was required by the judge to swear an oath to its content. Al-Asyūṭī divides oaths into two categories: those which are given in legal disputes and those which are administered in other contexts. The former are further divided into oaths of response and oaths of entitlement (*yamīn al-istiḥqāq*). The latter have five forms, the last of which is an oath with a witness (*al-yamīn maʿa al-shahīd*), which has seven applications; no. 6 involves a claim regarding an absent person (*al-daʿwā ʿalā al-ghāʾib*).¹⁶² The use of this type of oath is discussed fully by al-Asyūṭī in his chapter on *al-qaḍāʾ*, under a sub-section entitled "Judging against an Absent Person." There he explains that if a defendant is legitimately absent from the court and the judge decides, notwithstanding, that the claim can be legally heard and qualified witnesses testify to its truth, the judge cannot rule in the plaintiff's favor "until the plaintiff takes an oath that he is entitled to that which is owed him by the absent person and that until the present time he has not received any portion of it. . . . This oath is legally obligatory," i.e., in Shāfiʿī *fiqh*.¹⁶³ This clause, then, I interpret to

¹⁵⁸Coulson, *Succession*, 41.

¹⁵⁹J. Sourdel-Thomine, "al-Biḳāʿ," *EF*², 1:1214.

¹⁶⁰Guellil, *Akten*, 65, 125-29.

¹⁶¹Y. Linant de Bellefonds, "Iḳrār," *EF*², 3:1078.

¹⁶²Al-Asyūṭī, *Jawāhir*, 2:317.

¹⁶³*Ibid.*, 361.



mean that in the absence of the declarants listed in lines 33-34, the Amir Nāṣir al-Dīn had to swear an oath that he had legal entitlement to receive their share of their sister's estate.

wa-ḥalafa . . . bi-Allāh al-‘Azīm. According to some jurists an oath (*yamīn*) "is constituted by the use of the name of Almighty God, or by any of those appellations by which the Deity is generally known or understood."¹⁶⁴ Especially efficacious are those which refer to His power, glory, or might. Thus the reference to God as "al-‘Azīm."

38-40. *wa-thabata al-iqrār wa-al-ḥalf . . . fa-lammā thabata dhālika jamī‘uhu wa-ittaṣala thubūtuḥu . . .* The procedure alluded to in these three lines is not altogether clear. If *jamī‘uhu* refers to certification of the acknowledgment and the oath by Judge Sharaf al-Dīn, why should it be necessary to convey it to his court, where said certification had actually taken place? Probably, therefore, *jamī‘uhu* refers to the certification and conveyance of all the documents involved in the case. Once this had been accomplished, Sharaf al-Dīn could authorize Nāṣir al-Dīn to take possession of the sum owed to him.

41. *qabaḍa dhālika qabḍan . . . bi-ḥaḍrat shuhūdihi.* As we shall see below in the witnessing clauses, four of the witnesses to the document testified that they saw Nāṣir al-Dīn take possession of the amount due to him.

42-46. The most complicated aspect of this document lies in the arithmetic: How was the amount finally received by Nāṣir al-Dīn calculated? The complexity is increased, moreover, by the use of the *siyāqah* script for some, not all, of the figures. Those written on line 42 and the first half of line 43, as well as lines 4-5 and 16, are written in full, in regular script, whereas "the details" mentioned in the second half of line 43 are written in the *siyāqah*. In what follows I shall attempt to reconstruct the computations.

As we have seen, Nāṣir al-Dīn had two claims: one, a debt of ten thousand *dirhams* owed by Shams al-Dīn to Ālmalik, which Ālmalik had transferred to Nāṣir al-Dīn, and two, the shares of nine of Ālmalik's ten heirs, who had assigned to Nāṣir al-Dīn their power of attorney, or its equivalent, in this matter. Why the tenth, Mughul, had not done so we do not know. Perhaps she had died, since the entire residue of the estate in Jerusalem was paid to Nāṣir al-Dīn. From the commentator's point of view it is fortunate that the document does not take up the question of how much of the total residue was due to Nāṣir al-Dīn in his capacity of transferee and how much was due to him as a proxy and guardian of the heirs. The settlement outlined in the document is complex enough as it

¹⁶⁴ Thomas Patrick Hughes, *Dictionary of Islam* (reprint, New Delhi, 1977), 437.



stands. If my reading of the *siyāqah* script is correct, this is what happened: Nāṣir al-Dīn received the equivalent of 1989.75 *dirhams* from the depository of the Shāfi‘ī Court in Jerusalem, 1794.75 silver *dirhams* and ten gold florins worth 195 *dirhams*. The total figure of 1989.75 was ultimately derived from the residue from the estates of Shams al-Dīn and Ālmalik, these being calculated as 5707.75 *dirhams* for Shams al-Dīn and 2081.25 for Ālmalik, for a total of 7789. But 733.75 *dirhams* had to be subtracted from Ālmalik’s estate: 50 *dirhams* for her burial expenses and 50 for a debt, and 633.75 *dirhams* as a bequest for Quranic recitations and other charitable purposes, for a total of 733.75 *dirhams*, leaving a balance of 7055.25 *dirhams*. And, the document goes on to state, Nāṣir al-Dīn had already received substantial portions of the amount due him: 3000 *dirhams* in cash and 364.25 and 1701.25 *dirhams* from goods sold from the estates of Shams al-Dīn and Ālmalik respectively, for a total of 5065.50 *dirhams*. Subtracting, then, 5065.50 *dirhams* from the total balance of 7055.25 leaves the residue of 1989.75 which Nāṣir al-Dīn received, 146.25 *dirhams* from Ālmalik’s estate and 1843.50 from Shams al-Dīn’s. These calculations can perhaps be more readily grasped in the following form:

On deposit in the Shāfi‘ī Court and
received from the estates of

Shams al-Dīn and Ālmalik	1794.75 <i>dh</i>	(line 5)
10 gold florins worth	<u>195.00 <i>dh</i></u>	(line 5)
	1989.75 <i>dh</i>	(line 42)

This balance represents a split between
the proceeds from two estates:

Shams al-Dīn	1843.50 <i>dh</i>	(line 46)
Ālmalik	<u>146.25 <i>dh</i></u>	(line 46)
	1989.75 <i>dh</i>	(line 42)

Their total estates had been worth:

Shams al-Dīn	5707.75 <i>dh</i>	(line 43)
Ālmalik	<u>2081.25 <i>dh</i></u>	(line 43)
Total	7789.00 <i>dh</i>	(line 43)

But this total had been reduced by expenses, a debt, and a legacy from
Ālmalik’s estate:

Debt	50.00 <i>dh</i>	(line 44)
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Burial	50.00 <i>dh</i>	(line 44)
Legacy	633.75 <i>dh</i>	(line 44)
Total subtraction	733.75 <i>dh</i>	

Net result: 7789.00 *dh* – 733.75 *dh* = 7055.25 *dirhams* (line 44). In addition, Nāṣir al-Dīn had already received from the two estates:

Cash from Shams al-Dīn's	3000.00 <i>dh</i>	(line 45)
Sale from Shams al-Dīn's	364.25 <i>dh</i>	(line 45)
Sale from Ālmalik's	1701.25 <i>dh</i>	(line 45)
Total already received	5065.50 <i>dh</i>	

Balance (line 42): 7055.25 *dh* – 5065.50 *dh* = 1989.75 *dh*.

This means that Nāṣir al-Dīn's total received in Jerusalem, however it may be calculated, fell considerably short of the ten thousand *dirhams* owed him from the transferred debt, not to mention the amounts due to the other heirs whose proxies he held. But it should be recalled that Shams al-Dīn and Ālmalik had other assets in Damascus, Baalbek, and Bekaa, which presumably were also distributed to the legal claimants. Were these distributions coordinated with the Jerusalem courts? We do not know.

Before leaving this subject we should note that although some of these figures may be reconciled with those contained in the death inventory and the *makhzūmah*, others cannot. The figures cited for the sale from Shams al-Dīn's estate come close: 364 from the *makhzūmah*, 364.25 from the *ishhād*. The 3000 *dīnārs* held by Ibn Sanājiq are identical in both these documents. But of the total of twenty-three florins mentioned in the inventory, only ten are mentioned in the *ishhād*; it is also difficult to account exactly for the total of 3133.25 *dirhams* (apart from Ibn Sanājiq's 3000) enumerated in the estate inventory. Again, however, it should be recalled that we do not know how much time elapsed between the date of the inventory and the death of Shams al-Dīn, or what happened to his assets during the interval.

In Appendix B below I have noted the *siyāqah* numbers deciphered so far from the Ḥaram documents.

44. *tajhīz wa-dayn . . . wa-al-thulth al-mūṣā bi-hi . . .* As already noted above (see p. 94) there are three types of claims against estates: burial expenses, debts, and legal heirs. But the testator also has the right to dispose of a maximum of one-third of the estate, after the payment of burial expenses



and debts, in the form of legacies.¹⁶⁵ Obviously Ālmalik left instructions in her will, or estate inventory, that the disposable third of her estate be devoted to charity and Quranic recitations, presumably coupled with prayers for her soul.

45. *thaman al-a'yān min tarikat Shams al-Dīn* . . . This refers to the proceeds from the sale of chattels, recorded in *makhzūmah* no. 591 above.
min tarikat Ālmalik thaman ḥawā'ij mubā'ah qabla ta'rīkhihi. Although there was obviously a public sale of goods from Ālmalik's estate, there is no indication of when or where the sale was held except that it was concluded before the date of the document. Since there is no specific reference to any sums received by Nāṣir al-Dīn outside Jerusalem, I would infer that the goods were sold in Jerusalem. Unfortunately, if this was indeed the case, no *makhzūmah* has showed up so far.

As already mentioned in footnote 118, this must be an error for Otherwise the figures on line 45 itemizing the sums that Nāṣir al-Dīn had already received from the two estates add up to 5072.50 *dirhams*, which, if subtracted from the balance of 7055.25 entered on line 44, yield a final balance of 1982.75 *dirhams* rather than the 1989.75 entered on line 42.

47. *Amīn al-Ḥukm*. "In the Mamluk period the *Amīn al-Ḥukm* was a judicial officer, under the jurisdiction of a *qāḍī*, responsible for the welfare of minor orphans."¹⁶⁶ Given the fact that Ālmalik had left at least one orphaned heir, for whom Nāṣir al-Dīn was legal guardian, it is not surprising that he should be required to acknowledge that nothing was due to him from this source.
48. *mā awṣat bi-hi Ālmalik*. The use of this clause, which is standard in wills, indicates that Ālmalik had indeed drawn up a will before her death.¹⁶⁷
thulth mālihā. Note that a third of her estate (2081.25 *dh* – 100 *dh* = 1981.25 *dh*) is 660.42 *dirhams*, not 633.75 (line 44).
wa-lā li-muwakkilīhi presumably refers to those heirs listed in lines 26-27 above who had assigned their power of attorney to Nāṣir al-Dīn.
49. *wa-wakkala fī thubūtihi* . . . *tawkīlan shar'īyan*. This clause means that Nāṣir al-Dīn appointed an agent to act in his behalf in obtaining court certification of his *ishhād* and a judgement as to his claims, a well documented practice during the Mamluk period.¹⁶⁸ I suspect that either the Shāfi'ī *qāḍī*

¹⁶⁵ Al-Asyūṭī, *Jawāhir*, 1:455. Cf. Muhammad Abu Zahra, "Family Law," 161-62; also Coulson, *Succession*, 213-58.

¹⁶⁶ Lutfi and Little, "Emendations," 330.

¹⁶⁷ See *Catalogue*, 311-12.

¹⁶⁸ For discussion of the service of *wakīls* in court, representing clients in the absence of attorneys



Sharaf al-Dīn or the court clerk/notary who drafted the *ishhād* served in this formal capacity.

50. *wa-ṣallā Allāh . . . wa-ni‘ama al-wakīl*. Al-Asyūṭī mentions the merit of closing legal documents with such pious phrases.¹⁶⁹ In practice they were often used as fillers, to complete a final line of a document which might otherwise have been partially blank. This is graphically demonstrated in the photographs of the *iqrārs* photographed in Lutfī’s *‘Iqrārs*.¹⁷⁰ These phrases were also used in chancery documents, in what Ernst calls the *Schlussprotokoll*.¹⁷¹

51. Curiously, although the *taṣliyah* and *ḥasbalah* normally indicate the end of the text of a document, a sentence has been appended here, almost as an afterthought, to indicate that Nāṣir al-Dīn attested to the validity of Ālmalik’s bequest.

lā maṭ‘an lahu wa-lā dāfi‘. . . This is a stock phrase that sometimes appears in al-Asyūṭī’s formularies after a judge has heard a claim or request from a plaintiff/claimant for a judgement. Before delivering the judgement, the judge will ask the defendant in the case whether he has any challenge or rebuttal. If he has none, he replies that he has no *maṭ‘an* or *dāfi‘*, and the judge issues his verdict.¹⁷² In the context of this document the phrase means that Nāṣir al-Dīn has no challenge to Ālmalik’s bequest, and that it should be honored accordingly.

- 52-65. These lines contain witnessing clauses of no less than ten witnesses to the document or, more accurately, to various depositions and processes contained or described therein. Although two male witnesses would have sufficed, the presence of more is by no means unusual.¹⁷³ Nevertheless, ten is a large number and may indicate that the case was perceived to be so complex and problematic that the agreement of this extraordinary number

in Muslim law, see Émile Tyan, “Judicial Organization,” in *Law in the Middle East*, ed. Khadduri and Liebesny, 257-59. See also Guellil, *Akten*, 297, 363, and especially al-Ṭarsūsī’s formulary for a *wakālah*: “*Fulān* appointed *fulān* A his agent in legal claims and in response as to what is claimed against him, in referring his affairs to judges, in establishing proofs, and verifying rights . . .” (175-76). Also Lutfī, *‘Iqrārs*,” 276, 280, and al-Asyūṭī, *Jawāhir*, 2:373. For a similar example from the Mamluk documents of St. Catherine’s Monastery, see ‘Abd al-Laṭīf Ibrāhīm, “Min Wathā’iq Sānt Katrīn: Thalāth Wathā’iq Fiqhīyah,” *Majallat Kullīyat al-Ādāb, Jāmi‘at al-Qāhirah* 25 (1963): 99.

¹⁶⁹ Al-Asyūṭī, *Jawāhir*, 1:25.

¹⁷⁰ Plates I, III, IV, V, VI, VII. Also, *Catalogue*, Plate 6.

¹⁷¹ Ernst, *Sultansurkunden*, xxxv-xxxvii.

¹⁷² Al-Asyūṭī, *Jawāhir*, 2:461, 506, 507, 519, 520, 526.

¹⁷³ See note 70 above.



of witnesses would serve to reinforce the legality of the proceedings. As in no. 133 above, the certifying judge saw fit to endorse the testimony of a limited number of the witnesses with the *raqm*, written in a thick pen, *shahida* ‘*indī bi-dhālīka*. Note, however, that of these four ([a]52, [c]52, [a]63, [b]63), one ([a]52)—Muḥammad ibn Sulaymān, who probably indited the document¹⁷⁴—is distinguished by the addition of the epithet, “A‘azzahu Allāh ta‘ālā.” According to al-Asyūṭī this epithet was used for witnesses who enjoyed repute as jurists, teachers, or chancery clerks.¹⁷⁵ Lacking further information about the witnesses, we can only opine that the judge singled out Muḥammad ibn Sulaymān for a special mark of respect for reasons unknown. Similarly, we can only speculate as to whether the judge’s endorsement of only four witnesses’ testimony betokens his recognition of the ‘*adālah*.¹⁷⁶

The witnessing clauses can be further divided according to content. Three witnesses ([a]52, [d]52, [c]57) testify to what the document ascribes to the Shāfi‘ī *qāḍī* Sharaf al-Dīn and Nāṣir al-Dīn; of these, the latter two add that they witnessed Nāṣir al-Dīn take possession of the amount kept in the court depository. One witness ([b]58) served as witness to Nāṣir al-Dīn alone, including his receipt of what was owed to him. Two witnesses ([b]52, [c]52) testify to what the document ascribes to the Shāfi‘ī judge and the Ḥanafī judge Taqī al-Dīn; three more ([a]58, [a]61, [b]63) testify to what is ascribed to all three parties, i.e., both judges plus Nāṣir al-Dīn. Of these, one ([b]63) testifies in addition that Ālmalik’s bequest of one-third of her estate was disbursed legally; and one ([a]63) testifies to this fact alone. Clearly, then, this document required testimony to four specific issues: (a) the validity of the actions and depositions of one or both of the two contemporary judges involved in the proceedings; (b) the validity of the depositions and actions of the claimant, Nāṣir al-Dīn; (c) his receipt of the residual estates held by the Shāfi‘ī Depository in Jerusalem; (d) the legal disbursement of Ālmalik’s bequest.

It should be noted, moreover, that of the four witnessing clauses endorsed by the judge, one ([a]52) refers to the Shāfi‘ī judge and Nāṣir al-Dīn; one ([b]52) to both judges; one ([c]52) to both judges and Nāṣir al-Dīn’s

¹⁷⁴Although al-Ṭarsūsī suggests that modesty requires the drafter of the document to write his witnessing clause in “the neutral middle,” I am convinced from my survey of the Ḥaram documents that the right-hand position directly beneath the text was reserved for this purpose. See Guellil, *Akten*, 364-65.

¹⁷⁵Al-Asyūṭī, *Jawāhir*, 2:372.

¹⁷⁶See the commentary on no. 133, lines 16-21, above.



transactions and receipt; and one ([b]63) to the three principals plus Ālmalik's bequest. Thus, all four issues are witnessed by endorsed witnesses. Although none of the witnesses, whether endorsed or not, testified to all issues, all but one ([a]63) testified to two or more issues.

The witnessing clauses can also be characterized on the basis of format, using the categories derived by Guellil from her study of al-Ṭarsūsī's formularies. All but one of the clauses ([a]63) fall into the category of *Instrumentszeugnis* or testimony to the document itself, and all follow the standard form (*gewöhnliches Instrumentszeugnis*).¹⁷⁷ In response to Nāṣir al-Dīn's request for witnesses in line 2, *ashhada 'alayhi al-Janāb . . .*, all ten witnesses reply, *ashhadu 'alayhi* (I am witness to him), or in the case of [d]52 and [c]57, in the past tense, *shahidtu 'alā* (I was witness to . . .). This opening clause is followed in each instance by the name/s of the principal/s involved and the phrase, *bi-mā nusiba ilayhi/ilayhim a'layhul/fīhi . . . fī ta'rīkhihi* (to that which is attributed to him/them above/in this document . . . on its date). These witnessing clauses end with the name of the witness, preceded by *katabahu* (he wrote it). But some of these clauses ([c]52, [d]52, [c]57, [b]63) take an expanded form of the standard format, called by Guellil the *erweitertes Instrumentszeugnis*,¹⁷⁸ since they add a clause witnessing either Nāṣir al-Dīn's receipt of the goods or the correct disposition of the estate. Finally, the one exceptional witnessing clause ([a]63) is couched in the form of a *Sachzeugnisse*, testimony to the case itself,¹⁷⁹ in this instance to the disbursement of the one-third bequest.

Margin:

li-yushhada bi-thubūtihi wa-al-ḥukm bi-mūjab dhālika . . . As noted in the commentary on no. 133 above, this clause, written like the judge's *'alāmah* and the endorsement of some of the witnessing clauses with a thick pen, is called a *tawqī'*. It contains the judge's verdict (*ḥukm*) in response to Nāṣir al-Dīn's claim (*da'wā*) that the transactions set out in the document should be certified by a court. Al-Asyūṭī describes the process in some detail in his chapter on *al-qadā'*: "When the witnesses have completed their depositions," and the judge has endorsed them and inscribed his motto,

he turns his attention [to writing] the *tawqī'* on the document (*al-maktūb*). Its position is beneath the *bā'* of the *basmalah*,

¹⁷⁷Guellil, *Akten*, 360.

¹⁷⁸*Ibid.*, 263.

¹⁷⁹*Ibid.*, 361.



at the side of the text, at the beginning of the first line. If the *tawqī'* follows the Egyptian model, the judge writes *li-yusajjala khāṣṣatan* and the court clerk handles the phrasing of the certification. . . . If the judge desires, he writes *li-yusajjala bi-thubūtihi wa-al-ḥukm bi-mūjabihī*, or *li-yusajjala bi-thubūtihi wa-tanfīdhihi*, or *li-yusajjala bi-thubūt mā qāmat bi-hi al-bayyinah fīhi wa-al-ḥukm bi-hi*. If the *tawqī'* is according to the Syrian model, the judge writes it in the margin, from the beginning of the first line of the text, in the following form: *li-yushhada bi-thubūtihi wa-al-ḥukm bi-mūjabihī*, and mentions in his handwriting everything for which testimony has been given to him, root and branch. If there is any disagreement (*khilāf*) about the question, he states *ma'a al-'ilm bi-al-khilāf wa-billāh al-Musta'ān*.¹⁸⁰

Thus it can be readily seen that this *tawqī'* was composed in conformity with the pattern followed by Syrian notaries. Conversely, the document provides evidence that al-Asyūṭī was not writing in a vacuum, from the perspective of a theorist, but was describing actual notarial practice. The fact that he was writing a century or so later than our document merely underlines the conservatism of the Arabic notarial tradition.

ṣiḥḥat al-ḥawālah . . . wa-ṣarf al-mablagh al-mūṣā bi-hi . . . It is noteworthy that in addition to the verdict that Nāṣir al-Dīn's request for certification was valid the judge also singled out the validity of two specific transactions connected with the case, namely the *ḥawālah* and the disposition of the bequest. Obviously the judge must have regarded these transactions as the two critical legal issues, whose validity was open to challenge.

ma'a al-'ilm bi-al-khilāf is one of several phrases cited by al-Asyūṭī to register a *qāḍī's* awareness of the possibility of a divergent judgement from another judge on the basis of the same evidence.¹⁸¹ It is interesting that in al-Ṭarsūsī's formulary the phrase takes the form, *ma'a 'ilmihi . . . bi-al-khilāf bayna al-'ulamā'* (despite his knowledge of disagreement among legal scholars).¹⁸²

¹⁸⁰ Al-Asyūṭī, *Jawāhir*, 2:370-71.

¹⁸¹ See Little, "Court Records," 43-44. Cf. Wakin, *Function of Documents*, 32-37, for a discussion of the means used by notaries to avoid the possibility that a dissenting *qāḍī* might declare a contract invalid.

¹⁸² Guellil, *Akten*, 305.



IV. Verso, no. 355. An *ishhād/isyāl*, dated 7 Rajab 795/19 May 1393, made in response to the *ḥukm* contained in the *tawqīʿ* on recto (dated five weeks earlier), calling for witnesses to attest to the validity of the document and the transactions recorded therein. See figure 13, p. 193.

Arabic Transcription

١. [أحمد] لله
٢. [أشهد] دنى الفقير [ألى] [الله] تعالى الشيخ الامام العالم جمال الدين ابو محمد
٣. مفيد الطالبين بقية السلف الصالحين ابو محمد¹⁸³ عبد الله
٤. ابن العبد الفقير الى الله تعالى الشيخ الامام العالم العلامة
٥. شمس الدين مفتي المسلمين صدر المدرسين ابي عبد الله محمد ابن المرحوم
٦. الفقير الى الله تعالى زين الدين حامد الشافعي خليفة الحكم العزيز
٧. بالقدس الشريف ايده الله تعالى وهو في مجلس حكمه ومحل ولايته
٨. انه ثبت عنده بعد تقدم الدعوى المسموعة وما
٩. يترتب عليها شرعاً مضمون الاشهاد المسطر باطناً على ما نص
١٠. وشرح وبين واوضح ومضمون ما قامت به البينة باطناً في جميع
١١. ما سطر باطناً حسب ما نص وشرح وبين واوضح وفصل
١٢. باطناً على الوجه المشروح باطناً ثبوتاً صحيحاً شرعياً
١٣. معتبراً مرضياً معمولاً به معولاً عليه موثقاً مرونأ اليه
١٤. مستجمعاً شرايطه الشرعية وانه ايده الله تعالى حكم بموجب
١٥. ذلك كله وصحة الحوالة المعينة باطناً ولزومها وعدم رجوع
١٦. المحتال على المحيل وفي ماله وصرف المبلغ الموصى به وهو
١٧. الثلث المعين باطناً الى مستحقه شرعاً مع العلم بالخلاف
١٨. في ما فيه الخلاف حكماً صحيحاً شرعياً بته وامضاه وقضى بموجبه
١٩. والزم بمقتضاه مسؤولاً فيه مستجمعاً شرايطه الشرعية
٢٠. وواجباته المرعية فشهدت عليه بذلك في سابع شهر رجب
٢١. الفرد سنة خمس وتسعين وسبعماية وكتبه
٢٢. محمد الصفدي
٢٣. كذلك اشهدني ايده الله تعالى فشهدت عليه بذلك كتبه عيسى بن احمد

¹⁸³This *kunya* has been inadvertently repeated.



- العجلوني الشافعي
 ٢٤. كذلك اشهدني ايده الله فشهدت عليه بذلك كتبه خليل بن موسى
 ٢٥. وكذلك اشهدني ايده الله تعالى فشهدت عليه بذلك كتبه احمد بن محمد
 بن الجلال
 ٢٦. وكذلك اشهدني سيدنا ومولانا الحاكم المشار اليه اعلاه ايده الله تعالى
 فشهدت عليه بذلك
 ٢٧. كتبه احمد بن رشيد (؟) فتح الله (؟)
 ٢٨. كذلك اشهدني سيدنا الحاكم المشار اليه اعلاه ايده الله تعالى فشهدت
 عليه بذلك في تاريخه كتبه احمد بن النقيب الشافعي
 ٢٩. كذلك اشهدني سيدنا الحاكم المشار اليه اعلاه ايده الله تعالى فشهدت
 عليه
 ٣٠. كذلك كتبه احمد بن محمد بن علي

Translation

1. Praise be to God
2. The Needy of God the Exalted, the Shaykh, Leader, and Scholar, Jamāl al-Dīn Abū Muḥammad,
3. Benefactor of Seekers, Survivor of the Virtuous Forefathers, ‘Abd Allāh
4. *ibn* of the Servant, Needy of God the Exalted, the Shaykh, Leader, and Learned Scholar,
5. Shams al-Dīn, Muftī of Muslims, Chief of Teachers, Abū ‘Abd Allāh Muḥammad, *ibn* of the late
6. Needy of God the Exalted, Zayn al-Dīn Ḥāmid al-Shāfi‘ī, Deputy Judge in
7. Jerusalem the Noble, may God the Exalted support him, while present in his council of judgement and the place of his jurisdiction,
8. called upon me to witness that there was certified before him, after presentation of a permissible claim and that which
9. ensues from it by law, the content of the attestation recorded on recto, in accordance with that which is stated,
10. set forth, explained, and elucidated and the content of that which has been established by testimony on recto as to all
11. that which is recorded on recto, in accordance with that which is stated, set forth, explained, elucidated, and detailed on recto
12. in the manner set forth on recto, such certification being legal, valid,
13. recognized, executable, and in force, worthy of trust, reliance, and confidence,



14. comprising all its legal conditions. [He further called on me to witness] that he, may God the Exalted support him, issued his judgement to the obligatoriness
15. of all that, to the validity and irrevocability of the transfer of debt designated on recto, to the lack of recourse of
16. the creditor against the transferor and his property, and to [the legality of] the disbursement of the amount of the bequest
17. to its claimants, this being the third designated on recto, in spite of cognizance of a divergence of opinion
18. as to that which is contended. This ruling being absolutely valid and legal, he implemented it, judged in accordance with it, and
19. enjoined in conformity with it, having been requested to do so, fulfilling its legal conditions
20. and its permissible obligations. I was witness to him in that on 7 Rajab
21. the Unique 795 [19 May 1393]. Written by
22. Muḥammad al-Ṣafadī.
23. Likewise he, may God the Exalted support him, called on me as witness, and I was witness to him in that. Written by ‘Īsā ibn Aḥmad al-‘Ajlūnī al-Shāfi‘ī.
24. Likewise he, may God support him, called on me as witness, and I was witness to him in that. Written by Khalīl ibn Mūsá.
25. Likewise he, may God the Exalted support him, called on me as witness, and I was witness to him in that. Written by Aḥmad ibn Muḥammad ibn al-Jalāl.
26. Likewise Our Lord and Master the Magistrate mentioned above, may God the Exalted support him, called on me as witness, and I was witness to him in that.
27. Written by Aḥmad ibn Rashīd (?) ibn Fath Allāh (?).
28. Likewise Our Lord the above-mentioned Magistrate, may God the Exalted support him, called on me as witness, and I was witness to him in that on its date. Written by Aḥmad ibn al-Naqīb al-Shāfi‘ī.
29. Likewise Our Lord the above-mentioned Magistrate, may God the Exalted support him, called on me as witness, and I was witness to him
30. in that. Written by Aḥmad ibn Muḥammad ibn ‘Alī.

Commentary

2. *Ashhadanī* . . . This document takes the form characterized by Guellil as *ishhād/ishjāl*,¹⁸⁴ whereby a judge calls for witnesses to certify the validity of

¹⁸⁴Guellil, *Akten*, 260.



the document on recto and all the transactions therein recorded. The intent was obviously to insure that these transactions would not be invalidated by another jurist. In fact, further steps were often taken whereby an *ishhād* was prepared by still another judge certifying the original *ishhād/isjāl*. This second *ishhād* would have been written in the space left blank to the right of the *ishhād/isjāl* on the present document.¹⁸⁵ In his chapter on *shahādāt* (testimony), al-Asyūṭī distinguishes between two formats for court certifications: the *isjāl* format followed by Egyptian notaries and the *ishhād* followed by Syrians. Since our document follows the latter format, we shall confine the present discussion to it.¹⁸⁶ Here is al-Asyūṭī's formulary:

Format of a judge's *ishhād*, in lieu of an *isjāl*, in the mode of the Syrians, in which the judge signs with his '*alāmah* on the recto of the document and inscribes on the margin his request for witnesses to him regarding certification, judgement, implementation, etc., in the aforementioned form: Our Lord and Master—if he is a Chief Judge, the appropriate honorifics are mentioned along with the invocation, "may God perpetuate his days, strengthen his judgements, lengthen his shadow, and seal his deeds with good ones"; if he is a Deputy Judge, his honorifics are mentioned along with the invocation, "may God the Exalted support him" (*ayyadahū Allāh ta'ālā*)—with complete citation of the magistrate, his name and those of his father and grandfather, so as to avoid any confusion, followed by "al-Shāfi'ī" or "al-Ḥanafī," for example, in such-and-such a kingdom, called upon me as a witness to his generous soul, may God the Exalted guard him, in his noble council of judgement (*fī majlis ḥukmihi al-'azīz*) in such-and-such a place, that there was certified before him the *ishhād* (of attestation) on recto of the aforementioned buyer and seller¹⁸⁷ as to all that which is attributed to them (*bi-jamī' mā nusiba ilayhim*) on recto, and the validity

¹⁸⁵For examples see *Catalogue*, 258-59 (no. 639), 307-8 (no. 625), 309-10 (no. 717).

¹⁸⁶See Lutfi, "*Iqrār*," 282-86; Ibrāhīm, "al-Tawthīqāt," 293-94; and, for a broader discussion of judicial records and registrations, Rudolf Vesely, "Die Hauptprobleme der Diplomatik arabischer Privaturkunden aus dem spätmittelalterlichen Ägypten," *Archiv Orientalní* 40 (1972): 312-43. For further specimens of certified/registered Mamluk documents see [Noberto Risciani], *Documenti e Firmani* (Jerusalem, 1936), 98-109, 190-209, 264-67.

¹⁸⁷This phrase is used as an example of what the contents of recto might be.



of the contract of sale between them in the sale designated on recto, in the manner set forth (*‘alā al-wajh al-mashrūḥ*) therein, with valid and legal certification (*thubūtan ṣaḥīḥan shar‘īyan*). I was witness to him in that (*fa-shahidtu ‘alayhi bi-dhālika*) on such-and-such a date. If evidence is established before the judge to more than we have mentioned, this is added, the principle to be followed being the language and expressions the judge employed in signing the document, neither more nor less.¹⁸⁸

Similar formularies for this type of *ishhād* are found in al-Ṭarsūsī’s *Kitāb al-I‘lām*.¹⁸⁹ As we shall see, our document conforms fully with these patterns, beginning with the first word, *ashhadanī*, which is the distinguishing opening of the Syrian model, as opposed to *hādhā mā ashhada bi-hi . . .*, which opens the Egyptian *isjāl*.¹⁹⁰

- 2-3. *al-Faqīr ilā Allāh ta‘ālā al-Shaykh al-Imām al-‘Ālim . . .* are titles used in al-Asyūṭī’s formularies for deputy *qāḍīs*.¹⁹¹

baqīyat al-salaf al-ṣāliḥīn, according to al-Qalqashandī, is used for scholars and virtuous persons.¹⁹²

- 2-5. *Jamāl al-Dīn Abū Muḥammad ‘Abd Allāh ibn Shams al-Dīn Abī ‘Abd Allāh Muḥammad ibn Zayn al-Dīn Ḥāmid al-Anṣārī al-Shāfi‘ī*. This *qāḍī* is mentioned only briefly by Mujīr al-Dīn, with the extra *nisbah* al-‘Irāqī and with the comment that he was judge of Jerusalem, in office in 812/1409-1410.¹⁹³ But from the Ḥaram documents we know that he was Shāfi‘ī Deputy Judge in Jerusalem as early as 795/1393, the date of this document. Note that in accordance with al-Asyūṭī’s formulary his *nasabs* include both his father and his grandfather. The former, Shams al-Dīn Abū ‘Abd Allāh Muḥammad ibn al-Shaykh Zayn al-Dīn Abī Muḥammad Ḥāmid ibn al-Shaykh Shihāb al-Dīn Abī al-‘Abbās Aḥmad al-Maqdisī al-Anṣārī al-Shāfi‘ī, was also a *qāḍī* in Jerusalem according to Mujīr al-Dīn.¹⁹⁴ From

¹⁸⁸ Al-Asyūṭī, *Jawāhir*, 2:452-53.

¹⁸⁹ Guellil, *Akten*, 212-14.

¹⁹⁰ Al-Asyūṭī, *Jawāhir*, 2:450, 452.

¹⁹¹ Ibid., 450.

¹⁹² Al-Qalqashandī, *Subḥ*, 6:40.

¹⁹³ Mujīr al-Dīn, *Al-Uns*, 2:129.

¹⁹⁴ Ibid., 126.



the honorifics assigned to him in the document—Muftī al-Muslimīn, Ṣadr al-Mudarrisīn—we can infer that he too was probably a deputy *qāḍī*.¹⁹⁵

7. *ayyadahu Allāh ta'ālā*. Note that according to al-Asyūṭī's formulary above, this invocation is used for deputy *qāḍīs*.

wa-huwa fī majlis ḥukmihi wa-maḥall walāyatihi. Only the first half of this phrase is found in al-Asyūṭī's formulary above. But the entire phrase occurs in at least one of al-Ṭarsūsī's formularies.¹⁹⁶ Apparently it indicates that the judge was in his legally constituted court when the proceedings were conducted.

8. *annahu thabata 'indahū ba'da taqaddum al-da'wā al-masmū'ah*. This is a stock phrase in the Ḥaram documents.¹⁹⁷ According to al-Asyūṭī the first step for a judge to take in adjudicating a matter is to determine whether a claim (*da'wā*) is legally permissible and can be heard in court. This process is known as *taṣḥīḥ al-da'wā*, which can be a formal proceeding, in which case the judge writes an '*alāmat al-da'wā—uddu'iyat bi-hi*—on verso, indicating that the claim has been heard and is valid.¹⁹⁸ Although in our document this formal procedure was apparently not followed (since there is no '*alāmat al-da'wā*'), inclusion of the phrase, *al-da'wā al-masmū'ah*, indicates that the claim was heard and found to be permissible.

- 8-9. *wa-mā yatarattabu 'alayhā shar'an* is a stock phrase in the Ḥaram documents, indicating that a permissible claim and its legal implication and consequences have been duly submitted to the court.¹⁹⁹

- 9-11. '*alā mā nuṣṣa wa-shuriḥa* is a stock clause used by al-Asyūṭī and al-Jarawānī in their formularies to refer to the contents of a certified document.²⁰⁰ It is found as well in surviving specimens of Mamluk *ishhād/ishjāls*.²⁰¹ *Buyyina* and *ūdīḥa* can also be found.²⁰² *Nuṣṣa wa-shuriḥa* is also used in witnessing clauses at the end of documents.²⁰³

¹⁹⁵ Al-Asyūṭī, *Jawāhir*, 2:594.

¹⁹⁶ Guellil, *Akten*, 213; see also Asali, *Wathā'iq*, 2:57 (no. 647).

¹⁹⁷ E.g., Asali, *Wathā'iq*, 1:229 (no. 28b), 2:57 (no. 647).

¹⁹⁸ Al-Asyūṭī, *Jawāhir*, 2:373; cf. Lutfi, "*Iqrārs*," 281.

¹⁹⁹ Asali, *Wathā'iq*, 1:229 (no. 28b), 2:57 (no. 647); cf. al-Asyūṭī, *Jawāhir*, 2:445, 446, 461.

²⁰⁰ Al-Asyūṭī, *Jawāhir*, 2:450; al-Jarawānī, "al-Kawkab," 110.

²⁰¹ Asali, *Wathā'iq*, 1:229 (no. 28); Muḥammad Muḥammad Amīn, ed., *Fihrist Wathā'iq al-Qāhirah ḥattā Nihāyat 'Aṣr Salāṭīn al-Mamālīk (239-922 H./853-1516 M.)*, Textes arabes et études islamiques, 16 (Cairo, 1981), 350; Risciani, *Documenti*, 190.

²⁰² Risciani, *Documenti*, 264.

²⁰³ *Ibid.*, 184.



10. *mā qāmat bi-hi al-bayyinah*. See commentary on no. 355 recto, lines 32 and 33.
12. *‘alā al-wajh al-mashrūḥ*. See al-Asyūṭī’s formulary above, pp.165-166.
- 12-13. *thubūtan ṣaḥīḥan shar‘īyan mu‘tabaran marḍīyan . . . mawthūqan bi-hi markūnan ilayhi . . .* are all stock phrases which can be found in formularies and documents to denote the absolute validity and effectiveness of the certification.²⁰⁴ I have not come across examples of *ma‘mūlan bi-hi mu‘aw-walan ‘alayhi*, but they undoubtedly exist.
14. *mustajmi‘an sharā’ iṭahu al-shar‘īyah . . .* is apparently a variant of the much more common *mustawfīyan sharā’ iṭahu al-shar‘īyah*.²⁰⁵ In lines 19 and 20 below the phrase on line 14 is combined with *wa-wājibātihi al-mar‘īyah*. Commenting on this combination as it occurs in a Mamluk *isjāl*, Muḥammad Muḥammad Amīn makes the following pertinent remarks:

It is essential that the conditions of legal validity be fulfilled in the document and that it be written in a legal form which will leave no room for controversy. The most important of the legal conditions which the document fulfills is mention of the legal actor, identification of that which is disposed, without any ambiguity or conjecture, and mention of everything that enhances the validity of the disposition and its freedom from that which diminishes it, in addition to the testimony and signatures of the witnesses and the *qāḍī*’s endorsement of the testimony.²⁰⁶

- 14, 18. *ḥakama bi-mūjab dhālika kullihi . . . wa qaḍā’ bi-mūjabihī*. We have already confronted the first clause above in the margin of no. 355 recto. According to Amīn these stock phrases

mean that the judgement was issued validly and in accordance with other legal requirements, signifying that it is binding for whatever results from the matter in the way in which the judge considered it by law. The judgement requires (a) capacity to dispose (*ahlīyat al-taṣarruf*) and (b) correctness

²⁰⁴ Al-Asyūṭī, *Jawāhir*, 2:450, 506; Guellil, *Akten*, 212; Little, "Purchase Deeds," 306-7 (no. 574); Asali, *Wathā’iq*, 1:229; Ibrāhīm, "al-Tawthīqāt," 343; Amīn, *Fihrist*, 350.

²⁰⁵ See al-Asyūṭī, *Jawāhir*, 2:451; Guellil, *Akten*, 213, 214, 216; Little, "Court Records," 28 (no. 649); Asali, *Wathā’iq*, 2:57 (no. 647); Risciani, *Documenti*, 264.

²⁰⁶ Amīn, *Fihrist*, 350, citing Ibrāhīm.



of form (*ṣiḥḥat al-ṣīghah*). The judge delivers his judgement in accordance with these.²⁰⁷

15. *wa-ṣiḥḥat al-ḥawālah*. This is the second element cited in the judge's *tawqī'* written in the margin on recto. Note also that the clause contained therein, *wa-'adam rujū' al-muḥtāl 'alā al-muḥīl*, is repeated in the *ishhād/is-jāl*. According to al-Asyūṭī, jurists disagree on this aspect of the *ḥawālah*, i.e., as to whether the creditor (*al-muḥtāl*) has any recourse against the property of the transferor (*al-muḥīl*) if he, the former, does not receive his right from the cessionary (*al-muḥtāl 'alayhi*).²⁰⁸ The possibility of a challenge on this issue is, of course, one reason for including the phrase, *ma'a al-'ilm bi-al-khilāf* on line 17 and in the *tawqī'* on recto.
16. *wa-ṣarf al-mablagh al-mūṣā bi-hi*. This is the third element which the judge, in the *tawqī'*, cited for certification. By mentioning these three elements explicitly—the *ḥukm*, the *ḥawālah*, and the bequest—the *ishhād/is-jāl* conforms to al-Asyūṭī's view that such a document should follow "the language and expressions the judge employed in signing the document, neither more nor less."²⁰⁹
- 18-19. *wa-amḍāhu wa-qaḍā bi-mūjabihī wa-alzama bi-muqtaḍāhu mas'ūlan fīhī* . . . are all stock phrases to be found in the formularies for *ishhād/is-jāls* and other judicial documents. Compare, for example, al-Ṭarsūsī's *wa-qaḍā bi-mūjabihī wa-alzama bi-muqtaḍāhu wa-ajāza dhālika wa-anfadhahu wa-amḍāhu mas'ūlan fīhī* . . .²¹⁰
- 20-30. *fa-shahidtu 'alayhi bi-dhālika . . . ashhadanī . . .* The witnessing clauses follow the format characteristic of the Syrian *ishhād*, in which the drafter of the document responds to the judge's request for witnesses—*ashhadanī*—in the opening line of the text with *fa-shahidtu*. . .²¹¹ The co-witnesses use the formula *ka-dhālika ashhadanī . . . fa-shahidtu 'alayhi bi-dhālika*.²¹² It is noteworthy that two of the witnesses to the *ishhād* served

²⁰⁷ Ibid.

²⁰⁸ Al-Asyūṭī, *Jawāhir*, 1:180.

²⁰⁹ See his formulary, p. 166, above.

²¹⁰ Guellil, *Akten*, 213, 214, 216; cf. al-Asyūṭī, *Jawāhir*, 2:510.

²¹¹ Al-Asyūṭī, *Jawāhir*, 2:452-53; Guellil, *Akten*, 260. For examples, see Asali, *Wathā'iq*, 2:57 (no. 647); Lutfi, "Ṭqrār's," 283-84 (no. 315 verso).

²¹² Guellil, *Akten*, 364. For examples, see Asali, *Wathā'iq*, 2:57 (no. 647); Risciani, *Documenti*, 200, 204, 208.



also as witnesses to the document on recto, namely ‘Īsá²¹³ ibn Aḥmad al-‘Ajlūnī al-Shāfi‘ī and Aḥmad ibn Muḥammad ibn ‘Alī.

I hope that the above commentary has demonstrated that this document is a standardized one which complies with the formularies recommended by al-Asyūṭī (and al-Ṭarsūsī), so much so, in fact, that it resembles a printed form which the notary has copied, filling in only the relevant particulars of name, dates, and transactions. Otherwise, almost all the language of the document consists of notarial clichés in common use in Mamluk Syria and Palestine. In this respect it is noteworthy that al-Asyūṭī, writing around a century after the date of the document, accurately recorded the different practices for certifying documents followed by Syrian, as opposed to Egyptian, notaries and court clerks. Thus we have one more reason for confirming the value of al-Asyūṭī’s notarial manual as a historical source.²¹⁴

CONCLUDING REMARKS

What is to be learned from this extended paper chase apart from a mass of detail related to the drafting of legal documents? Not as much, perhaps, as we would like but more than enough to justify the pursuit, given the paucity of data from literary sources on how society functioned below the level of the Mamluk elite and their clients. Here our documents afford us rare glimpses of a thriving but otherwise unknown family from a remote area of the Mamluk empire. The core of the family consisted of a childless merchant and his wife, both from Baalbek, who owned assets there as well as in Damascus and Jerusalem. At the time the first document, an estate inventory, was drafted in October 1391, the two were living in an apartment in the Maghribī Quarter of Jerusalem, presumably on a temporary basis since Shams al-Dīn did not own the building and his possessions listed in the inventory consisted solely of cash, clothing, and two carpets. Shams al-Dīn must have been in Jerusalem on business; otherwise it is difficult to explain the large amount of cash at his disposal in the city: 6133.25 *dirhams* and twenty-three gold coins, plus ninety-one *dirhams* declared by Ālmalik as maintenance. According to the inventory all the money had been deposited by Shams al-Dīn with two other merchants in Jerusalem. Although we do not know whether he took this action for reasons of security, profit, or both, it is interesting that he had such financial arrangements with two colleagues in the city. But the state of the couple’s finances should not blind us to the possibility that they were combining business

²¹³“‘Īsá” I now prefer to “‘Alī” in my “The Jews,” 247.

²¹⁴See Little, “Purchase Deeds,” 333-35, and idem, “The Nature of *Khānqāhs*, *Ribāṭs*, and *Zāwiyas* under the Mamlūks,” in *Islamic Studies Presented to Charles J. Adams*, ed. Wael B. Hallaq and Donald P. Little (Leiden, 1991), 91-105. Cf. Monika Gronke, “La rédaction des actes privés dans



with piety and pleasure during their sojourn in Jerusalem. After all, the city was a pilgrimage center for Muslims, for which Ālmalik must have felt some affection since she arranged to pay for recitation of the Quran there after her death. In any event, by the ninth of October Shams al-Dīn had fallen sick and had become so weak that arrangements were initiated to prepare for his death. These took the form of the estate inventory conducted in his residence, with Ālmalik and four witnesses authorized by the Shāfi‘ī judge Sharaf al-Dīn al-Anṣārī in attendance. Exceptionally, this same judge endorsed the inventory and ruled that it should be certified by witnesses to his judgement, though this step was apparently not taken. Perhaps he, or Shams al-Dīn and Ālmalik, thought that settlement of the estate would be complicated by their ownership of assets, and the presence of their heirs, in Syria and that certification might facilitate the process. Why the certification was not completed is not known.

Nor can we ascertain how soon thereafter Shams al-Dīn died, before the public sale of his possessions in March 1392. However, enough time had elapsed for his wife’s nephew in Baalbek to obtain, in February, court certification of a document in Damascus supporting his claims on Shams al-Dīn’s estate and to bring that document to Jerusalem. Himself the son of a judge, Nāṣir al-Dīn was an officer in the non-Mamluk corps stationed in Baalbek—the Ḥalqah. As a mere nephew to Ālmalik, he was excluded by other heirs to Shams al-Dīn’s estate. Indeed, Shams al-Dīn’s heirs are identified in the inventory and a later document as Ālmalik and two brothers and sisters; two or three of these were only half siblings, being the children of Shams al-Dīn’s mother by another husband, apparently of non-Arab origin if his *nisbah*, al-‘Ajamī, is a reliable indicator. Why these heirs made no claim on their brother’s Jerusalem estate is a matter for conjecture: perhaps they were aware that Shams al-Dīn’s long-standing debt of ten thousand *dirhams* to Ālmalik, legally transferred to her nephew, took precedence and would exhaust the Jerusalem holdings. Be that as it may, it was the nephew in the army, Nāṣir al-Dīn, who took the initiative and journeyed to Jerusalem, stopping in Damascus to put the necessary papers in order, so as to press his claim to the transferred debt. For the time being, under the auspices of the Ḥanafī Court, he was able to obtain all the proceeds of the sale of Shams al-Dīn’s personal effects, netting 364 *dirhams*. More than a third (143.5 *dirhams*) of this amount was fetched from the sale of two garments (*ḥanīns*) trimmed with fur; the rest came from other clothes and two old rugs. Nāṣir al-Dīn also managed to obtain three thousand *dirhams* held on deposit by one of the Jerusalem merchants mentioned above. But it seems that this was as far as Nāṣir al-Dīn got at this time. Was his aunt still alive at the time of the sale, i.e., 17 March 1392? Undoubtedly not, since four months earlier, in December 1391, Nāṣir al-Dīn had taken steps to make a claim on her estate on behalf of her legal heirs. Ālmalik came from a much larger



family than Shams al-Dīn; one of eleven children by the same father, she had five full sisters and two half-sisters and three half-brothers (all named Muḥammad!) by a second wife to her father. Apparently none of these heirs made a claim on their sister's estate. Instead all of them, except Mughul, whose actions are unspecified, formally ceded their rights as heirs to Nāṣir al-Dīn, who was himself excluded as an heir. This was accomplished in two stages. In December 1391 he obtained certified documents authorizing him to act on behalf of five of the heirs in their claims against the estate; a year later, in December 1392, four of the remaining heirs granted him similar authorization. Moreover, at some unspecified time a public sale of Ālmalik's effects was conducted in Jerusalem, from which Nāṣir al-Dīn realized the sizeable sum of 1701.25 *dirhams*. Whether this was released to him to retire the transferred debt or to satisfy the claims of the heirs is not known since no *makhzūmah* or any other document other than the *ishhād* recording the final settlement, drawn up in April 1393, has survived.

Whatever the case may be in this particular instance, our documents as a group acquaint us with the workings of a small nuclear family extended by numerous brothers and sisters, born of various husbands and wives—siblings represented by a nephew—split from the nuclear core by the considerable distance between Jerusalem and Baalbek by way of Damascus. But what is noteworthy in all this is the fact that despite the elaborate provisions made by the Islamic law of inheritance to insure the prescribed distribution of property and wealth among the closest blood and marital relations, in this case a remote relative, a nephew of one of the decedents, was able by assiduously availing himself of legal opportunities to interpose himself in the system to his own advantage. To be sure we cannot determine from our incomplete set of documents whether Nāṣir al-Dīn should be regarded as defender or exploiter of the rights of the legal heirs to his aunt's estate. But the fact remains that a complex legal system gave him occasion to intervene. In this respect we might heed the advice of another scholar, who speaks in a similar vein on a related matter:

Thus, if we are to understand how property passed from one generation to the next, we should pay less attention to the fixed rules of inheritance and greater attention to the flexible and dynamic rules that govern the transmission of endowment property.²¹⁵

le monde musulman médiéval: Théorie et pratique," *Studia Islamica* 59 (1984): 159-74.

²¹⁵David S. Powers, "A Court Case from Fourteenth-Century North Africa," *Journal of the American Oriental Society* 110 (1990): 243.



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If for the last clause we substitute "rules that govern the judicial system," we come close to recognizing one of the advantages to be gained from studying the Ḥaram documents.

The complexity and efficiency of the Islamic judicial system under the Mamluks is a second lesson to be learned from our documents. Here some observations can be made about the operations of the courts in Palestine and Syria at the end of the fourteenth century. First, it is clear that the activities of judges were not isolated according to *madhhab* but that the actions of a judge of one school were recognized as valid by judges of the others. Thus the decisions made on 7 April 1393 by the Shāfi'ī judge of Jerusalem, Sharaf al-Dīn al-Anṣarī, to accept the validity of the proxies assigned to Nāṣir al-Dīn as well as his entitlement to the transfer of the debt owed by his uncle to his aunt involved recognition of the validity of actions taken by Ḥanafī and Ḥanbalī judges as well as other Shāfi'ī judges. Furthermore it is obvious that the activities of the judges were not restricted in venue but were recognized as valid in different towns of the Mamluk empire. It is not surprising, of course, that a court in Jerusalem would accept documents certified by courts in Damascus since the former were under the jurisdiction of the latter for a considerable stretch of the Mamluk period.²¹⁶ Nevertheless, we have seen that the *shurūṭ* manuals describe the procedures by which court rulings could be conveyed from one court to another, no matter what the location may have been. In this respect it is possible that the Mamluks' policy of equalizing the four schools of jurisprudence facilitated recourse to judges of diverse affiliations.²¹⁷ The uniformity of judicial and notarial documents throughout the empire, taking into account variations in the Egyptian and Syrian traditions, also served to give the system coherence. In any event no less than seven judges of three *madhhabs* (three Shāfi'ī, two Ḥanafī, and two Ḥanbalī) in two cities are known to have participated in the settlement of the estate in question; there may well have been more cited in documents missing for Ālmalik (estate inventory or will and *makhzūmah*). In addition the four extant documents bear the names of twenty-one witnesses, three of whom witnessed two documents. In line with what has been observed regarding the interaction of the *madhhabs*, it is noteworthy that both the estate inventory and Nāṣir al-Dīn's *ishhād* of attestation were witnessed by affiliates of both the Shāfi'ī and Ḥanafī schools. Nevertheless, it is somewhat curious that the Ḥanafī judge in Jerusalem loomed so large in the settlement process: he authorized the sale of Shams al-Dīn's

²¹⁶According to Mujīr al-Dīn (*al-Uns*, 2:119), the Shāfi'ī judges in Jerusalem were appointed by the *qāḍī* of Damascus until 800/1397-98, when the Mamluk sultan in Egypt asserted this prerogative.

²¹⁷See Joseph H. Escovitz, "The Establishment of Four Chief Judgeships in the Mamluk Empire," *JAOS* 102 (1982): 529-31; Little, "Religion under the Mamluks," *The Muslim World* 73 (1983): 174-75, reprinted in Little, *History and Historiography*.



chattels; consequently, all the documents from Damascus were conveyed to him before they reached the Shāfi'ī Court where the residue of the estate was deposited.

Finally, the obvious point should be stressed that despite what is often claimed to be an Islamic bias in favor of oral as opposed to written testimony, documents played a conspicuous and essential role in legal transactions. In this particular case, Nāṣir al-Dīn's certified attestation that he received the money due to him from the Shāfi'ī Depository in Jerusalem, more than twenty documents listed in Appendix A can be identified. Documents issued in Damascus as early as 1386 were adduced in Jerusalem in 1393 in support of legal claims in accordance with a recognized system of conveying legal instruments from one court to another. This is not to deny the importance of witnesses who were physically present to give testimony in judicial proceedings; references in our documents to *bayyinah* and the signatures of witnesses beyond the requisite two demonstrate the prominence of their role. Still, in the tradition of the states that antedated Islam, the medieval Muslim courts were clearly awash with documents and personnel to draft and register them. There can be no doubt that Muslim courts accepted documents as proof as long as they met long-standing criteria drawn up and continuously monitored by jurists.



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APPENDIX A

Chronological list of documents and legal transactions involved in the disposition and settlement of the estates of Shams al-Dīn al-Ba‘labakkī and his wife.

1. 13 Shawwāl 788/7 November 1386. A *ḥujjah/masṭūr* (document) containing an *iqrār* (acknowledgment) of Shams al-Dīn’s ten thousand *dirham* debt to his wife Ālmalik and a *faṣl ḥawālah* (no. 3 below).²¹⁸
2. 1 Dhū al-Ḥijjah 788/24 December 1386. An *ishhād* (attestation of certification) by Aqdā al-Quḍāh Badr al-Dīn al-Ḥanafī in Damascus certifying the *iqrār* (no. 1 above).²¹⁹
3. 23 Ṣafar 789/15 March 1387. A *faṣl ḥawālah* (transfer clause) added to the *iqrār* (no. 1) containing Ālmalik’s *ishhād* (attestation) that she had transferred the debt to her sister’s son, Nāṣir al-Dīn.²²⁰
4. Unspecified date prior to the estate inventory (no. 5 below). A *masṭūr* (document) containing Ibn Sanājiq’s *ishhād* (attestation) that Shams al-Dīn had deposited 3000 *dirhams* with him.²²¹
5. 10 Dhū al-Qa‘dah 793/9 October 1391. An inventory of Shams al-Dīn’s estate in Jerusalem, containing a *ḥukm* (judgement) by al-Qāḍī Sharaf al-Dīn al-Shāfi‘ī that the document is certifiable.²²²
6. Unspecified date. Ālmalik’s will or estate inventory.²²³
7. 4 Muḥarram 794/2 December 1391. A *wakālah* (power of attorney), added as a *dhayl* (codicil) to *iqrār* no. 10 below, authorizing Nāṣir al-Dīn to act on behalf of Sitt al-Wuzarā’, Fāṭimah, Sutaytah, and Muḥammad III (through his guardian Muḥammad II) in regard to Ālmalik’s estate.²²⁴
8. Mid-ten days of Muḥarram 794/9-18 December 1391. A *maḥḍar* (court record) from Damascus containing a list of Ālmalik’s heirs.²²⁵
9. 16 Muḥarram 794/14 December 1391. An *ishhād* (of certification) by Aqdā al-Quḍāh Taqī al-Dīn ibn al-Munajjā al-Ḥanbalī in Damascus certifying the *maḥḍar* (no. 8).²²⁶

²¹⁸References to this document are found in docs. no. 591, lines 9-11; no. 355 recto, lines 15-16.

²¹⁹No. 591 recto, lines 13-15; no. 355 recto, lines 18-19.

²²⁰No. 591 recto, lines 11-13; no. 355 recto, lines 16-18.

²²¹No. 133, lines 12-13; no. 355 recto, line 44.

²²²No. 133.

²²³No. 355 recto, line 48.

²²⁴No. 355 recto, lines 26-28.

²²⁵No. 355 recto, line 10.

²²⁶No. 355 recto, lines 10-12.



10. 21 Muḥarram 794/19 December 1391. An *ishhād* (attestation) containing an *iqrār* of Muḥammad II, acknowledging Nāṣir al-Dīn's entitlement to his (Muḥammad's) inheritance from Ālmalik.²²⁷
11. 28 Rabī' I 794/23 February 1392. An *ishhād* (of certification) by Aqdā al-Quḍāh Shams al-Dīn al-Ikhnā'ī al-Shāfi'ī in Damascus, certifying the *hawālah* (no. 3).²²⁸
12. 4 Rabī' II 794/1 March 1392. An *ishhād* (of certification) by Aqdā al-Quḍāh Taqī al-Dīn ibn Mufliḥ al-Ḥanbalī in Damascus, certifying Muḥammad II's *iqrār* (no. 10) and the *wakālah* of four of the heirs (no. 7).²²⁹
13. 18 Rabī' II 794/15 March 1392. Certification (no. 12) of the *iqrār* (no. 10) and the *wakālah* (no. 7) was conveyed to and received by Aqdā al-Quḍāh Taqī al-Dīn al-Ḥanafī in Jerusalem.²³⁰
14. On or before 23 Rabī' II 794/20 March 1392. Certifications (nos. 2 and 11) of the *iqrār* of debt (no. 1) and the *hawālah* (no. 3) were conveyed to and received by Taqī al-Dīn ibn al-Munajjā al-Ḥanbalī in Jerusalem.²³¹
15. 23 Rabī' II 794/20 March 1392. A *makhzūmah* recording the sale of Shams al-Dīn's chattels in Jerusalem to settle the debt to Ālmalik transferred to Nāṣir al-Dīn.²³²
16. First ten days of Ṣafar 795/17-26 December 1392. An *iqrār* by Muḥammad I, Asmā', Asin, and Altī authorizing Nāṣir al-Dīn to receive whatever was due to them from Ālmalik's estate.²³³
17. 19 Rabī' II 795/4 March 1393. An *ishhād* (of certification) certifying that certification (no. 9) of the *maḥḍar* (no. 8) was conveyed to and received by Taqī al-Dīn al-Ḥanafī in Jerusalem.²³⁴
18. 24 Jumādā I 795/7 April 1393. An *ishhād* (of certification) certifying that certifications (nos. 9 and 17) of the *maḥḍar* (no. 8) were conveyed to and received by al-Qāḍī Sharaf al-Dīn al-Shāfi'ī.²³⁵
19. Same date. Certifications (nos. 12 and 13) of the power of attorney (no. 7) were conveyed to and received by Sharaf al-Dīn al-Shāfi'ī.²³⁶

²²⁷No. 355 recto, lines 22-26.

²²⁸No. 591, lines 16-19; no. 355 recto, lines 20-21.

²²⁹No. 355 recto, lines 29-30.

²³⁰No. 355 recto, lines 30-31.

²³¹No. 591 recto, lines 19-20; no. 355 recto, lines 21-22.

²³²No. 591.

²³³No. 355 recto, lines 33-37.

²³⁴No. 355 recto, lines 12-13.

²³⁵No. 355 recto, lines 13-15.

²³⁶No. 355 recto, lines 31-32.



20. Same date. *Bayyinah* (legal evidence from witnesses) was established before Sharaf al-Dīn al-Shāfi'ī regarding the guardianship of Muḥammad III and the *iqrār* of four of his siblings (no. 16).²³⁷
21. Same date. A *yamīn* (oath) in which Nāṣir al-Dīn swears to the validity of *iqrār* no. 16.²³⁸
22. Same date. An *ishhād* (of certification) by Sharaf al-Dīn al-Shāfi'ī certifying the *yamīn* (no. 21) and the *iqrār* (no. 16).²³⁹
23. Same date. An *iqrār* by Nāṣir al-Dīn that he had received what was due to him from the Shāfi'ī Court Depository in Jerusalem and that Ālmalik's bequest had been spent as directed.²⁴⁰
24. Same date. Nāṣir al-Dīn makes a *tawkīl* (warrant of attorney) authorizing an agent to certify the document.²⁴¹
25. Same date. A *tawqī'* (judicial notation) containing deputy *qāḍī* Jamāl al-Dīn al-Shāfi'ī's *ḥukm* (verdict) of the certifiability of the document and its transactions.²⁴²
26. 7 Rajab 795/19 May 1393. An *ishhād/ijāl* attesting to the validity of the *ishhād* on recto (no. 355).²⁴³

²³⁷No. 355 recto, lines 32-33.

²³⁸No. 355 recto, line 38.

²³⁹No. 355 recto, lines 39-40.

²⁴⁰No. 355 recto, lines 46-50.

²⁴¹No. 355 recto, line 49.

²⁴²No. 355 recto, right-hand margin.

²⁴³No. 355 verso.



APPENDIX B: NOTES ON THE MAMLUK *SIYĀQAH*

As we have observed in three documents, there is no consistency in the use of the *siyāqah* script for numbers; much obviously depended on the preferences of the clerks and notaries. In the estate inventory (no. 133), all numbers except the date (line 2), one *dirham* (line 6), and 3000 *dirhams* (line 12), are written in *siyāqah*. Almost all the *siyāqah* numbers are placed between the lines of the text, below the nouns they qualify. The one exception is Ālmalik's *nafaqah* (line 7), which is written on the line of the text. In the *makhzūmah* (no. 591), all the dates except one are written in a normal notarial *naskh* (although the *mi'ah* of *sab'mi'ah* almost disappears in a ligature written beneath the 'ayn on lines 11, 13, 15, 19, recto A); the exception is the 700 on line 23, recto A:

In addition, the sum of 10,000 *dirhams* (line 10, recto A) is written out in full in the preamble. All the other numbers are written in *siyāqah*, in conformity with *makhzūmah* conventions. In Nāṣir al-Dīn's long attestation (no. 355 recto) many numbers are written in *naskh* on the lines of the text (lines 4-5, 16, 42, 43) plus all the dates except one (line 10): 790.

Only when the detailed breakdown of the sums involved in the estates is given does the clerk begin to enter *siyāqah* figures interlineally (lines 43, 44, 45, 46). If, then, we were to try to infer a rule or pattern followed by the clerks in these three documents, it would be that numbers, including dates, are normally written out full in *naskh*, in the text, except when the clerks are required to present itemized lists, as in the estate inventory and the *makhzūmah*, or to summarize calculations, as in Nāṣir al-Dīn's *ishhād*. Nevertheless, there are unpredictable exceptions to the rule, as noted. As far as dates are concerned, they are usually written out in full, but the clerks sometimes lapsed into *siyāqah* or another form of abbreviation.

Having confessed in the article to our inability at times to reconcile our readings of individual numbers with some of the totals recorded in the documents, we can still present the following list of *siyāqah* notations used by clerks and notaries in Mamluk Jerusalem of the late fourteenth century.²⁴⁴ Note that the notations for 10, 20, 28, 45, 64, 81, 91, 98, 300, 600, and 3000 have a terminal *mīm*, which stands for *dirham/darāhim*. Fractions are written below the whole numbers in the *siyāqah* texts.

1/4 ٢	1/2 ٥ (alone)
1/2 ١ (in combination)	3/4 ٣

²⁴⁴Cf. the notations described by Jaritz, "Auszüge," 169.



1	صم (alone)	1	اص (in combination)
2	د	3	دا
4	لعم	5	ح
6	ا	7	سم سم
8	دا	9	بعده لعم
10	علم	14	لوعا
15	حرا	16	رعا
18	رعا	20	عما
26	رعد	28	رعا
33	دا	38	دا
43	دا	45	حرا
46	مار	47	لعا
50	حا	55	ححا
64	لوعا	78	رعا
81	لوما	82	لر
91	لرعا	98	لرعا
100	ما	146	مار
300	دا	347	دا
364	دا	382	دا
600	سما	700	سعا



707 سها حعل	708 سها ٧
778 سها ٧ سها	800 وها
843 وها ند لعل	1000 للو
1708 للو سها ٧	1843 للو وها ند لعل
2000 للعل	2081 للعل لوما
3000 لللم	5000 حلو
5707 حلو سها حعل	7000 حلو
7055 حلو حها	



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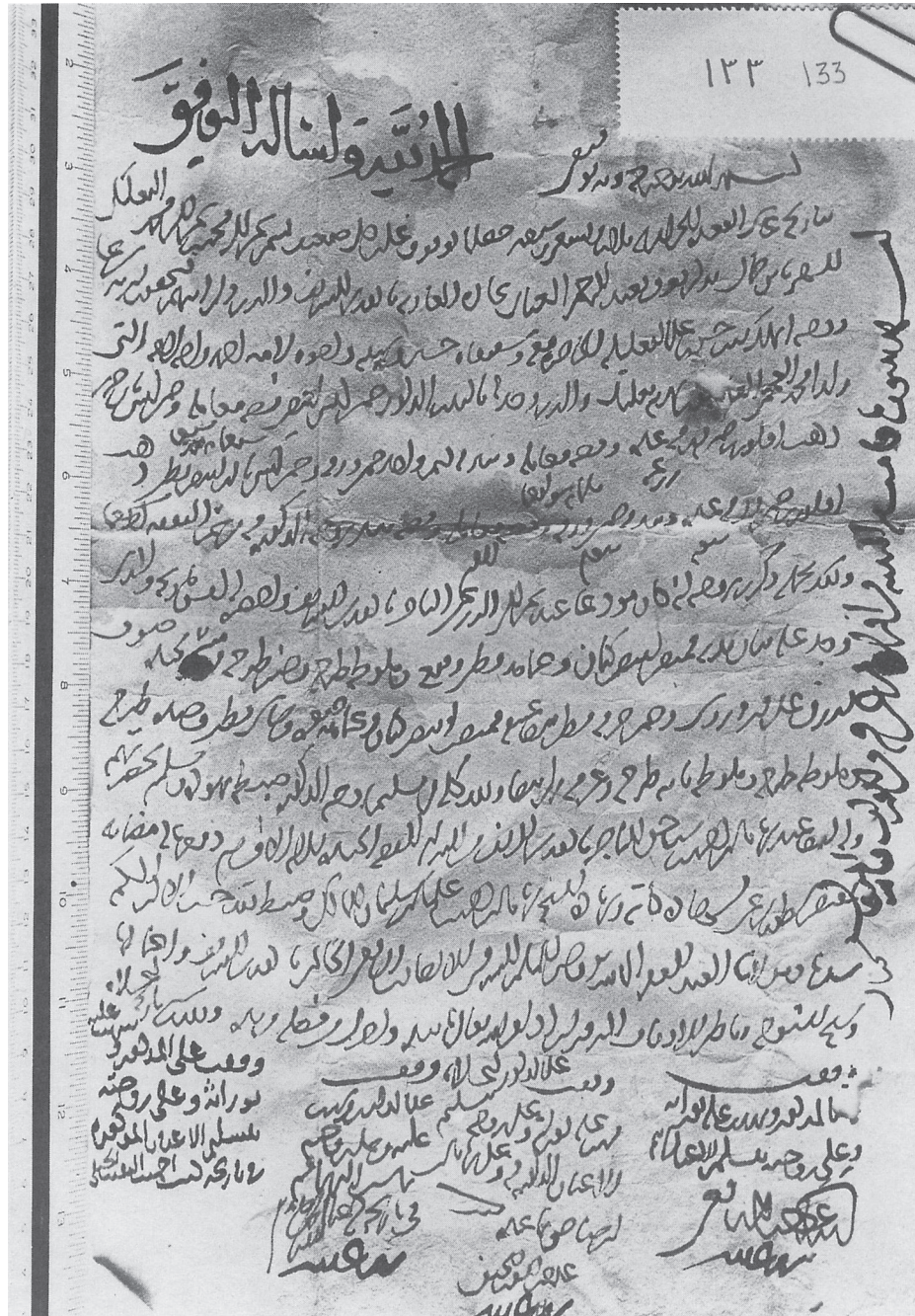


Figure 1



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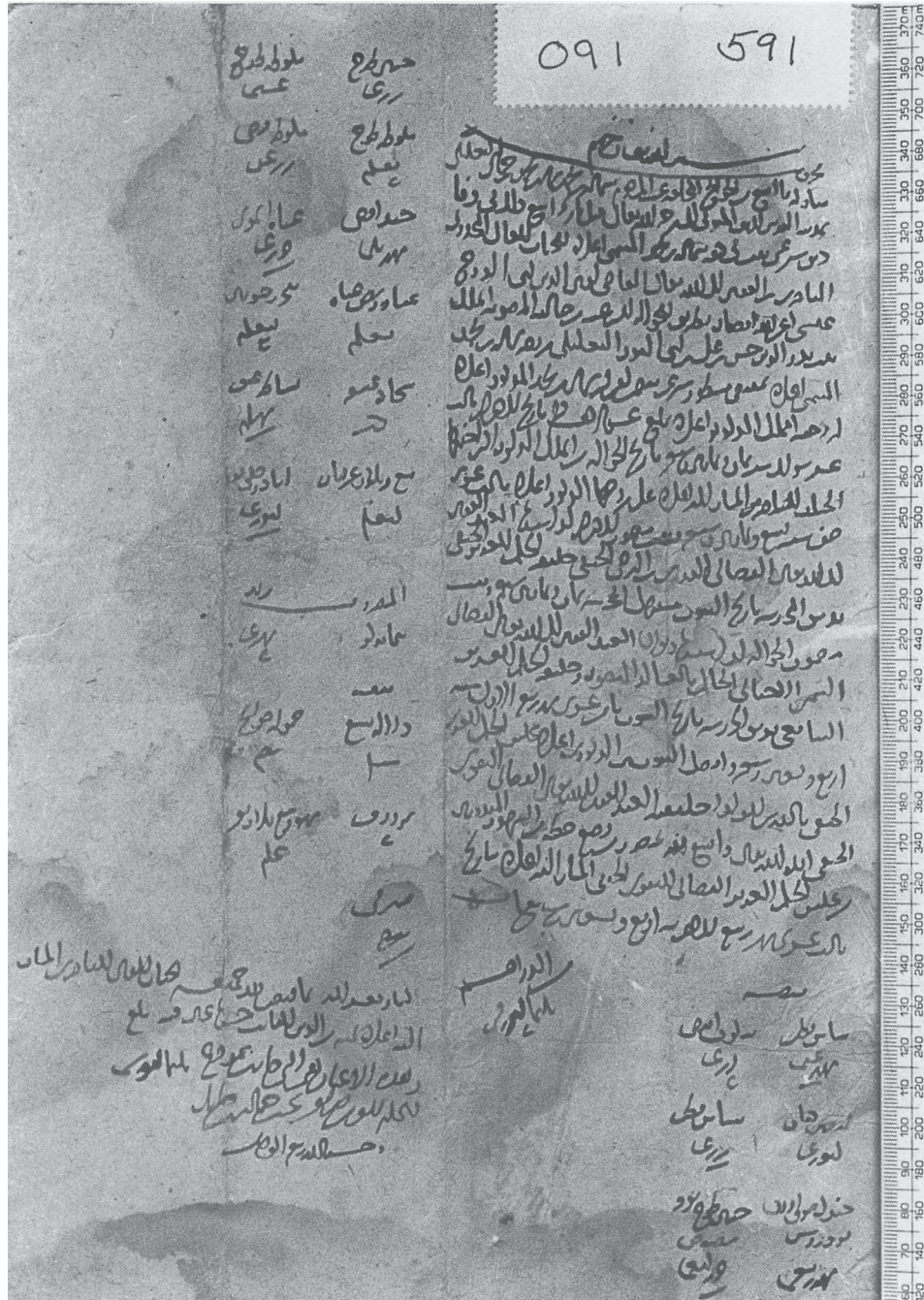


Figure 2



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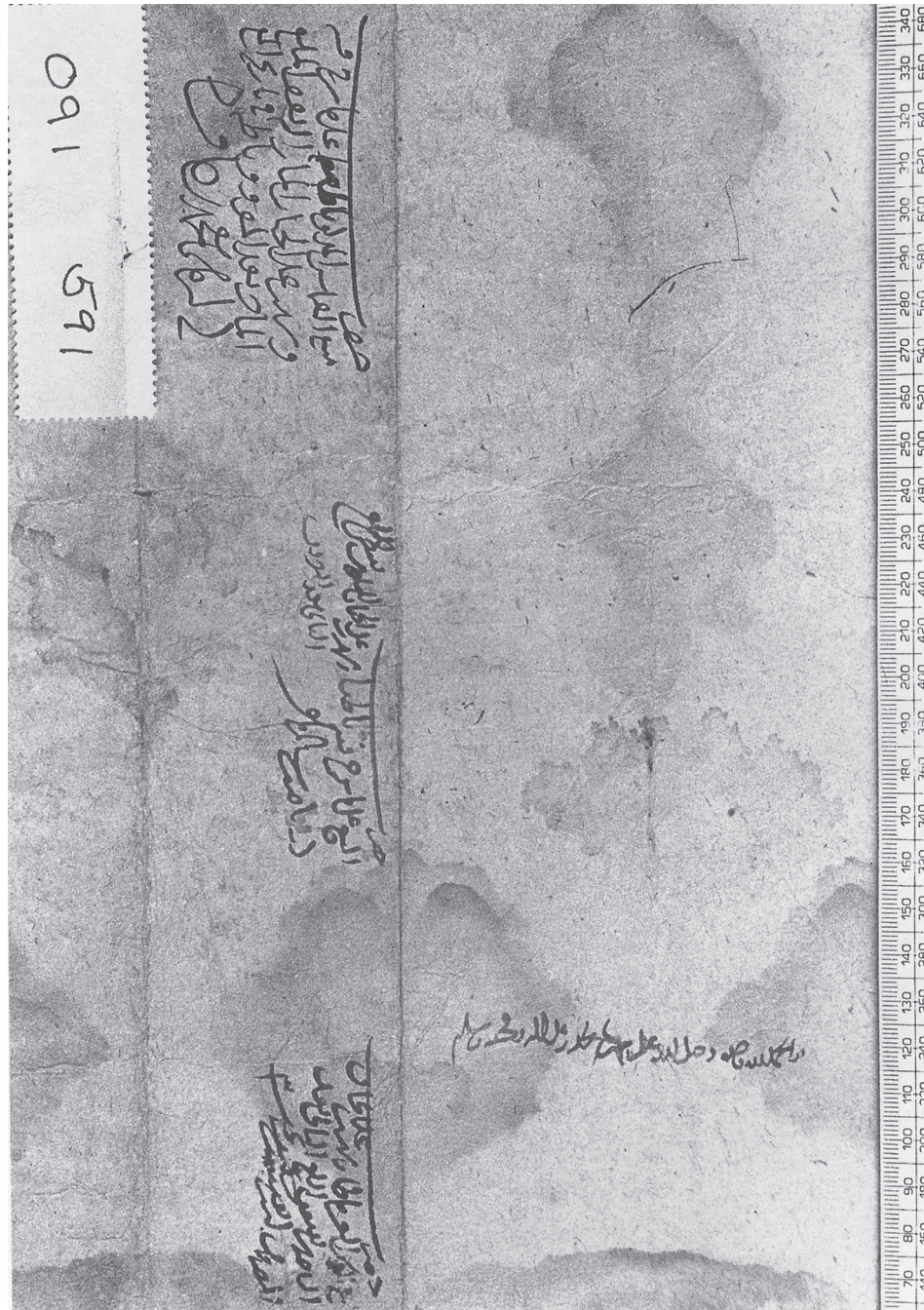


Figure 3



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Figure 4



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Figure 5



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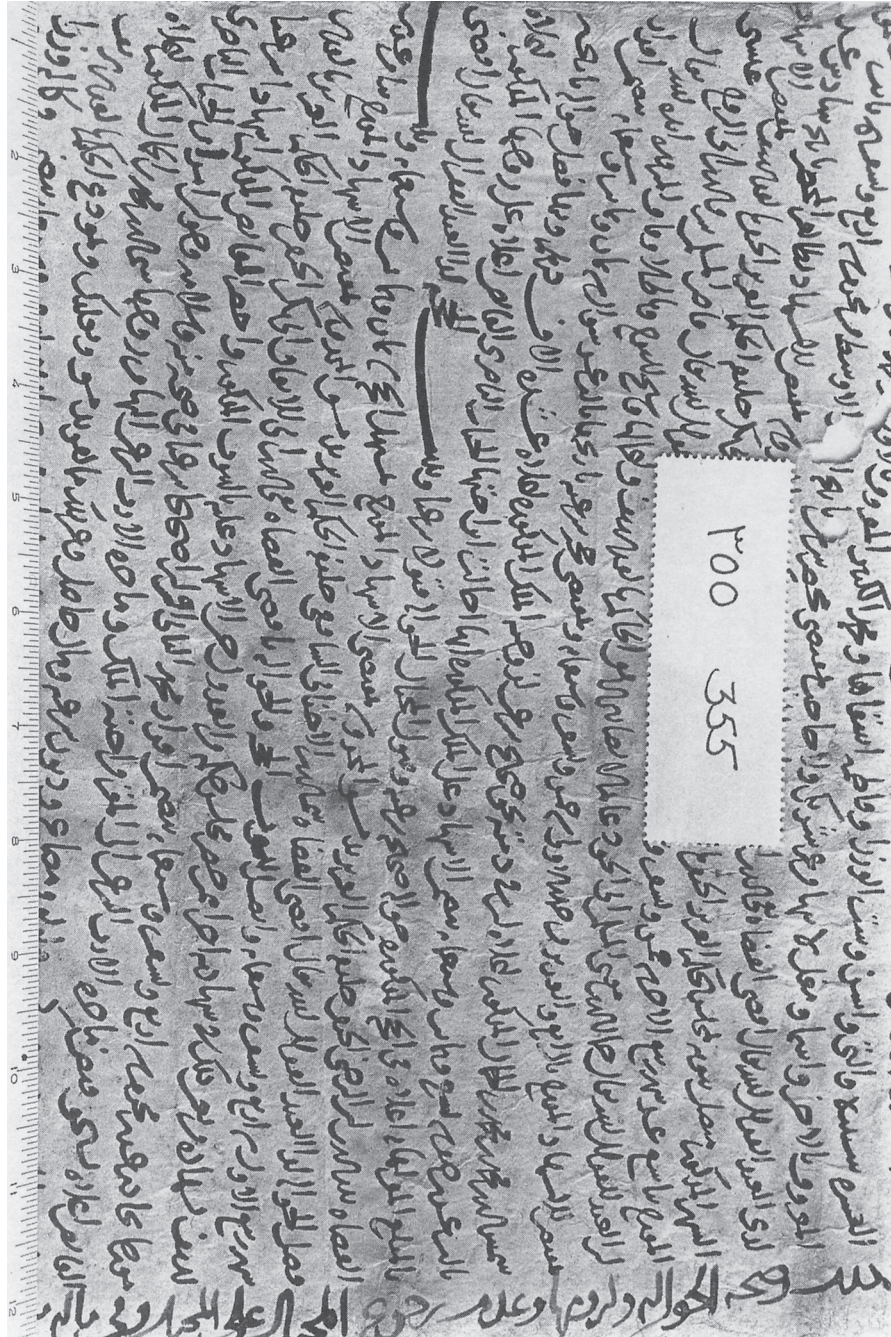


Figure 6



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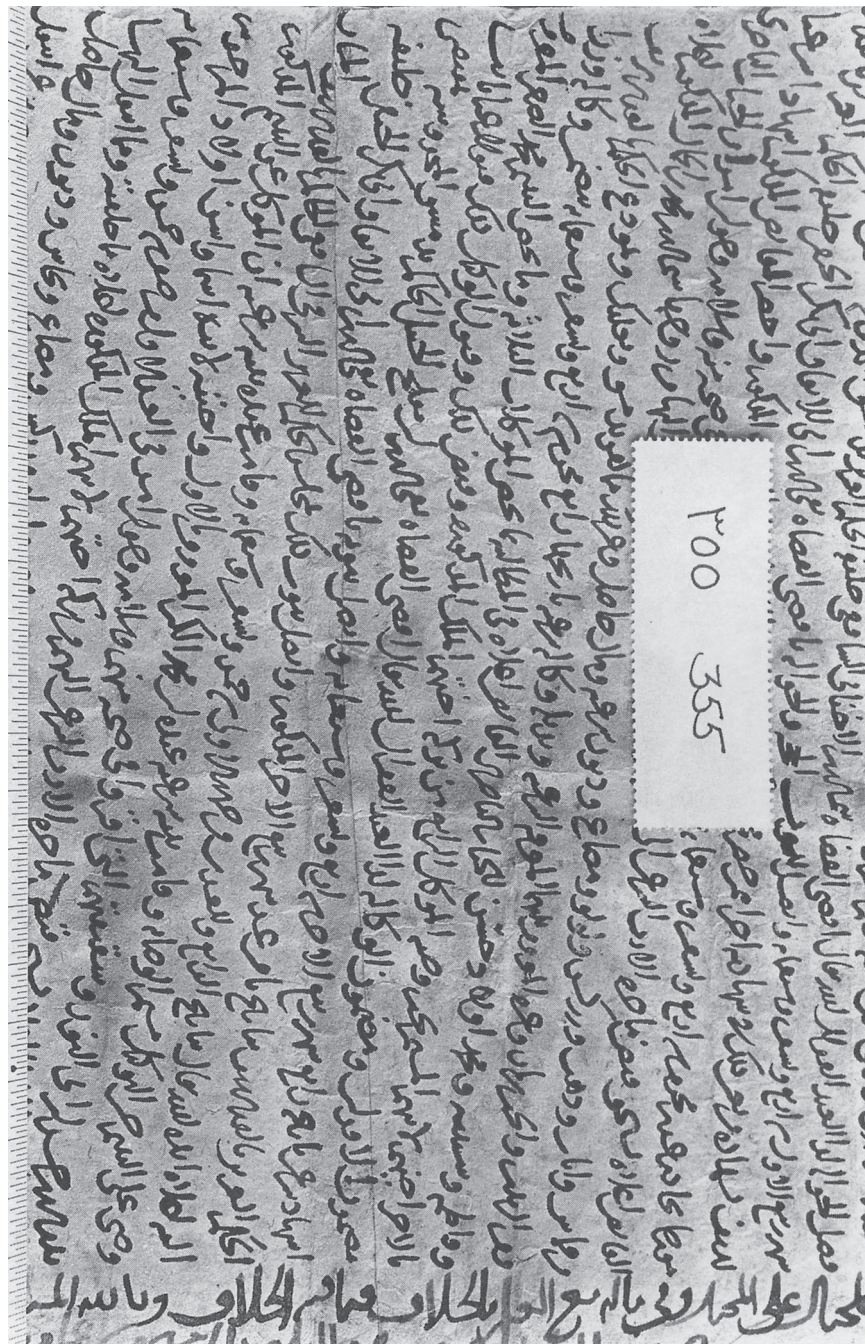


Figure 7



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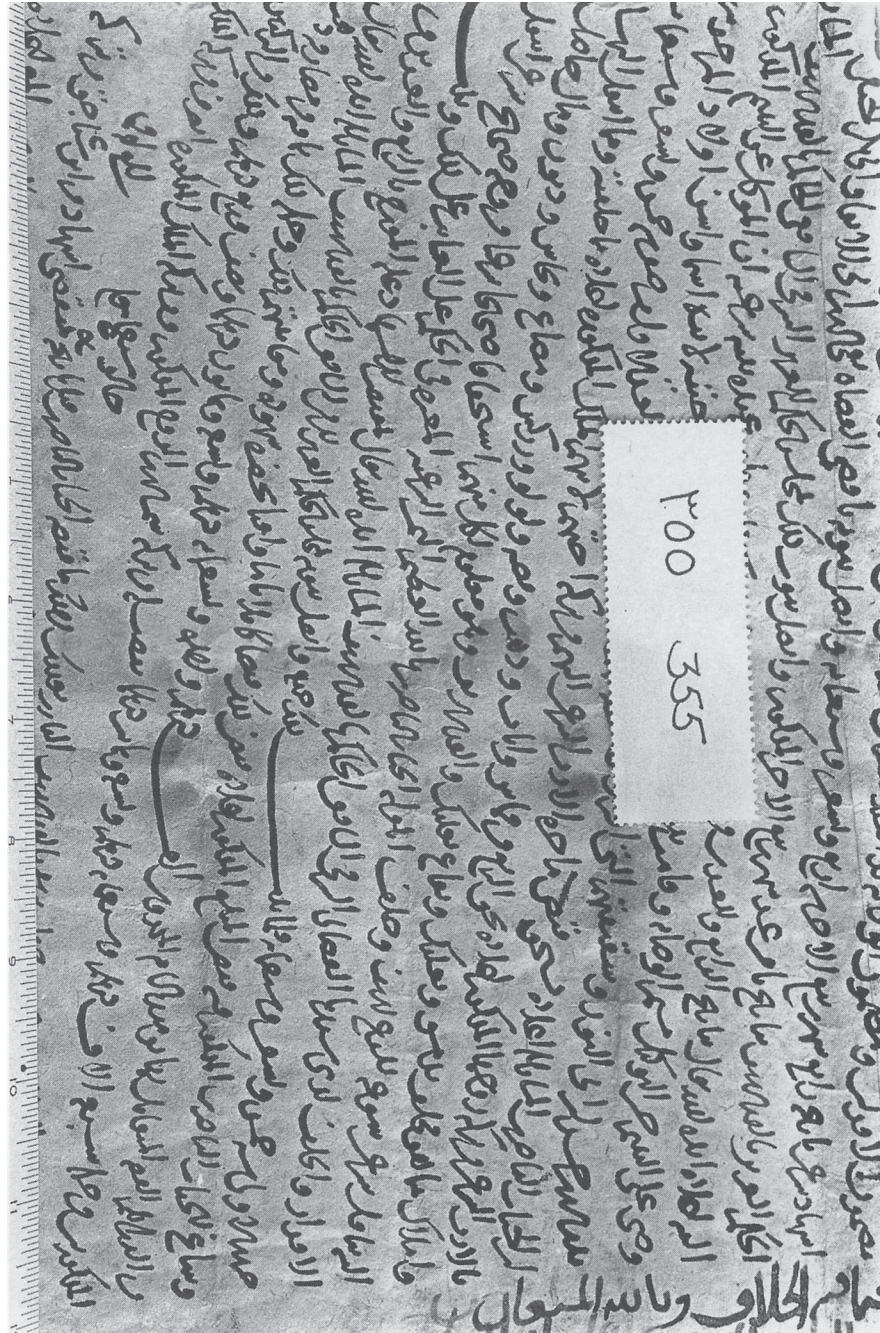


Figure 8



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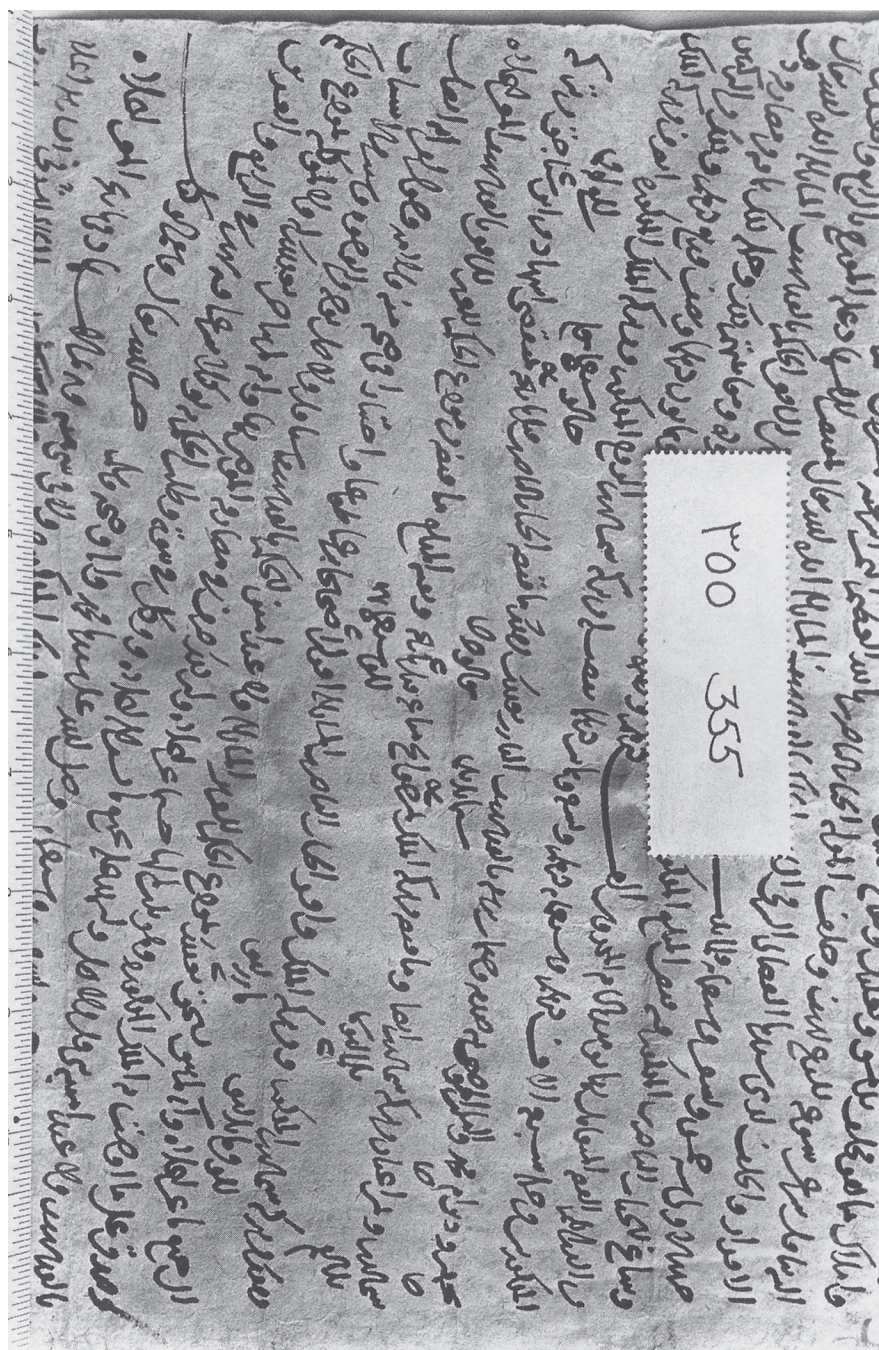


Figure 9



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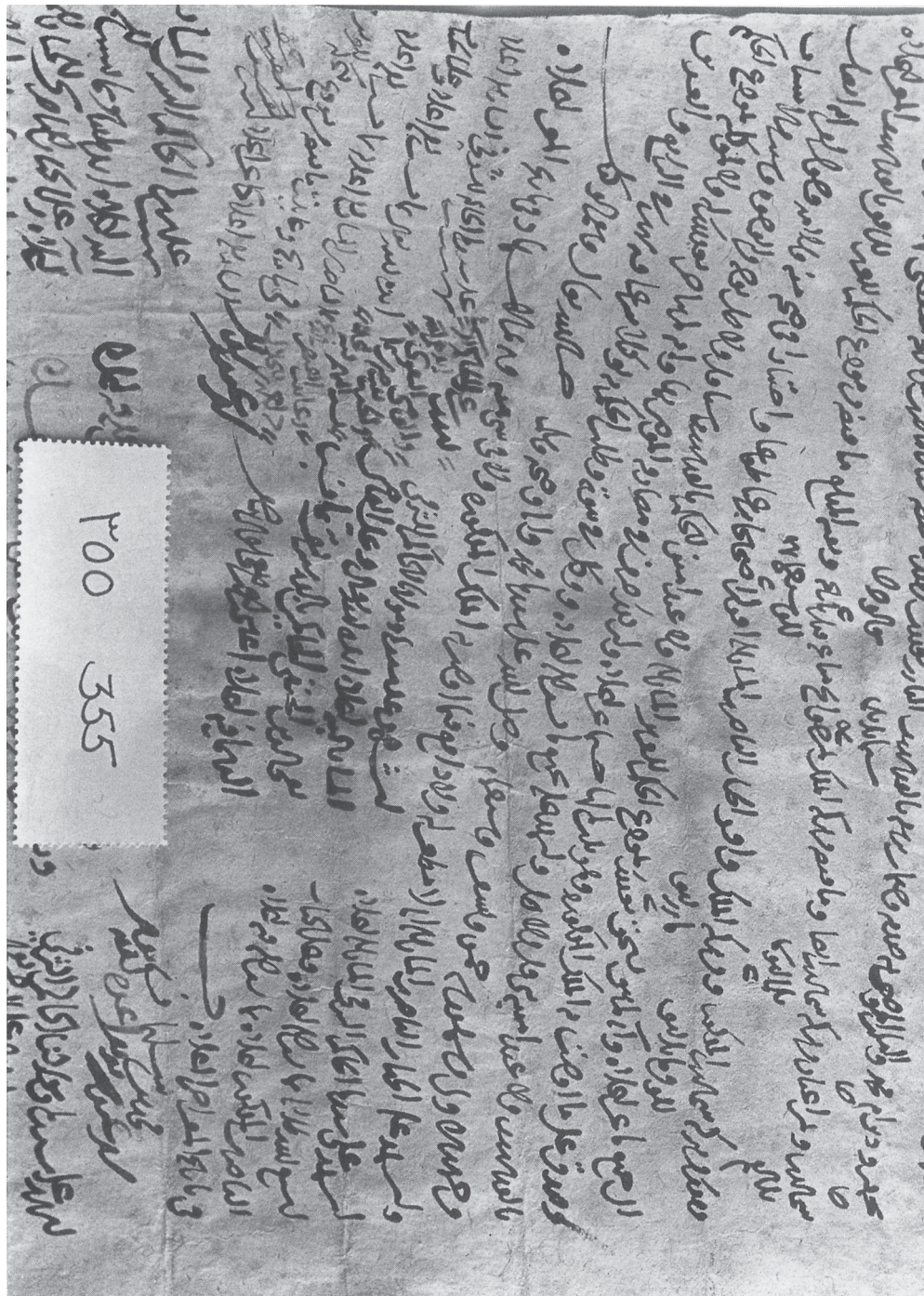


Figure 10



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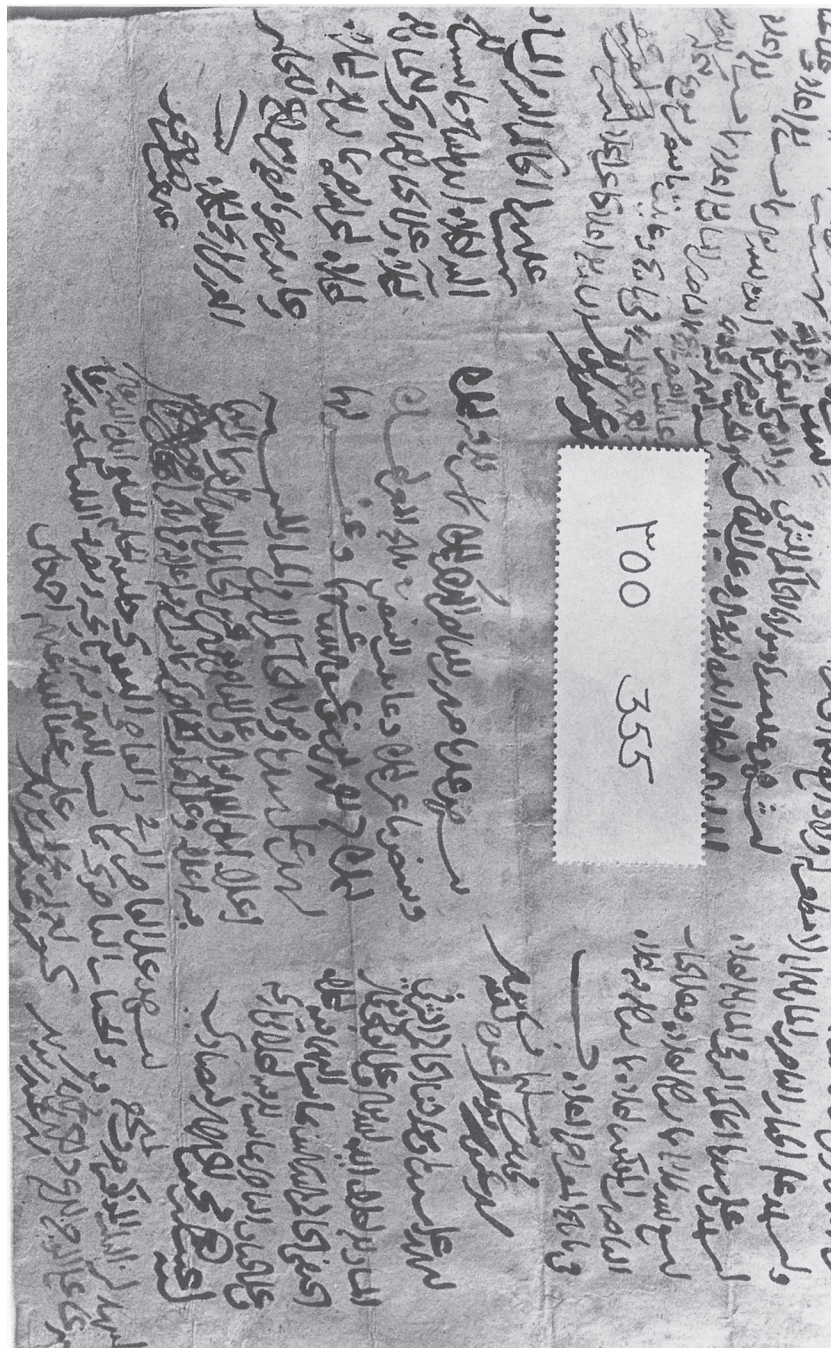


Figure 11



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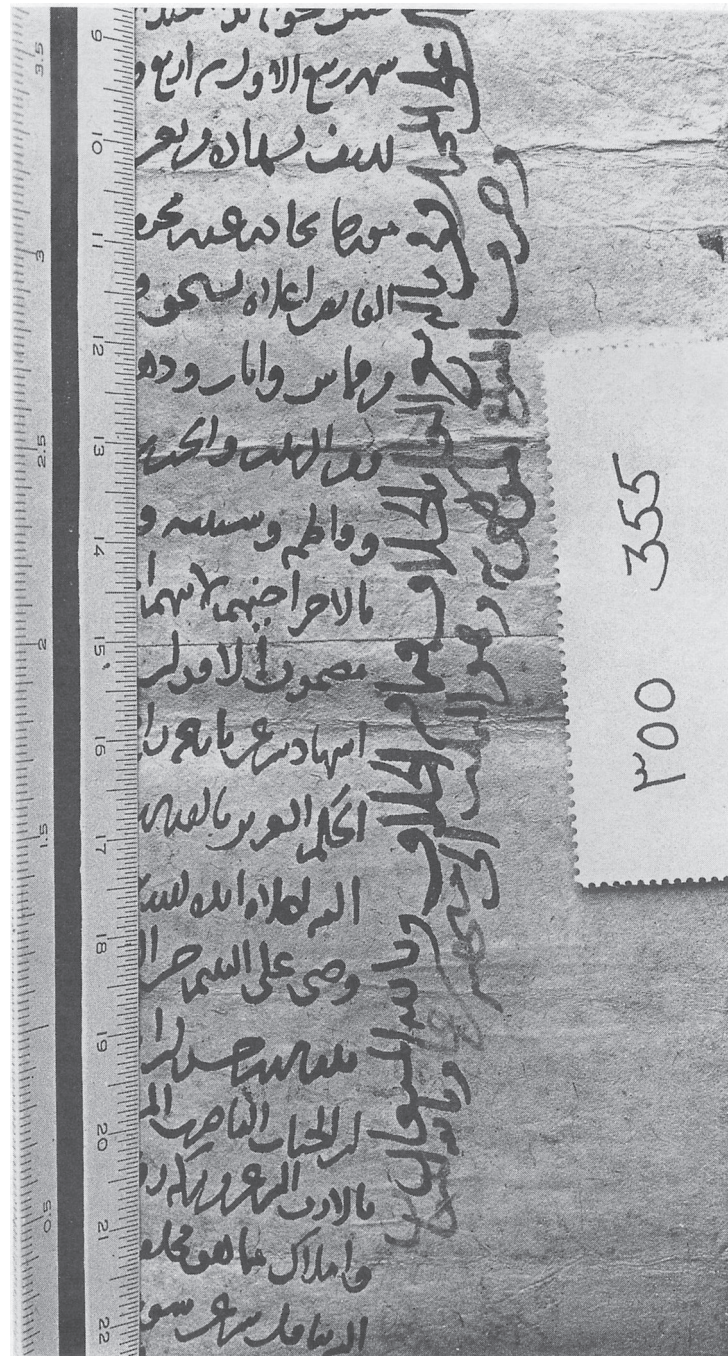


Figure 12



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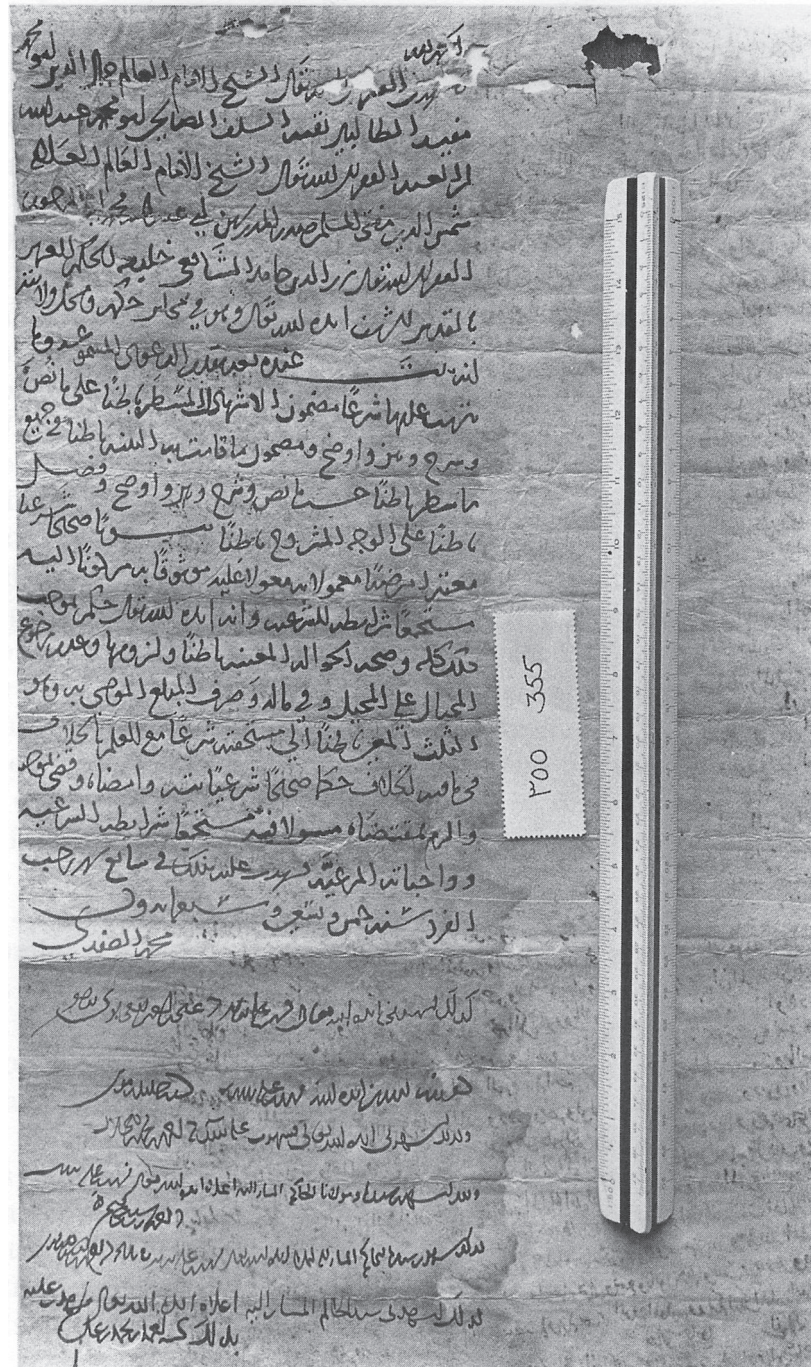


Figure 13



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Book Reviews

ANDRÉ CLOT, *L'Égypte des mamelouks: L'empire des esclaves (1250-1517)* (Paris: Librairie Académique Perrin, 1996). Pp. 354.

REVIEWED BY PAUL M. COBB, Wake Forest University

Can Mamluk history be popular history? For some historians, no more damning praise could be bestowed than to have one's work labeled "popular." Yet, to judge from his other works (*Haroun al-Rachid et le temps des mille et une nuits* [1986], *Mehmed II, le conquérant de Byzance* [1990], etc.), popular history seems to be André Clot's baguette and butter, and he has carried it off with verve in his latest book, a whirlwind tour of the Mamluk Sultanate from its origins to its demise.

The book is divided into two parts. The first part is a narrative survey of the political history of the period, with a brief prologue about precedents for Turkish slave troops in the Islamic world ("Mamluks before Mamluks"). The title of part one, "Two Hundred Fifty Years of Power and Splendor," sums up why the author thinks the Mamluks are worthy of study, as well as his romantic vision of the Islamic past. In summing up this period, Clot concludes (p. 207): "The *mamlūk*-system possessed enormous defects. Absolute power corrupts absolutely. . . . [The Mamluks were] [b]rutal and without scruple, to be sure, but what grand chivalry was that of the Mamluks, courageous, ready for any sacrifice for Islam and for the empire!"

Clot's anecdotal narrative, then, is one that chronicles the "power and splendor" of the Mamluks, focusing on the colorful, the violent, and the weird. This first part deals with the politics of the Sultanate, and above all with the territorial expansion of the state. For Clot, the Mamluk Sultanate especially saw its greatness in its victories over the Crusader states and the Mongols. Their "golden age" was the "long and glorious reign" of al-Nāṣir Muḥammad (i.e., his third reign), ending only with the Black Death in 1348, followed immediately by a "time of crises" and "years of blood." Despite the Sultanate's "Indian summer" under Barsbāy, the Mamluk achievement was slowly dismantled as Barsbāy's successors led the Sultanate to its demise. This is hardly a radical vision of Mamluk history. As this periodization suggests, Clot attaches special importance to the personality of individuals as agents of change, and much of this first part is given over to biographical and psychological sketches of the various personalities of the period.

The second part of the book is a topically-arranged survey of various aspects of Mamluk history: social organization (heavily indebted to Lapidus), cities, trade, daily life, art (without any illustrations), and literature. The book concludes with



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an epilogue, a sketch of the continuity of the *mamlūk*-system in Ottoman Egypt. Six appendices contain digressions on the Nile flood, Felice Brancacci's audience with Barsbāy in 1422, a European account of a wedding, the status of Christians, a list of sultans, and a handy time-line.

Specialists may feel themselves above this sort of book, and the author may well be happy to leave them there. On the other hand, some (like this reviewer) might feel a certain guilty pleasure at the author's fondness for the lurid. Be that as it may, Clot does not treat his subject haphazardly, and the book has much to recommend it, especially to non-specialists. The historical narrative appears to be accurate, although a detailed analysis of the book might turn up errors of fact. Although Clot does not appear to have consulted any indigenous sources in the original, he did make use of the standard Orientalist translations, as well as some of the more important (and older) secondary studies. The second part of the book is especially noteworthy, fleshing out in telling detail an otherwise traditional "trumpets and drums" narrative with the sights and smells of daily life. If Clot's book will not satisfy all readers, it at least paints a rich (if idiosyncratic) picture of an Islamic past.

TH. EMIL HOMERIN, *From Arab Poet to Muslim Saint: Ibn al-Fāriḍ, His Verse, and His Shrine* (Columbia, South Carolina: University of South Carolina Press, 1994). Pp. 162.

REVIEWED BY WARREN C. SCHULTZ, DePaul University

This monograph is a study of the Cairene poet Ibn al-Fāriḍ (576-632/1181-1235). Given when he lived, readers of this journal might well ask why this book is being reviewed here. The answer lies in the fact that this volume is more than a biography of Ibn al-Fāriḍ. It is a study of the posthumous transformation of Ibn al-Fāriḍ from highly regarded poet into first, an influential Sufi, then a Muslim saint (*walī*) whose tomb was a locus of pilgrimage, and finally into his modern image as a "God-intoxicated" poet. The first two stages of this transformation happened during the Mamluk period. Thus while the focus of this book is not limited to things Mamluk, Mamlukists will find much that is worthy of their attention.

Ibn al-Fāriḍ's posthumous roles in the Mamluk era are apparent from the first page. The book begins with an account of the appearance of the ghost of Ibn al-Fāriḍ before the father-in-law of Sultan al-Ashraf Qāyṭbāy. As Homerin demonstrates, the Mamluk sources are replete with mentions of Ibn al-Fāriḍ.



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While he is often cited as a poet of supreme quality, those sources often mention that the man and his poetry were open to frequent charges of advocating various “heretical” beliefs, chief among them monism (*waḥdat al-wujūd*), divine incarnation (*ḥulūl*), or the possibility of mystical union with the divine (*ittiḥād*). What is also clear, however, is that Ibn al-Fāriḍ also had his share of supporters. Thus Homerin devotes much of chapters 1 and 3 to detailed discussion of three occasions during the Mamluk era in which the poet’s name and verse figured in major controversies. The first occurred in the waning years of al-Manṣūr Qalāwūn’s sultanate (pp. 40-44), the second in 831/1428 (pp. 59-60), and the third and most important in 874-875/1469-1470 (pp. 60-75). The figures involved in these disputes ranged from high-ranking members of the ‘*ulamā*’ and leading Sufis to civilian political officials and representatives of the Mamluk elite. It is a major strength of this book, however, that these controversies are not dismissed as merely dichotomous conflicts between learned ‘*ulamā*’ and mystical Sufis. Ibn al-Fāriḍ’s supporters and detractors defy such simplistic classification, and Homerin’s awareness of this—coupled with his thorough reading of the available sources—enables him to draw out the various political, economic, and even personal contexts (in addition to the theological) of these episodes. He has unpacked levels of information that are all too often lost as one plows through the chronicle accounts.

By concentrating on these episodes, of course, I have ignored several important aspects of the book that are not limited to a Mamluk-only perspective. (In this sense, I am reminded of Robert Irwin’s *The Arabian Nights: A Companion* [1995], a book which, while not about the Mamluk era *per se*, contains important and cogent analyses of several aspects of Mamluk society.) Homerin provides a sophisticated introduction to Ibn al-Fāriḍ’s poetry, accompanied by lucid translations of many verses. And, as Frederick M. Denny points out in his preface, since there is not an official procedure in Islam for the canonization of saints, this book provides a valuable case study of one long process of sanctification. Homerin also illustrates how Ibn al-Fāriḍ has become part of the fabric of Egyptian culture, whether in the Mamluk era rivalries mentioned above or in the fiction of Naguib Mahfouz. In short, Homerin has distilled a 750-year tradition into a well-written monograph deserving of wide readership.



FĀYID ḤAMMĀD MUḤAMMAD ‘ĀSHŪR, *al-Jihād al-Islāmī dīdda al-Ṣalībīyīn wa-al-Mughūl fī al-‘Aṣr al-Mamlūkī* (Tripoli, Lebanon: Jarrūs Press, 1995). Pp. 368.

REVIEWED BY ANNE F. BROADBRIDGE, The University of Chicago

‘Āshūr’s work provides what its title promises, and presents the field with a history of Mamluk *jihād* against the Crusaders, the Mongols, the Ethiopians, and Tīmūr, informed by a late twentieth-century consciously Islamist world view. It is not a narrative of general Mamluk military encounters throughout the 267-year span of their rule, but rather focuses only on those battles or campaigns that fit the author’s definition of *jihād*. This results in a somewhat disjointed work, in which chapters can either bear too little relation to each other, or too much.

‘Āshūr sets up the book by laying out a detailed description of *jihād*. This accomplished, he then employs this definition to call for revolution against, and the removal of, un-Islamic government, as well as for *jihād* and terrorism (*irhāb*) against non-Muslims. Having established his ideological framework, ‘Āshūr proceeds to the body of the work, in which he uses the example of the Mamluks both to illustrate the abstract idea of *jihād* with concrete examples, and to support his call for *jihād* against contemporary corrupt governments, Egypt’s in particular.¹

‘Āshūr’s arrangement of this subsequent material is quite interesting, although it differs decidedly from standard historiographical practices of chronological or topic-related organization. Most of the chapters focus on the forty-two-year period between 1249 and 1291 in general, and the reigns of Baybars, Qalāwūn, and al-Ashraf Khalīl ibn Qalāwūn in particular. However, ‘Āshūr also includes chapters on al-Nāṣir Muḥammad (only up to 702/1303), Ethiopia, Cyprus, and Tīmūr’s campaign of 1400-1401.

To state that ‘Āshūr focuses mainly on the years 1249-1291, however, does not mean that he approaches these years in chronological fashion. Rather ‘Āshūr chooses to tell the story of the Mamluks and their enemies several times over, focusing in each chapter on different facets of the historical picture. This style of writing is reminiscent of—and might be modeled after—the fascination of early Islamic authors like Ibn Sa’d (d. 844) with the *khavar* or report. Such early authors recorded similar accounts of the same event one after another in order to emphasize different aspects of the event itself, as well as the varying degrees of their confidence in different sources. This technique gradually gave way to the annalistic style favored by al-Ṭabarī (d. 923) and subsequent authors, although the importance of the *khavar* never disappeared entirely. Unlike early Islamic scholars, however, ‘Āshūr is not presenting and critiquing the voices of others in this book,

¹N.B.: The book was published in Lebanon although ‘Āshūr teaches at ‘Ayn Shams University in Cairo.



but merely providing his own voice. As a result the book as a whole lacks any overarching evaluation or source criticism. Additionally, since 'Āshūr explores different facets of the same or similar sets of historical data in each chapter, the work as a whole suffers greatly from repetition of material, and generally reads like a poorly-edited collection of overlapping lectures.

Following his introduction on *jihād*, 'Āshūr provides two chapters of historical background, after which he arranges the remaining chapters according to the different enemies the Mamluks faced, first Christian or Crusader enemies (chapters 4-8), then Mongol foes (chapters 9-12). His second chapter, "The Appearance of the Mamluk State," presents the formation of the Mamluk Sultanate in 1249 in opposition to the invasion of the French king Saint Louis IX, and its perpetuation up through both the battle of 'Ayn Jālūt (1260) and the re-establishment of the Abbasid caliphate (1261). Rather than progressing chronologically from 1261, however, the next chapter, "The Victory of Islam at 'Ayn Jālūt, 1260 AD," begins with a brief history of the Mongols before once again treating the French invasion of Egypt, this time in the context of a Frankish-Mongol exchange of envoys. Following this, 'Āshūr investigates the battle of 'Ayn Jālūt again, this time in much more detail and with a great deal more analysis. These two chapters provide a general historical background.

Next begins the section addressing Christian or Crusader foes of the Mamluks. In chapter 4, "*Jihād* against the Crusaders in the Age of Sulṭān al-Zāhir Baybars," 'Āshūr returns for the third time to the French invasion of Egypt, this time drawing attention to the Crusader presence vis-à-vis not only the Mamluks but also the Ayyubids of Syria. He also discusses Mamluk-Ayyubid rivalry, and touches briefly upon some of the tensions among various Crusader groups, although not with enough detail or specificity, closing the chapter with the introduction of Baraka Khān of the Golden Horde, hitherto unknown to the reader.

These first chapters are the strongest in the book, due to the amount of detailed information they contain and 'Āshūr's extensive supportive quotation from sources. The book begins to weaken significantly in its fifth chapter, "*Jihād* in the Days of Sulṭān Qalāwūn al-Alfī," in which 'Āshūr moves on to discuss Baybars's successor Qalāwūn and his struggles against the Crusaders. Although equally detailed, this chapter is weakened by a number of moralistic asides and exhortations, which begin by taking up historical issues like Qalāwūn's internal punitive measures against Christians and Jews, and end with such anachronistic topics as the Israeli-Palestinian conflict. The remaining chapters become increasingly marred by carelessness and similar ahistorical and rampant moralizing.

Chapter 6 is entitled "Crusader Alliances with Ethiopia against Islam." 'Āshūr's inclusion of Ethiopia is interesting, as many other scholars of the Crusades ignore the Ethiopian presence; unfortunately, however, Ethiopia occupies only the final



six pages of this twenty-page chapter. ‘Āshūr builds up to the Ethiopian connection with a vitriolic fourteen-page discussion of Christianity’s desire to destroy Islam, either through the military action of the Crusades, or through economic warfare against the Mamluks. Although clearly aware of the arguments for economic, strategic, social, or political motives behind the Crusades, ‘Āshūr chooses to hold religion responsible as the single cause for enmity between medieval Europe and the Mamluk Sultanate, and thus takes care to discard all other possible causes as false (p. 211).

Moving away from this promising and yet ultimately unsatisfactory treatment of Ethiopia, ‘Āshūr turns next to “The Mamluks’ *Jihād* against the Crusader [State of] Little Armenia,” in light of the aforementioned theory of Christian economic warfare against Islam. ‘Āshūr attempts to situate his comments by providing a brief history of Armenia-Cilicia. This is a decidedly superficial presentation of the material; for example, ‘Āshūr describes settlement of the area in the eleventh and twelfth centuries in terms of Armenians “who fled to that region” (p. 229), but neglects to mention the Seljuks, from whom they were fleeing. Nor does he make any reference to the ninth-century Byzantine practice of using Armenian administrators in Cilicia. Following this faulty introduction, ‘Āshūr goes on to rework much of the material from chapter 4 about Baybars’s attacks on Cilicia, then brings the narrative up to the final Armenian defeat of 1374.

‘Āshūr’s eighth chapter, “Relations of the Mamluk State in Egypt and al-Shām with Cyprus,” seems to have been merely tacked on to round out this section on the Mamluks’ Christian foes. After an encapsulated history of Cyprus since the rise of Islam, he focuses on those campaigns that took place in 1365 or later. This sits oddly with the preceding sections of the text, which, except for the Armenian chapter, only reach the year 1291. Although in this chapter events are presented as a unified sequence, the gap of years or decades between them, and the omission of other important internal political and strategic events makes this casual stringing together of battles unconvincing. One example should suffice: ‘Āshūr jumps from 1368 to 1424 without transition, and compounds the problem by discussing one of Sultan Barsbāy’s policy decisions without supplying any kind of introduction, background, or greater historical framework.

Having finished his treatment of Christian enemies, ‘Āshūr proceeds to a discussion of the Mamluks’ Mongol foes. This means that the ninth chapter, “*Jihād* against the Mongols in the Age of Sulṭān al-Zāhir Baybars,” is a continuation of the story of ‘Ayn Jālūt begun 135 pages earlier. Like chapter 4, this chapter focuses on the period directly following ‘Ayn Jālūt, but this time ‘Āshūr concentrates on tension between the Mamluks and the Ilkhanids, rather than military encounters between the Mamluks and the Crusaders. To his credit, he does include a new angle here, namely detailed information about the role of the city of Mosul in



Mamluk-Mongol skirmishing, which has been omitted by such authors as Runciman and Setton, as well as more recently by scholars like Amitai-Preiss.

Similarly the tenth chapter, "*Jihād* of Sulṭān Qalāwūn al-Alfī against the Tatars," once again presents the story of Qalāwūn and the Crusaders (chapter 5), this time with an emphasis on the Ilkhanids' activities. It is followed by "*Jihād* against the Tatars in the Age of Sulṭān al-Nāṣir Muḥammad ibn Qalāwūn." This is an entirely new piece filled with fresh information, but is nevertheless disappointing. 'Āshūr seems to be unaware of the work of Emmanuel Sivan and his discussion of the role of the *faqīh* Ibn Taymīyah (d. 1328) in overcoming Mamluk/Muslim reluctance to fight their co-religionist foes, the Mongols.² Rather 'Āshūr's treatment of Ibn Taymīyah and his importance in the formation of ideology during the Ilkhanid campaigns of 1299 and 1303 is largely restricted to unadulterated praise, which is then used as a vehicle for 'Āshūr's condemnation of modern governments for not fighting infidels with enough conviction.

Already limping severely, the book stumbles and falls short in the final full chapter, "The Attack of Tīmūr Lang on al-Shām." 'Āshūr seems compelled to write on Tīmūr's campaign against the Mamluks as the last gasp of the "Mongols," but does not do the topic justice. It is clear that he has not yet read the works of Beatrice Manz and John Woods,³ when he states, for example, that Tīmūr was a Mongol and that his mother was descended from Chingiz Khān, ignoring that it was Tīmūr's very inability to lay claim to the Chingiz Khanid heritage that led to his elaborate construction of identity and ideology (p. 339). 'Āshūr also ignores important historical details like the treachery of the Mamluk amir Damardāsh at Aleppo and the presence of Ibn Khaldūn in Damascus at the time of Tīmūr's campaign, to say nothing of Ibn Khaldūn's actual meeting with Tīmūr.

'Āshūr ends his work with a five-page conclusion in which he waxes fulsome in his praise for the *jihād*-inspired military skills and zeal of the Mamluks. That accomplished, he proceeds to his main purpose, which is to condemn so-called "Islamic" countries today, and to call first for a unified Islamic community, and second to action against Christians and Jews. 'Āshūr closes with a final general call to terrorism (*irhāb*) to achieve the goals set out throughout the book.

In conclusion, 'Āshūr's work is interesting mostly as an example of late twentieth-century Islamist history. He is clearly familiar with the Arabic source material, especially for the earlier years of the Mamluk Sultanate, and often provides detailed

²Emmanuel Sivan, *Radical Islam: Medieval Theology and Modern Politics* (New Haven, 1985).

³Beatrice Manz, *The Rise and Rule of Tamerlane* (Cambridge, 1989); idem, "Tamerlane and the Symbolism of Sovereignty," *Iranian Studies* 21 (1988): 105-22; John Woods, "The Rise of Timurid Historiography," *Journal of Near Eastern Studies* 46 (1987): 81-108; idem, "Timur's Genealogy," in *Intellectual Studies on Islam: Essays Written in Honor of Martin B. Dickson*, ed. Michel M. Mazzaoui and Vera B. Moreen (Salt Lake City, 1990), 85-125.



information, particularly in the first chapters. Certainly ‘Āshūr’s presentation of his material, although repetitive, unwieldy and obfuscating, is interesting when viewed as an attempt to assert an alternate framework for the writing of history. Nevertheless, even as a modern recasting of the *khabar*-centered histories, the book is unsuccessful. It neither provides a coherent chronological progression, nor, as in the case of the three successive accounts of ‘Ayn Jālūt, a broad view of all the intricacies of one event or period. Nor is ‘Āshūr positioning the reports of others within a coherent framework, but rather is merely refracting his own opinions through his organizational scheme. ‘Āshūr’s factual carelessness in his later chapters, as well as his inability to resist opportunities to moralize, seriously weaken the later sections of the book and detract from its overall quality as a work of history. As a final note, it should be pointed out that the book is plagued by numerous typographical errors, poor footnotes, anachronistic, ahistorical and careless use of terminology, and a noticeable lack of uniformity in dates, which sometimes appear using the *hijrī* calendar, sometimes the common era calendar, and only occasionally both. Thus the book should be used with extreme caution, if at all, by anyone other than the student of late twentieth-century Islamist historiographical trends.

MUḤAMMAD IBN ‘ABD AL-RAḤMĀN AL-SAKHĀWĪ, *Wajīz al-Kalām fī al-Dhayl ‘alā Duwal al-Islām*, edited by Bashshār ‘Awwād Ma‘rūf, ‘Iṣām Fāris al-Ḥarastānī, and Aḥmad al-Khuṭaymī (Beirut: Mu’assasat al-Risālah, 1416/1995). Four volumes.

REVIEWED BY FRANZ ROSENTHAL, Yale University

Al-Sakhāwī (831-902/1427-1497) is one of the most informative and prolific authors of his century, above all as an historian but also as a writer on numerous religious subjects, whose work lives on to this day as an inexhaustible source of information and instruction. The appearance in print of an unpublished work of his may deservedly be termed an event. The *Wajīz*, edited here in a well turned-out edition, is no exception.

(After completion of this review in manuscript, I happened upon an earlier edition of the work entitled *al-Dhayl al-Tāmm ‘alā Duwal al-Islām lil-Dhahabī* and edited by Ḥasan Ismā‘īl Marwah and Maḥmūd al-Arnā‘ūt [Kuwait, 1413/1992]. The edition ends with the year 850; I do not know whether the announced second part has been published. As stated in the preface, it is based upon a photocopy of a manuscript in Tunis dated 979 and thus deserves checking. It is, however, sad that



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editions continue to be based upon limited manuscript material [see below], and earlier printings are not even mentioned. The all too frequent phenomenon of the appearance of the same text at about the same time in different places, although it is understandable, constitutes a waste and loss for all concerned, manufacturers, private and public libraries, and, above all, scholarship.)

By Mamluk times, the forms of historical writing were fully developed in all their many varieties. As a faithful disciple of his revered teacher Ibn Ḥajar, al-Sakhāwī followed him in writing a great centennial history, and it is not surprising that he also wrote a history such as the *Wajīz*, arranged annalistically with each year divided into events and obituary notices just as Ibn Ḥajar had done in his *Inbāʾ al-Ghumr bi-Abnāʾ al-ʿUmr*. He, however, did not follow the *Inbāʾ* with its strict systematic arrangement, but continued the rather skimpy and disorganized *Duwal al-Islām* of al-Dhahabī from 745 to 898. Why he did so is one of the problems we face in this work. It would have been helpful if he had indicated the name of the individual who supposedly suggested to him the composition of the *Wajīz* and who may or may not have been a real person and not merely a convenient fiction. He speaks of him in the beginning as an extremely accomplished and exemplary individual who had inherited his many good traits from his father and grandfather and added to them by his own exertion, "so much so that when his excellent qualities are counted, it may well be said: 'How much did the first leave to the later'" (a well-known remark which seems strangely misapplied here). A simple explanation would be at hand if it could be shown that a descendant of al-Dhahabī is meant, but this does not seem to be possible. Thus, it seems, we must fall back upon the feeble assumption that it was merely the fame of al-Dhahabī as the author of a large world history of events and obituaries as well as its very concise abridgment that convinced al-Sakhāwī, who admired him greatly, to compile an abridged history here of the events and obituaries for the century and a half that had passed since al-Dhahabī's time. It may be noted that following al-Maqrīzī, al-Sakhāwī himself had also compiled a very extended work in the same form, entitled *al-Tibr al-Masbūk* (again see further on).

Since the abridgment covers such a long period of time, the selection process had to be severe, and since the ethos of Muslim historiography required that only information from one or the other presumably authoritative sources be considered for inclusion, another intriguing problem is the motives that governed the choice of material and its relationship to the sources. But first a few remarks on some of the formal characteristics of the work (which, of course, it shares with many others).

There can be little doubt that formal matters in reference works such as the *Wajīz* were as passionately discussed in earlier times as they are nowadays, and they are indeed of almost crucial importance if a given reference work is to be of



use to researchers (as well as a commercial success to the degree possible in the manuscript age). Occasional reflections of such deliberations are preserved in the literature. Alphabetization procedures were occasionally explained, as was done already by al-Khaṭīb al-Baghdādī in his *History of Baghdad* at a time when those procedures were still in their infancy. In *al-Durar*, for instance, Ibn Ḥajar explained why he put the Abū Bakrs where he did, namely, after the names beginning with *alif* and before those beginning with *bā'*: "I put the Abū Bakrs here on the assumption that Abū is part of the name and the name thus begins with *alif* and assuming at the same time that the name is a composite and would thus begin with *bā'*". Therefore, I [hit upon a compromise solution and] put the Abū Bakrs in between the letters *alif* and *bā'*." However, where Abū Bakr is the name of the father of the biographee, it appears at the end of the names beginning with *bā'*. In the *Wajīz*, al-Sakhāwī followed no alphabetical (or precise chronological) arrangement, a step backward but one easily explained as conditioned by the example of al-Dhahabī and the need for brevity. The lack of any order in the obituary notices of the *Wajīz* made it unnecessary for al-Sakhāwī here to ponder where to alphabetize the 'Abd Allāhs, whether before all other names composed with 'Abd (as in *al-Durar*) or where the second element belongs in the alphabetical order (as in *al-Daw'*).

A significant difference is the placement of women biographees. In *al-Durar*, Ibn Ḥajar had inserted their obituaries in the alphabetical order. Al-Sakhāwī, in his *al-Daw'*, followed precedents that had been established earlier, as in al-Khaṭīb's *History of Baghdad*, and put them all together at the end after all the male biographees. This may suggest that he had reasoned that women scholars should be considered as a separate, and presumably less important, category of scholars; to us, it would seem to be another step backward. In an annalistic arrangement as in Ibn Ḥajar's *Inbā'* and al-Sakhāwī's *Wajīz*, this, of course, was no issue.

A minor but intelligent choice was made in the *Wajīz* by indicating the age, or the approximate age, of a biographee at the time of death instead of using references to the year of birth. This has been done fairly consistently beginning with the ninth century when al-Sakhāwī usually had the necessary information. It saved some space and allowed elegant variations in expression. For earlier times, this was not really possible. When in his *Raf' al-Iṣr 'an Quḍāh Miṣr*, for instance, Ibn Ḥajar covered the entire Muslim period down to his own time, he often had to take recourse to dating his biographees merely to the century in which they lived.

The abridgment procedures are much more difficult to reduce to a common denominator. Each biographical entry needs to be considered separately. More often than not, interesting differences to ponder and, if possible, to explain, present themselves. Why, for instance, should al-Sakhāwī have added the *laqab* al-Badr (Badr al-Dīn) in an obituary notice (p. 227, no. 476) that seems to be a straightforward rearrangement of *Inbā'*; we cannot tell whether it derives from some other source.



It is easier to explain why, in the extremely brief and uninformative fifty-word entry on Ibn Khaldūn (p. 385), the statement that "he never changed his (Western) dress in Egypt" is retained. In al-Sakhāwī's mind, it had no doubt entertainment value, which was an important factor in all Muslim historiography. It also explains the frequent retention of verses here, although their inclusion obviously conflicted with the aim to be brief. One wonders, however, why, from the often numerous verses in the biographical sources, just some particular verses made it into a given obituary notice in the *Wajīz*. Special artistic merit and conceptual originality may have prompted their retention, but it more probably was meant to prevent boredom and provide an incentive for the reader to go on browsing through the work.

As stated, the historiographical ethos normally forbade the abridger from making extraneous comments of any length prior to his own period; where we cannot pinpoint a source, it is just because we have not yet located it. Very rarely in the earlier years do we find remarks going back to al-Sakhāwī and introduced by *qultu* such as appear on pp. 111 and 163. In the latter passage (as he does again on p. 425), he calls attention to the omission of a reference to the endemic plague in *Badhl al-Mā'ūn*, Ibn Ḥajar's monograph on the subject. It is not clear where the verses on the plague quoted on p. 205 came from; possibly, they were inserted by al-Sakhāwī himself from some less used source, but his introductory words are ambiguous. The sparsity of al-Sakhāwī's own comments disappears when he chronicles the last fifty years where he himself was a witness. It turns into an avalanche of information for the last few years. He indicated the reason for this at the beginning of the year 895: "I have enlarged the coverage for this year in comparison to the previous year[s]. The enlarged coverage also extends to the book's subject matter (*mawḍū'*), because now a clean copying of *Tibr al-Masbūk* would be difficult."¹ The obituaries here remain brief and are all traceable to *al-Ḍaw'*, but the events are in part either directly reported by al-Sakhāwī or first attested for us here. One cannot fail to notice how much he saw himself as part of the happenings during that period. He considers it news where he spent a year, as in traveling for purposes of enlarging his knowledge (pp. 649 and 690) or continuing his residence in the holy cities. His activities as a scholar, lecturer, and author, and whom he saw or who came to visit him take up more and more space. For instance, the year 897, he states (p. 1218), "began when I was, thank God, in

¹He adds the general observation: "Often someone gets angry at what is mentioned about him and therefore (is ready in the future) to avoid the implications of what is written about him. Or he may enjoy agreeable statements about him and, therefore, exert his efforts to do what he likes to be mentioned about him. This belongs to the useful aspects of history that are not kept out from an abridgment's limited coverage." Al-Sakhāwī, as we know from his *I'lān al-Tawbīkh*, was fond of general reflections on the value of history, as in the introduction of his *Tibr*, cf. Rosenthal, *A History of Muslim Historiography*, 2d ed., 329 f. (Leiden, 1968). The "clean-copying" here seems to involve the preparation of a new edition and continuation of the work.



Mecca, hoping for acceptance and blessing by God, He be praised. My writings that year included a new essay on the completion of [the reading of] the *Ṣīrah* of Ibn Sayyid al-Nās, a clean copying of my work *al-Tawbīkh li-Man Ḍamma al-Tawrīkh* in several quires, and a second draft of my work on *al-Fīraq*, a volume I have not yet completed the way I would like.”² For the Muslim historian (as well as the modern historian), it was not unusual to see his own times in a more personal light, but the extent to which this was done by al-Sakhāwī possibly reflects an increasingly pronounced inward turn away from public life to the individual. This, of course, is not to deny the innate human weakness for self-advertisement.

The editors of the *Wajīz* have done a very satisfactory job overall. Their introduction covers the essential items. One misses a list of the sources cited in the footnotes with bibliographical indications as to the editions used (which would be especially useful for readers in later generations) and a listing of the secondary literature including information on previous relevant publications by the editors. The index covers the entire fourth volume or almost half the number of pages of the text. For the voluminous Mamluk histories, indices are indispensable and most important. It is a sign of true progress that in recent years they have become a prominent feature in text editions. The one here contains a survey of the contents according to years (233 pp.) and an alphabetical listing, with cross-references, of the individuals whose obituary notices are in the text (269 pp.), followed by indices of places and localities (36 pp.), groups (2 pp.), selective cultural topics (13 pp.), and books mentioned in the body of the text (32 pp.). Some might have been expanded, others shortened, and more might have been provided; there is no end to what can usefully be done and the editors' choice is acceptable. For reasons of space, their decision to restrict footnotes to the most basic minimum must also be endorsed. References to *al-Durar* and *al-Ḍaw'* are given with complete regularity, so much so that sporadic omissions as on p. 887, note 1, and p. 943, note 2, or a wrong reference as on p. 964, note 1, deserve notice (one wonders why references to Ibn al-ʿImād, *Shadharāt*, are often included, seeing that they contain nothing additional).

The text itself is based on two manuscripts, preserved, respectively, in the Köprülü and Bodleian libraries. The latter dates to the lifetime of al-Sakhāwī. The former ends on p. 1125 and thus lacks about 270 pages. Considering the fact that the available sources have also served in lieu of manuscripts, the two manuscripts appear to be sufficient to establish a basically reliable text, but for a scholarly edition, it would have been advisable at least to try to give some information on

²The essay on the biography of the Prophet by Ibn Sayyid al-Nās was entitled *Rafʿ al-Ilbās*, and the accepted title for *Fīraq* was *Rafʿ al-Qalaq wa-al-ʿAraq bi-Jamʿ al-Mubtadiʿīn min al-Fīraq*, see *al-Ḍawʿ al-Lāmiʿ li-Ahl al-Qarn al-Tāsiʿ*, 8:18, lines 11f., and 19, lines 8-10 (Cairo, 1353-55).



other manuscripts such as those listed with some confusion in *GAL* (as far as I can see, the Vienna manuscript does not contain the text of the *Wajīz*, the Berlin manuscript has part of it, containing the years 828-894). This might have contributed to a better understanding of the interrelationship of the manuscript material and clarified the gradual growth of the text at the end, customary in all annalistic historiography. Some more detail on later continuations as preserved in the manuscripts might also have been useful. This reviewer realizes how difficult it would have been for the editors to become acquainted with manuscripts outside the Near East. It shows how much remains to be done for international cooperation between Near Eastern and Western scholars and scholarly institutions, on all levels and in all directions.

The editing appears to have been done with care. The specimen pages reproduced on pp. 28 to 35 of the introduction tend to confirm this impression. Comparison with the photo (intro., p. 30) shows the omission of *f*-*l*-y before *bi-ḥusn al-taṣawwur* on p. 3, line 9. Furthermore, note 2 on p. 3 states that for *al-mu‘addilīn*, Ms. Köprülü has an apparently meaningless *al-‘āl-m-y-n* in the text; however, the Bodleian Ms. has the same word in the text and offers the correction *al-mu‘addilīn* in the margin. This situation requires rechecking with the manuscripts. As the photo (intro., p. 31) shows, on p. 873, line 16, *lī* is omitted after *qarraḍa* (*al-Ḍaw’* confirms its existence). In the following line the printed text adds *sanatan* after *sittīn*; “year,” however, does not appear on the photo, and the word is not ordinarily, if ever, used here in connection with indicating the age of a biographee. Finally, the photo (intro., p. 32) shows that on p. 885, line 15, *al-Ḥanaḫī* followed *qāḍihā*. This is very little. If a check of the manuscripts in their entirety should produce nothing more substantial, it testifies to careful work done by the editors. Editing all these pages is a tremendous task. A couple of minor mistakes is fully allowable for each page. It should, however, be kept in mind that even such trivial mistakes may have unforeseen consequences.

The problem of where and how to indicate vocalization cannot be solved systematically and to everybody’s satisfaction. In the present edition, vowels have been supplied judiciously. Minor errors and misplacements go doubtlessly back not to the editors but to the printer, certainly in *ṣallū*, for *ṣallaw* (p. 81, line 20), but there also occur some debatable vocalizations such as (p. 59, line 16) *lam tughayyar lahū ḥay’atun wa-lā wassa’a lahū dā’iratan*, where *yughayyir . . . ḥay’atan* would seem preferable. The editors show the same concern with the often doubtful vocalization of proper names as did their Mamluk predecessors, and they try to give guidance to the reader. Nevertheless, much vacillation and uncertainty remain. This sometimes occurs in the case of Arabic names and is hardly avoidable. For instance, *al-Zura‘ī*, accurately vocalized in most occurrences, suddenly becomes *al-Zar‘ī* on p. 742, line 2. Foreign, especially Turkish, proper



names, cause special headaches. There are two ways of looking at them, either from the point of view of Arabic speakers and how they pronounced them or from the point of view of etymology. Thus, names beginning with *K-m-sh* may sometimes have been pronounced *Kamash-* as indicated in the edition, but since *k-m-sh* represents *gümüṣ*, "silver," *Kumush-* would seem preferable. While final *-miṣ* and *-muṣ* may both be acceptable, *-maṣ* hardly is, and so on. A most obvious desideratum (at least, according to the knowledge of this reviewer) is a comprehensive dictionary, complete with etymological discussion, of the foreign, mainly Turkish, elements occurring in Mamluk literature. It is difficult but can be done.

When dealing with the edition of a text, small, indeed piddling, details are what really count. When they are taken care of, the content will take care of itself, and the reader can enjoy what is offered to him, in this case insight into the method and the psychological and material background of the abridger, on the one hand, and valuable new information coming from the historian's own period, on the other. Of course, no text edition is ever perfect. The present one appears to have done what, considering its time and circumstances, can fairly be expected. The work itself, as al-Sakhāwī says in his autobiography,³ referring to it simply as *al-Dhayl 'alā Duwal al-Islām lil-Dhahabī*, is indeed "very useful" if only in some ways.

ḤAMMŪD IBN MUḤAMMAD IBN 'ALĪ AL-NAJĪDĪ, *al-Niẓām al-Naqdī al-Mamlūkī*, 648-922 H./1250-1517 M.: *Dirāsah Tārīkhīyah Ḥaḍārīyah* (Alexandria: Mu'assasat al-Thaqāfah al-Jāmi'iyah, 1993). Pp. 664.

REVIEWED BY WARREN C. SCHULTZ, DePaul University

This voluminous work is best approached as a useful compilation of much, but not all, earlier work on the Mamluk monetary system. Its strengths lie in the massive amount of data crammed between its covers; its weaknesses lie in what is surprisingly absent from these six hundred-plus pages. While it thus has the potential to become a well-thumbed resource, it should be used with caution.

The book is organized into an introduction, six major sections, a brief conclusion, nine appendices of limited usefulness, and a seven-part bibliography. The first section (pp. 47-159) provides an overview of mints and coin minting in the Mamluk Sultanate. The second section (pp. 161-261) introduces the reader to Mamluk money itself, with major subsections addressing types of money (including

³ *al-Daw'*, 8:17, lines 6f.



a discussion of monies of account—*al-nuqūd al-ḥisābīyah*), weights, purity, and how coins were issued. The last passage contains a useful, though incomplete, historical survey of coin issues. The next section (pp. 263-372) addresses the topic of monetary values (*al-qiyam al-naqdīyah*) across the spectrum of gold, silver, and copper coins. Section four (pp. 373-461) discusses the purchasing power (*al-qīmah al-shirā'īyah*) of Mamluk money. The fifth section (pp. 463-536) covers the circulatory relationships between Mamluk money and the money of the Sultanate's neighbors. Finally, the sixth section (pp. 537-597) addresses what al-Najīdī calls the monetary weakness and collapse (*al-fasād al-naqdī*) observed in the Mamluk Sultanate.

The analyses found in the above sections are based upon evidence found in the usual sources. By this I mean the standard Mamluk-era chronicles. As is well known, these chronicles are chock-full of monetary information, and much of that information shows up in this book. These sources are much richer for the Circassian period, however, and that bias is reflected here. There are, however, frustrating and unexplained lacunae in how al-Najīdī handles this data. An example of this is found in table I (pp. 521-530). This table lists those rates of exchange between Mamluk and Italian gold found in the chronicles for the period 790-849/1388-1445. It is an impressive list. But given that exchange rates are known for dates outside of this period, and from other sources than those consulted in this study, their unexplained omission is curious. (On this matter there is another point—or rather an admission—that I must make. In a review published in this journal last year, I asserted that this particular table of exchange rates superseded the discussion of the same topic found in Ra'fat al-Nabārāwī's *al-Sikkah al-Islāmīyah fī Miṣr: 'Aṣr Dawlat al-Mamālīk al-Jarākisah* [Cairo, 1993]. Upon closer examination and comparison, however, it is clear that my earlier assertion was wrong. There is more exchange rate information available in the second section of al-Nabārāwī's book, albeit not in convenient tabular format.) There is one welcome development, however, for which al-Najīdī should be commended. He has begun to incorporate monetary data derived from *waqf* documents into his analysis, sources that have yet to be thoroughly exploited for Mamluk monetary history.

More important to note, however, are those sources which are not fully exploited in this discussion of Mamluk money: the coins themselves. While the views of such figures as Ibn Taymīyah or Ibn al-Hāyim (discussed by al-Najīdī) on how money should work are valuable, it must be emphasized that such normative descriptions give only part of the picture of Mamluk monetary history. The analysis of Mamluk coins, which survive in great number, does much to complete that picture, and it is in the exploitation of these actual artifacts of the Mamluk monetary system that al-Najīdī's work falls short. No catalogues of major collections are consulted. While there is an obligatory acknowledgment of Balog's corpus of



Mamluk coins, there is only limited application of numismatic data, such as the examination of actual coin weights, hoard evidence, or issues of metallic purity. In this last area, the evidence presented is drawn from the works of others, such as Bacharach and al-Nabārāwī. The failure to use the coins as either a check against the veracity of the chronicle citations or to supplement our knowledge where the Mamluk authors are silent is this book's most serious weakness.

Finally, in a similar vein, the bibliography is strong in some areas, and weak in others. The bibliography is strongest for Arabic language resources, including several unpublished theses that we can hope will one day surface as published studies. Works in European languages are few (nine, with ten others in translation), and unevenly represented. Thus two of Bacharach's valuable articles are utilized extensively, but others are completely ignored. The important works of Shoshan and Hennequin are missing. Al-Najīdī also makes some striking omissions in his use of modern analyses of Mamluk economic history. Important overviews and specific studies by authors such as Rabie or Labib (regardless of language) are absent, and only one work of Ashtor's is utilized. While it may be the case that these works were inaccessible to the author, their absence diminishes the overall value of the conclusions made by al-Najīdī.

ÉRIC GEOFFROY, *Le Soufisme en Égypte et en Syrie sous les derniers Mamelouks et les premiers Ottomans: Orientations spirituelles et enjeux culturels* (Damascus: Institut français de Damas, 1995). Pp. 510.

REVIEWED BY MICHAEL WINTER, Tel Aviv University

By the end of Mamluk rule in Egypt and Syria, Sufism had grown into an extremely rich, complex, sophisticated, and multifaceted religious, cultural, and social phenomenon. Far from being a marginal or a sectarian movement, Sufism became a central, mature and, one could add, highly successful trend of Islamic culture, which was followed and practiced by illiterate commoners, but also by many members of the political, social, and intellectual elites. Fully realizing these basic characteristics of the movement, Éric Geoffroy presents in this comprehensive study a panoramic view of Egyptian and Syrian Sufism in the fifteenth and early sixteenth centuries. He is aware that in order to do justice to his subject, it cannot be studied in isolation from other aspects of Islamic religion and culture in that period. The result is a thorough, extensive, useful, and readable volume that contains much more than its title implies.



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The study is based on impressive source-materials, including many Arabic manuscripts located in Damascus libraries. The list of the primary and secondary sources used for this study is exhaustive. The bibliography is well organized and convenient to use. So are the five indices.

The first part consists of the usual survey of sources and the existing studies on the subject, and the political and social background. Some central themes are already examined here, such as the *'ulamā'* and the Mamluk government, the religious minorities and Sufi attitudes regarding them, and the Ottoman conquest.

The second part of the book, entitled "Sufism and Muslim Society," addresses such topics as Sufism and the Sunnah, Sufism and *ḥadīth*, the model of the Prophet as a way to enhance Sufism's legitimacy, aspects of sanctity (*walāyah*), miracles, and relationships between rulers and Sufis. Sufi institutions are discussed, and the writer makes a strong case for the centrality of the *zāwiyah* in Sufi life. On the other hand, the *khānqāh* was an official institution established by the authorities in earlier times, which did not have a good reputation with many Sufis. The *zāwiyah* was more independent and was associated with Sufi teachers and masters. The Ottomans constructed *zāwiyahs* and *takīyahs*, but not *khānqāhs*.

The third part deals with different modes of affiliation with the Sufi *ṭarīqahs*, which the writer prefers to translate as a spiritual method or a way of initiation rather than a Sufi order.

On the question of multiple membership in the *ṭarīqahs*, Geoffroy writes that in the period studied it became a general phenomenon and under the Ottomans it became the norm (pp. 199-201). This is certainly true about prominent Sufis. A famous example is al-Sha'rānī's initiation into twenty-six *ṭarīqahs*. The question which is still to be answered satisfactorily is whether this principle applied also to simple adherents of the Sufi way. There are indications that in those cases this was discouraged by the Sufi shaykhs.

Chapter 11 surveys the various orders in Syria and Egypt. Chapter 12, called "Contrasts and Similarities," compares Egyptian and Syrian Sufism with its Maghribi and Turco-Persian counterparts. This is an interesting and important analysis, since these alternative versions of Islamic mysticism left their mark on the Sufism of the central Arab world (which in turn influenced them).

The book's fourth part is called "An Outline of Spiritual Typology." It describes and analyzes extensively (pp. 283-360) the main types associated with Sufism: *al-zāhid*, the ascetic; *al-'ālim al-'āmil*, the scholar who lives up to his scholarship; the *ummī* (illiterate) shaykh; the *majdhūb*, the enraptured one; *arbāb al-aḥwāl*, those of the spiritual states; the *malāmatīs*, those who invoked blame upon themselves by their ostensibly outrageous behavior. Of course, sometimes the lines separating one character from another are blurred.



The fifth part deals with confrontations, debates, and mutual perceptions of Sufis and jurisconsults (*fuqahā'*). The writer presents the standard accusations, arguments, and debates across the Sufi-*faqīh* divide. In these confrontations, there was room for accommodation, dissimulation, exegesis, apologetics, and other means to defend one's position and to denounce the other side. Some well-known themes and practices associated with the Sufis, which were denounced or looked upon with suspicion by their opponents, are discussed, such as *dhikr*, the central Sufi ceremony; *samā'*, listening to music and dancing; as well as the mystical doctrines of *waḥdat al-wujūd*, "the unity of being," or *waḥdat al-shuhūd*, "the unity of contemplation." These notions were regarded by a few, strict theologians as blasphemous, verging on infidelity. Public debates and quarrels erupted occasionally around the figures of the mystical poet Ibn al-Fāriḍ and the mystical writer Ibn 'Arabī, both controversial thirteenth-century figures, whose ideas were still attacked and defended three hundred years after their deaths. Ibn Taymīyah, the great fundamentalist theologian and polemicist, who was the archenemy of Ibn 'Arabī's ideas, was still quoted and considered as an authority, centuries after his death in 1328. As Geoffroy shows, although Ibn 'Arabī's ideas were often proscribed and condemned (in Damascus more than in Cairo), the leading scholars and writers of Islam, notably the great al-Suyūṭī and al-Sha'rānī among others, wrote long treatises in defense of Ibn 'Arabī, who was also called al-Shaykh al-Akbar. It can be stated that by the sixteenth century Ibn 'Arabī had become a shibboleth for Sufism. Finally, the triumph of Ibn 'Arabī over Ibn Taymīyah was best expressed by the official support given to his ideas by the Ottomans. Sultan Selim erected a domed mausoleum over Ibn 'Arabī's grave in Damascus, but the work had to be done at night to avoid antagonizing the residents of the Ṣāliḥīyah quarter of Damascus, who were hostile to the deceased mystic. Finally, Ibn Kamal Pasha, the Ottoman Grand Mufti, issued a strongly-worded *fatwā* supporting Ibn 'Arabī (the Arabic text is reproduced on p. 511). According to Geoffroy, it was the writings of Ibn Taymīyah that were forbidden for a long time (p. 83, but references are needed for such a statement).

The writer is undoubtedly right in emphasizing the success of Sufism as a spiritual trend, Islamic discipline, and cultural force in the late Mamluk and early Ottoman period. Among his interesting observations is the notion that the "candidates" to the distinction of *mujaddid al-dīn*, "the renewer of religion" which, according to a well-known *ḥadīth*, should appear at the turn of every century, were now Shādhilī Sufis (pp. 489-491).

As the book's title indicates, the study is stronger as an intellectual and religious history than a social history. It is successful in demonstrating the richness of Egyptian and Syrian Sufism and masterfully examines it against the heritage of Islamic culture. Yet some questions concerning the decline of Sufism *after* the



period covered by the study should be raised and addressed. Why did the great figures studied here, such as Zakarīyah al-Anṣārī, al-Suyūṭī, al-Shaʿrānī, ʿAlī ibn Maymūn and his disciples Muḥammad ibn ʿArrāq and ʿAlwān al-Ḥamawī, not have worthy successors and followers? And, on the other hand, what were the circumstances that encouraged the unprecedented proliferation of popular *mawliids* in sixteenth-century Egypt, as attested by Evliyā Çelebi, al-Jabartī, and ʿAlī Bāshā Mubārak?

The writer's mastery of Arabic is impeccable and his numerous quotations well chosen. (Yet, *al-ḥūr al-ʿayn* should be corrected to the Quranic *al-ḥūr al-ʿīn*, p. 325.)

A few critical comments:

The writer says (p. 75) that the Syrian and Egyptian population regarded the Ottoman occupation as a liberation. This statement has some truth with regard to Syria, but not as far as Egypt is concerned, as is abundantly clear from every page of the fifth volume of Ibn Iyās's chronicle. It is shown even from scattered remarks in al-Shaʿrānī's writings.

Ṭarīq al-qawm (the Way of the People) is a term sometimes used for Sufis. The author mentions *ṭāʾifat al-qawm* instead (p. 270), a term which at least this reviewer finds unusual; references would have been welcome here.

Geoffroy writes (p. 77) that for the leading Sufis and men of religion generally, Mamluks and Ottomans were equally strangers, "Turks." Yet in the Arabic sources, the term "Turks" (*atrāk*) was reserved for the Mamluks (despite the fact that at this time they were predominantly Circassians), while the Ottomans were called Turkomans (*tarākimah*), Rumis (*arwām*), or Ottomans (*ʿathāminah*). The Mamluks were thoroughly familiar and seemed "strangers" much less than the Ottomans.

On the same page, the writer cites without any reservations a notice by Ibn Ayyūb, a Damascene historian, that after his conquest of Damascus, Sultan Selim visited the Shādhilī Shaykh Muḥammad ibn ʿArrāq, the disciple of ʿAlī ibn Maymūn al-Fāsī, and asked his authorization to conquer Egypt as well. Even if this had really taken place (which is unlikely, owing to the Sufis' tendency to brag about their influence with members of the ruling class), it seems hardly more than a gesture of respect on the part of the sultan. One can be too carried away in admiring one's research subjects.

The Bakrī family head did not assume the *mashyakhat al-mashāyikh* (*al-ṣūfiyah*) before Mehmet Ali's reign (p. 79); the source Geoffroy is using, Muḥammad al-Bakrī's family history, is inaccurate.

Discussing the relevance of the *madhāhib* (legal schools) to Sufism, Geoffroy concludes that in the debates regarding Sufism, the *madhhab* was not pertinent (p. 500). True, but still the impression, from al-Shaʿrānī's works at least, is that it was the Mālikī *faqīh* who personalized for the Sufis the critical and hostile opponent.



Finally, while the present reviewer is described (correctly) by the writer as "le chercheur israélien" (p. 49), Bilād al-Shām is defined in the following manner: "Cette region comprend *grosso modo* Syrie, Liban, Jordanie et Palestine actuel" (p. 52, note 3). A writer whose favorite expressions throughout the text are *nuance* and *subtil* should be more careful in his geography of the Middle East: In 1995, the year of the book's publication, the historical Bilād al-Shām comprised a state called Israel, while no state named Palestine was on the map.

These few comments notwithstanding, Éric Geoffroy's study will be a basic, required reading for anybody interested in the history of Sufism or in the history of the central Arab lands in the transition period from Mamluk to Ottoman rule.

Le Waqf dans l'espace islamique: Outil de pouvoir socio-politique. Edited by Randi Deguilhem (Damascus: Institut français de Damas, 1995). Pp. 337.

REVIEWED BY LEONOR FERNANDES, New York University

One can only applaud an ambitious work that brings together a large and diverse number of articles under the title *Le Waqf dans l'espace islamique: Outil de pouvoir socio-politique*. Before reviewing the book one has to pause and wonder about the choice of the title for such a work: Does "espace islamique" have any particular meaning for the editor herself? What are the criteria used to define an "Islamic space"? And what is the place of the *waqf* in this so-called space?

Setting aside the odd title of the book, we can appreciate the efforts of this group of distinguished authors whose research has contributed to our understanding of this otherwise poorly studied institution. They have indeed proved, as the author has mentioned (p. 15), that if one knows how to question the texts of the *waqfs*, they can yield interesting information which can improve our understanding of the histories of Arab and Islamic societies.

In her introduction, Randi Deguilhem indicates (p. 21) that the subject of the book itself, the study of the *waqf* from the beginning of Islam to the present time, has dictated a thematic approach to its organization. Hence, she divides the book into three sections: methodology, case studies, and the *waqf* and the world of politics. An Arabic section is added to the preceding three and bears the title "Partie arabe" without any reference to its relation to the other sections. One wonders if the fact that the contributions to this section were written in a non-Western language made them difficult to integrate within the themes of the book.

The methodology adopted by the book follows two different lines of research, one defined as "ponctuel", the other as "quantitatif." Both lines of research yield



information which are said to be complementary. The "approche ponctuelle" deals with features concerned with the infrastructure of the society and throws light on such features as the *wāqifs* themselves, the type of properties they endowed, and their beneficiaries (p. 19). The "approche quantitative" uses an empirical method to sort out the data provided by a collection of documents, thus allowing for a statistical analysis of the information. This latter approach favors a computerized analysis of the data collected.

The book consists of sixteen articles that cover a wide range of topics spread mostly between the fourteenth and nineteenth centuries. Among the articles one notes Abdelhamid Henia's "Pratique habous, mobilité sociale et conjoncture à Tunis à l'époque moderne (XVIIIe-XIXe siècle)." The author uses the data provided by *waqfs* to draw interesting conclusions about the nature of a group of *wāqifs*, the 'Ā'ilāt (elite) of Tunisia in the eighteenth and nineteenth centuries. He analyzes the data to show the mobility of the properties endowed. Furthermore, he links the internal dynamics regulating this mobility to the economic changes affecting the group of notables in question, as well as to the historical events influencing a change in conjuncture. Marco Salati follows the evolution of a Shi'ite family living in Aleppo in the seventeenth century, the Zuhrawī, tracing the role of *waqfs* in the consolidation of the socio-economic activities of the family. Randi Deguilhem studies the development of a *waqf* founded in Damascus by a woman, Ḥafīzah Khānum al-Mūrahli, in the last quarter of the nineteenth century.

The control and administration of the *waqfs* and/or the socio-political factors affecting their development is the object of a number of articles. Richard van Leeuwen looks at the economic and political pressures exerted by two prominent families, the Khāzin and the Ish'ayā, on the administration of *waqfs* created by the Maronite Church in the Lebanon. He examines the *waqfs* founded in the eighteenth century for a monastery in Kisrawān, that of Sayyidat Bkirkī, and traces the role played by the Vatican and the Maronite Church at the local level in Lebanon. Gregory Kozlowski's study examines the degree of control exerted by the state on the administration of *waqfs*. He chooses to focus his research on particular cases from India, post-revolutionary Iran, Turkey, Saudi Arabia, post-colonial regions of the Maghrib and Mashriq, and other regions of the former Soviet Union. Aḥmad Qāsim deals with Tunisia during the second half of the nineteenth century, and tries to determine the role played by the state in the administration of *waqfs* and more specifically on the Jam'īyat al-Awqāf established under the French Protectorate and designed to provide the state with a tighter control over the resources of the *waqfs*. Byron Cannon examines the administration of *waqfs* in Algeria under colonial rule in the middle of the nineteenth century. He studies the degree of control the state had over the region of Biskra, on the edge of the Sahara, and the relationships that existed between the local chiefs and elites on the



one hand and the state on the other. Ḥamzah ‘Abd al-‘Azīz Badr and Daniel Crecelius choose to look at a social institution, the *ḥammām*. Relying on the information provided by a *waqf* (Waqf al-Maṭrabāz), they study the place it occupied in the urban fabric of Mamluk Cairo. The authors provide us with a valuable translation of a document found in the archives of the Ministry of Waqfs listed under the name of a certain ‘Uthmān al-Maṭrabāz Jāwīshān (no. 337, dated 1181 *hijrī*, Maḥkamat al-Bāb al-‘Ālī). It is unfortunate that they do not provide us with any biographical information about al-Maṭrabāz himself. Moreover, they do not indicate how these two *ḥammāms*, which were originally part of the *waqf* of Sultan Qalāwūn, ended up in the hands of this new *wāqif*. Also, a better and fuller analysis of this important document would have certainly enhanced our understanding of the functioning of this poorly studied institution. An interesting article in Arabic, that of Muḥammad ‘Afīfī, sheds light on the role played by *waqfs* in the Red Sea trade and the religious and politico-economic changes affecting it. The author examines a number of Ottoman *waqfs*, focusing on the one founded by the wife of Sultan Suleiman the Magnificent in 1553, and the one created by Sultan Murad in 1588, known as Waqf al-Dashīshah. He concludes that by that period ships were bought to benefit a *waqf* and, in some cases, were specifically built with *waqf* revenues. Such ships were involved in the transportation of grain and staples from Cairo to the Hijaz. By 1723 the number of ships belonging to *waqfs* had reached six. In time, the ships were used for the transportation of diverse goods between Egypt and the Hijaz and came to play an important role in the Red Sea trade as a whole.

Two of the contributions in the book deal specifically with Mamluk Egypt: Denoix offers an interesting approach for the study of *waqfs* focusing on a corpus of Mamluk *waqfs*, while Jean-Claude Garcin and Mustafa Anouar Taher concentrate on a case study. A third contribution by Doris Behrens-Abouseif concentrates on the analysis of some *waqfs* from the early Ottoman period.

Sylvie Denoix’s ambitious and challenging contribution which forms part of a larger project of the Institut de recherches et d’études sur le monde arabe et musulman, entitled “Histoire de la vie matérielle et des sociétés urbaines,” draws our attention to the fact that there is still a lot to be done by scholars specializing in the study of *waqfs*. Her idea is to look at the large corpus of Mamluk *waqfiyahs*, since they represent a homogeneous collection of documents which, as she points out, have the same structure and provide the same type of information. Accordingly, she sees that the analysis of these documents yields data that sheds light on the *wāqifs*, their socio-political status, the type of properties they endow, the group of beneficiaries, and so on. She urges scholars to examine whole collections rather



than concentrate on individual documents, implying that the study of a collection as a whole can be more fruitful than the traditional approach that limits itself to the detailed analysis of individual cases.

Her main goal is to classify the data provided by Mamluk *waqfiyahs* in order to draw some general conclusions about the nature of the *wāqifs*, their socio-economic background, their professions, gender, and the type of investments. One has to recognize that her approach has a certain appeal and what she proposes to do with the data collected could be justified. However, a number of questions have to be answered and some comments have to be made here.

The title of her article, "Pour une exploitation d'ensemble d'un corpus: Les waqfs mamelouks du Caire," builds up our expectations as to the benefits of what is termed an "approche globale et serielle" (p. 30) to be used in the study of these documents. Yet, rather than study the *waqfiyahs* themselves, or even the catalogues in the archives of Cairo, the Dār al-Wathā'iq al-Qawmīyah, Denoix de Montaudou deems it sufficient to base her research on a published catalogue and focuses exclusively on Muḥammad Muḥammad Amīn's *Catalogue des documents d'archives du Caire de 239/853 à 922/1516*. She hastily explains that it is fortunate that Amīn has researched the topic (p. 32) and that he already provides the necessary data on the *wāqifs'* names, their titles, professions, gender, the type of transactions, and other information. In order to show how her "étude serielle" would work, Denoix proposes to look at some entries in the catalogue. She selects a sample (pp. 32-33) consisting of fifteen entries (nos. 13 to 27) from the catalogue which spans over 327 pages and covers 888 entries (in addition to the publication of a number of documents covering pp. 334-508) and provides us with the results of her analysis of the data. Since the choice of the entries is nowhere explained, the reader has to assume that they were selected at random. Furthermore, since the sample covers only fifteen out of the 888 entries in the catalogue, the reader has to be prepared to accept her choice without questioning it and assume that her reading and analysis of the data collected from the rest of the catalogue will lead to a meaningful "study of Mamluk *waqfs*." However, before we accept her conclusions and the general statements she makes on *waqfs*, two crucial questions have to be answered first: How reliable is the data provided by the catalogue? How accurate is her reading of the data? A brief look at the entries she examined helps the reader make up his own mind on the matter. Indeed, even though she has chosen to limit her analysis to a very short list of *waqfs* (fifteen entries only), the author has managed to provide a sloppy and inaccurate reading of the entries. For instance in the very first entry of her sample, corresponding to no. 13 in the catalogue, she gives the date of 13 Shawwāl 687 for the *waqf* of Ṣandal ibn 'Abd Allāh al-Ṭawāshī, while Amīn writes 1 Rabi' al-Ākhir 669. Any such mistake could be regarded as trivial or attributed to a typographical error. But, trivial as it may appear, when examined in



the context of the other information collected from entries in the same collection, it may prove to be serious and misleading. Also, entry no. 17 is listed as the *waqf* of Abū al-Ḥasan ‘Alī ibn Majd al-Dīn al-Tājir al-ma‘rūf bi-al-Sharābīshī and dated 687, while Amīn specifically mentions two *waqfs* under this number, one being the *waqf* mentioned by Denoix, the other being that of Zayn al-Dīn ‘Abd al-Qādir al-Khazrajī dated 802 and 803. Since the purpose of the study is to produce a systematic analysis of the collection as a whole and since conclusions will be based on statistical data put at the disposal of a great number of researchers who do not have access to the documents themselves, one should hope that greater caution will be applied in the retrieval and analysis of the data from the remaining entries which represent the bulk of the collection.

Equally, some reservations have to be voiced as to the validity of relying on a catalogue and not on the *waqfiyahs* themselves. Without undervaluing the study undertaken by Muḥammad Muḥammad Amīn, relying on his catalogue represents a danger. Indeed, the goal of its author is to provide the researcher with easy yet not fully comprehensive access to the information contained in the documents he lists. Since a detailed analysis of the documents lies outside the scope of his catalogue he often does not bother to specify the nature of the listed *waqf*, i.e., whether the *waqf* is *khayrī* (for charitable purposes), *ahlī* (a family *waqf*) or a mixture of the two. Often, he does not mention that the document he lists includes more than one type of transaction. Hence, the rubric of an entry in his catalogue may indicate that the document is a *bay‘* or an *istibdāl*, while the reading of the corresponding document may reveal that it was followed by a *waqf*. Occasionally, discrepancies can be detected between what Amīn lists in his entries and what appears in the register of the Dār al-Wathā‘iq al-Qawmīyah and/or the text of the *waqfiyahs* themselves. Finally, the accidental omission of some *waqfiyahs* from the list in the catalogue could weaken conclusions based on statistics. These are some of the problems faced when dealing with a catalogue. If one adds to these the fact that we cannot assume that we have in our possession all of the *waqfs* dating from the Mamluk period and that the great bulk of *waqfs* created by civilians have disappeared (we know of their existence from the sources), statistics regarding the involvement of that particular group of individuals in the creation of *waqfs* would be irrelevant unless complemented by data provided by chronicles and biographical dictionaries.

Some mistakes in the translation of professional occupations and of certain Mamluk titles could have been avoided by consulting al-Qalqashandī’s *Ṣubḥ al-A‘shā*. For instance in no. 95, Khushqadam, “al-Adur al-Sharīfah” does not refer to the “biens chérifiens” but to the Royal Harem (or residences of the wives of the sultan). Likewise, no. 110, which mentions al-Jamālī Yūsuf as a Nāẓir al-Khawāṣṣ al-Sharīfah, does not refer to a “nāẓir des biens chérifiens” (p. 35) but a Nāẓir of



the Privy Fund of the Sultan. Sitt Ḥadaq/Miskah was not the wife of al-Nāṣir Muḥammad (p. 36); all contemporaneous chroniclers refer to her as being his Dada or Qahramānah put in control of his harem. Disregarding these petty mistakes, one can hail the initiative taken by Denoix and hope that her approach and methodology, when applied properly, will benefit and enrich our understanding of Mamluk society as a whole and that of the *waqf* institution in particular.

An interesting contribution focusing on a case study is presented by Jean-Claude Garcin and Mustafa Anouar Taher. Following the traditional approach, this study deals with the *waqfs* of a fifteenth century amir, Jawhar al-Lālā, a eunuch and tutor of Sultan Barsbāy's children. The authors undertake the painstaking effort of retracing, if I may say, the road to the creation of a large *waqf*. Focusing on the *waqfiyah* of Jawhar al-Lālā and the data retrieved from chronicles and biographical dictionaries, they succeed in showing how the eunuch had planned the foundation of his *madrasah*, built between 1429 and 1430, and how he worked over the years to accumulate properties which would form part of the large *waqf* created to maintain it. Through their analysis of the amir's urban acquisitions and the historical developments affecting Jawhar's career in general, they allow us to determine how a member of the military elite occupying a privileged position in the court would use his power and influence to acquire the commercial and residential properties necessary to sustain his charitable foundation and at the same time accommodate his own life-style. Explaining the logic behind the choice of the properties acquired between 1429 and 1437, they track all of his *waqfs* and analyze the data they provide to come up with the conclusion that the acquisition of properties by Jawhar focused primarily on two urban localities, Khuṭṭ al-Maṣna' and Khuṭṭ al-Khiyamīyīn, where the *wāqif* bought a large number of residential and commercial properties. The former locality seems to have been the most important of the two since it was part of a residential quarter located near the Citadel and inhabited by Mamluks, and because it was in this particular Khuṭṭ that Jawhar chose to live. The commercial nature of the second Khuṭṭ, that of the Khiyamīyīn, located near al-Azhar, attracted the founder's interest because of its lucrative advantages. Relying on the information in the *waqfiyah* in a *tour de force*, the authors managed to trace the plan of the *madrasah* and situate it in its immediate urban context. They also managed to show how Jawhar's acquisitions in the vicinity of his own residence had slowly come to surround his religious foundation, which became the center of his *waqfs*. Once the *madrasah* complex had formed the nucleus of his properties, he took up residence in quarters located within the foundation. In an interesting comment, the authors suggest that perhaps Jawhar had deliberately intended to build for himself a little estate in a quarter in which he himself had personal ties: the Khuṭṭ al-Maṣna', and that the revenues



from the properties he had acquired in the Khuṭṭ al-Khiyamīyīn were to be used for the maintenance and functioning of his *madrasah*.

The study is followed by the edition of the Arabic text of two documents representing, respectively, the *waqf* of a *qā'ah*, dated 1435, and that of a complex comprising rental properties, shops, and warehouses, dated 1436. Such well-researched and thorough analysis of a *waqf* in its urban and historical context is most welcome and one hopes it will open the door for more researchers to follow in their footsteps.

The last contribution, by Doris Behrens-Abouseif, deals with Egypt in the early Ottoman period and is entitled "The Waqfs of a Cairene Notable in Early Ottoman Cairo, Muḥibb al-Dīn Abū al-Ṭayyib, Son of a Physician." The study of his *waqfiyah*, dated 1528, eleven years after the conquest of Egypt by the Ottomans, is of great importance since, as the author notes, very few *waqfs* were created by local notables at the time. While Garcin and Taher have focused on the *waqfs* of a member of the military elite, Behrens-Abouseif chose to study the *waqfs* of a Cairene notable in order to show the extent of his investments in the city. She focuses on one *waqfiyah*, that of Abū al-Ṭayyib Muḥammad (Wizārat al-Awqāf, Daftarkhānah no. 1142, dated 1528). (There exists another *waqfiyah* in the Dār al-Wathā'iq al-Qawmīyah, no. 45, dated also 934/1528, in the name of Abū al-Ṭayyib Muḥammad; one wonders if it is a copy of the same *waqfiyah* or whether it contains some additional information about the *waqfs*.) Looking at the *waqfs* forming part of the *waqfiyah* as well as at a number of historical sources, Behrens-Abouseif manages to trace the biography of this notable who was the son of a physician. She clearly shows how the information contained in Abū al-Ṭayyib's *waqfs* can shed light on the life-style of this sixteenth century notable living in Cairo. Worthy of mention is her painstaking effort to enumerate the 169 books endowed by the *wāqif* to be part of the library in his religious foundation. As she mentions, the study of the subjects of the books selected to form part of this library helps to sharpen the picture we have of the educational background of the fifteenth to sixteenth century 'ulama', and falls in line with the information provided by al-Sakhāwī in his biographical dictionary.

Studies on the *waqf* institution as a whole are wanting; therefore, the publication of a book like the one edited by Randi Deguilhem is most welcome and deserves great credit. The collaboration of so many distinguished scholars writing in three different languages is most enriching. Thanks to the new approaches they have adopted in their study of *waqfs*, they have succeeded in opening new avenues for the investigation of this institution and have challenged us to do more research in the field. Reading this book increases our awareness of the importance of this new genre, which is crucial not only for the study of architecture, the development of cities, and their urban fabric, but also for understanding the interdependence of



waqfs and political control and the relationships that existed between political power and the religious establishment on one hand and the religious establishment and the civilian notables on the other. Regardless of the approach adopted for their studies, contributors have proved that, when examined within the proper socio-economic context affecting the fortunes of the *wāqifs* (military or civilian), *waqfs* contribute greatly to our understanding of Arab and Muslim societies as a whole.

AL-QAḤṬĀNĪ, RĀSHID SA'D RĀSHID, *Awqāf al-Sulṭān al-Ashraf Sha'bān 'alā al-Ḥaramayn* (Riyadh: Maktabat al-Malik Fahd al-Waṭanīyah, 1994). Pp. 259.

REVIEWED BY DORIS BEHRENS-ABOUSEIF, University of Munich

Al-Ashraf Sha'bān, together with al-Zāhir Baybars, al-Nāṣir Muḥammad, and al-Ashraf Qāytbāy, was among the few Mamluk sultans who performed the pilgrimage. Sultan Sha'bān's deed of endowment for Mecca and Medina is the subject of this study.

After a short introduction about the origins of *waqf* in Islam and the history of *waqf* in Egypt, relying mainly on Muḥammad Amīn's work, the author documents briefly Bahrī Mamluk policy concerning the Ḥaramayn, using published chronicles as well as some *waqf* documents. This first chapter includes, in addition, a biographical résumé of Sultan Sha'bān with reference to his buildings and pious works in the Holy Cities as described in the chronicles (pp. 51-62). In the second chapter the alienated estates of the *waqf* are enumerated, which consisted of agricultural plots in Syria. Their locations are indicated on several maps (pp. 65-85).

The third chapter (pp. 89-137) describes the endowment itself with a list of the expenditures both in Mecca and in Medina. These do not include the construction of new buildings or institutions but rather the enhancement of existing institutions by means of the restoration of buildings, the supplementing of salaries, and the creation of additional staff positions, such as teachers of Quran, *ḥadīth*, the four rites of Islamic law as well as teachers for a primary school for orphans. The *waqf* provides additional stipends for the Shāfi'ī, Ḥanafī, and Mālikī shaykhs, thus neglecting the Ḥanbalī shaykh. In Medina, the endowment emphasizes philanthropic services, such as the distribution of food and the upkeep of a hospital with one physician, although no hospital building is mentioned. Besides the religious and



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scholarly institutions, the endowment provides for a wide range of social services such as burial of the dead, maintenance of the water supply, cleaning and infrastructural works, building restoration, and distribution of alms and food. A significant charity for the population of the Holy Cities was tax exemption.

The full text of the *waqfiyah* is published at the end, following the short conclusion (pp. 167-259). There are a number of noteworthy points in this document, such as the equal salaries for male and female cleaning staff and the salaries of the teachers and students of the four rites of Islamic law. Teachers were given equal salaries for teaching a class of ten students each; the instructor of a class of five, however, received a smaller salary. The discrimination against the Ḥanbalī shaykh has been mentioned. Similarly, the Ḥanbalī students had smaller stipends than the students of the other rites. Moreover, it is interesting that Shi‘i Muslims (Zaydīs and Rāfiḍīs) were excluded from all charitable services provided in the endowment. The author does not try to investigate these points.

The interest of this book, which is a junior scholar’s work, lies in the topic of the *waqfiyah* itself, rather than in the analysis of the subject, which could have been more developed. More information on the Mamluks’ policy towards the Ḥaramayn could have been extracted from the chronicles. Al-Qaḥṭānī could have consulted Quṭb al-Dīn’s (d. 988) or al-Fāsī’s (d. 832) histories of the Holy Cities. He does not refer to the *imārat al-ḥājj*, nor to the competition between Mamluks and other Muslim rulers for the privilege of protecting the Holy Cities, which would have been part of this subject. Every publication of a *waqfiyah*, however, is beneficial to scholarship, and this is a very interesting document.

ḤAYĀT NĀṢIR AL-ḤAJJĪ, *Anmāt min al-Ḥayāh al-Siyāsīyah wa-al-Iqtisādīyah wa-al-Ijtimā‘īyah fī Salṭanat al-Mamālīk fī al-Qarnayn al-Thāmin wa-al-Tāsi’ al-Hijrīyayn/al-Rābi’ ‘Ashar wa-al-Khāmis ‘Ashar al-Mīlādīyayn* (Kuwait: Jāmi‘at al-Kuwayt, 1995). Pp. 260.

REVIEWED BY LI GUO, The University of Chicago.

The book under review, as the title suggests, deals with some “aspects” of the political, economic, and social history of the Mamluk Sultanate during the eighth/fourteenth and ninth/fifteenth centuries. Instead of a monograph with a coherent theme, this volume is a collection of three previously published articles, each of which takes on a particular issue not necessarily related, either chronologically or thematically, to the others. It thus defies explanation why they



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should be brought together and reprinted here without any revision. It should also be pointed out that the author never mentions this fact in her preface to the book, leaving the impression that these are new studies. Oddly enough, not only are the topics of these essays largely independent of each other, but so are the bibliographies. Thus we have in this small volume three separate bibliographies, many of the titles having been repeated three times. Sometimes non-Arabic works are cited (essays 1 and 2), sometimes not (essay 3); sometimes the titles are underlined, sometimes not. There is no index.

The first study, entitled "The Political and Economic Situation during the Reign of al-Mu'ayyad Shaykh (815-824/1412-1421)" (previously published in *al-Majallah al-'Arabīyah lil-'Ulūm al-Insānīyah* 9, no. 36 [1989]: 8-55), begins with a discussion of three major issues of al-Mu'ayyad Shaykh's political legacy: his seizing power (pp. 19-22), his rivalry with the Abbasid caliph al-Musta'in billāh (pp. 22-28), and his Syria policy (pp. 28-56). The author then moves on to al-Mu'ayyad Shaykh's economic reform (pp. 56-96). The reason why al-Mu'ayyad Shaykh is singled out, the author claims, is because his reign "saw a series of political changes and economic initiatives that were unprecedented and unique" (p. 10). We never learn, however, what exactly these "changes" and "initiatives" were, much less their impact on Mamluk society at large. The author, for instance, disputes al-'Aynī's statement that the transfer of power from al-Musta'in billāh, the first Abbasid caliph to be appointed sultan, to al-Mu'ayyad Shaykh was peaceful and smooth by arguing that "most of such transfers in the Mamluk period were known for violence, bloodshed, and brutality" (pp. 20-21). Nevertheless, she fails to provide any sources or facts to support this generalization. One is left wondering whether the transfer of power, in this particular case, was bloody or not. The author's discussion of al-Mu'ayyad Shaykh's economic reform also suffers from this kind of superficial generalization. Except for a brief discussion, based merely on speculation, of the factors that are thought to have caused high prices during al-Mu'ayyad Shaykh's reign and a laundry list of the functions and duties of the market inspector (*muhtasib*), it is unclear what exactly al-Mu'ayyad Shaykh's "economic initiatives" were, or indeed, whether there were such things to begin with. The most interesting part of this chapter may be the discussion of al-Mu'ayyad Shaykh's monetary reform as well as the problem of counterfeit *dirhams* (*al-darāhim al-maghshūshah*) that had a long lasting effect on the decline of the late Mamluk economy (pp. 76-96). But, unfortunately, the author has limited the scope of her inquiry to a single literary source, i.e., al-Maqrīzī's *al-Sulūk*, while totally ignoring the rich body of contemporary sources on the subject, especially those treatises on monetary issues, e.g., al-Maqrīzī's *al-Ighāthah* (she clearly is not aware of Allouche's 1994 study of the work), as well as many new studies on Islamic



numismatics. As a result, the author's discussion contributes very little to our understanding of Mamluk economic life.

The second study, entitled "Amīr Qawṣūn: A Living Example of the System of Governing in the Mamluk Sultanate" (appeared earlier in *al-Majallah al-'Arabīyah lil-'Ulūm al-Insānīyah* 8, no. 32 [1988]: 6-55), is a case study of the dynamics of Mamluk internal politics (pp. 109-187). The author has utilized a great number of primary sources, many of which are unpublished manuscripts, in an attempt to reconstruct Amir Qawṣūn's (d. 743/1341) life. One is not sure why this particular amir is selected here, for as far as can be gathered from his biographical sketch, his "unique" career path, which the author tries to prove, appears to be anything but. Is this amir's career typical? If this is the case, how is it so? Or does this amir's life story offer a rare and special case in which some intriguing irregularities and nuanced peculiarities in Mamluk internal politics can be traced? If this is the case, how? There are no answers to these questions.

The third study is a social history of the markets in Mamluk Cairo and was previously published in *Buḥūth wa-Dirāsāt fī al-Tārīkh al-'Arabī* (Damascus, 1992). It begins with a general historical survey of the growth and development of markets in Cairo (pp. 200-205). This is followed by a description of the system of specific market places, such as the horse market, the fruit market, and others (pp. 205-214). The following two sections deal, respectively, with different types of markets and the professional guilds associated with them (pp. 214-217), and various alternate types of markets, such as the *wikālah*, the *khānah*, and the *qaysārīyah* (pp. 217-226). The function and duties of the market inspector (*muḥtasib*) are discussed, again, at length (pp. 226-238). The study concludes with a discussion of the decline of market places in Cairo which the author attributes to "some"—again, without any details—practices of price fixing established by the sultan for the purpose of control and stability (pp. 246-256). Two photographs of the *wikālah* of Qāyṭbāy at the Azhar Mosque in Cairo are presented (pp. 223-224) and their quality is rather poor. Like the previous two essays, this ambitious one is no more than a summary of the author's reading of some well-known Mamluk sources, such as al-Maqrīzī's *al-Khiṭaṭ* and *al-Sulūk*, Ibn Baṭṭūṭah's *al-Riḥlah*, Ibn Taghrībirdī's *al-Nujūm*, Ibn Iyās's *al-Badā'i'*, etc., and a few modern studies (e.g., those of Ziyādah, 'Āshūr, Ayalon) published in the '60s and '70s. The division of some of the sections is rather arbitrary and confusing; the section on the *wikālah* and other markets, for instance, ought to be a subsection under the rubric "the different types of market"; and the section on "the social and cultural significance of the office of the *muḥtasib*" ought to be a subsection under the section on the *muḥtasib*.

Throughout the book, the author has demonstrated a very rigid style of writing. The essays usually open with a "big" statement, quotes from various sources, often



selected at random, then the posing of some questions, usually three in number, with some answers. This mechanical way of presenting material and discussion reaches its peak in the second essay which is entirely based on this "question, answer, 1, 2, 3 . . ." mode. In addition to typos in both Arabic and English, the book is laced with incomprehensible jargon (e.g., [*al-*]nufūd*h al-adabī*, [*al-*]markaz *al-adabī*, [pp. 114, 115]), combined with an assertive and self-serving tone in argument ("This volume contains a detailed and meticulous survey of the subject and offers fruitful results . . ." [p. 14]; "We who study the primary sources are absolutely sure that . . ." [p. 20]) and irritating punctuation marks ("!?!," "?!," "!!!"). It is not an easy read.

Overall, the book is a disappointment for those looking for new information and insightful analysis of the political, social, and economic history of the Mamluk era. One is bound to come away empty-handed. The book not only suffers from serious flaws in methodology, but it is also marred by its rigid style, confusing writing, and numerous typos. I would not recommend it to anyone. For the graduate student who ventures into the secondary literature written in Arabic, this book is not worth the time and effort. And for the researcher, he or she may well be better off simply checking the primary sources and secondary literature instead of the unreliable, incomplete, and confusing synthesis this book offers.

SHERMAN A. JACKSON, *Islamic Law and the State: The Constitutional Jurisprudence of Shihāb al-Dīn al-Qarāfī* (Leiden: E. J. Brill, 1996). Pp. 249.

REVIEWED BY JONATHAN P. BERKEY, Davidson College

In his now-classic study *Muslim Cities in the Later Middle Ages* (1967), Ira Lapidus observed that we know remarkably little about the inner functioning of the schools of law (*madhāhib*, sing. *madhhab*) in Cairo and other medieval Islamic cities. Three decades later, we at last have a book-length monograph in which the *madhhab* and its legal and political role provide the center of attention. Sherman Jackson's study of the seventh/thirteenth-century Mālikī jurist Shihāb al-Dīn al-Qarāfī represents a fascinating and useful contribution to several fields of investigation concerning the legal and political configuration of medieval Islamic societies. Mamluk-period specialists may be surprised by Jackson's choice of a Mālikī jurist as the focus of his attention, accustomed as we are to thinking of the Shāfi'ī and Ḥanafī schools as the principal jurisprudential parties of post-Fatimid Egypt; but Jackson reminds us that, at least until Saladin's favoring of the Shāfi'ī



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school, Mālikism was dominant among Egyptian Sunni Muslims, and so al-Qarāfī's viewpoint proves exceptionally valuable to a study of the *madhāhib* during the period of Sunni consolidation under the Ayyubids and early Mamluks.

The book addresses several important but conceptually difficult themes. The first concerns what Jackson labels "constitutionalism," which he identifies in his introduction as "the value of and mechanisms for promoting and sustaining the rule of law" in the face of the raw power of the state (p. xxi). (Incidentally, readers should not be tempted by its separate pagination to skip the author's introduction, for it represents one of the most intellectually satisfying portions of the book.) The starting point of al-Qarāfī's (and Jackson's) discussion of this issue was the exclusivist policy of the Shāfi'ī chief *qāḍī* Ibn Bint al-A'azz, who refused to implement judgements made by his deputies which contradicted his own interpretation of Shāfi'ī law. To understand al-Qarāfī's frustration, one must recall that Ibn Bint al-A'azz served as *qāḍī al-quḍāh* before Sultan Baybars's appointment of four chief justices, one for each of the four Sunni *madhāhib*: the rulings he ignored, in other words, may have been perfectly acceptable according to the Mālikī or Ḥanafī schools of his deputies. Hence the "constitutional" issue: al-Qarāfī groped for arguments to compel the chief *qāḍī* to implement rulings made according to non-Shāfi'ī law, in effect, to level the playing field and remove the arbitrary advantage held by the Shāfi'ī school as a result of its status as the *madhhab* favored by the state. In making this argument, Jackson draws on the insights of the Critical Legal Studies (CLS) school of late twentieth-century American jurisprudence, in one of several instances in which he tries to connect his own very specialized research with discussions in other, quite disparate fields. The connection is obvious: CLS has stressed the incoherence of legal patterns outside the context of the power wielded by the state and by dominant social elements, precisely the situation confronted by a Mālikī jurist such as al-Qarāfī. In al-Qarāfī's opinion, the principle of the mutual acceptance of the four *madhāhib* required that, once a legal viewpoint had been adopted as a legal ruling (*ḥukm*) by a jurist acting as a *qāḍī* and not simply as a *muftī*, accepting it was binding upon all (including the *qāḍī al-quḍāh*), provided that the ruling fell within the consensus of the *madhhab* of the judge who issued it.

A second issue takes the discussion considerably beyond the constitution of the early Mamluk state. Jackson throws himself fearlessly and confidently into the on-going debate about the persistence or demise of *ijtihād* (independent legal reasoning) in the Islamic Middle Period. He provides a useful survey of the debate, from Joseph Schacht's formulation of the standard position (that, at some point in the early Middle Period, the "doors of *ijtihād*" effectively closed) to Wael Hallaq's vigorous contention that *ijtihād* remained central to Islamic jurisprudence throughout the medieval period. On the surface, Jackson adopts a position closer



to that of Schacht than Hallaq: despite the arguments of some jurists who always insisted the “doors of *ijtihād*” remained open, the historical record clearly indicates the existence and dominance of a “regime of *taqlīd*” in the later Middle Period. He would prefer that we not view *ijtihād* and *taqlīd* as “mutually exclusive linear moments in Muslim history but rather [as] competing hegemonies that stood (and continue to stand) in perpetual competition with each other” (p. 77). But he notes a profound shift in the practical experience of Islamic law, one reflected most clearly in a transformation of the character of treatises describing the role of a *qāḍī* (*adab al-qāḍī*): whereas earlier works in this genre were essentially on the “foundations of jurisprudence” (*uṣūl al-fiqh*), “designed to teach judges how to interpret scripture, deduce rules, and apply them to cases” (p. 78), those dating from the sixth/thirteenth century and later “assume the form of statute manuals designed to provide judges with the rule already deduced on the basis of one of the recognized schools” (p. 79).

In fact, however, Jackson’s argument is more nuanced, and he would recast the terms of the debate itself. What Jackson refers to as the “post-formative” period of Islamic jurisprudence was a self-conscious one: it was aware that times had changed, that the character of its jurisprudential thought and practice was different than that of an earlier era. The most fundamental change was that of the nature of authority: no longer did it reside in an individual jurist, whether the founder of one of the four schools or any later *mujtahid* (one who exercises *ijtihād*); now it lay squarely with the *madhāhib* themselves. In al-Qarāfī’s jurisprudence, the *madhāhib* really do move to center stage, for in a sense it is the received body of opinion within a *madhhab*, rather than the Quran or *sunnah* of the Prophet, which defines the parameters of the law. With al-Qarāfī, the

madhhab has come to constitute not merely a broad method of legal reasoning but a specific body of concrete legal rules. At the same time, *taqlīd*, as the institution relied upon by the *madhhab* to sustain and perpetuate itself, emerges as the dominant hegemony. This marks the second phase in the development of the *madhhab*, one that witnesses the ultimate ascendancy of the regime of *taqlīd* (p. xxx).

It is a mistake, however, to view the institution of *taqlīd* as a reflection of “decline” from some earlier, golden period of free and independent thinking; rather, it represents a *development* of Islamic jurisprudential thought, one which provided Islamic law with a critical element of all successful legal traditions: reasonable consistency, internal coherence, and freedom from arbitrary judgment. But neither did *taqlīd* preclude change and innovation in the application of the law. *Taqlīd* did



not necessarily constitute “blind imitation,” as Western scholars have sometimes translated the term. Rather, it was performed at a variety of different levels, the most advanced of which al-Qarāfī identified as *takhrīj*, which Jackson translates as “extrapolation” (i.e., of methods of legal reasoning from the rulings of the founder of the *madhhab*). And *takhrīj* provided scope for flexibility in the application of established legal principles, a flexibility which could even take into account changes in the customs and popular expectations which lay behind those actions and controversies which jurists were expected to judge. In effect, then, *takhrīj* is “the *ijtihād* of the *muqallid*-jurisconsult” (i.e., the jurist operating under the regime of *taqlīd*) (p. 94).

Clearly this is a rich vein of argument, one which speaks to a variety of both historical and contemporary debates, and Jackson is fully aware of the political and religious implications of his analysis. Those who have seen Islamic law under the regime of *taqlīd* as characterized by “crippling and ubiquitous stagnation” (p. xxxi) have missed the true nature of that regime. *Ijtihād* goes on all the time, in the modern world in the work of Mohammed Arkoun, Fazlur Rahman, Fatima Mernissi, and others. Its success, however, is limited by the failure to recognize the proper method of debate under the regime of *taqlīd*, a method outlined by Shihāb al-Dīn al-Qarāfī. Where the locus of authority is the *madhhab*, a successful argument will claim that authority for itself, rather than quixotically attempt to return to Islam’s “roots” and dispense with the accumulated discourse of the post-Prophetic centuries. A successful argument, in other words, will avail itself of what Jackson calls “legal scaffolding,” the process of modifying and mitigating existing rules by arguing *within* a legal tradition, which is the product of Islamic jurists in the post-formative period.

Like all good monographs, Jackson’s leaves a number of questions unanswered. Islamic modernists may not fully accept his advice on how to conduct a debate and make authoritative arguments from within the Islamic tradition. They may observe, for example, that Jackson himself seems to acknowledge that the regime of *taqlīd* and the “legal scaffolding” it implies, for all their hidden flexibility, tend inevitably to ossification and “increased rigidity and farther removal from the practical needs of society” (p. 99). As a historical matter, too, the impact of al-Qarāfī on medieval jurisprudence remains an open question. Is it not a matter of some consequence that Jackson found few references to al-Qarāfī in the biographical literature through which the medieval ‘*ulamā*’ perpetuated memory of themselves? How widely accepted were al-Qarāfī’s views? Jackson himself admits that some of them were “unique” to him (p. 186). In particular, how did the creation of four separate chief *qāḍī*-ships affect Mamluk-period jurists’ understanding of the *madhāhib* and their function? In the final analysis, this book’s most valuable contribution may be its implicit reminder that we err if we



conceive of Islamic jurisprudence simply as an impersonal abstraction. It was/is in fact the product of particular jurists with strong personalities and articulate and discernible viewpoints, more of which deserve to be studied with the care that Sherman Jackson has devoted to Shihāb al-Dīn al-Qarāfī.

Le Manuscrit autographe d'al-Mawā'iz wa-al-I'tibār fī Dhikr al-Khiṭaṭ wa-al-Āthār de Taqī al-Dīn Aḥmad b. 'Alī b. 'Abd al-Qādir al-Maqrīzī (766-845 AH/1325 [sic]-1441 AD), edited by Ayman Fu'ād Sayyid (London: al-Furqān Islamic Heritage Foundation, 1416/1995). Pp. *106, 534.

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Taqī al-Dīn Aḥmad al-Maqrīzī's *Kitāb al-Mawā'iz wa-al-I'tibār fī Dhikr al-Khiṭaṭ wa-al-Āthār*, widely known as al-Maqrīzī's *Khiṭaṭ*, is one of the most significant sources on the history, architecture, and topography of Islamic Cairo. The 1853 Būlāq edition, the first and the only complete edition of the text, is notorious for its serious defects and countless errors (several later printings published in Baghdad, Beirut, and Cairo are all based on the Būlāq edition without significant corrections). The French scholar Gaston Wiet's ambitious editing project, which began in 1911, ended abruptly in 1927 when the editor, having discovered more manuscripts along the way, came to the conclusion that the enormous number of extant codices, more than 170, were too many for a single person to handle. Since then, editions of parts of the work, as well as translations and studies, have continued. In addition, an ongoing project of compiling indexes of the monumental work under the auspices of the French Institute in Cairo was started in 1975 and has so far produced three volumes, and the need to complete Wiet's aborted project has been repeatedly reiterated.

With all this in mind, the current edition of al-Maqrīzī's masterpiece is timely and most welcome. This lavishly printed, handsomely produced, and superbly edited volume, the first in the series of Arabic manuscripts published under the sponsorship of the London-based al-Furqān Islamic Heritage Foundation, is an autograph and draft version (*musawwadah*) of the work. Its significance is manifold. First, being an autograph with the author's own marks and vowel signs, a solid and surer textual basis is thus established to correct errors of the Būlāq edition. Second, it offers a draft version that differs from the complete version (*mubayyadah*), thus paving the way for further investigation into the history of the development of the text. Third, the publication of this abridged version of the lengthy text



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provides the reader with a handy one-volume synopsis. And furthermore, no one is more qualified to undertake a project like this than Dr. Ayman Fu'ād Sayyid, who wrote his Sorbonne dissertation on the history and topography of Fatimid Cairo and has published extensively in the field of studying and editing Arabic manuscripts.

The volume is divided into four parts: the introduction (pp. *1-*106; a French abstract is on pp. iii-v), the Arabic edition (pp. 1-435), a bibliography (pp. 436-453), and indexes (pp. 457-534).

The introduction comprises an excellent monograph in its own right on the history of the *khiṭaṭ* genre and al-Maqrīzī's work. After a preface that highlights the importance of the work (pp. *1-*6), it begins with a discussion of the purpose and scope of the work in question and a historical survey of *khiṭaṭ* writings in Islamic historiography (pp. *6-*35). This section is, in my opinion, the most illuminating segment of the introduction. It explores the historical evolution of the *khiṭaṭ* genre, with special reference to those produced in, and about, Cairo, and al-Maqrīzī's own contribution to its development, from the so-called "Pre-Maqrīzī *Khiṭaṭ* Writings" (pp. *7-*21), to "al-Maqrīzī's Cairo" (pp. *22-*24), to the "Post-Maqrīzī *Khiṭaṭ* Writings" (pp. *24-*35). The pre-Maqrīzī period included pioneers of the genre like al-Kindī (d. 961). The Fatimid historians Ibn Zūlāq (d. 996), al-Musabbihī (d. 1029), al-Qudā'ī (d. 1062), and al-Sharīf al-Jawwānī (d. 1092) played a central role in giving the genre its reputation and serving the needs of the Fatimid dynasty after the city of al-Fuṣṭāṭ became the center of the state and a "Métropole" in the real sense.

The Ayyubid era witnessed a decline of interest in urban development and thus *khiṭaṭ* writing suffered from a lack of attention. However, some descriptions of the church and monastery buildings and Coptic quarters by Christian authors (e.g., Abū Ṣāliḥ al-Armanī) and Muslim travelers from the Maghrib and Baghdad, such as Ibn Jubayr (d. 1217), 'Abd al-Laṭīf al-Baghdādī (d. 1231), and Ibn Sa'īd al-Maghribī (d. 1287), who visited Cairo and al-Fuṣṭāṭ and left us their recollections, kept interest in the genre alive.

An ambitious expansion and re-planning of Cairo took place in the Mamluk period, especially during the reign of Sultan al-Nāṣir Muḥammad ibn Qalāwūn. And it is not surprising that his contemporary Ibn Faḍl Allāh al-'Umarī's (d. 1349) *Masālik al-Absār*, a historical topography of Egypt, Syria, Hijaz, and Yemen, was a milestone in the evolution of the *khiṭaṭ* genre. It is noteworthy that while all the previous authors focused their attention on al-Fuṣṭāṭ, i.e., the old city of Cairo, the first *khiṭaṭ* work on al-Qāhirah, the new Cairo, was actually produced during the Mamluk period by Ibn 'Abd al-Zāhir (d. 1293). The latter's *al-Rawḍah al-Zāhirah fī Khīṭaṭ al-Mu'izzīyah al-Qāhirah* is important in that it not only served as a model for al-Maqrīzī's future writings but was also the primary source utilized by



al-Maqrīzī in his *Khiṭaṭ*. Other Mamluk authors who were significant sources for al-Maqrīzī's writing are al-Qalqashandī (d. 1418), and two of al-Maqrīzī's contemporaries, Ibn Duqmāq and al-Awḥadī, who are discussed at length in the introduction. In the segment on "al-Maqrīzī's Cairo," the editor draws attention to the fact that despite being a native of Cairo, al-Maqrīzī himself did not see the glorious "good old days" of Cairo which he recorded in his *Khiṭaṭ* in utmost detail, but rather, he witnessed the decline of the city in the chaotic years after Timur's invasion of Syria and the deteriorating economic situation caused by internal and external turmoil. Therefore, he relied heavily on what he had heard or read about the city when he wrote most of the *Khiṭaṭ*, in the years between 818/1410 and 827/1422. The segment on "Post-Maqrīzī *Khiṭaṭ* Writing" begins with stellar names such as Ibn Taghrībirdī (d. 1470), al-Maqrīzī's own student, and al-Suyūṭī (d. 1505), who incorporated material from the *Khiṭaṭ* in their writings. However, only three works of the genre in its strict sense are known, and all of them are *mukhtaṣars*, or abridgements, of al-Maqrīzī's *al-Khiṭaṭ*, by Āqbughā al-Khāshikī, al-Bakrī (d. 1650), and an unknown author named Aḥmad al-Ḥanafī, a fact that further attests to the fame of al-Maqrīzī's work. The rest of the story is well known to those familiar with the scholarship on pre-modern Egypt. The editor offers a brief but balanced survey (pp. *27-*31) of works on the topography of Egypt since the seventeenth and eighteenth centuries, works by Western, especially French, scholars, such as the monumental *La description de l'Égypte*, and works by Egyptian scholars, such as al-Jabartī (d. 1822), 'Alī Mubārak, and Wafā'ī al-Ḥakīm, among others. The introduction also contains a discussion of the so-called *kutub al-ziyārāt* (descriptions of visitations to saints' tombs) as a body of literature that is closely linked to the *khiṭaṭ* topoi (pp. *31-*35).

Section 2 of the introduction deals with the life and works of al-Maqrīzī. The editor offers a "new biography" of al-Maqrīzī (pp. *35-*45) which supplies the reader with more details of al-Maqrīzī's life and career than can be found in previous studies. Among the interesting issues raised is al-Maqrīzī's alleged filiation to the Fatimids (pp. *44-*45), which has a certain bearing on his being keen on the description of Fatimid Cairo. The list of al-Maqrīzī's works (pp. *45-*64) is most useful insofar as the editor has provided the reader, drawing from his vast knowledge of and immense practical expertise in Arabic manuscripts, much new information on manuscripts, publication records, and the current state of research on al-Maqrīzī's works. One example will suffice here: the editor mentions a manuscript of al-Maqrīzī's *al-Muqaffā al-Kabīr* discovered by Jan Just Witkam in 1990 and the discussion he had with the latter, in 1993, about its verification and other issues (pp. *50-*51). This stock-taking is presented under two rubrics: (1) al-Maqrīzī's major historical writings; (2) al-Maqrīzī's minor works. Here the editor echoes al-Shayyāl's assessment that al-Maqrīzī's minor works have not



received the scholarly attention they deserve. Many of these works deal with particular issues, or topics, or theoretical details that are not usually dealt with in mainstream historical writings, and thus shed light on various rarely explored issues and interesting materials (pp. *57-*60). A short discussion is devoted to the so-called "pseudo-Maqrīzī" works (pp. *62-*64) as well.

The third section of the introduction deals with the work in question. The editor begins with a discussion of the format and structure of the *Khīṭaṭ*. His observations are that, just as in Ibn Khaldūn's case, there is a gap between al-Maqrīzī's *ideal* of historical writing, and his *actual* writing, inasmuch as the *Khīṭaṭ* is not balanced in its overall structure. Al-Maqrīzī, for instance, mentions that he intended to arrange his materials in seven chapters (*ajzā'*): (1) a general survey of the topography of Egypt; (2) cities and towns; (3) al-Fusṭāṭ; (4) al-Qāhirah; (5) newly constructed buildings in Cairo and suburbs; (6) the Cairo Citadel; (7) the causes of the destruction and deterioration (*khirāb*) of the historic sites in Egypt. However, as modern scholars, such as the Russian orientalist I. Kratchkovsky and others, have already noted, chapter 6, which is on the Cairo Citadel, is in fact incorporated into chapter 5 in the final version (*mubayyadah*) of the work as a natural continuation of the latter, which is devoted to the newly constructed buildings of Cairo. More tellingly, the work actually concludes with a chapter on the Jewish and Coptic architectural sites in Cairo. The promised final chapter, that is, "The Causes of the Destruction of Egypt," was in fact never delivered. In his discussion of the contents of *al-Khīṭaṭ*, the editor stresses that the most original and significant parts of the entire work are those in which al-Maqrīzī describes the taxation system (*al-kharāj*, *al-ḍarā'ib*) and the *iqṭā'* fiefs, as well as the parts on Fatimid Cairo and the foundation of al-Qāhirah (pp. *66-*67). It is rather a surprise, as the editor observes, that al-Maqrīzī's coverage of his own time, i.e., the Mamluk period, is not as original and sound as that on earlier periods. This is particularly true with regard to the present autograph manuscript, a draft version of the work, which is very short on the Mamluk era (p. *67). This problem is then discussed in a segment entitled "The Problems of Editing the *Kitāb al-Mawā'iz wa-al-I'tibār*" (pp. *67-*79). The main argument is that this has to do with the on-going nature of al-Maqrīzī's writing which perhaps never resulted in a final version of the work. More importantly, it has to do with the way al-Maqrīzī handled his sources, in that he usually quoted from other independent sources, many of them "pre-Maqrīzī" as well as contemporary *khīṭaṭ* works, verbatim and without acknowledging them, a practice for which al-Sakhāwī accused him of "literary theft" (*al-sariqah*). Among al-Maqrīzī's sources, the most frequently quoted ones are Ibn Duqmāq's (d. 1407) *al-Intiṣār li-Wāsiṭat 'Iqd al-Amṣār* and al-Awḥadī's (d. 1408) draft of an unfinished manuscript on the description of Cairo. Previous scholarship on the controversy (Quatremère, Muḥammad 'Abd Allāh 'Adnān, Kratchkovsky,



Brockleemann, Sa'īd 'Abd al-Fattāḥ 'Āshūr, and Ayman Fu'ād Sayyid) over the relationship of al-Maqrīzī's *al-Khiṭaṭ* to these two sources is presented with insightful analysis (pp. *68-*74). The editor seems to be of the opinion that al-Maqrīzī is not to blame given the nature of the manuscript as an autograph "work-in-progress" draft and the fact that half of the material in the *Khiṭaṭ* in fact deals with the sites built after al-Awḥadī's death. A lengthy, perhaps slightly repetitive, source criticism follows. It is basically a summary of the previous scholarship on the subject (Langlès, Sylvestre de Sacy, Quatremère, Wüstenfeld, Ravaisse, Casanova, van Berchem, Salmon, Guest, Creswell, Garcin, Raymond, Aḥmad Fakrī, 'Abd al-Raḥmān Zakī, Yūsuf Rāḡib, among others), with a list of the titles that were evidently utilized by al-Maqrīzī in the preparation of his *Khiṭaṭ*, especially the sources used in the current edited *musawwadah* version (pp. *79-*89). Other issues presented in this section include the publication history of al-Maqrīzī's *Khiṭaṭ*, including partial translations and index volumes, as well as studies of the work (pp. *89-*99).

The introduction concludes with a description of the manuscript (pp. *99-*101) and the editing method. Thirty-two plates of sample folios of the manuscript are presented. It is a little disappointing that the plates are not of high quality since they are produced from microfilms rather than directly from the original manuscript now housed in the Topkapı Palace Library, Istanbul.

The edition is admirable. It is based on the sole Istanbul manuscript, collated with the Būlāq edition and other parallel sources, such as Ibn Taghrībirdī's *al-Nujūm al-Zāhirah* and Ibn 'Abd al-Zāhir's *al-Rawḍah*. The integrity of the text is taken into consideration so that we find that the entire text of the author's introduction (pp. 1-11), which is *not* in the draft manuscript, is supplied from the Būlāq and Wiet editions. The first chapter, which is misplaced at the end of the Istanbul manuscript (fol. 179), is returned to its appropriate place (pp. 15-18). There are two kinds of apparatus underneath the main text: the upper level apparatus deals with textual matters (verification of text, variant readings, etc.), and the lower level is devoted to historical, biographical, and bibliographical annotations. The indexes are organized under fifteen categories: proper names, historic sites, architectural terms, titles and ranks of the *dīwān* system, places, rare words and technical terms, tools and equipment, textiles, food and drink, Quranic verses, *ḥadīths*, poetic verses, tribes and peoples, writers and poets, and written sources mentioned in the work.

Since the project is such a gigantic enterprise, some shortcomings may be unavoidable. As far as the physical aspects of the edition are concerned, there certainly is some room for improvement. In the following I have proffered some remarks on editorial and typographical details.



1) A major reservation may be raised concerning the way the footnotes are arranged. By and large, these notes are meticulously executed; however, frequent inconsistencies have made them less useful and occasionally confusing. For instance, the original manuscript, as we are told, is referred to as *khazīnah* (which stands for the Hazine collection at the Topkapı Library), but very often it is mentioned as *al-aṣl*, and occasionally as *al-musawwadah* instead. The Būlāq edition is abbreviated as "Būlāq," but not infrequently we have "al-Khiṭaṭ" instead (the different references to the same source even occur on the same page, e.g., pp. 201, 212). More serious problems emerge when the variant readings from the Būlāq edition and other independent sources are repeatedly provided for cross-checking, which tends to work better on single words rather than on phrases and clauses. In the latter cases, the device of marking the beginning and end of a phrase or clause with superscript letters is *sometimes* applied but unfortunately not always. As a result in most cases, we are not told where the variant reading begins and where it ends (e.g., p. 4, notes (b), (c), (e), (f), illustrate this problem). Other inconsistencies are seen in the emendations made in the text. Textual additions, quoted between brackets, are sometimes given their sources, e.g., "added after such-and-such" (*ziyādah min* . . .); but quite often, they are simply indicated as "missing from (*sāqiṭah min*) the original"; so we do not know whether the addition is the editor's conjecture, or from another source. On many occasions, the information of the parallel sources is not adequately given; e.g., p. 295, the sources for the volume and page numbers in notes (a), (d), (g) are not identified. Textual emendations are usually given explanations and sources, but occasionally we are left wondering why they should read so; e.g., p. 56, the change of the original *al-gharbī* to *al-sharqī*; p. 119, *al-saḥīfah* to *al-saqīfah*; p. 158, an entire clause in the manuscript is omitted after the (a) sign; pp. 221, 222, we are given neither reasons nor sources for the emendations between the signs (a - a). Likewise, some lacunas in the text need more explanation; e.g., p. 31, line 4. While the editor provides the reader with an enormous amount of information in the footnotes, certain difficult words are not treated satisfactorily; e.g., p. 240, the words *al-aqwāt* and *al-muḥāqa'ah* are merely commented on by "[sic]"; one might wonder if there are parallel readings from the Būlāq edition or other sources. Sometimes upper apparatus textual notes should be lower apparatus explanatory notes, and vice versa; e.g., p. 194, (b); p. 227, (d); p. 301, (2); p. 326, (4); p. 336, (a); p. 344, (1); p. 351, (1); p. 360, (2); p. 379, (3); p. 396, (a). Occasionally a question mark replaces the regular apparatus signs (e.g., p. 323, line 3).

2) Another reservation I have is about the typesetting. Various fonts and inconsistent indentation appear throughout the text. The inconsistency of typesetting frustrates the reader's effort to figure out the complex structure of the work and the exact division of chapters and sections of the text. In this regard, I find the



table of contents does a better job than the main text whose rubrics and headlines are always confusing due to inconsistent sizes and styles (plain, bold, calligraphic, etc.) of the Arabic fonts. For instance, on p. 64, the section heading ("Khiṭaṭ al-Qāhirah . . .") and the sub-section heading ("Dhikr Quṣūr . . ."), according to the division given in the table of contents, ought to be set in each other's fonts. The indentation of these headings is just as chaotic. Oddly enough, the wording of many items in the table of contents is not the same as they appear in the main text. A more serious problem is that many of the headings are marked with brackets, indicating conjectural additions, but without any explanation. Should we assume that they are taken from the Būlāq edition? Or perhaps from other sources? Or supplied by the editor?

Other general observations concerning the typesetting: (a) Footnotes are, in most cases, arranged in a double-column format, but quite often this format is not observed. (b) Inconsistent spacing is frequent. (c) The Arabic fonts used in the edition are nice, with one exception: in the plain text, the coarse, aloof *hamzah* is really ugly. (d) The *alif maqṣūrah* is often misspelled as *yā'* (with two dots underneath); examples are too numerous to be listed here. (e) The punctuation is generally good, but occasionally inconsistent: for instance, parentheses and brackets are used inconsistently (p. 127, line 4); blank spaces (e.g., pp. 308, 412) and ellipsis points (e.g., pp. 410, 433), both used to indicate the lacunas in the manuscript, are also used inconsistently. Sometimes the punctuation is odd; e.g., p. 112, line 12, the quotation mark splits the definite article *al* into two parts.

3) The vocalizations on the text are very helpful, but sometimes they tend to be excessive (e.g., the *alif maqṣūrah* and the *fathah* sign are constantly, and unnecessarily, used together), or inadequate (e.g., full vocalizations are given to some common words and obvious case endings, while some rare words and difficult passages that call for attention are not vocalized). On several occasions, the vocalizations are inconsistent (e.g., the same word is vocalized as *ṣinf* on p. *57, but *sanf* on the next page) or inaccurate (examples will be listed below). Following are some of the obvious errors that I caught:

p. *20, line 10, تَعَدَّ , read تُعَدُّ

p. *47, note 1, Tā'rīkh, read Ta'rīkh

p. *54, line 12, بمناسبة, read بمناسبة

p. *69, line 6, امْتَحَن , read امْتَحِن

p. *79, line 17, دارسة, read دراسة

p. *81, line 11, سَمَّيْتُ , read سَمَّيْتُ

p. *82, line 11, وَجَدْتُ , read وَجَدْتُ

p. 21, note (a - a), omit في

p. 26, note (a), بالسوداء , is identical with the Būlāq edition, so what's the



point?

- p. 33, line 1, حَدُّهَا , read حَدُّهَا
- p. 33, note (5), الآن , read الآن
- p. 35, line 3, يَطْلُق , read يَطْلُق
- p. 41, note (f) is incomprehensible
- p. 47, line 14, الأربعة , read الأربع
- p. 58, line 2, add (a) to the end of the headline
- p. 65, line 3, قصرُ الشوق , read قصرُ الشوق
- p. 91, line 12, كُنُوءَاب , read, كُنُوءَاب
- p. 94, line 12, مبنا , read مبني (?)
- p. 95, line 8, هذ , read هذه
- p. 98, line 14, يسئل , read يسأل
- p. 107, line 3, يدعوا , read يدعو
- p. 110, line 3, قلّ , read قلّ
- p. 111, line 8, امرأة , read امرأة
- p. 125, line 4, بحريه , read بحريه (?)
- p. 128, the footnote sign of (a) is missing in the main text
- p. 136, a line between line 3 and line 6 is missing
- p. 141, line 13; p. 349, line 4, the sign of (كذا) usually occurs in the apparatus, not the main text, in this edition
- p. 143, line 12, مئين , read مائتين or مائة
- p. 147, line 12, يبيعوا , read يبيعون
- p. 157, line 8, عمل , read عمل
- p. 161, line 14, ليومأؤ , read ليومأؤ (?)
- p. 162, line 6, دار , omit the *kasrah* sign
- p. 233, line 4; p. 289, line 6, المظله , read المظلة
- p. 247, line 11, الرسل , read الرسل
- p. 272, line 10, الغره , read الغرة
- p. 275, the content of note (a) is missing
- p. 282, line 17, (c), ought to be (a)
- p. 298, line 14, انتشا , read انتشا (?)
- p. 305, line 1, هذ , read هذا (?)
- p. 317, line 7, ركّب , read ركّب
- p. 327, line 9, تسموا , read تسمو
- p. 336, line 13, يسوف , read يسوق



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- p. 337, line 10, يَسْلُكُ , read يَسْلُكُ
 p. 338, note (b), أَضَافَة , read إِضَافَة
 p. 406, line 1, قَرَقَه , read قَرَقَة
 p. 425, the second (b) in the upper apparatus ought to be (c)
 p. 431, note (b) in the upper apparatus, كَلِمَة , ought to be كَلِمَات (the addition cited here is more than one word)

These, however, are minor defects. Dr. Ayman Fu'ād Sayyid is to be commended for an excellent job in bringing to light al-Maqrīzī's rare autograph of a draft version (*musawwadah*) of his all-important *al-Khiṭaṭ* and for keeping alive the vision of eventually publishing the complete work. One can only hope that the dream will one day come true.

MUḤYĪ AL-DĪN IBN 'ABD AL-ZĀHIR, *al-Rawḍah al-Bahīyah al-Zāhirah fī Khīṭaṭ al-Mu'izzīyah al-Qāhirah*, edited by Ayman Fu'ād Sayyid (Cairo: Maktabat al-Dār al-'Arabīyah lil-Kitāb, 1996). Pp. 185.

REVIEWED BY PAUL E. WALKER, Chicago, IL

Having completed and published an edition of the *musawwadah* of al-Maqrīzī's *Khīṭaṭ* (reviewed above), Dr. Ayman Fu'ād Sayyid, who has given us so many important editions of major texts or what remains of them, next turned to a work that was thought lost, but which resurfaced recently in a collection of manuscripts in the British Museum. It is another *Khīṭaṭ* from an earlier period and is, in fact, the earliest *Khīṭaṭ* of Cairo, since its predecessors—those by al-Kindī, al-Quḍā'ī, and al-Sharīf al-Jawwānī—concentrated almost exclusively on Fuṣṭāṭ and the Qarāfah. The new text was compiled by the Bahrī official and historian Muḥyī al-Dīn Abū al-Faḍl 'Abd Allāh Ibn 'Abd al-Zāhir al-Miṣrī (d. 692/1293), who is well known both for his various roles in the government, particularly in the Dīwān al-Inshā', and for his authorship of biographies of the sultans he served: Baybars,¹ Qalāwūn,² and al-Ashraf Khalīl.³

Ibn 'Abd al-Zāhir was fully cognizant of the ascendancy of Cairo in his age, due, in part, to the near total eclipse of Baghdad after 656, and he knew also that his subject had not yet been covered satisfactorily. Al-Maqrīzī, who used this

¹*Al-Rawḍ al-Zāhir fī Sīrat al-Malik al-Zāhir*.

²*Tashrīf al-Ayyām wa-al-'Uṣūr fī Sīrat al-Malik al-Manṣūr*.

³*Al-Altāf al-Khaṭīyah min al-Sīrah al-Sharīfah al-Sulṭānīyah al-Ashrafīyah*.



Khīṭaṭ extensively in his own, also gave credit to its author for being the first to assemble the data on Cairo. Beginning about 647, Ibn ‘Abd al-Zāhir drew for his work on a number of sources that he cites by title in his introduction. Out of his initial efforts came a first draft—a *musawwadah*—and later he either rewrote it at least once or continued to add notes on the margins of the earlier version, possibly both. Ibn al-Dawādārī examined the former and noted that it was a *musawwadah* specifically from 647, and al-Maqrīzī and al-Qalqashandī used the latter. Al-Maqrīzī, in fact, consulted two different versions of it. Unfortunately, it is the first—the earlier draft—that appears to be what we now have, although it contains information that can only have been added after 647. To compound the difficulties of understanding the history of this work, and unlike the situation with al-Maqrīzī, the surviving manuscript is itself a late (and evidently quite poor) copy of Ibn ‘Abd al-Zāhir’s original first draft (with some additions). The copyist says explicitly that he copied all that he found in the hand of the author, including an appendix containing a copy of the *waqfiyah* of al-Ḥākim in favor of al-Azhar, the mosques of al-Ḥākim and of al-Maqs, and the Dār al-‘Ilm.

In order to achieve a usable edition, Sayyid had, therefore, not only to emend the text on the basis of common sense and his own extensive knowledge of the subject, but add words, phrases, and whole passages that appear in the works of later writers who quoted from one or the other versions of it but which, for various reasons, are missing from the one manuscript now available. He has marked these additions carefully as to provenance and has provided, as well, a valuable series of citations for sources that run parallel to or complement Ibn ‘Abd al-Zāhir. There are also eleven separate indexes and a clear, informative introduction. Despite a few inconsistencies of form and some typographical errors, it is on the whole a welcome contribution and a commendable piece of scholarship.

It is, however, of some interest to assess the value of this undertaking given how much of the text was known previously either in the form of direct quotations or in other transmissions of the information it contains. Quite apart from its critical role in the history and development of the *Khīṭaṭ* genre prior to the work of al-Maqrīzī—a matter of special concern to Sayyid—this version of Ibn ‘Abd al-Zāhir adds, it seems on first inspection, little. One curiosity, for example, is that it accords but a single line to al-Azhar and thus confirms by its silence the neglect of this mosque in the century preceding the time of the author. There may be other examples of a similar kind and importance but, as few are obvious, spotting and evaluating them must be done on a case by case basis.



JÖRG-DIETER BRANDES, *Die Mameluken: Aufstieg und Fall einer Sklavendespotie* (Sigmaringen: Jan Thorbecke-Verlag, 1996). Pp. 340.

REVIEWED BY STEPHAN CONERMANN, University of Kiel

What *can* "popular historiography" achieve?

Until now only very few scholars have succeeded in presenting their studies to a wide and varied audience in popular language. This is the reason why a "popular historian" can be a mediator between the scholarly researcher in the field of history at a university and the uninformed but interested outsider. For twenty-five years there has been an ongoing debate among theoreticians over the question of whether language is at all capable of "translating" historical events. Language as such does not necessarily lead to understanding, but refers only to the cognitive impotence of the person who uses it, or in the words of Hayden White: "All systems of knowledge begin in a metaphorical characterization of something presumed to be unknown in terms of something presumed to be known, or at least familiar."¹ However, the human consciousness turns "incidents in time" into "historical events." In the first place, the "popular historian"—like any other historian—observes the deeds, thoughts, and feelings of the actors concerned and formulates his own impressions in accordance with the reports on and the evidence of the acting persons. The common medium for fixing this mental process is the narrative text, although one should keep in mind that in principle the deeds committed, the narration of these deeds, and their interpretation differ only insignificantly from each other. In this way, the difference between fiction and historiography becomes questionable, and the role of "popular historiography" naturally becomes more important, as one of its presumptions is normally the use of fictional characters and a plot.

If this kind of historiography aims at "reviving the past" for an uninformed reader, the "popular historian" should neither disregard the complexity of different epochs nor should he fall back upon positivist modes. Positivist historiography was based on the concept of a passive historical thought from which the compliant historian is able to extract only the most obvious information: legal data from a legal text, information on production and distribution from an economic source, a narration of events from a chronicle. The hallmark of this kind of historical writing was the mere accumulation of such facts within a narrative of wars, kings and empires. To avoid this antiquated positivist method it might be useful to the "popular historian" to write his work against the backdrop of a theoretical approach (structuralism, micro-history, history of mentalities, psychohistory, etc.). In any

¹Hayden White, "The Question of Narrative in Contemporary Historical Theory," *History and Theory* 24 (1984): 12.



case, one of his main tasks should be to reconstruct images of the world which are representative of different epochs and cultural traditions. This requires the reconstruction of the subjective reality which formed the content of the consciousness of the people of a given epoch and culture. It is, however, wrong to try to understand a foreign epoch by forgetting one's own cultural background. A pre-condition of this understanding is that the "popular historian" should recognize that he belongs to a time and culture different from the people he seeks to describe. He should be guided by an understanding of the "otherness" of what he presents to the reader. This implies that he has in mind that there is a difference between the people, the culture and the mentality being studied, and the spiritual make-up of his own society.

Last but not least, the "popular historian" has the privilege of dropping footnotes and bibliographies. This, however, should not mean that he is allowed to refrain from making a diligent and systematic inquiry into his subject. On the contrary, it is necessary for him to consult the relevant literature and to go through the most important sources, at least in translation. In any case, he should seek the help of a scholarly advisor if he wants his book to be taken seriously.

The problem with Jörg-Dieter Brandes's book *Die Mamluken: Aufstieg und Fall einer Sklavendespotie* is that it does not fulfill any of the above-mentioned criteria. The very title is badly chosen and tells us a lot about the author's conception of the world. Who does not associate *Sklavendespotie* with Karl A. Wittfogel's controversial *Oriental Despotism: A Comparative Study of Total Power* (New Haven, 1957) and thus with Karl Marx's idea of an *Asiatische Produktionsweise* within Oriental societies? But, without referring to these known theories, Brandes draws the outline of a more and more degenerating Mamluk caste (pp. 202-205) within a society, which for him represents dictatorship (p. 133).

His presentation does not and cannot assert a claim to originality and literary quality. He therefore abandoned the idea of introducing fictitious characters within a Mamluk setting. So, what we have is neither a historical novel like Umberto Eco's *Il nome della rosa* (Milan, 1980) or Frans Gunnar Bengtsson's *Röde Orm* (Stockholm, 1941-45), nor a literarily high-ranking historiography like Roy Mottahedeh's *The Mantle of the Prophet* (New York, 1985) or Theodor Mommsen's *Römische Geschichte*, vols. 1-3, 5 (Leipzig, 1854-85), for which the Nobel prize for literature (!) was granted in 1902. Brandes pretends to have written a scholarly study, but this is not a maintainable claim if we take a closer look at the work.

The author has done nothing more than produce a narrative account of the political history of the Mamluks. Unfortunately, he did this with the help of only a very few books that partly consist of obsolete secondary titles and partly of unrepresentative translations from the original sources. It is unpardonable that he



made no effort to consult recent literature, although any scholar could have named him dozens of well-written articles and monographs.

If Brandes's book is not literature in the common sense of the word but a pseudoscholarly work, it is no wonder that a theoretical approach is missing as well. On the contrary, we have to deal with a quite antiquated kind of historiography that even stands behind the somewhat outdated works by Stanley Lane-Poole (*History of Egypt in the Middle Ages* [London, 1913]) and Gustav Weil (*Geschichte der Chalifen*, vols. 4 and 5 [Stuttgart, 1860-62]). Mere descriptive accounts of rulers, kings, and empires go hand in hand with lengthy reports of battles. Besides some historical distortions, many things are told erroneously and without questioning the trustworthiness of the translated sources. The author's positivist *Weltanschauung* becomes clear when he speaks of an alleged "higher cultural level of the Burdjī-Mamluks" (pp. 180ff.) or when he characterizes the life of the Mongols "throughout the centuries" as "primitive and without history" (p. 60). The scant comments on social phenomena during the Mamluk period give only a static impression of Egypt without leaving any room for inner developments. They do not at all tackle the complex socio-economic changes within Mamluk society but rather serve to create an Oriental coloring of Brandes's battle-stories.

The author does not make an effort to undertake an objective analysis or to describe the past as a "sympathetic observer." Thus, his book is full of subjective judgements and inappropriate evaluations. Above all, he gives the reader vivid but inopportune characterizations of all Mamluk rulers. The whole narration is more or less essentialist. The Druzes are "proud" (p. 154) and the Copts and Jews constantly suffer from suppression and mistreatment (pp. 34, 97-98, 110). The narrow streets in the cities are always "full of vibrating life and noise" (p. 46). They breathe the "atmosphere of a Thousand and One Nights" (pp. 7, 8, 45) and you can hear "old Arabian music" with its "inciting rhythm" (p. 196). All Brandes tells us about Sufism during the reign of the Mamluks in Egypt is a supposed "ecstatic howling of the Dervishes" (p. 43) on the battlefield. As an explanation of bedouin rebellions we read: "The will for freedom stirred up the sons of the desert to impetuous rebellion" (p. 50). Similarly superficial is his analysis of the "fall" of the Mamluk empire: "The empire had become large and tired and fell to pieces" (p. 15). For him, one of the reasons for this decline seems to be the "fact" that "at the beginning of the fourteenth century within the Islamic countries the imaginative power and the scholarly quest for knowledge had come to an end" (p. 177). Perhaps by following Stefan Zweig's well-written *Sternstunden der Menschheit* (Leipzig, 1927), Brandes formulates: "Historic *Sternstunden* to save the unity of the Islamic World passed by unused. Islam remained without a spiritual leader and, in this way, the way had been smoothed for foreign rulership and later on, for the rather confused ideas of an 'Arabian World' without corporate identity" (pp.



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76, 238). This is also a good example for the constant attempts on the part of the author to refer to the present political situation in the Near East (pp. 8, 12, 69, 90). Unfortunately, his interpretations do not contribute to a better understanding of today's problems in this region. The only thing one can conclude from these passages is that Brandes considers the policy there to be determined by irrational forces.

As to the transcription of Arabic names and technical terms, no logic or system is visible. If one does not have a very good knowledge of Arabic—no one would really care when dealing with a "popular historian"—one should not pretend to be an expert in it. Transcriptions like *la ilaha, illaha wi mohammedun rasulullah* (p. 260) are as incomprehensible as "Nizam al-milk" (p. 98) or "Hasan ben Saba" (p. 89). A very interesting translation of Miṣr al-Qāhirah can be found in the glossary: "Capital of the triumphant" (p. 334). By the way, the reader should avoid a glossary altogether in which *qibṭ* is deduced from *kutub*.

Last but not least, one has to speak of some of the historical inaccuracies and errors. Who, one might ask, is this frequently mentioned "Allah" (pp. 55, 162, 163, 187-188, 202) and who are the "Shi'ite Abbasids" (p. 14)? The reader is also caught by surprise when Brandes alludes to a "wave of Shi'ism" that came like a flood over *Vorderasien* in the beginning of the tenth century (pp. 16, 263). The brief sketch of the rise of the Safavids (pp. 251ff.), Brandes's understanding of *siyāsah* (p. 131), the characterization of Tīmūr (pp. 193f.), or the account of the Assassins (pp. 89f.), all give evidence for the misinterpretation of basic facts within the history of Islam. In the fourteenth century "Moghuls" did not exist in India (p. 177), "within the Sunnite community" there were more than "originally four different *madhāhib*" (p. 100), and "former Islamic rulers" were not "possessed of a religious zeal to convert all unbelievers" (p. 163). The culmination of these distortions seems to be the following general description of the religious scholars during the Mamluk period which should better be left in the German original: "Die finstere Ulema kannte [*sic!*] in ihrem religiösen Starrsinn selten Erbarmen. Der Tod eines politischen Widersachers war für sie kein Mord, sondern lediglich ein notwendiges religiöses Opfer, ist doch Politik im fundamentalen Islam [*sic!*] seit jeher Mittel und Werkzeug der Religion und der Geistliche der von Allah Auserlesene, der über Leben und Tod zu entscheiden hat." (p. 217)

To make a long story short, there might be someone who buys this book, but anyone who would like to read something serious about the era of the Mamluks in Egypt should leave it on the shelf.



SHAUN MARMON, *Eunuchs and Sacred Boundaries in Islamic Society* (Oxford and New York: Oxford University Press, 1995). Pp. 162.

REVIEWED BY MICHAEL CHAMBERLAIN, University of Wisconsin, Madison.

In spite of their ubiquity in the sources, eunuchs have received surprisingly little attention from Islamicists. Apart from Pellat's "Khāṣī," in the *Encyclopaedia of Islam*, Ayalon's seminal articles on the subject, and a few recent studies of the endowments of particular eunuchs, the field has produced little to stack up against the historiography of eunuchism elsewhere. One has only to consult Orlando Patterson's *Slavery and Social Death* to note how Islamic as opposed to Chinese or Byzantine eunuchism has been neglected, all the more so since significant new research on Chinese and Byzantine eunuchs has appeared since Patterson's book was published. Islamicists, and Mamlukists especially, will welcome this intriguing and original study of the eunuch-guardians of the Prophet's tomb.

Since eunuchs were often to be found at liminal zones, between men and women in domestic life, between rulers and their subjects in citadels, and between the living and the dead in tombs, Marmon begins with an examination of the boundaries that eunuchs "both defined and crossed." The first chapter deals with eunuchs and boundary-mediation in medieval Cairo, a little disorienting perhaps in a book intended to deal with the Hijaz, but understandable given that the sources from Cairo are so rich in comparison. Using al-Ghuzūlī's imaginary topography of domestic space as a starting point, Marmon examines vestibules (*dihlīz* and *darkāh*) as transitional zones between the protected—and partly sacred—interior of the household and the outside world. Moving from domestic space to the citadel of Cairo, Marmon argues that eunuchs controlled access to the sultan in much the same manner as they marked the boundaries of domestic life. In both cases eunuchs protected the sacred inviolability (*ḥurmah*) of the interior (*ḥarīm*) from disruption (*fitnah*, sexual and political) and in both cases the line was not drawn between the political and the sexual or the domestic, but between the sanctuary and the exterior. After the deaths of powerful individuals, eunuchs could guard their tombs in much the same way as they guarded households. Underlying the domestic, the political, and the world of the dead, therefore, was a single way of conceiving of space. The most highly-charged boundaries were mediated by the presence of eunuchs, people who were ideally suited to both mark and cross them.

Chapter 2 attempts to find the origins of the society, to describe the endowments that supported it, to chart changes in its patronage, and to understand its organization, social networks, and leadership. Succeeding chapters deal in part with the activities of the society in the politics of the Hijaz. Marmon argues that Saladin supported



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the eunuch society less to suppress Shi'ism in the Hijaz than to demonstrate his reverence for the Prophet and the *sunnah*, a point that seems well-taken and confirmed by research into the "Sunni Revival" elsewhere. She also shows how eunuchs marked boundaries to separate Sunnis and Shi'is in *fitnahs*, the *ṣaff al-khuddām* (the "row of the eunuchs," between worshippers and the pulpit in the Prophet's mosque) making its first appearance to quiet one such *fitnah*. The physical boundary, here as in domestic and sultanal eunuchism in Cairo, was also a moral line, one that reduced the possibility of *fitnah*. Marmon also asks how eunuchs were viewed by others, and argues that they inspired reverence and dread even as jurists viewed the phenomenon of eunuchism with skepticism, and others saw eunuchs as somehow incomplete or childlike. Particularly striking (and worthy of comparison with Cairo) are the patronage activities of wealthy eunuchs: as patronage was a necessary attribute of any great man or woman, some eunuchs seem to have been esteemed in much the same light as a high-ranking amir or a sultan—as great men themselves. The final chapter, "The Longue Durée of the Eunuchs of the Prophet," seems tacked on and a bit out of place (it is based almost entirely on Western travelers' accounts, with a few minor exceptions); in any case the chapter will be of less interest to scholars of the Mamluk period.

The book is thus as much about social, cultural, and religious boundaries as it is about eunuchs. Many readers will hear an echo of Bernard Lewis's suggestion that the pre-modern Islamic world was a place of ins and outs rather than ups and downs: it is the interiority and exteriority of relatively equivalent entities, rather than hierarchies of specialized elements, that gave form to fields as distinct as domestic life, politics, and architecture. Less directly, one senses an unacknowledged debt to symbolic anthropology's insights into how people build boundaries in space in the same way as they make them in their heads, and into how anomalous beings and substances mediate such boundaries. But in a book such as this, intended to be neither theoretical nor programmatic, the absence of any explicit discussion of the approaches that helped Marmon disentangle this most complex subject is no defect.

A work of such originality will inevitably inspire more reservations and criticisms than one that follows better traveled paths. One possible reservation is that the work is too short to cover such a broad expanse of time and space. Although it has the length of an essay and the scope of what could have been a large book, this is more than made up for by its originality. The same reply could be made to the usual niggling concerns over terminology (the *muṣādarah* as "enforced extralegal taxation" seems especially anachronistic) and small errors (al-Maqrīzī's *Khīṭāṭ* should be *Khīṭaṭ*). A larger reservation is that many Mamlukists will want to know why so many of the sources that carry significant accounts of important eunuchs were not cited. Moreover, in a work that devotes so much



attention to eunuchs, power, and domestic life, it would have been useful to hear something about those eunuchs who maintained their own powerful households. Though Marmon mentions that the eunuch-guardians of the Prophet's tomb had their own household retinues (p. 55), it seems to this reviewer that more could have been made of this issue, especially since she was willing to bring Cairo into the discussion. Similarly, Marmon's discussion of the boundary-mediating roles of eunuchs in tombs is exciting and convincing, but the absence of any discussion of those eunuchs who built their own magnificent tombs leaves the reader with the feeling that more could have been said. The sources—both the usual chronicles and biographical dictionaries, together with the *waqfiyahs* that Petry and Garcin have studied—contain masses of information on these topics. But these are minor reservations, reflecting this reviewer's hunger for additional information more than anything else, and should not deflect attention from this fascinating and path-breaking work.

Egypt and Syria in the Fatimid, Ayyubid and Mamluk Eras. Edited by U. Vermeulen and D. De Smet (Leuven: Peeters, 1995). Pp. 371.

REVIEWED BY R. STEPHEN HUMPHREYS, University of California, Santa Barbara

This useful but loose-knit volume is made up of papers in English, French, and German presented at three international colloquia held at the Katholieke Universiteit Leuven (Louvain) between 1992 and 1994. The contents are quite evenly divided between the three dynasties, with nine on the Fatimids, six on the Ayyubids, and eight on the Mamluks. In spite of the title, there is very little here on Syria; Cairo continues to dominate scholarly discourse—perhaps to a degree which distorts the realities of medieval life.

Those who edit volumes of this kind have three principal tasks: to obtain contributions from outstanding scholars, to see that these papers are carefully prepared and well-presented, and to bring the papers together within some sort of unifying framework. In the present case, De Smet and Vermeulen have seen to the first two tasks quite successfully; the third they have not attempted. The papers are of variable weight and substance, but all have a contribution to make. Some are still very much oral presentations, others have been considerably revised for publication. The standard of production is high—a compliment to the publisher as well as the editors—with good paper, an attractive format (including real footnotes rather than endnotes!), and careful proofreading. The volume is a pleasure to read,



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something which is too often not the case in contemporary scholarly publishing. Beyond grouping the papers according to dynasty, however, the editors make no effort to link them together. There is no introduction (the usual device), and under each dynastic heading, they simply arrange the papers by the authors' names in alphabetical order. Nor is there an index or a consolidated bibliography. To this miscellany every reader will have to bring his own sense of coherence and unity.

Four scholars have contributed papers to the Fatimid section: two from Michael Brett, three each from D. De Smet and Heinz Halm, and one from Pieter Smoor. They cover a wide range of topics: military institutions, political biography, caliphal ceremonial, theology, legal prescriptions, poetry. Under such circumstances detailed commentary is out of the question, but a few points can be noted. In his two articles Brett throws much light on the military resources available to the twelfth century Fatimids, and thereby on their inability to take effective action against the Franks and then Nūr al-Dīn. His first paper does this by a deconstruction of the Arabic sources for the several battles of Ramlah between Crusaders and Fatimids in the crucial period of 1099-1105. His second looks at late Fatimid fiscal practices and shows how these were carried over into the distinctive *iqṭā'* regime of Mamluk Egypt.

In his three articles, De Smet examines aspects of Fatimid doctrine. The first interprets (quite persuasively) al-Ḥākim's apparently arbitrary decrees on food and drink by showing that they represent an extremely rigorous application of Ismā'īlī *fiqh* or *ḥikmah*; as such they are the product not of madness but of hyperzealousness. The second examines the conflict between Sunni and Ismā'īlī doctrine on determining the dates of the Ramaḍān fast. The third is an analysis of al-Shīrāzī's brilliant defense of revealed religion against the attacks of that mysterious arch-heretic Ibn al-Rāwandī. In all three papers De Smet demonstrates both a detailed knowledge of Fatimid theological and legal texts and a gift for subtle analysis.

Heinz Halm devotes one paper to examining the locales where Ismā'īlī *ḥikmah* and *fiqh* were studied; al-Azhar, he points out, was a mosque, never a center for training *dā'īs*. His second and third papers examine Fatimid ceremonial and royal symbolism. Especially interesting is his argument that the *shamsah* was not a parasol (as it is usually taken to be) but a crown suspended on a chain from a baldachin or arch. This symbol had its origins in Sasanian Iran, but it spread all over the medieval Mediterranean world and even into Germany. Finally, Pieter Smoor analyzes the imagery of Fatimid court poetry; in view of the opacity of much of this verse, his extensive citations and analyses are very welcome. As poetry, I am sorry to say, it is mostly very poor stuff.

The Ayyubids receive rather less attention than the two dynasties flanking them. They still tend to be the step-children of Syro-Egyptian history. Of the six



articles in this section, in fact, the most substantial is Angelika Hartmann's study on the Abbasid caliph al-Nāṣir li-Dīn Allāh ("Wollte der Kalif sufi werden?"). The two appreciations of Saladin and al-Qāḍī al-Fāḍil by D. E. P. Jackson are thoughtful and pleasant to read, but rather light-weight. On the other hand, the pieces by A. Louca on the fiscal clerk Ibn Mammātī and by J. N. Mattock on a panegyric ode to al-Šāliḥ Ayyūb by the poet Baḥā' al-Dīn Zuhayr are more closely focused. Anne-Marie Edde examines three much-discussed Ayyubid military terms—*ḥalqah*, *jamdār*, and *ustādh al-dār*. The meanings of the latter two words are convincingly worked out. To the problem of the Ayyubid *ḥalqah*, she brings both new texts and a clear head; her discussion is a real step forward in decoding this vexing term, though important questions remain.

The eight papers on the Mamluks come from five authors. The longest are a pair by Doris Behrens-Abouseif, who focuses on the architecture of Cairo—obviously one of the most important and permanent achievements of Mamluk rule. Her first paper compares the patronage of al-Nāṣir Muḥammad and al-Ashraf Qāytbāy; the goal of these two sultans was not merely to leave a large body of monuments to perpetuate their names, but also, and more importantly, to build up or conserve the urban fabric of the capital. Though she does not make the comparison, the ambitious designs of al-Nāṣir Muḥammad recall those of his distant successor, the Khedive Ismā'īl. Her second paper looks at Norman Sicily as a possible source for some of the distinctive features of Cairene Mamluk architecture; she argues her case cautiously, but it is interesting and suggestive.

P. M. Holt continues his valuable studies on early Mamluk diplomacy with a meticulous analysis of Qalāwūn's abrogation of his treaty with the Latin Kingdom of Jerusalem just before his death in 1290. His other paper examines the complex web of family relationships in which al-Nāṣir Muḥammad was embedded. Al-Nāṣir's many marriage alliances with the military aristocracies of the Golden Horde and the Il-Khans—and his own mother was in fact the daughter of a Mongol commander—demonstrate that the ties between Mongols and Mamluks were far more intimate than we have recently been led to believe. Likewise intriguing is the failure of al-Nāṣir's complex marriage diplomacy to establish a secure succession to the throne for any of his numerous sons.

The other papers can be treated more concisely. Frederic Bauden reconstructs the very complex family tree of a learned family of Mecca—an enormous amount of labor, which yields results interesting in their own right, but also needing to be placed within a broader study of Mamluk-era '*ulamā*' "dynasties." Jean Michot takes a new look at Ibn Taymīyah, to see what light he can throw on some of the key political controversies of his time. Particularly revealing is Ibn Taymīyah's scathing (and probably ill-informed) denunciation of the Il-Khanid vizier Rashīd al-Dīn Faḍl Allāh, whom he encountered during Ghāzān's occupation of Damascus



in 1299-1300. The volume closes with two brief papers by Urbain Vermeulen, one on Mamluk royal insignia, the other on a letter by the shadow-caliph al-Mustakfi to the Yemen in 1307.

In spite of the disparate contents of this collection, many of the papers should be read together. For example, it is very useful to compare Brett's source analysis of the battles of Ramlah with Holt's dissection of the texts describing the reasons for Qalāwūn's treaty abrogation two centuries later. Likewise, Smoor's survey of the Fatimid court poets fits neatly with Jackson's discussion of al-Qāḍī al-Fāḍil and Mattock's of Baḥā' al-Dīn Zuhayr. The family networks explored by Bauden and Holt throw a bright light on the radically contrasting social and political worlds inhabited by the learned and military aristocracies of the Mamluk era. Other readers will find equally useful groupings of their own. In brief, De Smet and Vermeulen have given us a useful volume which accurately reflects the current state of research on Fatimid, Ayyubid, and Mamluk Egypt. With some additional effort, they could have provided a much better integrated view of the field.



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Short Notices

ŞUBHÎ ‘ABD AL-MUN‘IM, *al-Sharq al-Islāmī Zaman al-Mamālīk wa-al-‘Uthmānīyīn* (Cairo: al-‘Arabī lil-Nashr wa-al-Tawzī‘, 1995). Pp. 258.

This book is a superficial survey of events in the Middle East from the mid-thirteenth century to the early years of the twentieth. Focusing primarily on the history of Mamluk and Ottoman Syro-Egypt, the author also reviews such collateral issues as the rise of Safavid Iran and the expansion of the Ottoman Empire into the Hijaz, Yemen, and Iraq in the sixteenth and seventeenth centuries, as well as the late eighteenth century French invasion of the Levant. The early sections on Mamluk history, which make up nearly half the book, are organized briefly around events occurring in the reigns of some of its most famous rulers from Shajar al-Durr through Qānşūḥ al-Ghawrī. Copious but short notes at chapter endings. (W. W. C.)

NAJM AL-DĪN IBRĀHĪM IBN ‘ALĪ AL-ṬARSŪSĪ, *Tuḥfat al-Turk fīmā Yajibū an Yu‘mālā fī al-Mulk*, edited by Riḍwān al-Sayyid (Beirut: Dār al-Ṭalī‘ah lil-Ṭibā‘ah wa-al-Nashr, 1992). Pp. 110.

This example of *Fürstenspiegel* was composed for the benefit of the Mamluk Sultan al-Malik al-Nāṣir Ḥasan (fl. 748-762) by the author, Najm al-Dīn al-Ṭarsūsī (d. 758). Al-Ṭarsūsī was the outspoken Ḥanafī *qāḍī al-quḍāh* of Damascus, who succeeded his father to that position in 746. Preceded by a long and useful historical introduction, the text is divided into twelve short chapters commemorating his *tarājim* as a Ḥanafī *qāḍī al-quḍāh* concerning the proper operation of the then century-old Mamluk state. Al-Ṭarsūsī’s *fuṣūl* contain a variety of stock admonitions calling for the investigation of such things as the functioning of government *dawāwīn*, conditions among local peasants, maintenance of local infrastructure (dikes, fortifications, ports), as well as related fiscal issues (*awqāf*, confiscations, disbursements from the *bayt al-māl*). While the author’s ambition to review the condition of “everything pertaining to the interests of Muslims” falls short, reading between the lines of al-Ṭarsūsī’s text may be helpful in developing a fuller appreciation of the problems facing Mamluk society in the critical decades following al-Nāṣir Muḥammad’s passing. The notes and bibliography are useful. (W. W. C.)



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ANWAR ZAQLAMAH, *al-Mamālīk fī Miṣr*, Ṣafaḥāt min Tārīkh Miṣr, no. 24 (Cairo: Maktabat Madbūlī, 1995). Pp. 192.

This reprinted volume undertakes in twenty-one short chapters to characterize briefly the external relations of Mamluk Egypt with various states, both Muslim and Christian, some well-known (Mongol, Armenian, Ottoman, Venetian, French), some not (Nubian, Cypriot, Portuguese). The book's chronological scope ranges from the end of the Ayyubid period in the mid-thirteenth century to the end of the French occupation in the early nineteenth century. The notes are short, and the book is without a bibliography. (W. W. C.)

AL-SAYYID 'ABD AL-'AZĪZ SĀLIM and SAḤAR AL-SAYYID 'ABD AL-'AZĪZ SĀLIM, *Dirāsah fī Tārīkh al-Ayyūbīyīn wa-al-Mamālīk* (Alexandria: Mu'assasat Shabāb al-Jāmi'ah, 1997). Pp. 321.

This is primarily a history of the Levantine maritime frontier from the thirteenth through fourteenth centuries and, in particular, the events leading to the infamous Cypriot sack of Alexandria in 1369. Beginning with Saladin's seizing power in Egypt (1169), much of the book in fact covers the Ayyubid period. Those limited number of pages concerning Mamluk history are devoted largely to a review of earlier Cypriot maritime raids in the Baḥrī period as well as the state of Mamluk Alexandria before 1369. Appended also are brief histories of several prominent constructions of the Mamluk period located principally in the maritime cities of Tripoli and Alexandria. (W. W. C.)



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