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NEW SOURCES FOR THE HISTORY OF THE DAKHLA OASIS IN THE OTTOMAN PERIOD

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In 2003 workers restoring an eighteenth century mud-brick house in the town of al-Qasr in the Dakhla Oasis, discovered pieces of paper in the rubble of an adjacent house that had collapsed. Apart from scraps and small fragments of documents, the finds included many complete or nearly complete legible documents. The restoration of the mud brick house was carried out by the Qasr Dakhleh Project (QDP) under the aegis of the Dakhleh Oasis Project (DOP), a mainly but not exclusively archaeological international project dealing with the history of the Dakhla Oasis from prehistoric times to the present.¹ During the subsequent campaigns of 2004, 2005 and 2007 more written pieces of paper were found in the remains of the ruined house, which, according to local informants, was known as *Bayt al-Qurashi* and had been abandoned before 1940, probably due to its sudden collapse. This information tallies with the fact that the most recent document in the collection dates from 1937. The finds include religious texts, personal letters, magical texts, amulets and about 200 undamaged or nearly undamaged legal and financial documents written in the period between 1579 (987 H.) and 1937. A preliminary examination showed that they are the remains of a family archive of a branch of the local Qurashi family. All pieces of paper have been rehydrated, put between glass plates for conservation and numbered, and are now stored in Mut, in the storerooms of the Egyptian Antiquities Organization, Inspectorate of Dakhla. Dr. Fred Leemhuis, who is in charge of the Qasr Dakhleh Project,

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¹ For information on and the annual reports of the DOP and QDP, see <http://arts.monash.edu.au/archaeology/excavations/dakhleh/index.php>

asked me to examine and eventually publish the legal and financial material. He himself will edit the personal letters and the religious texts and Dr. Alexander Fodor will study the magical texts and amulets. The purpose of this paper is to give a global description of the legal and financial documents and an impression of their value as sources for historical research by presenting an analysis of two related documents.

The town of al-Qasr is situated in the middle of the Western Desert, about 800 km south east of Cairo and 350 km west. of Luxor, halfway between the Nile and the present-day Libyan border. It goes back to Roman times as evidenced by the remains of a Roman wall that were recently discovered and dated. Having been the main town of the Dakhla Oasis for centuries, its function as an administrative centre have now been taken over by the town of Mut. According to the 1848 (1264 H.) and 1867 (1284 H.) censuses, the number of its inhabitants was around 3,500, most of them engaged in agriculture, made possible by the abundance of springs and wells in its vicinity. In the arid desert environment, these wells were economically just as important as land. They were owned collectively, often by tens of persons and there existed complicated legal arrangements for sharing their water for the irrigation of the orchards and fields. A substantial part of the documents deal with titles to the use of water from these wells.

Little is known about the history of al-Qasr. There are rumours that there exists a privately held manuscript chronicle of the town but as yet it has discovered. The holdings of the Egyptian state archives (Dar al-Watha'iq al-Qawmiyya) contain documents relative to al-Qasr in the shari'a court *sijills* concerning the Dakhla Oasis, but these do not go back further than 1849.² In addition the censuses of 1848 and 1867 give detailed information about its

² The series with the oldest documents is Mudriyyat Asyut / al-Wahat al-Dakhila / Sijill al-ishhadat, 26 registers from 1265 till 1307 H. With regard to the neighbouring Kharga Oasis, the DWQ holdings include the remains of a family archive, a collection of about one hundred microfilmed documents, dating from the 9th to the 13th centuries H. and related to the Ansari family, a family of local sheikhs. DWQ, Watha'iq al-Wahat, Huja # 392, Film # 9. The collection has been catalogued and partly edited by Salwa 'Ali Milad. See Salwa 'Ali Milad, *Watha'iq Al-Wahat Al-Misriyya. Dirasa wa-Nashr wa-Tahqiq*, Cairo, 2003.

inhabitants and their occupations.³ 'Ali Mubarak devotes only a few lines to al-Qasr in his *al-Khitat al-Tawfiqiyya*.⁴ A little bit more may culled from the travelogues nineteenth-century Western travellers, but in general the available sources do not yield very much. In view of this dearth of information, the present collection is valuable, especially for the social and economic history of the town.

I have summarily catalogued all complete or nearly complete legal and financial documents found so far, in total 207 pieces. These documents consist mainly of contracts, often notarized in court, of receipts of payment of taxes, IOUs, appointment of attorneys and notes or lists regarding debts or expenses. In addition I have found a few *waqfiyyas*, judicial sentences and fatwas. A substantial part of the documents are related to agricultural activities: lease or sale of land or of water rights, sharecropping or the payment of taxes on land or springs and wells. (See Table Two) In addition there are some documents regarding the maintenance of a springs and lists made by individual farmers recording those from whom they leased water rights. I have found no documents indicating that the family were engaged in cattle breeding, trade or artisanal production.

The oldest document of the collection is a *waqfiyya* with a length of more than one meter and dated 987 H. Unfortunately the first lines are missing. The most recent document is a tax receipt from 1937. The following table shows the distribution of the documents over the Hijri centuries:

10 th century	2	(1%)
11 th century	28	(13%)
12 th century	44	(21%)
13 th century	78	(38%)
14 th century	24	(12%)
Undated or not datable	31	(15%)

Table One: Chronological distribution of the legal and financial documents

³ DWQ, Sijill 4959 (*qadim*), Rabi' I 1264, Ti'dad al-nufus bi-mudiririyat Asyut, Nawahi al-Wahat al-Dakhila; DWQ, Sijill ٥٤٨٦ (*qadim*), Ramadan, 1284, Ti'dad al-nufus fi nahiyat al-Qasr b-l-Wahat al-Dakhila.

⁴ 'Ali Mubarak, *Al-Khitat al-tawfiqiyya al-jadida li-Misr al-qahira*. 16 parts in 4 vols. Cairo, 1306 H., xvii, pp. 30-1.

Al-Qasr had its own court of law. Forty three documents in the collection were issued and sealed by this court and seven more by Cairo courts. The inhabitants of al-Qasr followed the Shafi'ite school of jurisprudence and nearly all of the deeds registered in court of al-Qasr bear the name and the seal of Shafi'ite *qadis* from local families. Nearly all of these deeds record contracts and depositions and only three are sentences ending litigation. From the titles the local *qadis* used to refer to themselves it is clear that they regarded themselves as belonging to the Ottoman-Egyptian judiciary: they call themselves deputies (*na'ib*, *khalifa*) of the (Ottoman) *qadi* of the Western Oases (*qadi al-Wahat*, or *al-nazir fi al-ahkam al-shar'iyya fi kamil aqalim al-Wahat*).⁵ This is consistent with the legal practice in Ottoman Egypt before the nineteenth century. The Hanafites *qadis* in Egypt would have deputies belonging to the other schools, adjudicating disputes and registering documents according to their own school but under the supervision of the Hanafite *qadi*. At least three documents were issued by *qadis* from other madhhabs. I found a sentence in a lawsuit about water rights, pronounced in 1055 by a Hanafi *qadi* in al-Qasr, calling himself the *khalifa* of the *qadi* of the Oases⁶ and a deed of appointment of a guardian over a deaf-mute person, issued in 1090 by the court of al-Qasr but with the Hanafi *qadi* of the Oases (*al-qadi bi-l-wahat*) presiding.⁷ The third one contains a sentence dated 1116 pronouncing a divorce for unjustified absence of the husband issued by a Maliki *qadi* with the express authorization of the local Shafi'ite *qadi*. The reason for calling in the Maliki *qadi* is that Shafi'ite law does not recognize unjustified absence of the husband as a ground for divorce.

As said before, only a part of the documents are contracts and sentences notarized by *qadis*. The following table gives an impression of the types of documents.

⁵ The *qadi* of the Oases (Alwah) belonged to the first (lowest) rank of the six ranks of the Egyptian Ottoman judicial hierarchy. Galal H. El-Nahal, *The Judicial Administration of Ottoman Egypt in the Seventeenth Century*, Minneapolis 1979, Appendix B.

⁶ D.05.002

⁷ D.05.024

Transactions regarding land, water and buildings:	62 (32%)
Sale of land, buildings or trees	22
Sale of water rights	17
Sale of both land and water rights	5
Lease of land and/or buildings	14
Sharecropping (<i>ja`ala</i>)	8
Other transactions:	33 (15%)
Acknowledgement of debts	12
Appointment of agents	4
Financial arrangements (<i>tasaduq</i>)	6
Related to family matters (marriage, succession, waqfs, guardianship)	11
Receipts:	42 (20%)
For taxes	23
Other	19
Accounts and lists:	37 (18%)
Accounts	26
Lists (creditors, expenses)	11
Miscellaneous	29 (14%)
Total number of legal and financial documents:	207

Table Two: Categories of documents

The significance of these documents is great. In the first place this is due to their coherence. They form the, admittedly incomplete, remains of a family archive, which allows us to pursue the social and economic history of one family over more than three centuries. Although in the state archives similar

documents are kept, they are catalogued in such a way that, unless they are completely digitalized and searchable, research on one particular family would be difficult to carry out. The Qurashi family seem to have belonged to the notables of the town: Among them there were several local judges and administrative sheikhs. Unfortunately no documents were found related to their public offices. That this family was involved in agriculture adds to the significance of the collection, since documents written by agriculturalists are scarce. But there is another point that makes this collection extremely interesting: it includes types of documents such as personal letters, receipts, IOUs, contracts of minor importance, lists of debtors and financial accounts, documents that are usually not found in state or public archives. These documents, not written by official scribes, allow us to study the culture of writing in a remote desert town like al-Qasr. A third point of interest is that the collection is an important source for the legal history as it informs us on the application of the shari'a and the prevailing legal culture.⁸

The documents can be used as sources for studying various aspects of al-Qasr's history. They shed light on the social and economic history of the Qurashi family, one of the prominent families of the town, on landholding practices, social and economic and gender relations, and on the relationship between al-Qasr and the rest of Egypt, and especially Cairo. Moreover, by comparing different documents and analyzing the data, biographical details can be collected. In the following I will analyse two documents in order to illustrate the potential of the collection. They drew my attention because they contain contracts in the field of family law, a type of document that is rare in the collection, but my curiosity was roused by the fact that they were issued by Cairo courts and record contracts that were concluded in Cairo, whereas the few other documents issued by Cairo courts contain sales and leases of land and water rights in al-Qasr.

I will have a closer look at the following texts:

⁸ See e.g. on shareholding practices in al-Qasr: R. Peters, "Sharecropping in the Dakhla Oasis: Sharia and customary law in Ottoman Egypt," in: *The Law Applied: Contextualizing the Islamic Shari'a: A Volume in Honor of Frank E. Vogel*. (ed. P. Bearman a.o), London 2008.

A document issued by the Hanafi deputy *qadi* of the court of Qanatir al-Siba⁹ recording a marriage concluded on 19 Rajab 1111 (10 January 1700) between a certain Salih b. Husayn b. Muhammad b. Majid al-Qurashi al-Wahi al-Qasri and a white (*bayda*) woman called 'Ayisha Khatun bt. 'Abd Allah, the manumitted slave (*ma`tuqa*) of the late Hasan Agha. The bride is represented by a certain Hasan b. Makki al-Jawish in the corps of retired soldiers (*silk al-mutaqa`id*).¹⁰ The stipulated bride price was fifteen piasters (450 *nisf fidda*), of which ten piasters were paid immediately. In addition Salih promised to pay the rent of the apartment in the Suwayqat al-Lala neighbourhood¹¹ where she lived and to support her minor daughter Fatima. In exchange, she allowed him to live with her..

A document¹² issued by the Maliki deputy *qadi* of the court of Qusun recording an agreement (*tasaduq*) dated 17 Muharram 1116 (21 May 1704) in which a certain Mustafa b. Murtada Agha, formerly of the Mutafrriqa regiment,¹³ acting as an attorney for both *al-Sharifa* Fatima bt. al-Sayyid Ahmad, the widow of his uncle Sulayman, and for 'Ayisha b. 'Abd Allah,¹⁴ the manumitted slave of his uncle and wife of Salih b. Husayn, declares that Fatima will pay for the sustenance of 'Ayisha and her daughter Ruqayya whenever Salih leaves Cairo. This is done as a gift and Fatima nor 'Ayisha will have the right to recover from Salih the amounts paid to him. The latter, present in court, accepts this arrangement.

⁹ D.04.205. See Appendix One for the edited text

¹⁰ The *silk* or *jama`at al-mutaqa`idin* consisted of retired soldiers, supported by the Porte. See Shaw, Stanford. *The Financial and Administrative Organization and Development of Ottoman Egypt (1517-1798)*, Princeton 1962, pp. 189, 201.

¹¹ On al-Lala Market (Suwayqat al-Lala), see Mubarak, *Khitat*, vol. iii, 93-96

¹² D.04.270. See Appendix Two for the edited text.

¹³ By the end of the seventeenth century, the Mutafrriqa regiments was the richest and the most powerful of the Egyptian army corps. Among its duties was the garrisoning of provincial fortresses. It was the main military base of support for the governors (*vali's*). Shaw. *The Financial and Administrative Organization*, pp. 193-4

¹⁴ Although the name of former owner of 'Ayisha is different in the two documents (Hasan Agha or Sulayman Agha) I assume that 'Ayisha bt. 'Abdallah refers to the same woman.

The person linking these documents with al-Nasr is Salih b. Husayn al-Qurashi, a party to both contracts. He appears in at least fifteen other documents in our collection, all issued by the court of al-Qasr between 1113 and 1143. Most of them are related to transactions regarding water rights, landed property and buildings.¹⁵ From these documents it is clear that he lived in a house on the Shari` al-Qudat in al-Qasr<sup>16</sup>, most probably the house in whose ruins the documents were found. He died in 1143 (1730), leaving a wife called `Ayisha Mustafa Majid al-Qurashi (a first or second cousin) and three children: Ruqayya, Fatima and Muhammad.¹⁷ From an undateable document about the payment of the deferred bride price it is clear that he had married before in al-Qasr and that this marriage had ended in a divorce. His first wife, Sayyidat al-Banat bt. Abu al-`Izz al-`Imadi, belonged to another family of notables in al-Qasr.¹⁸ It is likely that he divorced her because she did not bear him any offspring: among the three children mentioned in the inventory of his estate there are none borne by this wife. We do not know what Salih's business was in Cairo. What we do know is that his brother had lived there too or was, perhaps, still living there when Salih married. In at least three document issued by Cairo courts in 1101 and 1106, he appears as a party. Curiously, the contracts registered in Cairo deal with land and water in al-Qasr and the other parties and some of the witnesses are from al-Qasr.¹⁹ This suggests that there was a small and probably fluid community of Qasrians in Cairo. It is plausible that Salih intended to

¹⁵ D.05.006 (1113, purchase of water rights); D.05.041r (Purchase of land and water rights, 1116); D.04.273 (sale of land, 1117); D.04.290r (lease of land, 1119); D.04.236 (lease of a storehouse in al-Qasr, 1119); D.05.078 (sale of water rights, 1119); D.05.080 (purchase of water rights, 1122); D.04.290v (lease of land, 1122); D.04.281r (purchase of water rights, 1123); D.05.003 (sentence about water rights, 1125); D.04.289v (purchase of water rights, 1129); D.04.289r (purchase of water rights, 1129); D.05.081 (lease of land, 1131); D.05.014, (the inventory of his estate, 1143).

¹⁶ D.04.236, dd. 1119, lease by Salih of part of a storehouse in al-Qasr adjacent to Salih's house.

¹⁷ D.05.014, the probate inventory of his estate.

¹⁸ D.04.289 recto-1 (or D.04.238); last line with dating missing, but judging by the name of the *qadi*, must have been issued between 1110 and 1130.

¹⁹ D.05.004r (sale of land, 1101); D. 05.012r (sale of land and water rights, 1106); D.05.012v (*isqat* of water rights, 1106).

stay for some time in Cairo, interrupted by visits to his hometown, as shown by a document issued in 1113 by the court of al-Qasr in which he is mentioned as the purchaser of water rights.

The other leading character in the two documents is `Ayisha bt. `Abd Allah. `Ayisha's background is clear from the two documents. She was a white woman, who had been brought as a slave to Egypt. As her patronymic (*nasab*) "bint `Abd Allah" indicates, she was a convert to Islam. She must have been an imported slave, probably of Circassian origin. In the first document she has the honorific *khatun*, which would mean that she originally belonged to a family of a certain standing, in this case military rank. Her former owner was a soldier (regardless of whether he is called Hasan Agha or Sulayman Agha), her proxies in the two contracts are retired soldiers: Hasan b. Makki, *al-jawish* in the corps of retired soldiers (*silk al-mutaqa `id*) and Mustafa b. Murtada (a nephew of her former owner), one-time officer (*agha*) in the corps of the Mutafarriqa. Another indication of the standing of the family of her former owner is that his wife bears the title of *sharifa*. That they were rich is clear from the fact that they could afford a white slave woman. That the second document was issued by the court of Qusun could also be a sign of wealth, since Qusun quarter was a rich residential neighbourhood whereas people would do their business in courts close to their homes or businesses.

Salih probably came into contact with her via a marriage broker. The bride price Salih paid, fifteen piasters (450 *nisf fidda*), ten of which paid immediately as the prompt bride ice, contrasts starkly with the bride price of 4.000 *nisf fidda* he paid to his first wife in al-Qasr. The difference is certainly due to the fact that `Ayisha was not a virgin anymore: She had a infant daughter, Fatima, to take care of, most probably a child of her former master Sulayman Agha. Before his death he must have manumitted `Ayisha, or recognized Fatima as his child, thus making `Ayisha an *umm walad*, who would be free upon her master's death. She cannot have been totally destitute: The *Suwayqat al-Lala* neighbourhood (*khatt*), where she lived, is located in the Hanafi quarter, a middle class area at the southwest end of the city, close

to the Sayyida Zaynab Mosque on the other bank of the Khalij Canal.²⁰ When she died sometime before 1143, her daughter inherited 5.000 *nisf fidda* from her.²¹ Assuming that apart from her two daughters, she had no children, her fortune must have been 15.000 *nisf fidda*.²² Finally, the fact that in the marriage contract she waived her right to demand that Salih pay the rent of her apartment, can be construed as an indication that she did have some means.

The documents give rise to two questions. The first one is what were Salih's and 'Ayisha's motives in marrying one another and the second is why would the wife of 'Ayisha's former owner take it upon her to pay for her food whenever Salih was absent. The first question is not too difficult to answer, although there remain white spots in the overall picture. As we have seen, Salih wanted to stay in Cairo for some time. His marriage with 'Ayisha must have been a convenient arrangement for him, providing him, whenever he was in Cairo, with a home for free and a wife to take care of his practical needs. Maybe there was also another motive: 'Ayisha might bring him into contact with members of the military elite. Some other men of the Qurashi family used the titles *shurbaji* and *odabashi*, which suggests that they were somehow connected with one of the Egyptian Ottoman military corps (*ojaq*) and probably received revenues from them. Perhaps Salih also wanted to be incorporated in such a corps.

He was willing to pay the bride price of ten piasters and to support not only his wife but also his stepdaughter.²³ As to 'Ayisha, it would seem that her

motives were also practical. My guess is that after her master's decease and upon becoming a free person, she and her daughter Fatima had to leave the household where she used to live. Was it because of the widow's jealousy? In order to gain respectability she needed a husband, but at the same time she wanted a certain independence. That must have been the reason for including the clause that Salih was allowed to live in her home and did not have to pay rent. Such a stipulation suggests that the wife controls the conjugal home and that the husband's authority is restricted.²⁴ A match with Salih was not a bad opportunity. Although he was a peasant hailing from a remote place in the desert, with a culture very different from the Turkish Circassian military one in which she had been brought up, and probably speaking a heavy regional dialect, he was also a man of some means. We do not know how long the marriage lasted, although it is clear from the dates of the documents in which his name appears (see note 15) that after 1116 he lived permanently or most of the time in al-Qasr. 'Ayisha bore him a daughter, Ruqayya, who eventually followed her father to al-Qasr, where we meet her in two documents: the inventory of her father's estate (1143) and an agreement with her brother Muhammad after a financial dispute (1162).²⁵ These documents make no mention of a husband and she must have remained unmarried.

The transaction mentioned in the second document poses more problems of interpretation. Its wording is clear but we are left in the dark as to the motives of the parties concerned. Why should the widow of 'Ayisha's former master suddenly be so generous as to offer financial support to her and her daughter Ruqayya whenever Salih would leave Cairo? In the absence of more documentary evidence, my explanation is speculative but plausible. I think a clue is the absence of any reference to 'Ayisha's daughter Fatima in the second document. In the marriage contract Salih takes the responsibility for the child's maintenance. In the second text only the younger daughter Ruqayya is mentioned and not Fatima. In the marriage document (dated 19

²⁰ André Raymond, *Le Caire*, Paris, 1993, pp. 219, 263. The marriage was registered at the court of Qanatir al-Siba' which is located very close to where 'Ayisha was living.

²¹ The probate inventory of Salih's estate (D.05.014) lists a debt of 5.000 *nisf fidda* to Ruqayya for money inherited from her mother.

²² According to the rules of the shari'a, two daughters inherit two thirds together as Koranic heirs, whereas, in the case of 'Ayisha, the remainder of the state would go to the agnatic heirs of her former master.

²³ Such a clause seems to have been common when women with children from a previous husband or master remarried. A.-R. Abdel-Rehim, "The Family and Gender Laws in Egypt During the Ottoman Period." In *Women, the Family, and Divorce Laws in Islamic History*, (ed. A. E. Sonbol) Syracuse 1996, p. 100.

²⁴ See Hanna, Nelly. "Marriage among Merchant Families in Seventeenth-Century Cairo." In *Women, the Family, and Divorce Laws in Islamic History*, pp. 147-8.

²⁵ D.05.005

Rajab 1111 / 10 January 1700) the latter is described as having been weaned (*fatima*), i.e. two or three years old. At the time of the second document (dated 17 Muharram 1116 / 21 May 1704) her age must have been six or seven. Assuming that she had not died, which is of course possibility in societies with a high child mortality, my explanation for the fact that the second document is silent on her is that her father's family had claimed her and that, in order to placate the mother, the father's widow offered some financial compensation. Since the documents show that Salih stayed more and more in al-Qasr, the support must have been most welcome.

The reading and understanding of these documents is not easy. Familiarity with the cultural contexts is indispensable to give social and cultural meaning to these purely legal transactions, recorded in a terse and formulaic style. However, by combining data from different documents with historical background information one can bring these documents to life, as I have tried to show using these two contracts as examples. After editing all available documents, we will try to use them to deepen our knowledge of the history of al-Qasr and the Dakhla oasis.

Appendix One

Paper, 26,3 by 14,4 cm.

Writing clearly legible.

Orthography: *Hamza's* omitted; dots sometimes omitted, but two dots consistently placed underneath the *alif maqsura*

Marriage contract, dated 19 Rajab 1111

١. الامر كما ذكر فيه نمقه الفقير اليه سبحانه
٢. مصطفى المولى خلافة بمحكمة قناطر السباع
٣. غفر له
٤. (ختم)
٥. بالمحكمة الشرعية المطهرة المرضية بقناطر السباع بمصر المحروسة بين يدي متوليها سيدنا ومولانا
٦. فخر قضاة الاسلام الحاكم الشرعي الحنفي الموقع خطه الكريم اعلاه
٧. اصدق فخر امثاله الاجل المكرم الزيني صالح بن حسين الواحي
٨. القرشي مخطوبته المصونة عايشة خاتون بنت عبد الله البيضاء معتوقة
٩. المرحوم حسن اغا على الكتاب والسنة الشريفة المحمدية صداقا
١٠. قدره من القروش الفضة التي عبرة كل قرش منها ثلاثون نصفاً فضه
١١. خمسة عشر قرشا الحال لها عليه من ذلك عشرة قروش مقبوضة
١٢. منه لها بمنالاة وكيلها فخر اقارنه الزيني حسن بن مكى
١٣. الجاويش بسلك المتقاعد الثابت توكيله عنها في ذلك وفيما يذكر فيه
١٤. لدى مولانا الحاكم المشار اليه بشهادة الحاج عودة بن سفيان
١٥. الصيرفي والاستى علي بن عبد الحافظ الخياط ثبوتا شرعيا
١٦. قبضا شرعيا بتمام ذلك وكما له بالمجلس والباقي بعد الحال
١٧. المرقوم وقدره خمسة قروش تحل لها عليه بموت او فراق زوجها
١٨. له بذلك وكيلها المشار اليه بما له من التوكيل المزوج عنها باحابه
١٩. تزويجا شرعيا وقبله الزوج المرقوم منه لنفسه على ذلك قبولا شرعيا
٢٠. والله سبحانه مع المتقين ورحمته قريبا من المحسنين ثم اباح الوكيل
٢١. بما له من التوكيل عن موكلته المذكورة^{٢٦} للزوج المرقوم السكنى بمحل
٢٢. سكنها الكاين بخط سويقة اللالا انه ما دام ساكنا بها فيه لا تطلبه^{٢٧} (٩)
٢٣. باجرة نظير ذلك اباحة شرعية مقبولة وتصادقا على ذلك ورضي
٢٤. الزوج المذكور بابنتها فاطمة الفطيمة بانها تاكل من اكله وتشرب

^{٢٦} المذكور

^{٢٧} The writing is unclear and looks more like تطبه. However, my reading is based on the fact that according to Abdel-Rahim stipulations that the husband would not pay rent were sometimes included in marriage contracts. Abdel-Rahim, "Family and gender laws," p. 100.

٢٥. من شربه وتقام في فراشه التصديق الشرعي وثبت الاشهاد بذلك
٢٦. لدى سيدنا الحاكم المشار اليه بشهادة شهوده ثبوتا شرعيا وحكم بموجب ذلك حكما
٢٧. شرعيا مسيو لا في ذلك وبه شهد وحرر في تاسع عشر شهر رجب سنة احد عشر ومائة والف

[٤ شهود]

Appendix Two

Paper, 14 by 15.5 cm.

Upper part with the authentication of the *qadi* and a small part of his seal missing.

Writing clearly readable.

Orthography: *Hamza's* omitted; dots sometimes omitted, but two dots consistently placed underneath the *alif maqsura*.

Agreement about the payment of maintenance of a woman and her child by a third party whenever her husband leaves Cairo, dated 17 Muharram 1116

١. [الامر كما ذكر فيه نمقه الفقير اليه سبحانه]
٢. [...] المالكى المولى بمحكمة قوصون خلافة]
٣. [غفر له]
٤. (ختم)
٥. بمحكمة قوصون بمصر المحروسة لدى متوليها سيدنا ومولانا الحاكم الشرعي المالكى الموقع خطه الكريم اعلاه
٦. اشهد علي فخر الاقران الزيني مصطفى بن المرحوم مرتضى اغا من المتفرقة كان بوكالته الشرعية عن
٧. زوجة عمه المرحوم سليمان اغا هي الشريفة فاطمة بنت السيد احمد وعن معتوقة عمه المذكور هي الحرمة عايشة
٨. بنت عبد الله زوجة المحترم صالح بن حسين مجيد القرشي الواحي القصري الحاضر بالمجلس الثابت معرفتهما
٩. وتوكيله عنهما في ذلك وفيما يذكر فيه لدى مولانا الحاكم المشار اليه بشهادة الاستا (9...) ابن
١٠. محمد والاستا حسن بن المحترم عبد الله الحايك كل منهما بخط سويقة السباعين^{٢٨} ثبوتا شرعيا بشهودة الاشهاد
١١. الشرعي ان الشريفة فاطمة المذكورة التزمت في ذمتها ومالها ان متى سافر المحترم صالح زوج عايشة المذكورة
١٢. من مصر وضواحيها فيكون عليها القيام بمونة عايشة المذكورة وبنيتها رقية من اكل وشرب الى

²⁸See ` Ali Mubarak, *Khitat*, III, 90

١٣. حين حضوره الى مصر بالغ ما بلغ التزاما شرعيا على وجه الصلة والمعروف من غير رجوع للشريفة
١٤. فاطمة والحرمة عايشة الموكلتين المذكورتين على المحترم صالح المذكور بشي من ذلك باعتراف الزيني
١٥. مصطفى الوكيل المذكور بما له من التوكيل المعين اعلاه بذلك جميعه بشهوده الاعتراف الشرعي وقبل ذلك
١٦. منه لنفسه المحترم صالح المذكور قبولا شرعيا وتصادقا على ذلك كله وشمل ذلك ثبوتا وحكما شرعيين من
١٧. قبل مولانا الحاكم المشار اليه بشهادة شهوده وبه شهد في سابع عشر محرم الحرام سنة ستة عشر ومائة والف توكلنا على الله ونعم الوكيل

(٨ شهود)

Notes

1. Voir : Chevalier (Louis), *Classes laborieuses et classes dangereuses à Paris*, Paris, Pion, 1958; Hobsbawm (Eric), *Primitive rebels*, New York, 1959; Cahen (Claude), *Mouvements populaires et autonomisme urbain dans l'Asie musulmane du Moyen Age*, Leyde, Brill, 1959; Lapidus (Ira), *Muslim Cities in the late Middle Ages*, Harvard, 1967; Toru (Miura), *The structure of the quarter and the rôle of outlaws*, Tokyo, 1989.
2. J'ai abordé ces problèmes dans plusieurs publications: «Quartiers et mouvements populaires au Caire au XVIIIème siècle», in *Political and Social Changes in Modern Egypt*, P. M. Holt éd., Londres, 1968, pp. 104-116 ; *Artisans et commerçants au Caire au XVIIIème siècle*, Damas, IFD, 2 vol., 1974 ; «Deux leaders populaires au Caire», *Nouvelle Revue du Caire*, 1975, pp. 281-298.
3. J'utilise l'indice de Gini pour Le Caire dans *Artisans et commerçants*, pp. 375-376. Sur son utilisation pour Le Caire, Damas et Alger, voir C. Establet, J.-P. Pascual et A. Raymond, «La mesure de l'inégalité dans la société ottomane», *JESHO*, 1994, 37, pp.171-182.
4. Les montants des successions sont exprimés en paras constants. Voir *Artisans et commerçants*, LIII-LV.
5. Gabartî ('Abd al-Rahmân al-), 'Agâ'ib al- âthâr, Bûlâq, 1297/1879, 4 vol. Chabrol (M. de) «Essai sur les mœurs des habitants modernes de l'Egypte», et Jomard (E. F.), «Description abrégée de la Ville et de la Citadelle du Caire», in *Description de l'Egypte, Etat moderne*, II-2, Paris, 1822, pp. 321 -524 et 579-762.
6. Chabrol, 364-365, 516. Jomard, 586.
7. Raymond (André), «Une liste des corporations de métiers au Caire en 1801», *Arabica*, 4, 1957, pp. 150-162.
8. Gabartî, II, 93/ traduction Philipp (Thomas) et Perlmann (Moshe) éd. 'Abd al-Rahmân al-Jabartî's *History of Egypt*, Stuttgart, Franz Steiner, 1994, 3 vol., II, 157 (désormais : Gabartî, II, 93/157). Gabartî, III, 40/63 ; III, 223/340.
9. Gabartî, III, 308/473.
10. Archives de la guerre, Vincennes, Armée d'Orient, B 6 110, Dugua, 5 janvier 1800 (désormais Vincennes).
11. Gabartî, II, 9/11.
12. Gabartî, II, 7/8.
13. Gabartî, I, 26-27/42-43.
14. *Artisans et commerçants*, 386-387. Gabartî, III, 40/63. «Une liste des corporations», 157.
15. Garcin (Jean-Claude), «Le Caire des Ayyoubides et des Mamelouks (1174-1517)», in *Le Caire*, Raymond (André) éd., Paris, Citadelles et Mazenod, 2000, 251.

16. Toru (Miura), 431.
17. Gabartî, I, 417/700.
18. Gabartî, III, 10-11/17-18.
19. Mentions nombreuses par Gabartî, notamment: II, 106/178 (1786) ; II, 114/190 (1786) ; III, 10/17 (1798); III, 11/18 (1798); III, 48/76 (1799); III, 93/145, 94/146 (1800); III, 240/365, 248/377 (1803) ; III, 333/511 (1805) ; IV, 190/265 (1813).
20. Dozy (R), *Supplément aux dictionnaires arabes*, Leide-Paris, 1927, I, 197. Gabartî, II, 93/157 (1785); II, 115/191 (1786); III, 10/18, 11/18, 13/20, 30/48 (1798); III, 42/67 (proclamation), 48/76 (1799). Gabartî, *Mudda (Al-Jabartî's chronicle)*, éd. et trad. S. Moreh, Leiden, Brill, 1975), 29/57, 83/109. «Une complainte arabe sur l'expédition française en Egypte», Georges Colin, *BIFAO* 18 (1921), 220. Colin traduit par «chanteur des rues». N. Turc, *Chronique d'Egypte, 1798-1804*, éd. et trad. G. Wiet, Le Caire, 1950, 28/41, 124/55.
21. Dozy, II, 231. Gabartî, I, 317/529 (1768); II, 152/250 (1787); II, 189/312 (1790); III, 25/40 (1798) ; III, 99/154 (1800); III, 297/456 (1804) ; III, 336/515 (1805).
22. Dozy, I, 273. Gabartî, III, 48/76 (1799); III, 93/145 (1800).
23. Dozy, I, 592. Gabartî, III, 25/40 (1798); III, 93/144 (1800). *Mudda*, 71/97.
24. Dozy, I, 758. Gabartî, II, 105/176 (1786). *Mudda*, 71/97.
25. Gabartî, I, 306/510, où il est traduit par «vagrants».
26. Gabartî, III, 94/146 (1800) ; III, 297/456 (1804) ; III, 336/515 (1805).
27. Voir notre article «Quartiers et mouvements populaires» et sa carte.
28. Gabartî, III, 331/506, 336/515.
29. Jomard, 662, 696.
30. Gabartî, III, 48/76. Traduits respectivement par «vagabond», «rabble», «scum».
31. Vincennes, B6 60, Divan à Menou, 1800. Gabartî, III, 163/ 254.
32. Gabartî, III, 336/515. Galila El Kadi et Alain Bonnamy, *La Cité des Morts*, Liège Mardaga, 2001.
33. *Artisans et commerçants*, 433-449. «Deux leaders populaires».
34. Lecerf (J.) et Tresse (R.), «Les 'Arâda de Damas», *BEO*, 7-8, pp. 237-264. On est malheureusement moins précisément renseigné pour Le Caire. Voir l'étude de Nawâl al-Messiri, «The concept of the hâra», *Annales Islamologiques*, 15, 1979, pp. 313-348.
35. Voir dans Gabartî: *Hasharât*, III, 25/40 (1798); III, 91/142 (1800). *Usab*, II, 13/17 (1777) ; III, 331/508 ; 336/515 (1805).
36. Gabartî, IV, 120/170.

37. Gabartî, IV, 190/265.
38. Gabartî, III, 39-40/63.
39. Gabartî, III, 248/377.
40. Gabartî, IV, 120/170.
41. Au point que, en 1800, les membres du Divan de Menou condamnent, avec l'accord et en fait à l'instigation du général, la conduite des «hommes qui...se disant saints, courent les rues nus ou presque nus et se livrent en public à des actions condamnées... agissements qui sont interdits. Ils vont contre notre foi (*dîn*), nos lois (*shar'*) et notre tradition (*sunna*)» (Vincennes, B 6, 59. Ordre du jour de Menou, 30 décembre 1800). Gabartî, III, 141/224.
42. Gabartî, II, 106/178. Gabartî évoque encore cet illuminé en III, 80/126 (1799) et lui consacre même une notice biographique en II, 248/412 (année 1207/1792-3), dans laquelle pour qualifier les foules que déplace ce saint, il emploie le vocable plus neutre de *nâs* («les gens»).
43. Gabartî, III, 13/20.
44. Voir «Deux leaders populaires».
45. Gabartî, *Mudda*, 67/93-94. Miot (Jacques François), *Mémoires pour servir à l'histoire des expéditions en Egypte et en Syrie*, Paris, 1804, 83. Voir aussi Gabartî, II, 9/11 ; III, 91/142 ; III, 240/365 ; III, 330/506.
46. Ranimai (Ahmad ibn Zanbal al-), *Kitâb futûh Misr*, BN Paris, arabe, 1838, 124b.
47. Gabartî, II, 13-18. Les *yûldâsh* étaient des artisans et des boutiquiers enregistrés d'une manière fictive dans les milices.
48. Gabartî, III, 240/365.
49. Gabartî, IV, 108/154.
50. Crecelius (Daniel) et Badr (Hamza), «An agreement between the 'Ulama' and the Mamluk Amirs in 1795», in *Dirâsâtî tarîkh Misr...fî l-'asr al-'uthmânî*, D. Crecelius et al.éd., Le Caire, 1997.