

CARL F. PETRY
NORTHWESTERN UNIVERSITY

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

©Middle East Documentation Center. The University of Chicago.

*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.

Article: http://mamluk.uchicago.edu/MSR_II_1998-Petry.pdf

Full volume: http://mamluk.uchicago.edu/MamlukStudiesReview_II_1998.pdf



©1998 by the author. (Disregard notice of MEDOC copyright.) This work is made available under a Creative Commons Attribution 4.0 International license (CC-BY). *Mamluk Studies Review* is an Open Access journal. See <http://mamluk.uchicago.edu/msr.html> for information.

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 (*durrī, 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, nāzīr*), 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 (*madrāsah*) 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, Ḥujjah 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 pittance. 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.

Qāyṭbāy's pattern of donations with that of his eventual successor, Qānṣūh al-Ghawrī.

In marked contrast with Qāyṭbāy, Qānṣūh 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 Qāyṭbāy'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 Qāyṭbāy'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.