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## At the Limits of Communal Autonomy: Jewish Bids for Intervention from the Mamluk State

The mid fifteenth century in Egypt witnessed an unusual concentration of state legislation in Jewish affairs. In 1442, inspectors looking for signs of illegal synagogue repairs discovered Arabic inscriptions on a synagogue minbar that they read as Aḥmad and Muḥammad and thus signs of blasphemy, since anyone ascending the minbar would have been forced to step on them. The investigation resulted in the destruction of the minbar and three confessions. Those who confessed were beaten publicly; two died of their wounds and the third converted to Islam. Churches and synagogues throughout the capital were subsequently inspected and fined.<sup>1</sup> Six years later, in 1448, an edict from Cairo prohibited Christian and Jewish doctors from treating Muslims, though in 1463, when the sultan reissued a previous ban on *dhimmī* employment in the state bureaucracy, he made the prudent exception of physicians and moneychangers.<sup>2</sup> Were Jews and Christians the hapless victims of a rapacious Mamluk state bent on interfering in their communal life and mulcting their property to the maximum extent possible?

In principle, premodern Jews held the twin prerogatives of judicial and administrative autonomy, which granted them the latitude to adjudicate court cases according to Jewish law and appoint leaders to administer public affairs. But a long-standing historiographic consensus has taken these twin prerogatives to indicate—sometimes despite evidence to the contrary—that in practice, Jews sought neither redress in Islamic courts nor the interference of state authorities, for fear of eroding their communal autonomy. Scholars have now questioned this consensus on the basis of Fatimid, Ottoman, and medieval Iberian records, and their questions might profitably be asked of Mamluk material as well: did *dhimmīs* jealously guard their communal autonomy, balking at the intervention of the chancery or the qadi courts in their affairs? Did they, in fact, actively

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<sup>1</sup> For details and the sources, see Mark R. Cohen, “Jews in the Mamluk Environment: The Crisis of 1442 (a Geniza Study),” *Bulletin of the School of Oriental and African Studies* 47 (1984): 425–48, and below.

<sup>2</sup> Prohibition: al-Sakhāwī, *Al-Tibr al-Masbūk fī Dhayl al-Sulūk* (Būlāq, 1896), 215; Ibn Iyās, *Badāʾiʿ al-Zuhūr fī Waqāʾiʿ al-Duhūr*, ed. Muḥammad Muṣṭafā (Wiesbaden, 1931–72), 2:265. Exceptions: Ibn Iyās, *Badāʾiʿ al-Zuhūr*, 4:412–13; Abū al-Mahāsīn Yūsuf Ibn Taghribirdi, *History of Egypt, 1382–1469 A.D.*, ed. William Popper (Berkeley, 1954–63), 7:721–22. All cited in Tamer El-Leithy and Marina Rustow, “Toledan Conversos in Late Medieval Cairo,” paper presented at the 79th annual meeting of the Medieval Academy of America, Seattle, Washington, 2 April 2004.

protect their right to communal autonomy, and were they as loath to invite the state and Muslim judicial authorities into their affairs as the entrenched view has maintained?<sup>3</sup>

Jews in the Mamluk period stood heir to a long political tradition of both leaders and factions within the community utilizing the state to help promote personal or collective interests. The state, for its part, gladly interfered in their affairs when asked to do so, not because it felt nefariously compelled to control its *dhimmī* subjects, but because its interest in extending the domain of its administrative power coincided with the Jews' own desire to govern their community and be governed more effectively (i.e., with resort to stronger punitive sanctions against their co-religionists). Most often, then, the state intervened at the behest of the *dhimmīs* themselves and according to the agenda that they dictated.

This suggests the need to revisit the notion that the *dhimmī* communities lay locked in a struggle over their communal autonomy with the Mamluk state. Such a notion substitutes a set of presumptions about the structure of Mamluk-*dhimmī* relations for actual analysis of how power operated. It also fails to consider a tradition of Jewish politics, dating from well before the Islamic conquests, according to which Jews cultivated vertical alliances with the highest government authorities and negotiated both their status and their judicial and administrative privileges with them directly. Yosef Hayim Yerushalmi has commented at length on this “royal alliance” and noted that Jews in early modern Christian Europe, after the series of expulsions that culminated in their exile from the entire Iberian peninsula, continued to place their faith in it even after it had failed them.<sup>4</sup> The

<sup>3</sup> For the first and most pointed criticism of this consensus, with examples from nineteenth- and twentieth-century historiography, see Joseph Hacker, “Jewish Autonomy in the Ottoman Empire: Its Scope and Limits: Jewish Courts from the Sixteenth to the Eighteenth Centuries,” in *The Jews of the Ottoman Empire*, ed. Avigdor Levy (Princeton, 1994), 153–202. See now also Elka Klein, *Jews, Christian Society, and Royal Power in Medieval Barcelona* (Ann Arbor, 2006), 26–51; Jonathan Ray, *The Sephardic Frontier: The Reconquista and the Jewish Community in Medieval Iberia* (Ithaca, 2006), 104–11; Marina Rustow, “Karaites Real and Imagined: Three Cases of Jewish Heresy,” *Past & Present* 197 (2007): 35–74; Uriel Simonsohn, “Communal Boundaries Reconsidered: Jews and Christians Appealing to Muslim Authorities in the Medieval Near East,” *Jewish Studies Quarterly* 14 (2007): 328–63; and Marina Rustow, *Heresy and the Politics of Community: The Jews of the Fatimid Empire* (Ithaca, 2008), chapter 3 *et passim*. All these critiques were preceded by the judicious remarks of Salo Wittmayer Baron, *The Jewish Community: Its History and Structure to the American Revolution* (Philadelphia, 1942), 1:21–25 and 2:221–24.

<sup>4</sup> Yosef Hayim Yerushalmi, “Serviteurs des rois et non serviteurs des serviteurs’: Sur quelques aspects de l’histoire politique des Juifs,” *Raisons politiques* 7 (2002): 19–52; see now the English version, Yosef Hayim Yerushalmi, “*Servants of Kings and not Servants of Servants*”: *Some Aspects of the Political History of the Jews*, Tenenbaum Family Lecture Series in Judaic Studies at Emory University (Atlanta, 2007). See also Hannah Arendt, *Origins of Totalitarianism* (New York, 1958), quoted in *ibid.*, 8–9; and further below, conclusion.

“royal alliance,” as both an arrangement of political expediency and a topos sustained by habit, was a persistent feature of Jewish politics under Muslim rule as well.

This article will argue, first, that repeated state intervention in *dhimmī* affairs was not new to the Mamluk period, but continued a long-standing pattern of administrative relations between *dhimmīs* and the palace in Cairo. That pattern originated during the Fatimid period—a strange statement at first glance, since the Fatimids were notoriously laissez-faire in their dealings with *dhimmīs*, while medieval chronicles lauded the Ayyubids and Mamluks as having restored Sunni Islam and returned the *dhimmah* to their rightful place in the religious hierarchy. The Fatimids used chancery petitions and rescripts (*al-tawqīʿ ʿalá al-qīṣaṣ*) as a method of rule, effectively handing their subjects the latitude to arrange their own communities’ administrative structures, which the chancery then ratified; the Ayyubids and Mamluks, on the other hand, are generally viewed as having tightened the reins of the administration and shifted power from the populace to the palace. This shift would seem to suggest a radical reconfiguration of the relationship between *dhimmīs* and the palace; how can the Mamluk pattern be seen as continuing an earlier Fatimid one?

The answer hinges on two questions. The first is whether one sees the initiative for Mamluk legislation as coming from the government or the *dhimmīs* themselves. In fact, it came from both, for different reasons at various times. Though the Mamluk era did witness a progressive deepening of state and judicial intervention, it did not necessarily lead to the administrative passivity of the Jewish community, let alone to the situation of persecution and decline that is a motif of modern historiography on Mamluk Jews. On the contrary: the Jews responded to centralization and intensified government control by utilizing the system in new and sometimes ingenious ways. The second question is how the Ayyubid and Mamluk chroniclers represented the regimes whose deeds they preserved for posterity. Precisely the desire to paint a picture of Sunni orthodoxy and *dhimmī* subservience sometimes led the medieval historians to overlook the fact that *dhimmīs* themselves often created and helped to maintain the state’s interest in their affairs. The historians thereby made the regime seem more omnipotent than it really was.

All this, in turn, touches on the problem of what a trend in modern historiography has termed “agency”: the extent to which subalterns are capable of acting in furtherance of their own interests or exerting pressure on those in power.<sup>5</sup> Subaltern agency under the Mamluks has recently been the subject of several important studies that have inspired the approach I take in this article. Yossef Rapoport

<sup>5</sup> The now classic theoretical statement of subaltern power is James C. Scott, *Domination and the Arts of Resistance: Hidden Transcripts* (New Haven and London, 1990).

has argued that when in 1265 Baybars (r. 1260–77) decreed the appointment of four chief qadis, one from each Sunni school, the effect was not just to regulate and organize the judiciary, but to allow claimants a modicum of flexibility in seeking justice, regardless of which school they claimed personally.<sup>6</sup> Rapoport has extended the search for agency to women, arguing that divorce in medieval Egypt was frequent and not merely the result of a patriarchal order in which men could repudiate their wives at will. “The majority of divorces in Mamluk society were consensual separations,” he writes, demonstrating the economic independence of women sustained by dowries, banking instruments, and paid labor, particularly textile production.<sup>7</sup> Similarly, in an exhaustively researched dissertation, Tamer El-Leithy argues that *dhimmī* subjects of the Mamluks used to their advantage the legal multiplicity afforded by the four *madhāhib*, gaining economic and legal concessions by seeking different rulings from the qadis of one school or another. He demonstrates that Copts utilized an extraordinarily sophisticated set of techniques for manipulating the Islamic legal system to their advantage. One such strategy he discusses is single-generation conversion, whereby male heads of household converted to Islam while keeping their wives and children Christian or Jewish, thus both exempting themselves from the *jizyah* and preserving their family’s inheritance.<sup>8</sup> These studies suggest the importance of considering power not just as a prerogative of the elite but as the product of negotiation between those on various levels of the social, judicial, and administrative hierarchy. To consider the elite point of view alone results in a distortion of the historical events under consideration—and of the meaning of power.

The second argument I will make, then, concerns the models with which historians have habitually understood religious hierarchies and, in particular, *dhimmī* communities in the medieval Near East. I will suggest that these models rest on the presumption that any act involving politics and the law served the interests of religious piety and communal unity. In fact, the evidence suggests that more prevalent motives were convenience, self-interest, and political advantage. The interests of elites on both sides dictated how the memory of Mamluk-*dhimmī* relations has been passed on for posterity. The pyramidal model of Muslim-*dhimmī* relations—or the rigid model of state power that pits the Mamluk state against its *dhimmī* subjects—might, then, be replaced with a more flexible one in which those

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<sup>6</sup> Yossef Rapoport, “Legal Diversity in the Age of *Taqlid*: the Four Chief Qadis Under the Mamluks,” *Islamic Law and Society* 10 (2003): 210–28.

<sup>7</sup> Yossef Rapoport, *Marriage, Money, and Divorce in Medieval Islamic Society* (Cambridge, 2005), quotation on 112.

<sup>8</sup> Tamer El-Leithy, “Coptic Culture and Conversion in Medieval Cairo, 1293–1524 A.D.” (Ph.D. diss., Princeton University, 2005), chapter two.

elites shared interests and did what they could to wield power over others.<sup>9</sup>

#### FATIMID PRECEDENTS

Beginning with Fatimid rule from Cairo—the first period in which there is substantial documentation about Jews under Islamic rule—Jewish elites utilized the caliph’s chancery to further their pursuit of power over their followers and over each other. Both of the Jewish *madhhabs*, the Rabbanites and the Qaraites, proved capable of availing themselves of governmental authority and possessed a subtle understanding of high politics. That understanding increased progressively over their decades of experience with the caliphal court.<sup>10</sup>

Between 969 and 1041, Jews submitted no fewer than seventeen petitions to the Fatimid chancery or to local governors in Palestine seeking to support a particular leader or to check the rights and prerogatives of one political faction in the community and further the interests of another.<sup>11</sup> All of these decrees served them as instruments of power in communal conflicts, and all point to the same general pattern: Jews sought intervention in order to strengthen the hand of a reigning leader or in a situation of political deadlock, when neither of the Jewish factions managed to impose its will upon the other without resort to the state. This pattern is in keeping with the paradoxical nature of *dhimmi* administrative autonomy. Though in theory the Jewish community governed its members independently from the state, in fact it depended on the government for its exercise of power, and especially of physical coercion.

For this reason, too, Jewish courtiers played an enormously important role in communal life. They were the ones who offered their co-religionists access to the chancery. It is no accident that thirteen of the petitions date from the second quarter of the eleventh century, a period in which three Jews held formal or informal positions at court and also served as leaders within the Jewish community. All of them, coincidentally, were Qaraite: Abū Naṣr Ḥesed al-Tustarī and his brother Abū Sahl Ibrāhīm, in their capacity as long-distance traders and bankers, served the court of al-Ẓāhir (1021–36) as purveyors of luxury goods

<sup>9</sup> See the judicious comments of Simonsohn, “Communal Boundaries Reconsidered,” 329–31.

<sup>10</sup> Jews used the term *madhhab* to refer to both the Rabbanites and Qaraites throughout the Fatimid, Ayyubid, and Mamluk periods. On the former, see Rustow, *Heresy and the Politics of Community*, index, s.v. *madhhab*, and idem, “Karaites Real and Imagined,” 46–48; on the latter, see *ibid.*, 51, 56.

<sup>11</sup> Only seven of these seventeen petitions have been preserved (some as decrees, others in copies or drafts, all but one in the Cairo Geniza); the other ten appear as references in Geniza letters or in other petitions. Details in Marina Rustow, “Fatimid Decrees and Jewish Communal Politics,” in *Reason and Faith in Medieval Judaism and Islam*, ed. María Ángeles Gallego (Leiden, forthcoming). The one non-Geniza manuscript was preserved in the archives of the Qaraite synagogue in Cairo, on which see below, n. 61.

and achieved concrete posts only under al-Mustaṣir (1036–94); and David ben Yiṣḥaq served as an appointee in one of the most important ministries, the *diwān al-kharāj*. All three helped to procure caliphal investitures for the *ga'on* of the Jerusalem yeshiva, who was recognized as the head of the Rabbanite Jews in the realm.<sup>12</sup>

One additional example from beyond this corpus illustrates the paradoxes of communal autonomy in practice. In 1027, a certain Ibrāhīm bar Shemu'el al-Andalusī approached the rabbinical court of the Palestinian-rite synagogue of Fustat for litigation in some matter. One of the court's three judges, having heard his case in a previous session, excused himself from the case with the claim that he was too busy to hear it again. But al-Andalusī dug in his heels, refusing to have his case heard by anyone else. His next step was to petition an unspecified high-ranking Fatimid bureaucrat to issue a decree (*tawqī'*) to the governor (*qā'id*) of Fustat-Cairo, presumably either ordering the judge in question to attend the session or allowing al-Andalusī to have his case heard in an Islamic court. When he returned to the court, the judges questioned him about his temerity in going over the heads of the court's members. Al-Andalusī retorted that he did so only to obtain what was rightfully his. And it worked: the court resolved that if it did not attend to al-Andalusī's case by the end of the month, he was free to seek justice in an Islamic one.<sup>13</sup> It seems highly paradoxical that a petition to the government should have resulted in his case being heard in a Jewish court, as though he needed to go outside the Jewish community to seek redress within the Jewish community. But in fact, this was the standard pattern: Jews called upon authorities outside the Jewish legal and administrative apparatus in order to solve problems within it.

The case, then, provides a concrete statement of the paradoxes of communal autonomy as it was established under the Fatimids. *Dhimmīs* did not regard the exercise of their autonomy as entailing a vacuum seal between themselves and non-Jews, but rather saw the ways in which their legal and administrative system

<sup>12</sup> Rustow, *Heresy and the Politics of Community*, with references to numerous previous studies.

<sup>13</sup> The record is from the legal court itself and is dated 16 Ṭevet 1339 Seleucid (December 18, 1027). Cambridge University Library, Taylor-Schechter Collection (hereafter T-S), 13 J 5.1, in Judeo-Arabic; S. D. Goitein's unpublished edition is available online through the Princeton Geniza Project (<http://www.princeton.edu/~geniza/>). See also the edition and Hebrew translation (with facsimile of verso) in Elinoar Bareket, *Shafrir Mitsrayim: ha-hanhagah ha-Yehudit be-Fuṣṭaṭ ba-maḥatsit ha-rishonah shel ha-me'ah ha-aḥat-ʿešreh* (Tel Aviv, 1995), 215–18; and S. D. Goitein, *A Mediterranean Society: The Jewish Communities of the Arab World as Portrayed in the Documents of the Cairo Geniza* (Berkeley, 1967–93), 2:321–22, where he mentions a similar case from 1016 (Bodleian MS Heb. B 13.42), a fragmentary court record about a merchant from Palermo who had waited a month for a Jewish court to hear his case. When he complained to the police about this, they apprehended one of the Jewish judges for a night.

was dependent on the state and the Islamic courts. It also shows that Jews did not regard judicial and administrative autonomy as identical, nor were they likely to conflate the two types of redress—appealing to the government and appealing to the Islamic courts. (The blanket condemnations of Jews appealing to non-Jewish authorities that one finds in rabbinic literature and in some modern historiography are misleading: medieval Jews recognized that judicial and administrative redress differed in significant ways.)

This pattern was sustained throughout the Middle Ages in Egypt and Syria. Jews lodged appeals to the government to do three sorts of things: to confirm the appointment of some communal leader or to strengthen his hand politically; to compel their own leaders to do things they might not wish to do; or to oppose some prior government decree, usually one brought about at the behest of another Jewish leader or faction. Sometimes those situations overlapped, as when the *ga'on* of the Palestinian-rite academy (1025–51) and head of the Rabbanite Jews in the Fatimid realm, Shelomoh ben Yehudah, asked the caliph to repeal an appointment he had granted to a rival, Yūsuf al-Sijilmāsī, the chief of an Iraqi-rite community of Jews that sought to escape the *ga'on's* jurisdiction.<sup>14</sup> This pattern continued through the Ayyubid and Mamluk periods, with some important variations.

#### FROM CHANCERY TO QADI: THE AYYUBID AND MAMLUK PERIODS

The importance of judicial and administrative appeal as political instruments continued throughout the Ayyubid period. While the Fatimids had been singularly unconcerned with the details of religious practices among their *dhimmi* subjects (on the reasoning, perhaps, that all non-*Ismā'īlīs* were equally benighted), the Ayyubids styled themselves restorers of Sunni orthodoxy, and this changed the rules of the game. One might think that the self-styled Ayyubid restoration would have restricted the options for redress in Jewish factional conflicts, since notions of orthodoxy and heterodoxy now pervaded religious discourse, and there could be only one correct party. In fact, Jewish factions themselves now began to use the rhetoric of orthodoxy against one another.

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<sup>14</sup> New York, Jewish Theological Seminary of America, Elkan Nathan Adler collection (ENA) 4020.65, Judeo-Arabic (probably a copy of an Arabic original), published in S. D. Goitein, "Congregation versus Community: An Unknown Chapter in the Communal History of Jewish Palestine," *Jewish Quarterly Review* 44 (1954): 291–304, with facsimile between pages 291 and 292; see his revised interpretation in idem, "Petitions to the Fatimid Caliphs from the Cairo Geniza," *Jewish Quarterly Review* 45 (1954): 30–38; document republished in Moshe Gil, *Erets-Yiśra'el ba-teḳufah ha-Muslemit ha-rishonah (634–1099)* [Palestine during the first Muslim period (634–1099)] (Tel Aviv, 1983), doc. 312.

## A MAIMONIDEAN CONTROVERSY

The incident from this period that best exemplifies the new rules is a protracted battle between factions of the Palestinian-rite synagogue in Fustat during the first decades of the thirteenth century. At the center of the conflict stood Moses Maimonides' son Avraham, who had followed in his father's footsteps as *ra'is al-yahūd* of Egypt and Syria (1205–37). Like his father, Avraham also served as physician at the court of the Ayyubid sultan; and like his father, he faced repeated opposition over his position in the Jewish community.<sup>15</sup> His main opponents were from the same family who had forced his father to abandon his post temporarily (Moses Maimonides served 1171–ca. 1177 and ca. 1195–1204).

The pretext Avraham's opponents used to undermine his power had to do with the fact that, in keeping with his Sufi piety and a significant Sufi movement among Jews, he had made changes in the choreography of the synagogue ritual, adopting full prostration during prayer (which Jews had practiced but abandoned at some point in late antiquity). To condemn Maimonides and his liturgical innovations, his opponents queried a qadi in the service of the Ayyubid court regarding the permissibility of the innovations.<sup>16</sup>

The first and second drafts of the query have survived in the Cairo Genizah. Its author was the cantor of the synagogue—possibly a member of the opposing family, but his name is not mentioned.<sup>17</sup> In addressing the qadi, he enthusiastically and opportunistically deploys the rhetoric of religious conservatism, betraying his assumption that the qadi, as an Ayyubid appointee charged with defending orthodoxy, would find any liturgical innovation (*bid'ah*) reprehensible and declare

<sup>15</sup> He served as physician to both al-Malik al-ʿĀdil (1200–18) and al-Malik al-Kāmil (1218–38); see Goitein, *Mediterranean Society*, 5:493; cf. *ibid.*, 476–77, quoting Ibn Abī Uṣaybiʿah's entry, which notes only that he served al-Malik al-Kāmil, but also that the author met him only in 631 or 632 A.H. (1231–33).

<sup>16</sup> See the comments of Naphtali Wieder, *Hashpa'ot Islamiyot ʿal ha-pulḥan ha-Yehudi* [Islamic influences on the Jewish worship] (Oxford, 1947), 65–68; Goitein, "New Documents from the Cairo Geniza," 707–12; Paul Fenton, *The Treatise of the Pool: Al-Maqāla al-Ḥawḍiyya* (London, 1981), 4–25; Goitein, *Mediterranean Society*, 5:491–92; Stefan C. Reif, *Judaism and Hebrew Prayer* (Cambridge, 1993), chapter 6; and Geoffrey Khan, *Arabic Legal and Administrative Documents in the Cambridge Genizah Collections* (Cambridge and New York, 1993), 292 and 293–94.

<sup>17</sup> T-S Ar. 41.105 (first–second decade of the seventh century A.H.), in Arabic, published in Paul Fenton, "Tefillah beʿad ha-rashut u-rashut beʿad ha-tefillah: zutot min ha-genizah," *Mi-mizraḥ u-mim-maʿarav* 4 (1983): 20–21, and republished with emendations to both the reading and translation in Khan, *Arabic Legal and Administrative Documents*, doc. 65; and the document from the Consistoire Israélite de Paris (now at the Alliance Israélite Universelle; I have not been able to verify the current shelf-mark) published in Richard J. H. Gottheil, "Some Genizah Gleanings," in *Mélanges Hartwig Derenbourg (1844–1908): Recueil de travaux d'érudition à la mémoire d'Hartwig Derenbourg par ses amis et ses élèves* (Paris, 1909), 97–99. These drafts are undated; my attempt at inserting them within the chronological narrative must be regarded as tentative.



it contrary to law. His query culminates in a series of loaded questions about the permissibility of Maimonides' liturgical innovations. He writes:

A group of Rabbanite Jews have had a synagogue for a long stretch of time and numerous years engaging in the conduct (*sīrah*) and customs (*minhāj*) with which its builders built it.<sup>18</sup> Until now, it has maintained the customs (*minhāj*), rituals (*rusūm*), traditions (*sunan*), and conduct (*sīrah*) of readings and prayer throughout the year, on weekdays, Sabbaths, and festivals. It has a prayer leader administering its affairs in the wake of his predecessors (*khalf salaf*) and the community is content with this.

Now a faction has joined forces to change its customs, abrogate its traditions, alter its prayers, and coerce the prayer leader regarding them, and to adopt something that has never before been practiced regularly. The congregation and the prayer leader are holding fast to that to which they are accustomed.

Is it permissible for [these things] to be changed in opposition to them, for it [the faction] to adopt something that has never before been practiced regularly, and for the prayer leader to be forced to abandon that to which he is accustomed? Is it permissible for change and innovation to be made in the days of Islam—may God cause them to endure—even if those who effect the change are pious? What action should be taken with regard to them?

Grant us your opinion, may God have mercy upon you.<sup>19</sup>

That the cantor attempted to coerce the *nagid* by appealing to the state fits the Fatimid pattern of redress. The key difference is that rather than appealing to a member of the ruling dynasty directly, he appealed to a qadi. One wonders what, precisely, the cantor hoped to achieve with a fatwa. Upon finding that a government-appointed jurist condemned his innovations, would Avraham Maimonides have desisted from them? Or did the cantor simply want him to feel shaken by the condemnation? Either way, in contexts such as this one, Jews understood Islamic law to have more of a say in internal Jewish religious affairs than has hitherto been admitted.

The Islamic judiciary, for its part, did not share this perception, and the cantor's traditionalist rhetoric failed to win him the fatwa he wanted. We learn this from a letter written by one of Maimonides' opponents in Fustat, addressing another

<sup>18</sup> T-S Ar. 41.105, lines 3–4: *qawm al-yahūd rabbānīn lahum kanīṣah min al-duhūr al-madīdah wa-al-sanīn al-ʿadīdah ʿalā al-sīrah wa-al-minhāj alladhī banāhā bānūhā ʿalayhi.*

<sup>19</sup> T-S Ar. 41.105, beginning from the end of line 2; the translation is my own.

member of his faction currently in Damascus. The letter also reveals details about the methods that both sides employed on their own behalf.<sup>20</sup>

The letter explains that leaders of the opposition first approached a government appointee referred to only as “the *faqīh*,” apparently the qadi to whom the drafts of the query were addressed. However, he declined to adjudicate, claiming that during the month of Ramaḍān he was in retreat and would not hear petitions.<sup>21</sup> The *faqīh* hardly comes across as eager to interfere in Jewish communal matters. Maimonides’ opponents, for their part, were unwilling to wait until after Ramaḍān (or assumed that even if they did, the *faqīh* would find some other reason to decline). They therefore addressed a written petition (*qiṣṣah*) to al-Malik al-ʿĀdil himself.

But the sultan, too, refused to take part in a battle against one of his own appointees. Instead of acting on the *qiṣṣah*, he provided Maimonides with a copy of it (or else a courtier called Sharaf al-Dīn Yaʿqūb did so, as some of his followers claimed; or perhaps it was a minor government functionary, *aḥad al-khuddām*, in the opinion of the letter’s author).<sup>22</sup> Again, the picture is hardly one of a government eager to intervene in the affairs of the Jewish community. On the contrary, everyone whom Maimonides’ opponents approached seems to have attempted to find some way out of involvement in the affair.

The letter goes on to explain that Maimonides, for his part, now understood the level on which his opponents conducted battle and filed a brief (*maḥḍar*) in his own defense in which he claimed that he had adopted the liturgical innovations in the privacy of his own home but had never attempted to impose them on his congregation. He, too, detailed his pious motivations (at least according to his opponent): he described himself as having given himself over to the service of God (*tabarraʿtu bi-taʿabbud allāh*) and gone beyond the call of duty in practicing genuflection, full prostration, and prayer (*wa-tanaffal[tu] bi-rukūʿ wa-sujūd wa-ṣalāh*).<sup>23</sup> Perhaps aware that piety might not suffice in his own defense, he also called upon two hundred witnesses to confirm that he had never insisted that others adopt his reforms.<sup>24</sup>

In the opinion of the letter’s author, however, both Maimonides and his two hundred witnesses were lying blatantly. Everyone knew that he had enforced his innovations in the synagogue.<sup>25</sup> S. D. Goitein points out in Maimonides’ defense

<sup>20</sup> T-S Ar. 51.111, in Judeo-Arabic, published with Hebrew translation in S. D. Goitein, “New Documents from the Cairo Geniza,” in *Homenaje a Millás-Vallcrosa* (Barcelona, 1954), 1:717–18.

<sup>21</sup> T-S Ar. 51.111, lines 8–9.

<sup>22</sup> *Ibid.*, lines 9–11.

<sup>23</sup> *Ibid.*, lines 11–13.

<sup>24</sup> *Ibid.*, lines 13–16.

<sup>25</sup> *Ibid.*, lines 16–17 and 24–25.

that one of his published responsa addresses a group of fellow pietists on whether prostration is permissible according to Jewish law; Maimonides states that it is permissible and he himself engaged in it, but he would never insist that his questioners adopt it, “for you are at liberty to do as you like.”<sup>26</sup> But this hardly proves the case. Given that Avraham Maimonides was a charismatic and powerful leader, his opponents (and even his followers) may not have perceived such a clear difference between his permitting the changes and his mandating them.

But the use of sanctimonious rhetoric did not end there. In describing the controversy, the author of the letter accuses Maimonides and his supporters of “informing” on fellow Jews before the authorities (the word appears in Hebrew in the Judeo-Arabic letter, *masrut*, a variation of the standard Hebrew *mesirut*).<sup>27</sup> The insult was as ancient in Jewish tradition as its application was opportunistic in this instance: factions were often quick to brand their opponents *moserim*, informers, nearly demonic figures in rabbinic responsa, since they were thought to threaten the Jews’ jealously guarded communal autonomy by collaborating with the government and disrupting the supposed unity of the Jewish community. In fact, like charges of heresy, charges of *mesirut* were leveled selectively against Jews whose enemies had some reason to object to their appeal to the government. After all, the same opponents who now called Maimonides a *moser* had approached the palace in Cairo first.

On the advice of his supporters, then, the *nagid* threatened to place his opponents under a ban of excommunication. Interestingly enough, however, the pretext he chose was not that they had approached the sultan’s court against him, but that they had taken false oaths: apparently he would not have dared to excommunicate someone for seeking redress from the government, for the obvious reason that he himself had done so as well. Even Jewish leaders could not denounce the practice of petitioning the government—or perhaps especially Jewish leaders, who did so as a measure of frequent resort in sustaining their power over the community.

The letter ends *in medias res* and we do not know how this chapter of the dispute concluded. But in an undated Genizah letter, Maimonides’ followers complain to him that their co-religionists—at the behest of an unnamed communal official,

<sup>26</sup> Goitein, “New Documents from the Cairo Geniza,” 712, quoting Albert Freimann and S. D. Goitein, *Responsa Abraham Maimuni: ex codicibus librisque impressis* (Jerusalem, 1937), no. 62; see Goitein’s further comments, 712–13; and cf. Avraham Maimonides’ letter of reproof to a student in his yeshiva who was not sufficiently devoted to pietistic practices, T-S 10 J 13.8, in Judeo-Arabic, published in S. D. Goitein, “Documents on Abraham Maimonides and His Pietist Circle” [in Hebrew], *Tarbiz* 33 (1963): 187.

<sup>27</sup> T-S Ar. 51.111, line 17. On the form of the word, see Goitein’s note, “New Documents from the Cairo Geniza,” 711 n. 10. My interpretation of the pronouns in this sentence differs from his (*ibid.*, 710–11).

again presumably a member of the opposing family—were persecuting them, preventing them from praying according to their preferred custom, and spreading malicious rumors about them.<sup>28</sup>

Nor did the controversy subside after Maimonides died (at age fifty-one, apparently in an epidemic). His son, David, now acceded to the office of *raʿīs al-yahūd*, but no sooner had he done so than the opposing family attempted once again to abolish his father’s innovations. In retaliation, a supporter tried to place the innovations on firm legal ground. We learn this from a query, first identified and published by Geoffrey Khan, submitted to yet another qadi.<sup>29</sup> The supporter writes:

A group of Jews whose word is authoritative, namely, the *raʿīs al-yahūd* and those of their sages who follow him, have established genuflection and prostration in their religious practice. They have stated that this was an ancient part of their revealed law, and that they have revived an aspect of religious practice that had fallen into desuetude. They established and practiced it over a long period, approximately twenty years.

When their *raʿīs* died, a man who was not a sage rose up and spoke against their earlier sages and disapproved of genuflection and prostration. What action should be taken against him on account of his opposition, since he opposes [the practice]?

Grant us your opinion, may God have mercy upon you.<sup>30</sup>

It is unclear whether a fatwa stating the permissibility of the practices might have convinced the chief opponent to cease and desist from harassing the pietists. But apparently the author of the query hoped for more. He attempted to sway the qadi to his side by claiming that the opponent was forbidding the practice of Judaism according to hoary tradition (much as the opponents had claimed to follow tradition in their own query), and he asked the qadi what kind of action should be taken against the perpetrator. Again, we are ignorant as to how this posthumous conflict was resolved, but a hint may lie in the fact that in 1237,

<sup>28</sup> T-S 10 J 13.14, published in Goitein, “Documents on Abraham Maimonides,” 185. See also his comments in *Mediterranean Society*, 5:483.

<sup>29</sup> T-S AS 182.291, in Arabic, published in Khan, *Arabic Legal and Administrative Documents*, doc. 66, beginning from line 4.

<sup>30</sup> I have altered Khan’s translation, especially at line 9 (*Arabic Legal and Administrative Documents*, 293), where Khan suggests that an opponent came to office on Avraham Maimonides’ death. But as the letter of 1237 quoted below (T-S 10 J 16.12) indicates, his son David succeeded him without interruption.

Avraham Maimonides' son David succeeded his father and received the post by express permission of the government. The Jewish courtiers first cleared the matter with all the important palace officials; then one of those officials took the extra step of summoning ten elders of the Jewish community, to be sure that his decision represented the community's will.<sup>31</sup> With so much support for David's candidacy, it is likely that the instigator of the opposition was not heard from again. Indeed, the Maimonidean family continued to serve as *ru'asā' al-yahūd* for several more generations.

The incident of Avraham Maimonides' liturgical innovations parallels the Fatimid appeals: in every instance, the initiative for government intervention came from the Jews themselves. There are, however, two significant differences between the documents from the Fatimid period and these. First, in the Fatimid period the conflicts were purely political and administrative, centering around political factions of the Jewish community, while here the authorities were invited to express their opinions on intimate matters of Jewish religious practice. Second, in the Fatimid period the Jews appealed to the state only, while here they appeal to the qadis as well.<sup>32</sup> This second difference was due in part to the nature of the Fatimid caliphate and its theopolitical claims: as implied in the Fatimid petition's standard closing formula, "to our master [the caliph] belongs the exalted decision," a Fatimid rescript had the force of a legal opinion.<sup>33</sup> It was also due to the expansion of the Sunni judiciary under the Ayyubids and Mamluks and those regimes' concomitant efforts to centralize it. One can, in fact,

<sup>31</sup> T-S 10 J 16.12, in Judeo-Arabic, published with translation and commentary in S. D. Goitein, "A Letter to Maimonides and New Sources Regarding the Negidim from His Family" [in Hebrew], *Tarbiz* 34 (1965): 237–40. See also his comments in *Mediterranean Society*, 2:32; and cf. T-S Ar. 38.93, a copy of the charter appointing a Jewish official in Syria, dated Jumādā I 589/May–June 1193, first published in Geoffrey Khan, "A Document of Appointment of a Jewish Leader in Syria Issued by al-Malik al-Afdal 'Ali in 589 A.H./1193 A.D.," in *Documents de l'Islam médiévale: Nouvelles perspectives de recherche*, ed. Yūsuf Rāḡib (Cairo, 1991), 97–116, and republished with a new translation in Khan, *Arabic Legal and Administrative Documents*, doc. 121.

<sup>32</sup> They appealed to qadis in less religiously charged cases, too: see, e.g., a fragment of a twelfth- or thirteenth-century query regarding the permissibility of dissolving or altering Jewish foundations for the poor. T-S NS 306.60, in Arabic, published in Khan, *Arabic Legal and Administrative Documents*, doc. 69.

<sup>33</sup> For the closing formula of petitions to Fatimid caliphs and viziers, *li-mawlānā al-ra'y al-'ālī* (or 'ālī al-ra'y) *fi dhālik*, see, e.g., T-S Ar. 7.38, in Arabic, published in Khan, *Arabic Legal and Administrative Documents*, doc. 70, lines 14–15; T-S Ar. 30.273, in Arabic, published in *ibid.*, doc. 77, lines 16–17; and Bodl. MS Heb. b 18.23v, in Arabic (I am currently preparing this document for publication), line 16. See also the analysis in Geoffrey Khan, "The Historical Development of the Structure of Medieval Arabic Petitions," *Bulletin of the School of Oriental and African Studies* 53 (1990): 19–22; and the Ayyubid variation described in S. M. Stern, "Petitions from the Ayyubid Period," *Bulletin of the School of Oriental and African Studies* 27 (1964): 9.

sense the shift from the chancery alone to a combination of the chancery and the judiciary during the Maimonidean incident itself: finding the *faqīh* unwilling to consider their case, the opponents resorted to the old method of petitioning the ruler himself. Under the Mamluks, as we shall see, the number of Jewish queries to Muslim qadis only increased.

#### COOPERATION BETWEEN THE GOVERNMENT AND JEWISH AUTHORITIES

The reluctance of the chancery and judiciary to involve themselves in the Jews' liturgical and political factionalism should not be understood as a general reluctance to regulate Jewish communal affairs. On the contrary, the late Ayyubid and early Mamluk chanceries also required regular reports from the Jewish community on the death of Jews. The state was, then, willing to intervene when it came to the disposition and taxation of *dhimmī* estates. Khan has identified six such reports dated 1224–98 among the Genizah papers, all of them testifying to the deaths of women who had appointed heirs, along with one formulary to aid in the composition of what must have been routine documents.<sup>34</sup> Indeed, al-Nuwayrī attests that the heads of *dhimmī* communities stood obligated to notify the government of deaths, and al-Qalqashandī affirms that the *diwān al-mawārith* kept a register of them. Other sources confirm that, at least in the early Mamluk period, the government taxed estates even when there were heirs.<sup>35</sup> The witnesses to these transactions are all Jews, suggesting that Jews participated in this aspect of the administration of their affairs even though it deprived heirs of part of their inheritance. Since the alternative—not reporting the deaths—was equally viable, we must assume that the practice represented at least some modicum of cooperation with the authorities. It may well be that the level of cooperation decreased markedly with an edict of al-Ṣāliḥ in 1354 decreeing that estates without heirs reverted not to the Jewish community (as they had done before) but to the state.<sup>36</sup>

However, this kind of intervention does not indicate that the government's purposes were always confiscatory or nefarious. On other occasions, the state was more than willing to cooperate with communal leaders in keeping funds within the Jewish community—even if it meant depriving the sultan's coffers of

<sup>34</sup> T-S AS 182.278; TS NS J 469; Cambridge University Library, Or. 1081.2.25; T-S AS 121.229 (verso reused for Hebrew liturgical poetry); T-S Ar. 39.189 (verso and part of recto contain a Judeo-Arabic business account); T-S NS 297.1; and T-S Ar. 39.277 (the formulary; verso contains an Arabic letter). All published in Khan, *Arabic Legal and Administrative Documents*, docs. 125–31.

<sup>35</sup> Al-Qalqashandī, *Ṣubḥ al-A'shā fī Ṣinā'at al-Inshā'* (Cairo, 1964), 3:464; al-Nuwayrī, *Nihāyat al-Arab fī Funūn al-Adab* (Cairo, 1923–98), 8:242–45; both cited in Khan, *Arabic Legal and Administrative Documents*, 473 (see there for further references).

<sup>36</sup> El-Leithy, "Coptic Culture and Conversion," 96.

revenue. Thus in 1203, the estate of a certain Jew named Avraham al-ʿAṭṭār ibn Abū al-Karam had fallen into the hands of the *dīwān al-mawārith*. A deed drawn up in a Jewish court attests that the Jewish elders refused to abide by the *dīwān al-mawārith*'s confiscation of the estate and petitioned the qadi appointed over (*mutawalli*) the *dīwān* to transfer the estate to the Jewish community for a fee of thirty dinars payable to the qadi from the estate. The request was granted.<sup>37</sup> The deceased had been close to government circles—or so I gather from the fact that he owed money to someone titled Amīn al-Dawlah, a clerk in the *dār al-wakālah* (the port bureau). This account suggests that the government claimed estates only when it knew they existed, and it was more likely to know of large ones belonging to friends of the palace.<sup>38</sup>

Ongoing relations between the government and the Jewish community are also suggested by the number of reused chancery documents preserved in the Genizah. Frédéric Bauden has recently demonstrated that al-Maqrizī reused official documents from the Mamluk archives as writing paper, and that one such document—a deed of *iqṭāʿ* for a government official—came into al-Maqrizī's hands after a raid on the palace that sent hundreds or perhaps thousands of official documents into circulation as scrap writing paper for sale on the open market.<sup>39</sup> Something similar to Bauden's reconstruction of events may hold true for a few of the reused chancery documents from the Cairo Genizah, such as a once luxuriant Ayyubid or Mamluk decree that was cut into pieces and now contains a Hebrew writing exercise in an awkward hand;<sup>40</sup> another Judeo-Arabic letter written on the

<sup>37</sup> Bodl. MS Heb c 28.54, in Judeo-Arabic. Goitein's unpublished edition is available online through the Princeton Geniza Project. He seems to have surmised the date from the receipts on verso for the payment of debts on the estate, which are dated 1203.

<sup>38</sup> The function of the *dār al-wakālah* was to store, sell, and otherwise assist merchants in disposing of their merchandise, and together with the *wakīl al-tujjār* (merchants' representative), it gained official standing and government backing under the Mamluks. See Goitein, *Mediterranean Society*, 1:186–92, and Roxani Eleni Margariti, *Aden and the Indian Ocean Trade: 150 Years in the Life of a Medieval Arabian Port* (Chapel Hill, 2007), chapter 6, and p. 299 n. 76.

<sup>39</sup> Frédéric Bauden, "Maqriziana I: Discovery of an Autograph Manuscript of al-Maqrizī: Towards a Better Understanding of his Working Method: Description: Section 1," *Mamlūk Studies Review* 7 (2003): 21–68; idem, "The Recovery of Mamluk Chancery Documents in an Unsuspected Place," in *The Mamluks in Egyptian and Syrian Politics and Society*, ed. Michael Winter and Amalia Levanoni (Leiden and Boston, 2004), 59–78.

<sup>40</sup> Bodl. MS Heb d 74.38, in Judeo-Arabic and Arabic, unpublished, verso. My dating of the decree is based on paleography and must be regarded as tentative. The *ḥasbalaḥ* in the last line (the fragment contains only the last five lines of the document) does not demonstrate without doubt that the document is a decree rather than an archival copy; cf. the discussion in Geoffrey Khan, "Copy of a Decree from the Archives of the Fatimid Chancery," *Bulletin of the School of Oriental and African Studies* 49 (1986): 451.

back of part of a chancery decree;<sup>41</sup> or a collection of Hebrew liturgical poems, two pages of which each contain two lines from separate Mamluk (?) decrees.<sup>42</sup> That both decrees were cut into pieces suggests that they may have passed through the hands of stationers.

However, routes other than the paper market could have granted Jews access to chancery documents. There were a great many Jewish courtiers under the Fatimids and Ayyubids (though admittedly fewer under the Mamluks), and circumstantial evidence suggests that they carried drafts of chancery documents, disused petitions, and other non-archival documents out of the palace to serve the Jewish community as models for official correspondence.<sup>43</sup> Avraham Maimonides' grandson Yehoshua<sup>c</sup>, who inherited the post of *ra'īs al-yahūd* from his father, is the author of at least one letter rigorously adhering to the protocols of the *sultānīyāt* genre of administrative correspondence (decrees making the ruler's will known by his meting out of rewards, chastisements, titles, and honors to his subjects).<sup>44</sup> This suggests that Jews had access to the modes and manners

<sup>41</sup> Bodl. MS Heb c 28.10, in Judeo-Arabic and Arabic, unpublished. Eliyahu Ashtor makes two attempts to derive a date for the Judeo-Arabic side: late eleventh century (the mid-eleventh century date he proposes can be dismissed since the office of *nagid* did not yet exist), and (implicitly) fourteenth century; Goitein corrects him. See Eliyahu Ashtor, "Le coût de la vie dans la Syrie médiévale," *Arabica* 1 (1961): 61; idem, "La recherche des prix dans l'Orient médiéval: sources, méthodes et problèmes," *Studia Islamica* 21 (1964): 140 n. 4; and Goitein, *Mediterranean Society*, 2:34. Neither author discusses the Arabic side of the document.

<sup>42</sup> Budapest, Hungarian Academy of Sciences, David Kaufmann Collection (DK) 147, in Hebrew and Arabic, unpublished. My thanks to Ezra Chwat for sharing his notes on this collection, and to the Friedberg Genizah Project for making high-resolution digital photographs of the collection available.

<sup>43</sup> This is an argument that I plan to present in a fuller form in an article tentatively entitled "From the Palace in Cairo to the Synagogue in Fustat: Petitions to the Fatimid Chancery Preserved in the Geniza." I have counted roughly thirty Jewish courtiers who served the Fatimids in the tenth and eleventh centuries only (in both al-Mahdiyyah and Cairo), but the count should be continued into the twelfth, thirteenth, fourteenth, and fifteenth centuries. See, e.g., a mid-thirteenth-century letter from Yehuda ibn al-<sup>c</sup>Ammānī, a court clerk, cantor, and schoolmaster in Alexandria, to a Jewish official in Cairo vouching for the character of a blind man from the Maghrib whom some tragedy (war? an earthquake?) forced to abandon his home and property. He arrived in Alexandria via Sicily and the writer now turned to wealthy potential benefactors to help him, including the government functionary addressed in the letter, who bears a series of exalted titles listed in the opening lines of the letter. T-S 16.287, in Judeo-Arabic, published in Eliyahu Ashtor, *Toldot ha-Yehudim be-Miṣrayim ve-Suryah taḥat shilṭon ha-Mamlukim* [History of the Jews in Egypt and Syria under the rule of the Mamluks], vol. 3, *Te'udot min ha-genizah* [Geniza Documents] (Jerusalem, 1970), doc. 59, and incorrectly dated to 1408 C.E.; cf. Goitein, *Mediterranean Society*, 5:179, and idem, "Geniza Documents from the Mamluk Period" [in Hebrew], *Tarbiz* 41 (1971): 70.

<sup>44</sup> ENA 2559.11, in Judeo-Arabic, published in Mark R. Cohen, "Correspondence and Social Control in the Jewish Communities of the Islamic World: A Letter of the Nagid Joshua Maimonides,"



of official correspondence in use within government circles. Similarly, a decree issued by one of the four sultans titled al-Malik al-Nāṣir was preserved in its entirety in the Genizah, despite the fact that it has nothing to do with the Jews and was never reused for Hebrew writing exercises. That it found its way into the Genizah suggests that someone from the Jewish community carried it there from the palace.<sup>45</sup>

In sum, Jews had access to the chancery when they needed it, and one of the functions of the leaders of the Jewish community was to provide them with that access. No one could hope to lead the community without connections at court—a fact that Jews already understood well by the third decade of the eleventh century, and that continued to hold true throughout the Mamluk period.<sup>46</sup>

#### COOPERATION WITH JEWISH INDIVIDUALS

This attitude of friendly cooperation between the Jews and the government extended from leaders of the community to individuals. This was the case when, for instance, Khaybarī Jews sought exemption from the *jizyah* via court-issued certificates. Since Muḥammad was said to have granted the Jews of Khaybar special privileges, their descendants claimed—and were granted—exemption from various *dhimmī* disabilities. Thus a fragmentary certificate dated Shawwāl 654 (October–November 1256) attests to the status of a certain Ibrāhīm ibn Ismāʿīl as a Khaybarī Jew—and to his proficiency in dealing with the government and the judiciary. That his certificate was preserved in the Genizah, despite its being written in Arabic characters, suggests that he deposited his entire archive there and this document along with it, and by extension that he was a regular,

*Jewish History* 1 (1986): 39–48. Cohen states that “it was doubtless from Arabic epistolographic manuals like this that Jews first became familiar with the forms and conventions of Arabic letter-writing which they subsequently incorporated into their own correspondence” (ibid., 40), but one might also imagine channels of transmission via courtiers with direct experience in *inshāʿ* and other social contexts that lent themselves to the ongoing diffusion of epistolary style. On the *sultānīyāt* genre, see al-Qalqashandī, *Ṣubḥ al-Aʿshā*, 8:233–303 (cited in Cohen, “Correspondence and Social Control,” 47 n. 6).

<sup>45</sup> DK 228.1, in Arabic, unpublished. The possibilities include: al-Malik al-Nāṣir Muḥammad (ibn Qalāwūn, r. 1293–94, 1299–1309, 1310–41); al-Malik al-Nāṣir Aḥmad (ibn Muḥammad, r. 1342); al-Malik al-Nāṣir Ḥasan (r. 1347–51, 1354–61); and al-Malik al-Nāṣir Muḥammad IV ibn Qāyṭbāy (r. 1496–98). The form of the petition is consistent with these dates (but I have excluded the Ayyubid sultan Ṣalāḥ al-Dīn, who bore the same title). I am grateful to Geoffrey Khan for alerting me to the presence of this decree in the Kaufmann collection.

<sup>46</sup> Not every government functionary who appears in Genizah documents was regarded in a friendly way by Jews: see Bodl. MS Heb. B 11.27, in Judeo-Arabic, unpublished, in which Luʿluʿ, the freedman of the Zengids of Mosul (d. 1259; see Claude Cahen, “Luʿluʿ, Badr al-Dīn Abū al-Faḍāʿil al-Malik al-Raḥīm,” *Encyclopaedia of Islam*, 2nd ed., 5:821), is cursed as one of the enemies of Israel (lines 2–3).

dues-paying member of the Jewish community of Fustat rather than a man on its margins; in this sense, he may be taken as broadly representative of the whole. Though avoiding paying the *jizyah* was not always difficult (in certain towns in the countryside the *jizyah* was not collected at all), instead of merely avoiding the tax collector, he sought official exemption. One can only speculate on what he presented as proof of his descent from the Jews of Khaybar, but his willingness to cooperate with the system and uphold its tenets was clear.<sup>47</sup>

Similarly, the Jewish physician Abū al-Ḥasan ibn Abī al-Sahl ibn Ibrāhīm was asked (by a prospective high-ranking patient?) for a certificate attesting to his professional qualifications and good conduct. Three separate drafts of the testimony have survived occupying the same sheet of paper (the drafts are undated and the witnesses are identified only as “free Muslim men”). Abū al-Ḥasan’s attempt to procure the certificate suggests that he was adept at negotiating the channels of the Islamic judiciary, and the fact that the drafts survived in the Genizah suggests even more. Had a Muslim notary given Abū al-Ḥasan the drafts for some reason? Were witnesses not available the day he appeared in court, or was he traveling and had to take the texts to another jurisdiction? Abū al-Ḥasan may have written the drafts himself: physicians were literate; Jewish physicians were literate in Arabic; and many physicians served as scribes, courtiers, and court functionaries, all professions in which Abū al-Ḥasan may have learned to write such a document. Or he may have based the draft on a similar testimony that he had received previously.<sup>48</sup>

Physicians and courtiers at times, in fact, proved more capable of exercising power and more adept at negotiating the channels of government than the *raʿīs al-yahūd* himself. A Mamluk decree also preserved in the Genizah contains the story of a physician whom the *raʿīs* had prohibited from entering the synagogue of which he was a member. The physician got around the problem by seeking redress from the sultan. The *raʿīs* was forced to rescind his ban.<sup>49</sup>

Even individuals in the community knew how to navigate the channels of the government and judicial bureaucracy. While one of the functions of their leaders was to help them do this, some were capable of doing so without assistance. This

<sup>47</sup> T-S NS 327.2, in Arabic, published in Khan, *Arabic Legal and Administrative Documents*, doc. 49. On Khaybarī Jews and their exempt status, see his commentary there. On towns where the *jizyah* was not collected, see Mark R. Cohen, *Poverty and Charity in the Jewish Community of Medieval Egypt* (Princeton and Oxford, 2005), 138, citing evidence from the twelfth century.

<sup>48</sup> T-S NS 305.115, in Arabic, published in Khan, *Arabic Legal and Administrative Documents*, doc. 51. The document bears no date, since the sections with the dates in the first and third drafts are deliberately left blank; Khan dates it to the thirteenth century (for paleographic reasons?).

<sup>49</sup> T-S Ar. 38.131, in Arabic, unpublished (I am currently preparing an edition for publication). See also Goitein, *Mediterranean Society*, 2:168, 327.

corroborates El-Leithy's findings about Copts in the Mamluk period: many were perfectly capable of devising strategies for turning the apparent restrictions of *dhimmī* status to their advantage.<sup>50</sup>

#### GOVERNMENT INTERFERENCE IN THE LATE MAMLUK PERIOD

This brings us full circle to the affair of the blasphemous minbar of 1442. Mark R. Cohen has treated the incident and its literary and documentary sources exhaustively; here I wish to address only one lingering problem that the evidence presents.<sup>51</sup> The medieval Muslim chroniclers, including one eyewitness to the events, depicted the synagogue inspection (and the more general synagogue and church inspections that began in the wake of the minbar incident) as a routine round of government enforcement of discriminatory legislation against *dhimmīs*. But in fact, from a Genizah document discovered by Cohen, it emerges that the officials entered the Jewish synagogue in the first place in response to a complaint from its members, who had petitioned the chief qadis to depose their corrupt and incompetent *raʿīs al-yahūd*, a certain ʿAbd al-Laṭīf.<sup>52</sup> Why did the chroniclers record nothing of the Jewish initiative for the government's intervention?

#### THE SILENCE OF THE CHRONICLERS

One of the synagogue inspectors was Ibn Ḥajar al-ʿAsqalānī (1372–1449), the chief Shafiʿī qadi, who recorded the incident in his history *Inbāʾ al-Ghumr bi-Abnāʾ al-ʿUmr*. The narrative also appears with variations in the chronicle of his student al-Sakhāwī (1427–97). Both chroniclers imply that the initiative for the inspections came from the government. Ibn Ḥajar writes: “On the fourth day [of Dhū al-Ḥijjah 845/15 April 1442], the Shafiʿī and Hanafi qadis and the *muḥtasib* and a group of people went to the synagogue of the Jews in Qaṣr al-Shamʿ in Fustat”—as though the inspections were in the routine order of business. Having found the blasphemous minbar, they explain, the Hanafi qadi, Amīn al-Aqṣarāʾī, went on to undertake a general inspection of synagogues and churches in Fustat and Cairo. Sure enough, he found evidence of repairs that contravened the Pact of ʿUmar, and he proceeded to close some of them.<sup>53</sup>

<sup>50</sup> El-Leithy, “Coptic Culture and Conversion.”

<sup>51</sup> Cohen, “Jews in the Mamluk Environment.”

<sup>52</sup> T-S AS 150.3, a Judeo-Arabic draft of the petition to Sultan Jaqmaq discussed below; published in Cohen, “Jews in the Mamluk Environment,” 431–34, with English translation and facsimile between pages 434 and 435.

<sup>53</sup> Ibn Ḥajar al-ʿAsqalānī, *Inbāʾ al-Ghumr bi-Abnāʾ al-ʿUmr*, ed. Muḥammad ʿAbd al-Muʿīd Khān (Hyderabad, 1967–76), 9:169–70, 182–86; al-Sakhāwī, *Al-Tibr al-Masbūk*, 36. Cohen compares the two passages (as well as an unpublished manuscript of Ibn Ḥajar, Istanbul MS Yeni Cami 814, fols. 282r, 283v, and 284r) in “Jews in the Mamluk Environment,” 426–30; Ibn Ḥajar tells the story

Ibn Iyās (1448–1524) is even more laconic in his description of events. “In that year [845 A.H.],” he writes, echoing Ibn Ḥajar, “the shaykh Amīn al-Dīn al-Aqṣarāʾī al-Ḥanafī undertook the destruction of some of the houses of worship of the Jews and the Christians.” For some reason he renders Ibn Ḥajar’s “inspection” (*kashf*) as “destruction” (*hadm*), while in Ibn Ḥajar’s account the inspection resulted in the closure of only some of the synagogues (*ubṭilat ʿiddatu kanāʾis*). Further down the page, Ibn Iyās corrects himself, adding in equally lapidary fashion, “In it [the year 845], the sultan ordered the four qadis to go to Qaṣr al-Shamʿ to inspect the houses of worship there. So they went there and inspected.”<sup>54</sup> The distinct impression the chroniclers offer is of government initiative for the incident in the normal course of pious regulation of *dhimmīs*.

Given the fact that Ibn Ḥajar was the Shafīʿī chief qadi at the time these events took place, one might expect his account to cling scrupulously to details of the events. In fact, the inspection was merely a pretext for the qadis to enter the synagogue—which they actually did at the behest of some of its leading members, who wished to end ʿAbd al-Laṭīf’s misrule over the community. As in the Maimonidean affair, the Jews had approached the qadis as the first resort in resolving a conflict within the community. And as in the Maimonidean incident, the qadis failed to bring about the changes the Jews requested: the qadis did not depose the *naqid*. The Hanafi qadi merely extracted his confessions and moved on to other *dhimmī* houses of worship; the best course of further action became a matter of dispute between him and Ibn Ḥajar.

Having watched the qadis intervene to no avail, the Jews were left no other recourse than to petition Sultan Jaqmaq (1438–53) himself. The document that Cohen discovered is a Judeo-Arabic draft of the petition, likely a near-final one, since it follows the standard form and format of the late Mamluk petition. It also includes copious details of ʿAbd al-Laṭīf’s wrongdoings—details, the petitioners are quick to add, with which the sultan’s chief qadis are already quite familiar since they had brought them to their attention before. These wrongdoings included fiscal malfeasance, extortion, fraud, ruining the synagogue financially, violating both Jewish law and the Islamic laws of *waqf*, and general unsuitedness to speak on behalf of the community (which I read to mean his lack of strong connections at the palace, a key qualification for the office of *raʾīs al-yahūd*).<sup>55</sup> In the wake of

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twice, and his internal contradictions call for some explanation as well.

<sup>54</sup> Ibn Iyās, *Badāʾir al-Zuhūr*, 2:22; cited in Cohen, “Jews in the Mamluk Environment,” 427 n. 6.

<sup>55</sup> T-S AS 150.3. The references to the qadis appear on recto, lines 19–22 (“The lords the chief qadis, may God exalt and honor them, and the (other) qadis are well aware of his lack of ability and of the fact that he is un[fit] (*ghayr [ṣ]āl[īh]*) to speak on behalf of a community of *ahl al-dhimmah*”); and verso, lines 18–21 (“Your slaves have informed you about this, intending that [the] qadi, may God honor him, would indicate to them wha[t] he would do, out of his bounty and for the sake of

the synagogue inspections—and the church inspections that followed them—the petitioners appended three additional accusations designed to place the blame for the entire affair squarely on their *raʿīs*. The first was “his defiance in proceeding with the matter of the synagogues”—that is, of their renovation—without the proper legal authority. The second was his responsibility for the blasphemies the inspector found on the minbar, “for which, at the very least, he should have been reprovved and removed from office.” That is not to say that ‘Abd al-Latīf himself really placed the inscriptions there; rather, they noted, “A group is prepared to testify against him that he was one of those who ascended the minbar.” Apparently the petitioners were still undecided as to whether they wished to accuse him of having committed blasphemy wittingly or unwittingly. To this, they added the third complaint that “even the Christians have had wrongdoing perpetrated against them because of him,” holding him responsible for the anti-*dhimmī* persecutions that followed the affair.<sup>56</sup>

Cohen characterizes these three added accusations as desperate measures inviting considerable risk, seeing government intervention as a threat to *dhimmī* communal autonomy. But the risks were apparently well past at the time of the petition: the qadis had already used the inspections for their own purposes, as an opportunity to exert tighter control over the *dhimmī* communities, and failed to deliver the result the Jews wanted. The qadis may even have begun their inspections at the behest of the Jewish community, who invited them there as an excuse to depose ‘Abd al-Latīf. The petitioners hint at this: “Your slaves have informed you about this, intending that [the] qadi, may God honor him, would indicate to them wha[t] he might do, out of his bounty and for the sake of God the exalted, so that this wrongdoing may be re[m]oved from them.” I interpret this to mean that the Jews invited the qadis’ intervention at some point in the affair. But when the qadis failed to deliver the results they wanted, they took their complaint to the sultan. They appear singularly untroubled by the prospect of risking their communal autonomy. In fact, at this point in the incident, by inviting government intervention they stood to lose nothing but their *raʿīs*.

Why do Ibn Ḥajar, al-Sakhāwī, and Ibn Iyās never mention the Jews’ initiative in the denunciations? Al-Sakhāwī and Ibn Iyās can be excused the omission on the grounds that they may not have known the true cause of the events; they only inherited the narrative Ibn Ḥajar had bequeathed them. But Ibn Ḥajar, the Shafīʿī qadi whom the Jews approached, personally inspected the synagogue and was certainly aware that they had wanted to bring him there. Why is he silent on the

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God the exalted, so that this wrongdoing may be re[m]oved from them”). For a detailed analysis of ‘Abd al-Latīf’s misdeeds, see Cohen, “Jews in the Mamluk Environment,” 437–44.

<sup>56</sup> T-S AS 150.3, recto, line 33 and margin; recto, line 15; verso, margin (added as an afterthought and meant to be inserted earlier in the petition?); and verso, lines 2–3.

matter?

Ibn Ḥajar's silence suggests that he had something to gain by implying that the events came about due to his own initiative and that of his colleagues. Indeed, making the inspections appear routine casts him and his Hanafi counterpart in the role of pious enforcers of the statutes regarding *ahl al-dhimmah*. At the end of his narrative, in fact, the qadis coax the Christians and Jews into supplicating them to reissue the Pact of ʿUmar, in a ritualized reenactment of the circumstances said to have produced the original pact when the Christians first drew it up as a petition to ʿUmar ibn al-Khaṭṭāb.<sup>57</sup> Thus were the qadis able to demonstrate their piety and effectiveness as defenders of the faith. Ibn Ḥajar also paints Amin al-Dīn al-Aqṣarāʾī as the more zealous and uncompromising of the two, who when he heard of the minbar episode “wanted to cut off the feet of those who were involved in standing on that spot, as well as the hands of some others,” while Ibn Ḥajar demurred. Thus Ibn Ḥajar appears as rigorous in his enforcement of the law but humane in its application, and thus both Ibn Ḥajar and al-Aqṣarāʾī appear as the enforcers of *dhimmi* subservience. But the petition demonstrates—in addition to the usual dangers of relying on literary evidence—that the Jews did not play the role of passive victims in this incident. Rather, they used the qadis' politics of piety to serve their own political aims.

#### WHY ALL THIS FUSS OVER THE *DHIMMIS*?

In his anatomy of the Jews and the “royal alliance,” Yerushalmi asks why

the highest authority not only tolerated the Jews and their alien faith, but allowed them such a wide latitude of autonomous privileges. Obviously it was not out of mere generosity. Among the many factors involved, certainly the most important was the overriding perception that on the whole the Jews were a useful element. Above all, they were an important source of revenue, paying for their privileges in the form of special taxes. Their internal self-government was convenient, for it relieved the ruler of many administrative and other burdens. They were potentially the most loyal element in the population since, especially after their loss of an independent state they were the most exposed and vulnerable, the most dependent on the ruler, those with the most to lose by betraying him. In short, the royal alliance was based on a reciprocity of interest.<sup>58</sup>

<sup>57</sup> Cohen, “Jews in the Mamluk Environment,” 429 n. 8; and see idem, “What was the Pact of ʿUmar? A Literary-Historical Study,” *Jerusalem Studies in Arabic and Islam* 23 (1999): 100–58.

<sup>58</sup> Yerushalmi, “*Servants of Kings*,” 10.

To this catalogue of reasons why rulers might find the Jews useful, one must add another item: selective intervention in their affairs could make a ruler appear more powerful.

Indeed, as Cohen points out, in 1438 the office of *raʿīs al-yahūd* itself became a point of intense conflict within the Mamluk court. Following the death of Barsbāy (1438), his son and the amir Jaqmaq struggled over the succession and the latter besieged the citadel. A temporary lull in the fighting came about when a different conflict between the rivals distracted them from physical combat: Jaqmaq, at the recommendation of one of his amirs, appointed as *raʿīs al-yahūd* an Alexandrian Jew who had previously held the office but had apparently been deposed. The Jews immediately protested to a second amir, who removed the Alexandrian from office, a move that did not please Jaqmaq at all. Thus did the conflict over the *riʾāsat al-yahūd* temporarily eclipse the struggle over the sultanate itself.<sup>59</sup>

The amirs themselves could not have been particularly concerned with who filled the office of *raʿīs al-yahūd*. Rather, the ability to appoint leaders over protected minority communities served them as a way of gaining power over the populace via power's corollary, patronage. The situation parallels the conflicts between the church and the state over the Jews in high medieval Europe, when both institutions issued protective or persecutory edicts concerning the Jews depending on the political advantage to be gained by one or the other.

While the Jews used the rulers and their qadis to serve their ends, then, both the qadis and the rulers used the Jews to serve theirs.

#### AFTERSHOCKS OF THE AFFAIR

During the conflict of 1442, the petitioners had complained that the only result the *dhimmīs* achieved from the thousands of dinars in fines that they and the Christians had been forced to pay the government was that they were "exposed to public view." The allusion was apparently to the ongoing suspicion cast upon all *dhimmī* houses of worship and their continued inspection.<sup>60</sup> In fact, the atmosphere of suspicion continued as late as 1456. In that year, further church and synagogue inspections revealed that a church had exceeded the lawful limitations placed on repairs, and several Christians were beaten. Some Muslims demanded even harsher punishment and more sweeping action against *dhimmīs*, on the argument that they had violated the pact they had renewed only fourteen years earlier. In this atmosphere, the head of the Qaraite community brought a petition before the Hanafi chief qadi explaining that synagogue property had been damaged in

<sup>59</sup> Abū Muḥammad Maḥmūd ibn Aḥmad Al-ʿAynī (d. 1451), *ʿIqd al-Jumān fī Tārīkh Ahl al-Zamān*, cited in Cohen, "Jews in the Mamluk Environment," 444, from Istanbul MS Carullah 1591, fol. 817 b, *apud* Ashtor, *History of the Jews*, 2:86.

<sup>60</sup> As Cohen explains in "Jews in the Mamluk Environment," 444.

the recent riots and seeking permission for lawful repairs. In the course of his petition—whose wording is preserved in the *ḥukm tanfidhī* that the Hanafi qadi wrote for him—the Qaraite had the good sense to mention the reconfirmation of the pact in 1442 along with the names of all the *dhimmī* chiefs who had agreed to it, the chief of the Qaraites among them. He also asked explicitly for reconfirmation of the royal covenant (*‘ahd sharīf*) of Sultan Īnāl regulating the mutual obligations of Muslims and *dhimmīs*, thus recapitulating the ritualized obeisance the Jews and Christians had made before the qadis in 1442.<sup>61</sup> That the Qaraite *ra’īs* had seen fit to petition the Hanafi qadi before undertaking repairs suggests the atmosphere of high tension that persisted in the wake of 1442 and 1456. But it also points to his resourcefulness in petitioning the chief qadi preemptively, even going so far as to supplicate the sultan for renewal of the Pact of ‘Umar before some officious qadi could coerce him to do so.

Such resourcefulness was hardly exceptional. In 1465, the Qaraites again exhibited their adroitness when a group of ex-conversos from Toledo arrived in Cairo and sent the Rabbanite and Qaraite *madhhabs* into a crisis of competition over which synagogue the newcomers would join. Rather than resolving the matter among themselves, the Qaraites helped the newcomers to query the chief qadis on the matter (one from each school plus a fifth, the Shafi‘ī *qāḍī al-quḍāh*) as to whether the Toledans, who were Rabbanites on their arrival in Egypt, could become Qaraite—in other words, whether Rabbanite and Qaraite Judaism were to be considered one *dhimmī* religion or two. Though they had never been considered anything other than a single religion, the Qaraites, rather than running the risk of abetting an unlawful conversion, simply accepted Islamic legal regulation of internal Jewish religious affairs to the extent that they allowed the qadis to determine the matter for them. All the qadis but one ruled that the transfer was merely one of *madhhab*; but the second Shafi‘ī caused them great consternation when he ruled that if members of each *madhhab* consider one another heretical, the only permissible change in religion was conversion to Islam. Paradoxically, this second Shafi‘ī fatwa, which allowed the Qaraites the greatest degree of

<sup>61</sup> Cairo, archives of the Qaraite synagogue, document D 20, a Hanafi *ḥukm tanfidhī* 598 centimeters long (!), published in Richard J. H. Gottheil, “Dhimmis and Moslems in Egypt,” in *Old Testament and Semitic Studies in Memory of William Rainey Harper*, ed. Robert Francis Harper, Francis Brown, and George Foot Moore (Chicago, 1908), 2:353–414 (Arabic text on 409; English on 384); reedited in D. S. Richards, “Dhimmi Problems in Fifteenth-Century Cairo: Reconsideration of a Court Document,” *Studies in Muslim-Jewish Relations* 1 (1993): 127–63. See also idem, “Arabic Documents from the Karaite Community in Cairo,” *Journal of the Economic and Social History of the Orient* 15 (1972): 120–21 (doc. 9). I have not seen the originals of these documents but studied the set of photographs on deposit at the Jewish National and University Library in Jerusalem (these can be consulted on request from the manuscript librarians). The shelf-mark I use is marked on the photographs; Richards (who saw the documents in Cairo in 1969) records it as 20.



religious autonomy, was precisely the one that least served their purposes in this instance.<sup>62</sup>

Religious, judicial, and administrative autonomy was not, then, what the Jews always wanted. True, in an atmosphere of systematic religious subordination, their courses of action may have become increasingly limited. But they themselves had laid the groundwork for this kind of government intervention—in the long term, by means of their ongoing relationship with the palace; and in the short term, by hoping that the qadis and the sultan would depose their *nagid*.

#### AT THE CONFLUENCE OF MOTIVES

To see the late Mamluk regime as oppressively denying Jews their communal autonomy may appear, superficially, to be an argument in defense of medieval Jews; however, what they require is not defense but historical analysis. Without understanding the degree to which they, too, brought about the events the chronicles record, one has not offered them this.

In Yerushalmi's anatomy of the "royal alliance" and why rulers might have afforded the Jews such a wide range of autonomous privileges, he also explains why, in their turn, the Jews chose to place their destiny in the hands of governments who acted unpredictably and entirely in their own interests:

On their side, Jewish perceptions of their relation to their non-Jewish rulers were based not only on their actual historical experience, but on their own inner religious traditions, beginning with Scripture itself which, studied and interpreted from one generation to the next, became an equally potent historical force in shaping Jewish mentalities. The need to come to terms with the reality of exile is already present in the famous letter sent by the prophet Jeremiah (ch. 29) to the first exiles carried off to Babylon a decade before the destruction of the First Temple, arguing against the other prophets and soothsayers who were blithely forecasting an imminent return: "Thus says the Lord of Hosts . . . unto all the captivity whom I have caused to be carried away captive from

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<sup>62</sup> This account is preserved in three parallel Judeo-Arabic manuscripts, all of them Ottoman copies, of which Tamer El-Leithy and I are currently preparing a critical edition and translation together with a historical and literary commentary. Meanwhile, see Hartwig Hirschfeld, "A Karaite Conversion Story," in *Jews' College Jubilee Volume* (London, 1906), 81–100; William M. Brinner, "A Fifteenth-Century Karaite-Rabbanite Dispute in Cairo," in *The Majlis: Interreligious Encounters in Medieval Islam*, ed. Mark R. Cohen, Hava Lazarus-Yafeh, Sasson Somekh, and Sidney H. Griffith (Wiesbaden, 1999), 184–96; El-Leithy, "Coptic Culture and Conversion," 412, 418–21; Rustow, "Karaites Real and Imagined," 49–57.

Jerusalem to Babylon: Build houses and dwell in them, plant gardens and eat the fruit of them; take wives and beget sons and daughters . . . and multiply there and be not diminished. And seek the peace of the city to which I have caused you to be carried away captive, and pray unto the Lord for it; for in the peace thereof shall you have peace. . . . Let not the prophets that are in the midst of you, and your diviners, beguile you, for they prophesy falsely in my name. I have not sent them.”<sup>63</sup>

Yerushalmi’s discussion covers a stretch of history that includes the exile in Babylonia, the Jewish mission to Caligula, the charters negotiated with the bishops of medieval Germany (remembered in Jewish chronicles as having been granted by Charlemagne himself), and nineteenth- and-twentieth century nation-states.<sup>64</sup> From the medieval world, he presents examples from Christendom. But instances from the Islamic Near East are hardly lacking.

The office of *raʿis al-yahūd* itself is one example. A group of Egyptian Jewish courtiers and other grandees built the office gradually; in the 1060s, they accumulated prerogatives of leadership over the Jewish community and only then petitioned the chancery for recognition. Thus did the *raʿis al-yahūd* become an Egyptian Jewish institution until the Ottomans did away with it in the sixteenth century. But the Jewish chroniclers of the Mamluk and Ottoman periods recorded the office as having been founded by the Fatimids themselves, presumably since royal initiative lent it an aura of greater authority.

The latter, more romanticized version of events first appeared in a responsum by the Egyptian Jewish jurist David ibn Abī Zimra (1479–1573), and was lent more elaborate form in the chronicle of the historian Yosef al-Sambarī (1640–1703).<sup>65</sup> According to them, the office was founded in the year 366/976–77, when the Abbasid caliph al-Ṭāʾiʿ gave his daughter in marriage “to the king of Egypt”; she, in turn, called for the establishment of a Jewish leader in Egypt on the model of

<sup>63</sup> Yerushalmi, “*Servants of Kings*,” 10; my emphasis.

<sup>64</sup> For an analysis of the Charlemagne legends, see Ivan Marcus, “History, Story, and Collective Memory: Narrativity in Early Ashkenazic Culture,” in *The Midrashic Imagination: Jewish Exegesis, Thought, and History*, ed. Michael Fishbane (Albany, 1993), 255–79.

<sup>65</sup> Shimon Shtober, “The Establishment of the Riʿasat al-Yahud in Medieval Egypt as Portrayed in the Chronicle Divrey Yosef: Myth or History?,” *Revue des études Juives* 164 (2005): 33–54, with part of the passage in question translated into English, 36–37; Hebrew original in *Sefer divrey Yosef by Yosef ben Yitzhak Sambari: Eleven Hundred Years of Jewish History under Muslim Rule*, ed. idem (Jerusalem, 1994), 138–41; see also the English translation in Mark R. Cohen, *Jewish Self-Government in Medieval Egypt: The Origins of the Office of Head of the Jews, ca. 1065–1126* (Princeton, 1980), 7–9.

the exilarch in Iraq.<sup>66</sup> The legendary account received its fullest elaboration only after the Ottomans had abolished the office—perhaps even as a polemic against its abolition, as if to protest to the sultan by comparing him implicitly with the more generous caliph.

A host of other Jewish foundation myths set after some dynastic change also depicted the old ruler personally granting the Jews the authority to run their own communal affairs. Flavius Josephus had Alexander of Macedon bow before the high priest of the Jerusalem temple (which in Josephus' day the Romans had just destroyed).<sup>67</sup> The epistle of a tenth-century Iraqi Jew in Qayrawān named Natan ha-Bavli lavishly described the ceremony appointing the Iraqi Jewish exilarch in order to impress the Jews of Ifrīqiyah with the pomp of an Abbasid court now steeply in decline.<sup>68</sup> Like these foundation myths, the Ibn Abī Zimra/al-Sambarī account drew heavily upon the topos of the royal alliance.<sup>69</sup>

Like the Mamluk chroniclers of the events of 1442, these Jewish authors had a vested interest in emphasizing the administrative authority of the ruler and his or her court. The Muslim chroniclers wished to portray the regimes they served as upholders of the faith; the Jewish ones wished to portray themselves as clients of powerful states. And thus did a confluence of interests eclipse the subaltern actors preserved in the documents of the Genizah, furthering the impression that Jews were the hapless victims of all-powerful rulers. In fact, actors less visible on the stage of history established the terms and the tenor of the performance.

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<sup>66</sup> As David Neustadt (later Ayalon) pointed out, al-Ṭāʾiʿ himself (r. 974–91) married the daughter of the Buyid *amīr al-umarāʾ*; see David Neustadt (Ayalon), “Problems Concerning the Negidate in Egypt during the Middle Ages” [in Hebrew], *Zion* 4 (1938–39): 126–49; and Shtober, “Establishment of the Riʾasat al-Yahud,” 40.

<sup>67</sup> Flavius Josephus *Antiquities of the Jews* 11.8.5.

<sup>68</sup> Hebrew version in A. Neubauer, ed., *Mediaeval Jewish Chronicles and Chronological Notes, Edited from Printed Books and Manuscripts* (Oxford, 1887–95), 2:78–88; Judeo-Arabic fragments in Israel Friedlander, “The Arabic original of the report of R. Nathan Hababli,” *Jewish Quarterly Review* o.s. 17 (1905): 747–61; and Menahem Ben-Sasson, “The Structure, Goals, and Content of the Story of Nathan Ha-Babli” [in Hebrew], in *Culture and Society in Medieval Jewry: Studies Dedicated to the Memory of Haim Hillel Ben-Sasson*, ed. Menahem Ben-Sasson, Roberto Bonfil, and Joseph Hacker (Jerusalem, 1989), 137–96.

<sup>69</sup> For an analysis of Jewish foundation legends in this period, see Arnold E. Franklin, “Shoots of David: Members of the Exilarchal Dynasty in the Middle Ages” (Ph.D. diss., Princeton University, 2001), chapter 6.