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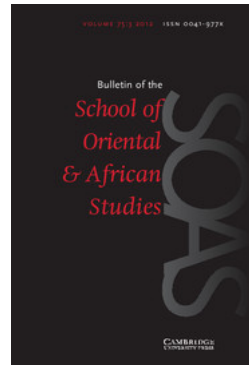
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Petitioning the Sultan in Ottoman Egypt

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Abstract

This article examines the role of petitions to the Sultan concerning private disputes in the legal system of Ottoman Egypt during the late seventeenth and early eighteenth centuries. Previous studies have seen petitioning as a means for subjects to complain about abuses carried out by Ottoman officials: few scholars have engaged with the many petitions involving private disputes between subjects. Based on both original petitions and Ottoman bureaucratic records, this article consists of two parts and an appendix. Part 1 describes the petitioning process, including the procedure followed by the imperial palace when handling petitions. Part 2 analyses the various ways in which sending a petition could affect the outcome of a dispute. The appendix features a reproduction and transcription of a petition which has been annotated by several palace officials, illustrating its progress through the palace bureaucracy.

Keywords: Petitions, Islamic law, *Shari'a* courts, Ottoman Empire, Egypt

During the year 1155 of the Islamic calendar (March 1742–February 1743) al-Ḥājj Muṣṭafā,² a resident of a town called Ziftā in Lower Egypt,³ sent a petition to the Sultan complaining of a Christian neighbour called Banūb. Muṣṭafā claimed that Banūb had built his house, which was located in the Muslim quarter, to a level taller than those of his Muslim neighbours. This act, Muṣṭafā claimed, violated established custom.⁴ Muṣṭafā requested the issue of an imperial decree to the governor of Egypt ordering that Banūb's house be lowered to the level of the neighbouring Muslim-owned houses, or else be sold to a

- 1 I am grateful to the Leverhulme Trust for funding the research that led to this article. I would like to thank the Islamic Legal Studies Program, Harvard Law School and the Research Center for Anatolian Civilizations, Koç University, for fellowships during which this article was written up. I would also like to thank Leslie Peirce, Khaled Fahmy, Helena Wright, On Barak and Alan Mikhail for reading and commenting on early drafts, and Kate Fleet for inviting me to present an earlier version at a seminar at the Skilliter Centre for Ottoman Studies, University of Cambridge.
- 2 The multi-lingual culture of Ottoman Egypt means there is no easy solution to the problem of transliteration. As this paper is based on documents in Ottoman Turkish, phrases and technical terms drawn from the documents are transliterated using the system for Ottoman Turkish. The names of Egyptian people and places, however, are written in Arabic transliteration, as are terms not used in these documents that are more familiar in their Arabic form (e.g. *sharī'a*). Arabic- and Turkish-origin words found in English dictionaries are spelled as in English.
- 3 Ziftā is in Gharbīya province, roughly half way between al-Zaqāzīq and Ṭanṭā.
- 4 *vaz'-ı kadīmini tağyir eyleyüb.*

Muslim. He claimed to possess a fatwa (legal opinion) from the Şeyhülislâm, the chief justice of the Ottoman Empire, supporting his demand.⁵

Why did Muştafâ choose to take a petty dispute between neighbours all the way from the Egyptian delta to the imperial palace in Istanbul? There were *sharī'a* courts in Egypt that could have dealt with the case; there was even one in Muştafâ's home town of Ziftâ.⁶ The legal basis for Muştafâ's claim was straightforward – a non-Muslim was not supposed to own houses that were taller than the Muslim-owned houses in his or her town – and Muştafâ had a fatwa from the Şeyhülislâm confirming this.⁷ Meanwhile, petitioning the Sultan in Istanbul would have been a complicated and lengthy process. Unless he was Turkish-speaking, literate and familiar with the formulae and conventions of petitions, he would have had to pay someone to write the petition in correct, formal Turkish. He would have had either to make the journey to Istanbul himself or to send the petition by courier. And he would have had to wait a considerable time for the petition to reach Istanbul and be processed, and for the response to make it back to Egypt, before he could resolve his dispute with Banüb. Moreover, this response would probably have been, on the face of it, unexciting. The orders issued by the Dīvān-i Hümāyūn in response to petitions almost invariably referred the matter to the local kadi or governor.⁸

Muştafâ's petition is not unusual: many Ottoman subjects sent petitions to the Sultan concerning private, often petty, disputes during the late seventeenth and early eighteenth centuries. This article attempts to answer the question why Ottoman subjects of this period went to the trouble of presenting their petty grievances to the Sultan in Istanbul when they had access to local *sharī'a* courts charged with resolving disputes. While the Dīvān-i Hümāyūn occasionally intervened directly in a dispute, I will argue that most petitioners would not have expected this. Rather, I will suggest that by sending a petition, most petitioners hoped to secure the supervision of the resulting *sharī'a* court case by the provincial governor. This oversight could serve a number of purposes: to prevent the kadi's corruption and to make the coercive force of the governor available to enforce the kadi's judgment. In addition, I will argue that the physical document issued by the Dīvān-i Hümāyūn – the *emr-i şerīf* – had a symbolic value in itself, with which litigants sought to influence the social and psychological dynamics of the courtroom.

The role of petitioning in the Ottoman empire's legal system has not received sufficient attention from historians, yet it is a fascinating and important subject

5 Prime Ministry Archive, Ottoman Section, Istanbul (hereafter PMA). Şikayet Kalemî, box 1, folder 93. This document is dated only with the year 1155 (1742–43). The date has been given by an archivist; no date is mentioned in the text of the petition itself.

6 Gamal el-Nahal, *The Judicial Administration of Ottoman Egypt in the Seventeenth Century* (Minneapolis: Bibliotheca Islamica, 1979), 76.

7 Whether or not Muştafâ had approached the Şeyhülislâm himself is not clear from the document. It is plausible that he might have done – the petition shows that he was willing and able to correspond with Istanbul. However, it is also possible that he had a copy of a previously issued fatwa taken from one of several fatwa collections that circulated in the empire.

8 The Dīvān-i Hümāyūn was the imperial council held at Topkapı Palace and presided over by the Grand Vizier.

for several reasons.⁹ First, as an instance of direct communication between provincial subjects and the imperial government, petitioning offers unique insight into the lives of ordinary subjects who otherwise left few documentary traces of their activities. Studying petitioning allows us to see how subjects attempted to use the power of the imperial government for their own ends: it shows us what such subjects expected of the Sultan's government.

Second, the institution of petitioning reveals much about the imperial government's attitude to the provinces. It is a commonplace of modern historiography that the Ottoman government's main interest in Egypt lay in maximizing the revenue it extracted from this agriculturally rich province. The petitioning records, however, show the central government of this sprawling empire engaging in the minutiae of social life – including neighbourly quarrels over the relative heights of houses – of one of its most distant provinces. Attention to the communication between provincial subjects and the imperial government is particularly important in the case of Ottoman Egypt. The traditional narrative of the seventeenth and eighteenth centuries portrays Egypt slipping inexorably away from Istanbul's control and towards autonomy.¹⁰ Recent scholars have challenged this image of the increasing irrelevance of Istanbul from several angles.¹¹ In

- 9 There are few works focusing on petitioning. Suraiya Faroqhi, Halil İnalçık and Haim Gerber have studied petitioning, but they focus only on the use of petitions by subjects to complain about abuses carried out by government officials. While all three recognize that many petitions concerned private disputes, they exclude these from their enquiries as they are not relevant to their concerns. See Faroqhi, "Political initiatives 'from the bottom up' in the sixteenth- and seventeenth-century Ottoman Empire: some evidence for their existence", in Hans Georg Majer (ed.), *Osmanistische Studien zur Wirtschafts- und Sozialgeschichte: in memoriam Vanco Boskov* (Wiesbaden: O. Harrassowitz, 1986), 24–33; Faroqhi, "Political activity among Ottoman taxpayers and the problem of Sultanic legitimation (1570–1650)", *Journal of the Economic and Social History of the Orient* 35, 1992, 1–39; İnalçık, "Arz-ı Hal ve Arz-ı Mahzarlar", in İnalçık, *Osmanlı'da Devlet, Hukuk, Adalet* (Istanbul: Eren, 2000), 49–71; Gerber, *State, Society and Law in Islam: Ottoman Law in Comparative Perspective* (Albany: State University of New York Press, 1994), 127–73. An article by Fariba Zarinebaf-Shahr on women petitioners does deal with petitions concerning private disputes. Zarinebaf-Shahr gives an interesting analysis of the petitioners and their motivations, but her argument that the *Dīvān-i Hümāyūn* handled matters of state law (*kānūn*) while *kadis* handled matters of *sharī'a* is not convincing, partly because it does not match her own evidence (which includes several petitions concerning inheritance matters), and partly because it relies on a neat division between *kānūn* and *sharī'a* that cannot be sustained. See Zarinebaf-Shahr, "Women, law and imperial justice in Ottoman Istanbul in the late seventeenth century", in Amira el-Azhary Sonbol (ed.), *Women, the Family and Divorce Laws in Islamic History* (Syracuse: Syracuse University Press, 1996), 81–95.
- 10 For this traditional narrative, see Michael Winter, *Egyptian Society under Ottoman Rule, 1517–1798* (London: Routledge, 1992); Afaf Lutfi al-Sayyid Marsot, *A History of Egypt: from the Arab Conquest to the Present Day*, 2nd edition (Cambridge: Cambridge University Press, 2007), 48–64.
- 11 The first major study to challenge this traditional narrative was Jane Hathaway, *The Politics of Households in Ottoman Egypt: the Rise of the Qazdağlıs* (Cambridge: Cambridge University Press, 1997). See also Hathaway's numerous other works. Alan Mikhail has recently studied this issue from the novel angle of environmental history, examining the role of Istanbul in the management of Egypt's natural resources during the eighteenth century. See Mikhail, *Nature and Empire in Ottoman Egypt: an*

this article I show that in the sphere of legal practice Egypt remained closely tied to Istanbul during this period. Although Egypt's provincial elite grew increasingly powerful, the Sultan's government did not simply disappear from the province. By contrast, the imperial palace remained an important legal resource for Egyptians well into the eighteenth century.

Third, petitioning has important implications for our understanding of the Ottoman legal system. In particular, it has implications for our understanding of the relationship between the kadis who staffed the *sharī'a* courts and the political authorities. The *sharī'a* court was the most widespread and important institution of Ottoman justice. Several historians have argued that *sharī'a* court kadis enjoyed a high degree of autonomy, and did not suffer interference in their decisions by the political authorities. Specifically, the claim is that judicial autonomy was both normative and generally achieved, and therefore those instances of interference that have been observed, which were usually perpetrated by provincial governors and their men, were illegitimate aberrations.¹² The evidence I present in this article challenges this notion of judicial autonomy. The petitioning records show that the Dīvān-i Hümāyūn, in the name of the Sultan, sometimes directed the kadi to reach a particular decision in a particular case. Interference by the Sultan in the judicial process was neither an aberration nor a violation of norms: it was seen as a legitimate exercise of the Sultan's authority, and it was expected in certain circumstances. While a direct order to the kadi to reach a particular decision was not the most common response to a

Environmental History (Cambridge: Cambridge University Press, 2011); Mikhail, "An irrigated empire: the view from Ottoman Fayyum", *International Journal of Middle East Studies* 42, 2010, 569–90.

- 12 This interpretation dates back to the pioneering work of Ronald Jennings in the 1970s. See especially his "Limitations of the judicial powers of the kadi in 17th-century Ottoman Kayseri", *Studia Islamica* 50, 1979, 151–84, in which he argues that the Sultan did not intervene in the kadi of Kayseri's decisions, but rather "practiced a policy of judicial non-interference" (p. 152). Jennings thought it likely that the provincial governor sometimes interfered in the affairs of the kadi, although he did not find much evidence of it in the period he studied. Jennings thought that such interference would have exceeded the provincial governor's legitimate authority, and that the kadi could have resisted by appealing to the Sultan (pp. 154–5). Jennings' view has been adopted by other Ottomanists, most importantly Haim Gerber, and in Wael Hallaq's recent synthesis of Islamic legal history. See Gerber, *State, Society and Law in Islam*, 58–78; Hallaq, *Sharī'a: Theory, Practice, Transformations* (Cambridge: Cambridge University Press, 2009), 208–21. Recently, several scholars have argued that this interpretation should be qualified. Eyal Ginio has shown that in Salonica the central government intervened in some court cases, usually on behalf of Salonicans who had allies in the palace: see "Patronage, intervention and violence in the legal process in eighteenth-century Salonica and its province", in Ron Shaham (ed.), *Law, Custom and Statute in the Muslim World: Studies in Honor of Aharon Layish* (Leiden: Brill, 2007), 118–25. Boğaç Ergene established that provincial governors and other military officials were frequently involved in the judicial process in seventeenth- and eighteenth-century Çankırı and Kastamonu: significantly, Ergene suggests that such involvement may have been regarded as legitimate. See Ergene, *Local Court, Provincial Society and Justice in the Ottoman Empire: Legal Practice and Dispute Resolution in Çankırı and Kastamonu 1652–1744* (Leiden: Brill, 2003), 170–77.

petition, such orders were issued regularly and as such constituted a significant limitation on the autonomy of the empire's kadis.

What follows is divided into two parts. In part 1, "Petitions and the petitioning process", I survey the various records available for the study of petitioning and then describe the petitioning process, beginning with the composition of a petition in Egypt, through its journey to Istanbul and progress through the palace bureaucracy, and resulting in the issuance of an imperial order. I reconstruct the procedure followed by the palace through a close examination of a particular petition which bears annotations in several different hands that mark its progress through the palace bureaucracy. A photograph and transcription of this petition are appended to the article. In part 2, "Why petition?", I examine the various ways in which an imperial order could affect the *sharī'a* court case that usually followed a petition. In other words, I will look at what petitioners hoped to gain by sending their petitions.

Part 1: Petitions and the petitioning process

Sources: Ottoman record-keeping and the Turkish Prime Ministry Archive

The Ottoman section of the Prime Ministry Archive in Istanbul contains a wealth of material for the study of petitioning. The type of material preserved and its organization in the archive owes much to the concerns of the palace bureaucracy, and so offers informative clues about the imperial government's attitude to petitions. While introducing the sources that are the basis for this article, I will also give an overview of developments in the palace's handling of petitions from the mid-seventeenth to the mid-eighteenth century.

Prior to the mid-seventeenth century, the *Dīvān-i Hümāyūn* kept copies of its responses to petitions in the *Mühimme Defterleri* (Registers of Important Affairs). These registers contain copies of outgoing correspondence on many different aspects of imperial business, as well as responses to petitions, and have been one of the major sources for modern historians of the empire. In the mid-seventeenth century the palace began to keep a second series of registers devoted exclusively to responses to petitions – the *Şikayet Defterleri* (Registers of Complaints).¹³ The creation of this new archival unit may represent a decision by the palace to pay greater attention to petitions; it could also have been the result of an increase in the number of petitions that were sent.¹⁴ Most likely, both these causes were involved and were symbiotically related: the palace may have responded to increasing numbers of petitions by reforming its procedures for handling them, and the improved efficiency of the palace's processes may have encouraged more people to petition.

The imperial orders logged in the *Şikayet Defterleri* contain often terse summaries of the petitions to which they responded, followed by the *Dīvān-i*

13 Nevertheless, responses to petitions were still sometimes copied into the *Mühimme Defterleri* after this point. Systematic classification was attempted but not fully achieved.

14 Linda Darling concludes that there are circumstantial reasons to believe that the seventeenth century saw an increase in petitioning, but offers no archival proof: *Revenue-Raising and Legitimacy: Tax Collection and Finance Administration in the Ottoman Empire, 1560–1660* (Leiden: Brill, 1996), 246 ff.

Hümāyūn's command. The purpose of these registers was to keep records of all orders that were issued, so that these could later be verified. I will give an example of the palace using its archives in this way below. For historians, these registers are vital.¹⁵ For a start, we must assume that these registers were fairly comprehensive, giving us an overview of the type and frequency of petitions received in a particular year.¹⁶ The registers also show us how the Dīvān-i Hümāyūn responded to petitions, revealing what petitioners got out of petitioning. These orders, however, show only the end result of the petitioning process. We learn nothing about the bureaucratic procedures that led to the issue of an order, nor anything about how petitioners composed their petitions and phrased their demands. To answer such questions it is necessary to examine original petitions – something which, for the most part, previous scholars working on petitioning have not done.¹⁷

During the late seventeenth and early eighteenth centuries, while the imperial palace took great care to archive its own orders, it was not so meticulous in preserving petitions themselves. The assumption of some scholars that original petitions have not survived is, however, mistaken.¹⁸ Plenty of original petitions are available in the Prime Ministry Archive, in a series of uncatalogued boxes labelled *Divan Kalemi*. This series houses assorted loose documents connected with the business of the Dīvān-i Hümāyūn, and incoming petitions are found alongside various kinds of outgoing correspondence and notes used for internal communication between the different departments of the bureaucracy. From 1742, the number of surviving petitions increases dramatically, as the result of another shift in Ottoman record-keeping practices. In this year the palace created a new department specifically to handle incoming petitions, and many thousands of these petitions are found in the series of boxes bearing its name – *Şikayet Kalemi* (Complaints Department). The creation of a special department to process and archive petitions coincided with the emergence of another new series of registers: the *Vilayet Ahkam Defterleri* (Registers of Provincial Orders). This series was a further refinement of the system for archiving the Dīvān-i Hümāyūn's responses to petitions, consisting of several separate sub-series for orders resulting from the more important provinces. These bureaucratic and archival reforms seem to have been part of another effort to improve the imperial

15 Accordingly, they have been the main source used by students of petitioning.

16 The mundanity of many of the entries in these registers assures us that petitions were not selected for inclusion on the grounds of their significance. One complication, however, is that there were several different places where bureaucrats could file responses to petitions. There is also a further known unknown: these registers contain responses to petitions, and it is possible that the Dīvān-i Hümāyūn did not always respond.

17 Başak Tuğ is a recent exception: "Politics of honor: the institutional and social frontiers of 'illicit' sex in mid eighteenth-century Anatolia", PhD dissertation, New York University, 2009, 97–172. Some earlier scholars looked at original petitions from a palaeographic and diplomatic angle, e.g. Asparouch Velkov, "Les notes complémentaires dans les documents financiers ottomans des XVI^e–XVIII^e siècles (étude diplomatique et paléographique)", *Turcica* 11, 1979, 37–77; Halil İnalçık, "Osmanlı Bürokrasisinde Aklam ve Muamelat", *Osmanlı Araştırmaları* 1, 1980, 2–14.

18 Linda Darling, in a comment limited to petitions on tax matters directed to the finance ministry, suggests that the scribes may have burned them for warmth (*Revenue-raising*, 252).

government's responsiveness to its subjects, that could have both been prompted by and further encouraged a growing stream of petitions.

The boxes of petitions in the Prime Ministry Archive constitute a significant body of material written by, or at the behest of, ordinary Ottoman subjects. As such, they deserve greater attention from scholars. Ottoman historiography is often criticized for being state-centric: a quality that results from historians' overwhelming reliance on sources produced by the state and its institutions. While petitions were written to conform with these institutions' norms, they nevertheless represent the initiative and agency of Ottoman subjects, helping us to see how they attempted to use the imperial government's power, and what they saw as the imperial government's proper role. They allow us to study the imperial government from the perspective of the provincial subject.

By using original petitions we can also better tell the story of the petition's journey to and through the imperial palace in Istanbul. They not only give insight into how petitions were composed, and the constraints under which petitioners operated, but they also bear marks of the bureaucratic process they underwent at the palace. The paper bearing the petition was annotated by different officials as it made its way through the various palace departments. In the following sections I trace the progress of a petition from its composition in Egypt, through its conveyance to the palace in Istanbul, and through the palace's bureaucracy.

The life of a petition, stage 1: composition

Petitions are uniformly written in formal Ottoman Turkish and are highly formulaic. All petitions consisted of a variant of the following formula:

- 1) A prayer for the Sultan's health, with appropriate honorifics (e.g. *devletlü, merhametlü, Sultānım hazretleri sağ olsun*).
- 2) A phrase in the third person, usually describing the petitioner as a slave, introducing the petition (typically *'arż-ı bende budur ki* or *'arżuḥāl-ı kulları budur ki*).
- 3) A description of the petitioner's problem.
- 4) A request, usually for the issue of a document (*emr-i şerīf ricā olunur*).
- 5) The phrase "the decision remains yours, my Sultan" (*emr ü fermān Sultānımındır*).
- 6) A signature, in which the petitioner again describes him or herself as a slave (*bende fulān*).

In Egypt, even highly literate petitioners would often have had to hire a scribe to compose their petition in a language that was foreign to most Egyptians. Many Turkish-speakers would also have required assistance if they were not familiar with the formal register and the necessary formulae. The existence of professional petition-writers known as *'arżuḥālcis* in the Ottoman empire is well known, although this group of people is not particularly well understood. Richard Wittmann suggests that most *'arżuḥālcis* in Istanbul were retired scribes from the imperial bureaucracy.¹⁹ The Ottoman traveller Evliyā Çelebi,

19 Richard Wittmann, "Before Qadi and Grand Vizier: intra-communal dispute resolution and legal transactions among Christians and Jews in the plural society of seventeenth-century Istanbul", PhD dissertation, Harvard University, 2008, 149.

describing Cairo in the 1670s, claimed that there were 45 professional *'arzuḥālcis*, among whom were many highly proficient Turks from the central lands of the empire.²⁰ Perhaps such scribes had come to Cairo in the service of Ottoman governors or other officials and settled there, finding an outlet for their skills in private practice. It is also possible that kadis in Egypt composed petitions on behalf of those under their jurisdiction. Many of the kadis employed in Cairo and in the Egyptian sub-provinces were products of the imperial college system and would have been competent writers of Turkish; petition-writing may have been an important function of kadis, especially in the smaller towns. While most petitioners probably sought professional help, there are enough petitions containing scrappy handwriting or grammatical errors to suggest that some did not bother, or relied on people with a tenuous claim to professionalism. *'Arzuḥālcis* were not as indispensable to legal life as lawyers are today.

How did a petitioner make his or her case? In the example given at the start of this article, al-Ḥājī Muṣṭafā based his demand that his Christian neighbour Banūb be prevented from living in a house taller than his by appealing to customary practice, rather than to a point of law. Banūb's offence was to have altered the status quo: *vaz'-ı kadīmini tağyir eyleyüb*. This is despite the fact that there were clear legal grounds on which Muṣṭafā could have made a complaint: Islamic law prohibited non-Muslims from owning buildings taller than those of the Muslims living in the same town. The fatwa obtained by Muṣṭafā from the Şeyhülislām, if it gave the basis for the opinion (many fatwas do not), would have referred to the relevant legal texts. Muṣṭafā's choice shows the power of tradition as a legitimizing factor in Ottoman society.²¹ Of course, whether Muṣṭafā himself really felt a deep concern for tradition, or whether he simply recognized it as a rhetorical strategy that could produce the desired result, is another question. As well as tradition, petitioners would often claim that their adversaries were violating the *sharī'a*, or sometimes the *sharī'a* and the *kānūn* (Sultanic law). Petitioners never explicitly identified particular points of law on which to base their claims, however: they simply claimed that the law had been violated.

The life of a petition, stage 2: conveyance to the palace

Once an Egyptian petitioner had produced a petition, how did he or she deliver it to the Dīvān-i Hümāyūn? The idealized image of the petitioning process was of the Sultan receiving petitions personally while riding to mosque or on campaign. In the sprawling Ottoman empire of the late seventeenth and early eighteenth centuries, this function was necessarily delegated and the process bureaucratized. A litigant could present a petition in person, but it would be received by an official on the Sultan's behalf and then passed on to the Dīvān-i Hümāyūn. According to Colin Imber, during the seventeenth century the chief

20 Evliyā writes of the *eşnāf-i kاتب-i 'arzuḥālciyān*: "*Dukkān ve neferāt kırk beş. İçlerinde yine Ervām'dan serī'ü'l-kalem kimesneler vardır*". Evliyā Çelebi, *Evliya Çelebi Seyahatnamesi 10. kitap*, ed. Seyit Ali Kahraman, Yücel Dağlı and Robert Dankoff (Istanbul: Yapı Kredi Yayınları, 2007), 202.

21 Faroqhi highlights the importance of appeals to established practice in "Political activity among Ottoman taxpayers", 5–6.

white eunuch was charged with receiving petitions at the outer door to the palace grounds.²²

Many petitioners did present their petitions in person, and the accounts of European travellers describe a dramatic ritual in which petitioners would run through the palace grounds holding a burning mat above their heads, the smoke of which would alert the Sultan to the injustice they suffered.²³ Similar rituals – the performance of a prescribed and prominent act in order to bring something to the sovereign’s attention – were associated with petitioning in other pre-modern societies. Examples include the “chain of justice” of ancient Persian epics, pulled to ring a bell in the ruler’s quarters and in use in Mughal India, and the Norman cry of “Haro! Haro! Haro! A l’aide, mon prince, on me fait tort”, which, if pronounced on bended knee with arms held aloft, would immediately suspend any argument and have it transferred to the ducal court.²⁴ Political theatre such as this was an integral part of ideologies of the just prince, in which injustice was necessarily the result of the ruler’s ignorance. But while rituals like these are colourful, they should not obscure the fact that in the Ottoman empire petitioning was at heart a bureaucratic encounter. Public performance of a ritual was not necessary: submission of the written document was all that was required.

Despite the expense and danger of travel, some provincial petitioners, including some from as far as Egypt, journeyed to Istanbul to present their petitions in person. Contemporary chronicles provide examples of petitioners making this choice when the stakes were particularly high. The eighteenth-century soldier-chronicler Damurdāshī records that during 1698–99 the people of Banī Suwayf and al-Bahnasā in Upper Egypt sent a petition to Istanbul complaining that they suffered frequent bedouin raids, and that the local authorities were turning a blind eye due to bribes from the bedouin. They elected a local shaykh called Muḥammad to submit their petition, and he sailed to Istanbul in a merchant ship from Alexandria.²⁵ Damurdāshī also relates an event from the governorship of Ḥasan Pasha al-Silāhdār (1707–09) in which the six Cairo regiments other than the Janissaries sent a petition complaining about the Janissaries’ monopolization of urban tax-farms and their protection of certain merchants against the city’s authorities.²⁶ The regiments selected six people, one representing each regiment, to travel to Istanbul and submit the petition. The Janissary officers got

22 Colin Imber, *The Ottoman Empire, 1300–1650: The Structure of Power* (Basingstoke: Palgrave Macmillan, 2002), 153.

23 Wittmann cites examples in “Before Qadi and Grand Vizier”, 129–30.

24 Edward A. Kracke, Jr. gives an overview of the rituals associated with petitioning in various cultural traditions in “Early visions of justice for the humble in East and West”, *Journal of the American Oriental Society* 96, 1976, 492–8.

25 Aḥmad al-Damurdāshī, *Kitāb al-Durra al-muṣāna fī akhbār al-kināna: fī akhbār mā waqa’a bi Miṣr fī dawlat al-mamālīk*, ed. ‘Abd al-Raḥīm ‘Abd al-Raḥmān ‘Abd al-Raḥīm (Cairo: Institut français d’archéologie orientale, 1989), 40–41; Aḥmad al-Damurdāshī, *Al-Damurdashi’s Chronicle of Egypt, 1688–1755: al-Durra al-musana fī akhbar al-kinana*, ed. and trans. Daniel Crecelius and ‘Abd al-Wahhab Bakr (Leiden: Brill, 1991), 79–81.

26 The seven regiments present in Egypt were the Janissaries (usually called Mustahfizān in Arabic sources), ‘Azebān, Mūteferriqa, Çerākise, Gönüllüyān, Tüfekçiyān and the Çavuşān.

wind of their plot, and composed their own petition that listed the various offices held by their rivals. They demanded that if they were to lose any of their privileges then their rivals should lose something too. The Janissary counter-petition was also submitted in person, by a Janissary of Istanbul origin. According to Damurdāshī, he bumped into the six rival petitioners in Alexandria and they ended up travelling on the same boat.²⁷

Most petitioners, however, and particularly those engaged in mundane disputes, would not have travelled to Istanbul in person, but would have relied on courier networks to transport their petitions to the palace. In order to understand how great a burden the sending of a petition represented, it would be useful to know how much courier services cost, and how long it took a letter to arrive. Unfortunately, scholarly work on Ottoman postal communications is sparse. Colin Heywood has studied the official network of post-stations in Rumelia, but his work focuses on land transport, and the faster and more usual route between Egypt and Istanbul was by sea.²⁸ It is not clear whether there was an official post on this route as systematic as that on the main land routes in Rumelia and Anatolia. Nor is it clear whether the official postal system was open to ordinary petitioners. It seems likely that at least some petitioners would have relied on private couriers connected with merchant networks to deliver their petitions, but it is not possible to say how expensive this might have been.²⁹

It is easier to comment on how long petitions would have taken to reach Istanbul. The sea journey from Alexandria to Istanbul took twelve days.³⁰ From Cairo, there was the additional journey by river to Rosetta, and then along the coast to Alexandria. There would also have been delays waiting for transport at each interchange. The chronicler Aḥmad Shalabī reports that the news of Sultan Aḥmed III's accession to the throne on 27 Rebī'ū'l-evvel 1115 (10 August 1703) arrived in Cairo during Rebī'ū's-sānī: he does not

27 Damurdāshī, *Kitāb al-Durra al-muṣāna*, 78–9; Damurdāshī, *Al-Damurdashi's Chronicle*, 139–42.

28 Colin Heywood, "The Ottoman Menzilhane and Ulak system in Rumeli in the eighteenth century", in Osman Okyar and Halil İnalçık (eds), *Türkiye'nin Sosyal ve Ekonomik Tarihi, 1071–1920* (Ankara: Meteksan, 1980), 179–86; Heywood, "The Via Egnatia in the Ottoman period: the Menzilhanes of the Sol Kol in the late 17th / early 18th century", in Elizabeth Zachariadou (ed.), *The Via Egnatia under Ottoman Rule, 1380–1699* (Rethymnon: Crete University Press, 1996), 129–44.

29 Faroqhi cites an example of a group of petitioners who hired a messenger to convey their petition: "Political activity among Ottoman taxpayers", 2. It was probably more common for petitioners to use established courier networks. To my knowledge there is no scholarship on courier networks operating within the Ottoman empire, but Gagan Sood has studied private courier networks in eighteenth-century India and shown that they also carried mail between India and the Ottoman empire. He suggests that the situation within the Ottoman empire was similar to that in India, where courier services were linked to trading networks. See Sood, "Correspondence is equal to half a meeting: the composition and comprehension of letters in eighteenth-century Islamic Eurasia", *Journal of the Economic and Social History of the Orient* 50, 2007, 172–214; Sood, "The informational fabric of eighteenth-century India and the Middle East: couriers, intermediaries and postal communication", *Modern Asian Studies* 43, 2009, 1085–16.

30 Stephane Yerasimos, *Les voyageurs dans l'empire ottoman, XIV^e–XVI^e siècles* (Ankara: Imprimerie de la société turque d'histoire, 1991), 67.

give the day of arrival, but this at least shows that messages could arrive within a lunar month.³¹ A new Sultan was major news, and a few scattered examples suggest that official mail was usually somewhat slower. Imperial orders were often copied into the registers of al-Bāb al-‘Ālī, Cairo’s main *sharī‘a* court. Unfortunately, the scribes did not usually note the date of arrival,³² but on occasion they did, allowing comparison with the date of the order itself. An order issued on 5 Cemāziyü’l-evvel 1075 (24 November 1664) arrived in Cairo on 19 Receb (5 February 1665); another dated late Şevvāl 1092 (3–11 November 1681) arrived on 23 Zī’l-ḥicce (3 January 1682).³³ This suggests that non-urgent mail may have taken around two months to make the journey one-way. This means that petitioners in Egypt could have expected to wait more than four months for a reply: there would have been a further delay as the petition was processed by the palace. And, of course, given the nature of early modern travel there was always the potential for lengthier, unexpected delays. Petitioning added considerably both to the cost of a lawsuit and to its length: litigants approaching the *sharī‘a* court directly could expect to have their disputes resolved swiftly, often on the same day.

The life of a petition, stage 3: procedure at the palace

The procedure followed by the palace when responding to petitions was bureaucratic rather than judicial. There was no public or private hearing attended by the parties to the dispute. Even if the petitioner travelled to the palace in person, he or she would not usually be granted an audience: the Dīvān-i Hümāyūn based its decisions on the paperwork alone.³⁴ Only the petitioner’s case was considered: his or her adversary did not have a chance to respond.³⁵ It is not surprising, therefore, that the orders issued in response to petitions rarely gave definitive instructions, and often simply instructed the local kadi or governor to deal with the matter according to the *sharī‘a*. While the procedure was bureaucratic rather than judicial, however, it could still contain an investigative component. When the petitioner referred to a fact that could be verified in the palace’s

31 Aḥmad Shalabī ibn ‘Abd al-Ghanī, *Awḍaḥ al-ishārāt fī man tawallā Miṣr al-Qāhira min al-wuzara’ wa’l-bāshāt*, ed. ‘Abd al-Raḥīm ‘Abd al-Raḥmān ‘Abd al-Raḥīm (Cairo: Maktabat al-khānjī, 1978), 209.

32 Imperial orders were always inscribed in a particular place in the register (the first few pages), rather than sequentially with the rest of the register’s contents. So it is not possible to date their arrival with any accuracy by reference to the dates of the entries that surround them – each register covers a year or more.

33 Egyptian National Archive, Cairo. Sijillāt maḥkamat al-Bāb al-‘Ālī, register 139, p. 4; register 167 mukarrar, unnumbered page before page 1, first entry.

34 In this respect the Dīvān-i Hümāyūn’s procedure resembled that of the Mamluk *mazālim* system. According to Jorgen Nielsen, while the Mamluk Sultan sometimes held public hearings, these were exceptional: most petitions were dealt with without a hearing. See Nielsen, *Secular Justice in an Islamic State: Mazālim under the Bahrī Mamlūks 662/1264–789/1387* (Leiden: Nederlands Historisch-Archaeologisch Instituut te Istanbul, 1985), 63–75.

35 In the story cited above of the rival regiments, both parties to the dispute petitioned simultaneously. This story is the only reference I have found to a case of this sort. Undoubtedly, in most cases only one party submitted a petition; the Dīvān-i Hümāyūn certainly never solicited input from the other party.

archives, the official conducting the initial review of the petition would check the petitioner's claim and annotate a copy of the relevant document by the side of the petition before passing it on.

The palace's procedures are illustrated well by the petition reproduced in the appendix. This petition, concerning a dispute over the supervisorship of a *vaḳıf* (endowment), was sent by Muṣṭafā ibn al-Shaykh Aḥmad Muḥammad of Cairo during the first half of 1676.³⁶

Muṣṭafā's petition itself was confined to the lower left-hand part of the paper. This convention was universally observed and allowed for substantial annotation to be made by palace bureaucrats. When the petition reached the palace, the first official annotation simply noted the date of its arrival: late Rebī'ü's-sānī 1087 (3–11 July 1676).

The petition was then reviewed by a junior official. Muṣṭafā claimed that he was the rightful supervisor of the endowment of Muḥammad Abū 'l-Sa'ūd al-Jāriḥī, and that this position had been granted to him and his descendants by the Sultan in recognition of his having repaired the endowment's buildings, mosque and finances after the endowment had become impoverished through mismanagement. He claimed to possess four appointment deeds (*berāts*) and an imperial decree (*fermān*) from Istanbul confirming his position, as well as an order issued by the governor in Egypt; his post was also recorded in the official register in Cairo. Nevertheless, people who bore "grudges and ill-will" were interfering and attempting to take his position from him. Muṣṭafā asked for a further decree guaranteeing his position and that of his descendants.

As it rested on title granted by the palace, Muṣṭafā's claim could be verified using the palace's archives. Muṣṭafā identified the *fermān* already in his possession by its date – mid Rebī'ü'l-evvel 1077 (11–20 September 1666). The junior official reviewing his petition duly looked up the copy of this *fermān* that was filed at the palace. This previous *fermān*, as Muṣṭafā claimed, confirmed that the supervisorship of the endowment belonged to Muṣṭafā and his descendants. The junior official annotated the text of the *fermān* at the top right of the petition, before passing it on to the next bureaucrat in the process.

This senior official was the decision maker. Who exactly the decision-making official was is not clear. The petitions themselves were always addressed to "my Sultan". Of course, the petitions were in fact handled not by the Sultan himself but by his Dīvān-i Hümāyūn, which was presided over by the Grand Vizier. But given the enormous quantity of petitions, and the humdrum nature of many of them, it seems unlikely that the Grand Vizier was involved in every one. Decisions on most petitions would have been made by a lower-ranking member of the Dīvān-i Hümāyūn's staff, with only the most important being shown to the Grand Vizier. The official with responsibility for deciding which petitions were sent higher up clearly wielded considerable influence, but unfortunately this stage of the process is invisible.

The senior official first reviewed the petition and the annotations made by the junior official. On Muṣṭafā's petition, we can see that he confirmed that Muṣṭafā's claim was genuine on the strength of the *fermān* that the junior

36 PMA, Divan Kalemi, box 77, folder 64. The petition itself is not dated, but the date of its arrival is noted: late Rebī'ü's-sānī 1087 (3–11 July 1676).

official had copied on to the paper, and he signified this by scribbling “correct” (*ṣaḥīḥdir*) above it. On this basis, the official decided to issue an imperial order in Muṣṭafā’s favour, reconfirming his right, and his descendants’ right, to the supervisorship of the endowment. The official wrote an instruction to this effect at the top left of the paper. This instruction was written in large letters with a thick pen. Often, though not in the case of Muṣṭafā’s petition, the official would scatter gold flakes on to the still-wet ink.

The document was then passed on to the scribe whose job it was to draw up the imperial order. Although I have not seen the particular imperial order that resulted from this petition, based on the virtual uniformity of other such orders sent to Egypt I can say that it would have been addressed to both the governor and the chief kadi in Cairo. The palace would have ordered the governor and the kadi to ensure that Muṣṭafā’s right was not compromised. Prior to sending the order, a copy would have been made for the palace’s records. Upon its arrival in Cairo, a further copy may have been made in the registers of Cairo’s main *sharī‘a* court, al-Bāb al-‘Ālī.

Part 2: Why petition?

For an Ottoman subject living in Egypt, sending a petition to Istanbul would have involved a significant investment of money and time. Most petitioners would have paid a professional to write the petition. Some would then have carried it to Istanbul themselves; others would have employed a courier service. All would have had to wait for the petition to reach Istanbul and to pass through the palace’s bureaucracy, and then for the response to make its way back. The Dīvān-i Hümāyūn usually referred the matter to the kadi and the governor back in Cairo, whom the petitioner could have approached directly. Why, then, did petitioners make this investment? What was in it for them? We must assume that an imperial order issued in response to a petition impacted, or at least had the potential to impact, the outcome of the resulting court case. In this part of the article, I discuss what kinds of impact such an imperial order could have.

Explicit instruction

In some cases, the imperial order issued in response to a petition explicitly instructed the kadi to reach a particular decision: in what follows I call these *specific orders*. I begin my analysis with specific orders, as these are the most obvious way that an order could impact the subsequent court hearing. The Dīvān-i Hümāyūn did not, however, usually issue specific orders. The most common order was an instruction simply to hear the matter according to the *sharī‘a*, which I will call an *unspecific order*.³⁷ As discussed above, the palace dealt with petitions using a bureaucratic rather than a judicial procedure: there was no hearing, and only the petitioner was able to present his or her case. It is not surprising, therefore, that the Dīvān-i Hümāyūn usually issued an unspecific order, delegating to the kadi the tasks of ascertaining whether the petitioner’s claim was true and judging accordingly. What requires explanation is the fact that the Dīvān-i

37 The usual phrase was *şer‘le görülmek*.

Hümāyūn, having heard from only one party to a dispute, did sometimes issue a specific order, directing the kadi to reach a particular judgment.

During the second half of 1085 (late 1674 to early 1675), a man called Aḥmad Nūr al-Dīn sent a petition to the Dīvān-i Hümāyūn. Ahmad had endowed a mosque and two colleges in Cairo, and had stipulated in the endowment deed that the supervisor of the endowment should be appointed from his male line.³⁸ His father 'Alīm had held the position of supervisor, but when he died a replacement had been appointed from outside his family, contrary to the stipulations of the endowment. Aḥmad had previously obtained an order from the Dīvān-i Hümāyūn, and the case had been heard by a kadi, who had issued Aḥmad with a legal deed (*hucce*) in his favour. Aḥmad had also procured a fatwa in support of his claim. Apparently, people from outside his family had continued to interfere in the endowment, which had led Aḥmad to approach the Dīvān-i Hümāyūn a second time. The imperial order resulting from this petition explicitly directed the kadi and the governor in Cairo to enforce the terms of the deed and the previous order, and to prevent any further interference from outsiders in Aḥmad's endowment.³⁹

Another example of a specific order is the response to a petition submitted by Yūsuf ibn Shaykh 'Abd al-Jawād, Shaykh Sarāmī and Shaykh Maḥmūd Ḥamūdī in early 1140 (late 1727 to early 1728). Yūsuf, Sarāmī and Maḥmūd had been appointed joint supervisors of the Sufi lodge of 'Ābidīn and Zayn al-'Ābidīn in the Lower Egyptian town of Bilbays, a small mosque in the village of Santīḥ, and the endowments of Sayyid Aḥmad, Abū Sha'bān and Sayyid 'Ālī in the village of Mūfa. They had an imperial appointment deed (*berāt*) confirming their positions. However, they claimed that unnamed individuals were preventing them from taking control of these institutions and endowments. The order issued by the Dīvān-i Hümāyūn in response to their petition explicitly instructed the kadi and the governor in Cairo that the three men must be given control in accordance with their appointment deed.⁴⁰

Similarly, in late Cemāziyü'l-evvel 1109 (5–14 December 1697), a woman called 'Āyisha sent a petition and obtained an imperial order explicitly ordering the kadi and the governor in Cairo to grant possession of a merchant hostel, several shops and some properties in the vicinity of the Khān al-Khalīlī market in Cairo to an agent she had appointed. 'Āyisha held the usufruct of these properties, as had her ancestors, and she had a deed authorizing her to assume possession of them.⁴¹

38 *evkāfın nezāreti evlād ve evlādına meşrūt idüb.*

39 Hans Georg Majer (ed.), *Das osmanische Registerbuch der Beschwerden (Şikayet Defteri) vom Jahre 1675: Österreichische Nationalbibliothek Cod. mixt 683* (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1984), f. 23a, 3rd entry. The order is dated early Zī'l-ka'de 1085 (27 January–5 February 1675). This volume is a facsimile of a stray Şikayet Defteri that ended up in the Austrian National Library, having been carried with the Ottoman camp during the late seventeenth-century Ottoman–Habsburg wars and lost on the battlefield, possibly during the siege of Vienna.

40 *berāta mücibince zabt üdirile.* PMA, Şikayet Defteri 997 (listed in catalogue 980), p. 12, 1st entry, late Cemāziyü'l-āhır 1140 (3–11 February 1728).

41 PMA, Atik Şikayet Defteri 28 (listed in catalogue 989), entry 45, late Cemāziyü'l-evvel 1109 (5–14 December 1697).

What the cases of Aḥmad Nūr al-Dīn, Yūsuf and his friends, and ʿĀyisha had in common was that all revolved around claims that were verifiable with documents. It was this that allowed the Dīvān-i Hümāyūn to issue specific orders. All three cases centred on a person's right to supervise an endowment or on a person's title to property. These rights had all previously been established or confirmed by an authority that had issued the petitioner with a document.

Yūsuf and his friends had been issued with an imperial appointment deed (*berāt*). While they were far away in Lower Egypt, the imperial government in Istanbul would have kept a copy of the appointment deed, as it did with all documentation that it issued. The Dīvān-i Hümāyūn's staff would have looked up the appointment deed in the palace's archives to check the veracity of Yūsuf's claim. I illustrated this process in part 1, with the example of Muṣṭafā ibn al-Shaykh Aḥmad Muḥammad, the supervisor of the endowment of Muḥammad Abū 'l-Sa'ūd al-Jāriḥī.

Aḥmad Nūr al-Dīn referred to a previously issued imperial order in his petition, as did Muṣṭafā ibn al-Shaykh Aḥmad Muḥammad. Likewise, palace bureaucrats would have been able to locate a copy of this document in their archives and check Aḥmad's claim. Aḥmad also had a deed issued by a kadi (*ḥuccet*) as a result of an earlier litigation, although it is not clear whether the Dīvān-i Hümāyūn would have been able to consult this. Furthermore, as Aḥmad's endowment was of considerable size, it is possible that the palace archives held a copy of the endowment deed. As the issue at stake was the stipulations of the endowment deed, a palace bureaucrat could also have used this to verify Aḥmad's claim.

ʿĀyisha, on the other hand, did not refer to a previously issued imperial order or appointment deed. She did, however, have a deed issued by a kadi (*ḥuccet*), either as a result of a previous litigation, or because she had gone to the kadi and provided him with evidence of her right in order to obtain an authoritative document. This document had not been issued by the central government in Istanbul, and so a copy would not necessarily have been available in the palace's archives. ʿĀyisha, however, presented her petition in person, and so may have brought her own copy of the deed with her.⁴²

In these three cases, the facts had already been established by an authoritative body: either the Dīvān-i Hümāyūn itself, another arm of the palace bureaucracy, or a kadi. The role of the Dīvān-i Hümāyūn was not to adjudicate: the Dīvān did not have to determine whether the claim of the petitioner was true. Its role was rather to enforce the consequences of a right that had already been established. The Dīvān-i Hümāyūn was ordering its subordinates – the governor and the chief kadi of Egypt – to ensure that these consequences were realized.

Oversight

In some cases, then, the Dīvān-i Hümāyūn issued specific orders directing the kadi to reach a particular judgment. In such cases it is easy to see the appeal of petitioning for the petitioner: he or she received a judgment in his or her

42 The imperial order states that ʿĀyisha “came [to the palace] and petitioned” (*geliib 'arzuḥāl idiüb*), rather than the more usual phrase, which was simply “petitioned” (*'arzuḥāl idiüb*).

favour from the highest authority in the empire. However, the majority of orders issued in response to petitions were unspecific: they contained simply the generic instruction that the kadi should hear the matter according to the *sharī'a*. What did the petitioner gain from such an order that justified the time and expense involved in sending a petition? One possible answer is that all petitioners hoped for a specific order, but that most were unlucky. This seems unlikely: as explained above, the decision whether to issue a specific or an unspecific order was based on transparent factors that would have allowed a petitioner to gauge with some degree of accuracy what kind of order he or she would be likely to receive. In what follows, I will suggest that even an unspecific order could have been a desirable outcome for the petitioner.

Ḥācī Muṣṭafā, a veteran of the Bostancı regiment, sent a petition to the Dīvān-i Hümāyūn during early 1086 (early to mid 1675). Ḥācī Muṣṭafā claimed that Ḥaydar and Dāwīd, two money changers in Cairo, had borrowed from him 322,000 Egyptian *para* and had given him a sealed deed (*memhūr temessük*) confirming the debt. Subsequently, they had repaid 75,000 *para* but were refusing to return the remainder.⁴³ Ḥācī Muṣṭafā requested that the Dīvān-i Hümāyūn order the immediate repayment of the debt, but the Dīvān ordered simply that the matter be heard according to the *sharī'a*.⁴⁴ Ḥācī Muṣṭafā possessed a document confirming the original loan, but proof that a debt had once existed could not prove that it still existed. Ḥaydar and Dāwīd might claim that they had repaid the entire sum, or at least more than the 75,000 *para* that Ḥācī Muṣṭafā admitted. Regardless of what Ḥācī Muṣṭafā requested in his petition, if he was familiar with the legal process then he cannot have expected to be issued with a specific order in his favour.

If Ḥācī Muṣṭafā's petition resulted only in an order to the kadi in Egypt to hear the matter according to the *sharī'a*, what good did it do Ḥācī Muṣṭafā? One impact the order had was to inform the Egyptian governor of the case. This was routine with orders sent to Egypt. All of those I found were jointly addressed: usually to the governor and the chief kadi in Cairo, sometimes to the governor and the kadi of another Egyptian town. Even if the case was ultimately resolved in the *sharī'a* court by the kadi, a jointly addressed order made the governor responsible for ensuring that it was carried out satisfactorily. By sending a petition, a litigant could involve multiple authorities in his or her case.

There are two main reasons why a litigant might want to involve the governor as well as the kadi in his or her dispute. One possibility is that the litigant might anticipate not receiving a fair hearing before the kadi. The litigant might suspect the kadi of being corrupt. Or, if the litigant's adversary was a powerful person locally, the litigant might fear that the kadi would find it difficult to resist the adversary's influence.

The second possibility is that the litigant might doubt the kadi's ability to have his judgment enforced. The fact that Ottoman kadis had weak enforcement powers has been noted elsewhere.⁴⁵ Petitioning records provide documentary

43 *bākīsın virmekte ta'allül ü 'inād itmeleriyle*.

44 Majer, *Das osmanische Registerbuch*, f. 165b, 6th entry, early Cemāziyü'l-evvel 1086 (24 July–2 August 1675).

45 Ergene, *Local Court*, 52; Ginio, "Patronage, intervention and violence", 125–8.

evidence that even when a litigant had obtained a favourable settlement in a *sharī'a* court, he or she might still be led to petition the Dīvān-i Hümāyūn – probably to try to have the kadi's judgment enforced. Even when a petition does not claim that the dispute had previously been heard by a kadi, the decision to send the petition may still have been prompted by the kadi's lack of enforcement powers. Experienced litigants would have been well aware of the limits of the kadi's powers. They may have petitioned, thereby involving the governor who had coercive force at his disposal, when they anticipated that otherwise their adversary would simply ignore the kadi's judgment.

The example I use here is difficult to follow as it involves three different people called Muṣṭafā. They are distinguishable, however, as one has the prefixed title "al-Hājj" and another has the suffixed military rank "Çorbacı"; the third I will call by his name only. This case is an example of a person sending a petition to Istanbul after a favourable *sharī'a* court judgment failed to resolve the dispute. In early 1109 (mid to late 1697), Muṣṭafā sent a petition to the Dīvān-i Hümāyūn. He reported that Sīdī 'Uthmān, a resident of the Egyptian port of Rosetta and the manumitted slave of his late uncle al-Hājj Muṣṭafā, had died without leaving any children. In the absence of prior heirs, 'Uthmān's estate should have passed to al-Hājj Muṣṭafā, as his former owner, and thence to Muṣṭafā, as al-Hājj Muṣṭafā's heir.⁴⁶ Moreover, 'Uthmān's wife had also died without children, and so her estate should have passed to 'Uthmān, and thence to Muṣṭafā. However, Muṣṭafā had not been present in Rosetta in order to claim his right, and both 'Uthmān's and his wife's estates had been seized by Muṣṭafā Çorbacı. Muṣṭafā Çorbacı claimed the estates on behalf of his wife, on the grounds that she was also a manumitted slave of the same owner. Muṣṭafā claimed that he had legally established his claim to the estates, and that he had received a legal deed (*huccet*) confirming this.⁴⁷ Nevertheless, Muṣṭafā Çorbacı continued to refuse to hand over the estates. In response to Muṣṭafā's petition, the Dīvān-i Hümāyūn ordered the kadi and governor in Cairo that the matter be heard according to the *sharī'a*.⁴⁸

Prior to sending his petition, Muṣṭafā had won a lawsuit against Muṣṭafā Çorbacı in a *sharī'a* court: he stated that he had established his claim and received a *huccet* confirming this. Probably, this first lawsuit was conducted in the *sharī'a* court of Rosetta. Despite victory in court, the dispute had dragged on, as Muṣṭafā Çorbacı had ignored the verdict, so Muṣṭafā sent a petition. The Dīvān-i Hümāyūn

46 The former owner inherited from his manumitted slave as his patron (*mawlā*). One confusing aspect of this document is that it specifies only that 'Uthmān had no children. There are several other categories of heir who precede the patron, including ascending male relatives, and male descendants of the deceased's father and grandfather. The text of the document itself, therefore, does not contain sufficient information to show that al-Hājj Muṣṭafā should have inherited 'Uthmān's estate. However, these imperial orders are often extremely terse, and only summarize the petitions to which they responded. The document does state that Muṣṭafā's claim had been confirmed by a kadi, who would presumably have ensured that 'Uthmān had no heirs prior to al-Hājj Muṣṭafā. It is certainly plausible that 'Uthmān would have had no traceable relatives: as a slave he was most probably imported from the Caucasus or from sub-Saharan Africa as a child or young man.

47 *virāsetini işbāt ve yedine huccet-i şer'īye virilmekle.*

48 PMA, Şikayet Defteri 28 (listed in catalogue 989), entry 3, late Cemāzīyü'l-evvel 1109 (5–14 December 1697).

responded with an unspecific order, as we would expect, since they only had Muṣṭafā's word that his story was accurate.⁴⁹ However, by addressing the order to the governor as well as to the chief kadi, the Dīvān-i Hümāyūn charged him with ensuring that the dispute was resolved. The governor had coercive force at his disposal, and so assuming that Muṣṭafā's story turned out to be true, he could compel Muṣṭafā Çorbacı to comply with the kadi's judgment.

Petitioning the Sultan could, then, have a direct impact on the course of the resulting court case. In some circumstances, a petitioner could hope that the Dīvān-i Hümāyūn would explicitly back his or her claim. If this was not possible, the intervention of the Dīvān-i Hümāyūn would at least involve the governor of Egypt in the case, which could both prevent judicial corruption and ensure enforcement of the kadi's judgment. Beyond such direct impacts, however, petitioning could also produce less tangible benefits for the petitioner. To understand these, we need to consider the nature of Ottoman judicial procedure and the social and psychological dynamics of disputing.

Intimidation through documentation

Many petitioners assembled multiple documents in pursuit of their claims. The resentful neighbour who introduced this article, al-Ḥājj Muṣṭafā of Ziftā, obtained a fatwa from the Şeyhülislām and then requested an imperial decree from the Sultan in his campaign to have the top floor removed from his neighbour Banüb's house. Aḥmad Nūr al-Dīn obtained a fatwa before he sought the Dīvān-i Hümāyūn's help in his attempt to regain control of his endowment. Muṣṭafā ibn al-Shaykh Aḥmad Muḥammad, the supervisor of the endowment of Abū 'l-Sa'ūd al-Jāriḥī, had already obtained a decree from the Dīvān-i Hümāyūn and an order from the governor of Egypt to accompany his four appointment deeds, and had registered his position at Cairo's *sharī'a* court, before he petitioned Istanbul for a further order in his favour.

The amassing of authoritative documents by Ottoman litigants has been noted by other scholars. Several of the Greek Orthodox clerics studied by Michael Ursinus paired a fatwa with an order from the Dīvān-i Hümāyūn; one third of the petitioners in Richard Wittmann's study of the legal activities of Istanbul's non-Muslim population did so.⁵⁰ Leslie Peirce described litigants in sixteenth-century 'Ayntāb assembling collections of a variety of types of document in support of their claims – fatwas, orders from the Dīvān-i Hümāyūn, a decree from an Istanbul kadi, orders from the provincial governor-general in Mar'aş, and the imperial "edicts of justice" called *'adāletnāmes*.⁵¹

From the perspective of a historian, one possible response to Ottoman subjects' evident enthusiasm for bolstering their legal claims with documents would be to

49 Muṣṭafā possessed a *huccet* confirming his right, but as this *huccet* was issued in Egypt and there is no indication that Muṣṭafā travelled to Istanbul, the palace was probably not able to check it.

50 Michael Ursinus, "Petitions from Orthodox Church officials to the imperial Diwan, 1675", *Byzantine and Modern Greek Studies* 18, 1994, 236–47; Richard Wittmann, "Before Qadi and Grand Vizier", 146.

51 Leslie Peirce, *Morality Tales: Law and Gender in the Ottoman Court of Aintab* (Berkeley: University of California Press, 2003), 282–5.

try to delineate the procedural place and the legal impact of each genre of document within the judicial process. But this line of enquiry is of limited use in explaining the attraction of documents for Ottoman litigants. While deeds issued by kadis and imperial appointment deeds could be used to establish facts such as title to property or appointment to an official position, fatwas and orders from the *Dīvān-i Hümāyūn* were technically of little value in adjudication. A fatwa merely gave the mufti's opinion of the legal implications of a hypothetical situation: the plaintiff still had to prove that the situation outlined in the fatwa was an accurate representation of the facts.⁵² Likewise, an imperial order could usually only order further investigation by a kadi, as the *Dīvān-i Hümāyūn* had only heard one side of the story. From a technical legal perspective, then, a litigant's collection of fatwas and imperial orders served no purpose: it amounted to "redundancy in documentation", in Peirce's phrase.⁵³

Peirce also suggested that in sixteenth-century 'Ayntāb people perceived documents as being arranged in a hierarchy, some more powerful than others.⁵⁴ That such a perception would have been, from a legal perspective, inaccurate, is not important. It is worth considering whether certain documents, regardless of their technical value as evidence or authority, could have had an impact on the social dynamics of the courtroom.

In imagining such an impact, it is important to bear in mind the nature of Ottoman judicial procedure. The crucial point is that Ottoman *sharī'a* courts – or indeed any courts adhering to *sharī'a* procedure – were adversarial rather than inquisitive. The kadi's role was not to investigate, but rather to provide a procedural framework in which two litigants were able to conduct a dispute. If one of the litigants was able to establish his or her case within the procedural and evidentiary boundaries that the kadi enforced, then the kadi would issue a judgment in his or her favour.⁵⁵ Responsibility for the progress of the adjudication, then, rested with the litigants. In fact, individual litigants bore a far greater degree of responsibility than do their counterparts in modern adversarial legal systems such as that of the United States. There was no office of prosecutor, and so victims of crime had to conduct the prosecution themselves.⁵⁶ There

52 This is not to say that fatwas were always unimportant: a fatwa could be of value in litigation if an ambiguous or a controversial point of law was at stake, in which case the kadi would often defer to the mufti's judgment. But litigants frequently procured fatwas even when the legal basis of their claims was obvious: one example being al-Ḥājj Muṣṭafā, who introduced this article.

53 Peirce, *Morality Tales*, 284.

54 *ibid.*, 283.

55 When testimony was presented as evidence, it was the kadi's responsibility to check whether it was valid. This did not, however, involve cross-examination or any assessment of the testimony's plausibility, but merely consisted of determining whether the person giving testimony was a suitable witness. If the required number of suitable witnesses was produced, their testimony was considered proof.

56 This comment is limited to Ottoman legal practice within the *sharī'a* courts. Certain military officials (exactly which varied from province to province) were responsible for supervising moral infractions and marketplace activities and combined the function of police and magistrate. However, when an Ottoman subject suffered theft, vandalism of property, a violent attack, or the murder of a relative, he or she would have to sue the offender to obtain compensation and/or punishment.

was no professional intermediary class of lawyers, and so litigants had to construct their cases and assemble evidence themselves.⁵⁷ Similarly, the defendant bore the responsibility for his or her defence. Once the plaintiff had issued a suit, it was up to the defendant to admit or deny the plaintiff's claim. If the defendant denied the claim, and the plaintiff responded by producing evidence, it was up to the defendant to issue a counter-claim and provide evidence for that if he or she wanted to continue to resist.

In this context, a barrage of authoritative documents could have had a significant intimidating effect on a legal adversary. Particularly in situations in which a plaintiff faced a less experienced defendant, such a tactic could accentuate the power dynamic. Authoritative documents could be used to intimidate the defendant into conceding defeat. The imperial order a petitioner received was a symbolic representation of the Sultan's power. The document would have been illegible to most litigants in Cairo: in a language foreign to most Egyptians, and in any case written in the *dīvānī* script, designed to look elegant rather than to read easily, and impenetrable to the uninitiated. But crowned with a *tuğra*, the Sultan's stylized signature, and with flakes of gold scattered across the ink, it was a document designed to impress. That such documents were sought and valued by Cairenes says much for the continued prestige of the Ottoman Sultanate.

We should also consider the performative nature of the act of petitioning. By going to the trouble and expense of sending a petition, and by appearing to know how to work the system, a litigant could convey an impression of him or herself as possessing legal knowledge and as having sufficient resources to pursue a legal battle aggressively. The act of petitioning not only produced a document but also indicated that the petitioner had financial means and determination, and that continued resistance would not result in peace. This might encourage the defendant to concede; it might also convince him or her to comply with the kadi's verdict.⁵⁸ As illustrated above with the case of the three Muṣṭafās, a successful *sharī'a* court hearing was often only one stage in a litigant's dispute – enforcement was another battle. The meaning of authoritative documents, such as the imperial orders procured by petitioners, can only be fully understood if we consider not just their technical legal value, but also their role in the broader culture of disputing.

Conclusion

The traditional narrative of Ottoman–Egyptian history portrays the seventeenth and eighteenth centuries as a period during which Ottoman influence waned and Egypt became increasingly autonomous. Law and legal practice has played a prominent role in this narrative. Michael Winter contrasted the large numbers of “Ottoman

57 The widespread use of agents (*vūkelā*), as well as the *'arzuḥālcis* mentioned above, served to disseminate legal expertise to those who had the right contacts or who could afford professional services, but plenty of litigants appeared in court alone.

58 Much like today, the threat of a costly battle could be used by a wealthy party to dissuade an adversary from litigation.

Turkish” kadis in the sixteenth century with the situation in 1798, when “only six *qadis* were Ottoman Turks, the rest being Arabs”.⁵⁹ Muḥammad Nūr Farahāt, in his history of the Ottoman–Egyptian legal system, declared that by the eighteenth century the Ottoman governor was “merely an ambassador from Istanbul”.⁶⁰

These statements are misleading: Winter’s focus on ethnicity is anachronistic,⁶¹ and the archival evidence shows that the Ottoman governor was far more intimately involved in Cairene life in the eighteenth century than Farahāt supposed.⁶² But regardless of the cultural background of Egyptian kadis and the power of Ottoman governors, a study of petitioning shows that Egypt’s legal system was still procedurally, institutionally and culturally tied to a wider Ottoman system of justice. During the seventeenth and eighteenth centuries, many Ottoman subjects in Egypt sent petitions concerning their private legal disputes to the Sultan in Istanbul, despite the cost in time and money. The Sultan, represented by the Dīvān-i Hümāyūn, continued to exercise one of the crucial functions of sovereignty as the ultimate guarantor of justice, and continued to be seen as such by the Egyptians who petitioned him.

The arrival of an imperial order from the Dīvān-i Hümāyūn could have a real impact on the progress of a dispute. On some occasions the Dīvān-i Hümāyūn gave the kadi in Egypt a specific order to reach a certain judgment. Judicial autonomy in the Ottoman empire only went so far: while the Dīvān-i Hümāyūn did not interfere in *sharī‘a* court adjudication as a matter of course, this option was available. The Sultan had both the right and the ultimate responsibility to dispense justice, following in the Islamic tradition of the *mazālim* jurisdiction. In the more numerous cases when the Dīvān-i Hümāyūn sent an unspecific order, this order still had an impact. The orders sent in response to petitions from Egypt always involved the governor in the case, adding an extra tier of oversight that could serve two purposes – to guard against the kadi’s corruption, or to assist in enforcing the kadi’s judgment. Moreover, the order itself was an impressive and powerful document that a litigant could use to emphasize his or her commitment to the case, or to dissuade the adversary from resisting. Beyond the actual coercive power that they represented, imperial orders were clearly desirable documents that Egyptians such as al-Ḥājj Muṣṭafā, who resented the height of his neighbour’s house, saw as a useful tool for pursuing disputes. Ottoman power and Ottoman legitimacy were recognized and

59 Winter, *Egyptian Society*, 111–3.

60 Muḥammad Nūr Farahāt, *al-Tārīkh al-ijtimā‘ī li ‘l-qānūn fī Miṣr al-ḥadītha* (Kuwait: Dār sa ‘ād al-ṣabāh, 1993), 191.

61 ‘Abd al-Rāziq Ibrāhīm ‘Īsā illustrates the difficulty of categorizing kadis as either Ottoman Turks or Arabs: kadis, or legal scholars in general, became “Ottoman” by virtue of their education, not their place of birth or language of upbringing. Arabic-speaking Egyptians could and did become Ottomans: some became Ottoman kadis who ended up being posted to Egypt. See ‘Īsā, *Tārīkh al-qaḍā’ fī Miṣr al-‘uthmāniya, 1517–1798* (Cairo: al-Hay’a al-Miṣriya al-‘āma li ‘l-kitāb, 1998), 234–8.

62 The earliest surviving register (*sijill*) of the Ottoman governor of Egypt’s tribunal known as al-Dīwān al-‘Ālī, held at the Egyptian National Archive in Cairo, dates from 1741–43. It shows the governor playing an active role at the centre of Egyptian political and legal life. See James E. Baldwin, “Islamic law in an Ottoman context: resolving disputes in late 17th/early 18th-century Cairo”, PhD dissertation, New York University, 2010, 31–74.

valued by late seventeenth- and early eighteenth-century Egyptians, and remained vital components of the province's legal system.

Appendix

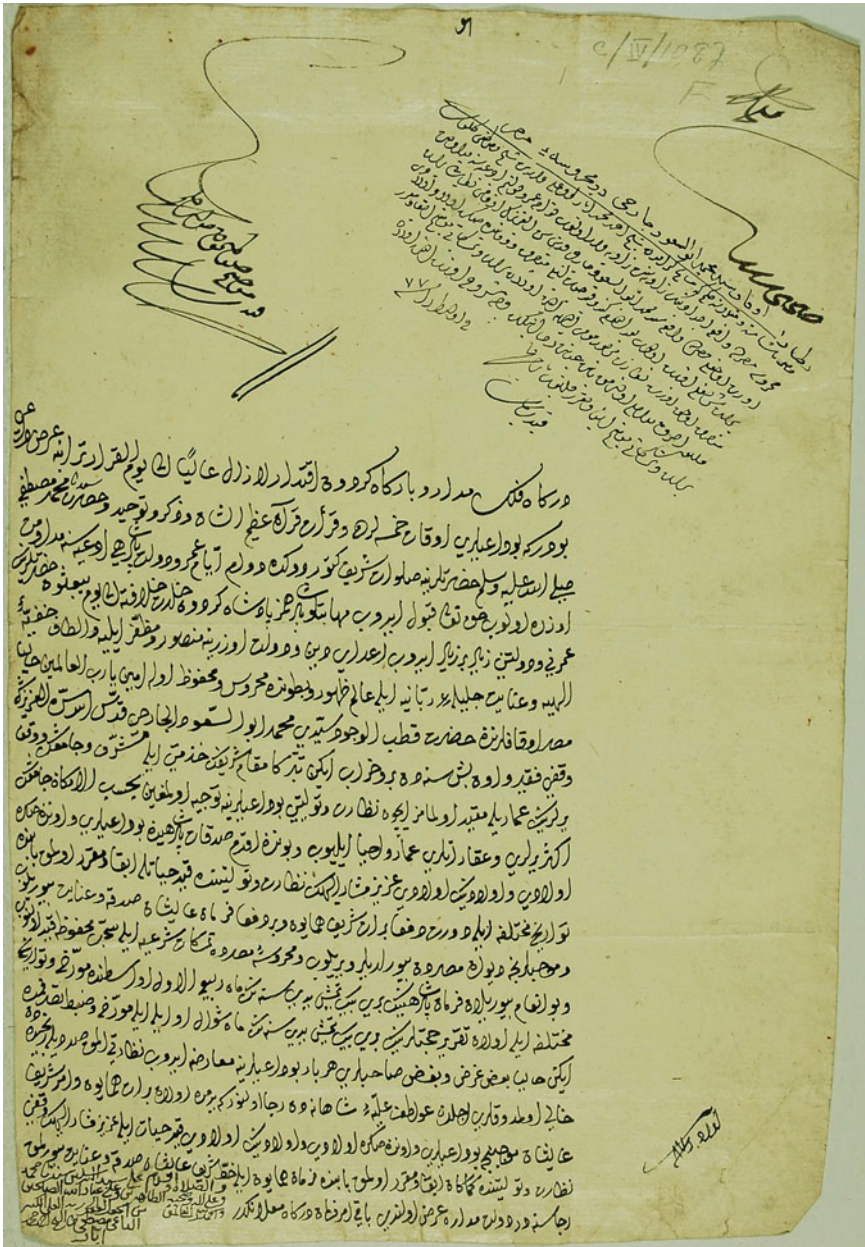


Figure 1. (Colour online) PMA, Divan Kalemî, box 77, folder 64. Reproduced with the permission of T.C. Devlet Arşivleri Genel Müdürlüğü

Transcription

A: Muṣṭafā's petition (lower left section of paper):

1. درگاه فلک مدار وبرکاه کردن اقتدار لا زال عالیا الی یوم القرار ترابنه عرض داعی
2. بودر که بو داعیلری اوقات خمسہ لری وقرأت قرآن عظیم الشان و ذکر وتوحید وحضرت سیدنا محمد مصطفی
3. صلی الله علیه وسلم حضرتلرینه صلوات شریف کتوردکده ودام ایام عمر ودولت پادشاهی ادعیه سنه مداومت
4. اوزره اولوب حق تعالی قبول ایدوب مهابتلو پادشاهمز پادشاه کردون خلدت خلافته الی یوم بیعتون حضرتلرینه
5. عمرنی ودولتتی زیاد بر زیاد ایدوب اعدای دین ودولت اوزرینه منصور ومظفر ایلیه والطف خفیه
6. الهیه وعنايت جلیله ربانیه ایله عالم ظهور و بطونده محروس ومحفوظ اوله امین یارب العالمین حالیا
7. مصر اوقاقلرندن حضرت قطب الوجود سیدی محمد ابو السعود الجارحی قدس الله سره العزیزک
8. وقفی فقیر واون بش سنه دن برو خراب ایکن تبرکا مقام شریفک خدمتی ایله مشرف وجامعک ووقف
9. یرلرینک عماریله مقید اولمامز ایچون نظارت وتولیتی بو داعیلرینه توجیه اولمغین بحسب الارکان جامعک
10. اکثر یرلری وعقاراتلری عمار واحیا ایلوب وبوندن اقدم صدقات پادشاهیدن بو داعیلری واوندن صکره
11. اولادی واولادینک اولادی عزیز مشار الیهک [وقفینک] نظارت و تولیتنده قید حیاتله ابقا ومقرر اولمق بابنده
12. تواریخ مختلفه ایله دورت دفعا برات شریف همایون وبر دفعا فرمان عالیشان صدقه وعنايت بیوریلوب
13. وموجبلرنجه دیوان مصردن بیورلدیلر ویریلوب ومحروسه مصرده تمسکات شرعیه ایله سجل محفوظه قید اولنوب
14. وبو انعام بیوریلان فرمان پادشاهینک بری بیک یتمش یدی سنه نک ماه ربیع الاول واسطنده مورخ وتواریخ
15. مختلفه ایله اولان تقریر حجتلرینک بری بیک یتمش یدی سنه نک ماه شوال اوایلای ایله مورخه وضبط تصرفده
16. ایکن حالیا بعض غرض وبغض صاحبلری هر بار بو داعیلرینه معارضه ایدوب نظارتی المق صددیله رنجیده دن
17. خالی المدوقلری اجلدن عواطف علیه شاهانه دن رجا اولنور که یدمه اولان برات همایون وامر شریف
18. عالیشان موجبجه بو داعیلری واوندن صکره اولادی واولادینک اولادی قید حیات ایله عزیز مشار الیهک وقفی
19. نظارت وتولیتنده کما کان ابقا ومقرر اولمق بابنده فرمان همایون ایله خط شریف عالیشان صدقه وعنايت بیورلمق
20. رجاسنه در دولت مداره عرض اولندی باقی امر [و] فرمان درگاه معلانکدر والصلاه والسلام علی سید المرسلین سیدنا محمد وعلی اله وصحبه الطاهرین وعلی عباد الله الصالحین والحمد لله العالمین من الحقییر الفقیر الی ربه العلی الکبیر الداعی مصطفی بن الشیخ احمد محمد ابار

B: Note of date of arrival (bottom right corner):

فی اواخر ر سنه 6387

C: Previous *fermān* cited by Muṣṭafā, checked and copied out by palace official (upper right section):

1. نظارت اوقاف سید محمد ابو السعود جارحی در محروسه مصر
2. مصر پاشاسنه ومنلاسنه حکم که مشایخ کرامدن شیخ احمد محمد ابار اوغلی [????] 64 شیخ مصطفی کلوب
3. محروسه مصرده واقع اجدادینک زاویه سنده زاویه دار اولوب دوام عمر ودولتم ادعیه سنه مداومت
4. اوزره اولمغله مصرده واقع سید محمد ابو السعود جارحی قدس سره العزیزک اوقافی نظارتی برات
5. برات(sic) شریفله اوزره اولوب بعد الیوم کندو قید حیات ایله متصرف ووفاتندن صکره اولاد اولادی
6. متصرف اولمق اوزره نظارت مزبور مومی الیهه النده اولان برات وتمسکاته موجبجه ابقا ومقرر
7. قلنوب اخردن مداخله اولنماق بابنده عنایت رجا ایتمکده وجه مشروح اوزره النده اولان برات وتمسکاته موجبجه ابقا ومقرر قلنوب یازلمشدر فی واسط را سنه 6577
- 8.

D: Annotation, by the same official, immediately below *fermān* (possibly, this phrase was accidentally omitted by the scribe from the previous line, prior to (ابقا ومقرر):

قید حیات

E: Annotation by senior official, above *fermān*:

صحیحدر

F: Instruction, from senior official, to issue a new imperial order (upper left section):

قیدی موجبجه ضبطیچون صورت حکم بیورلدی

Translation

A:

The petition of the claimant, to the dust at the throne that revolves the heavens, the court that has power over fortune, may it remain exalted, is as follows:

63 Ottoman documents are often dated only to the first, middle or last ten days of the month (*evāyil*, *evāsūt* or *evāhur*). Months are usually abbreviated, and the digit indicating one thousand is often omitted from dates in the second millennium of the Muslim calendar. This date, then, is late Rebī'ü's-sānī 1087.

64 This word could be read as *vārīs-i* (heir of), but this does not make sense, as Muṣṭafā is the son, and therefore the heir, of Aḥmad, not the reverse.

65 Mid Rebī'ü'l-evvel 1077.

This petitioner has given prayers for the five prayer times, for the glorious Quran, for the remembrance of God, for God's unity, and for our leader Muḥammad, may the peace and prayers of God be upon him. May God accept the prayers for the continuation of the life and the rule of the Sultan. May the caliphate of our majestic Sultan last until the day of judgment, may his life and rule be extended, and may he be victorious over the enemies of religion and the state. May both the apparent and the hidden worlds be protected by God's imperceptible mercies and his great grace. Amen, oh lord of the worlds.

One of the *vakıfs*⁶⁶ of Egypt is the *vakıf* of the chief of existence, Sīdī Muḥammad Abū 'l-Sa'ūd al-Jārihī, may God sanctify his secret. This *vakıf* is poor, and since it fell into ruin fifteen years ago, because I have diligently undertaken repairs of the mosque and the *vakıf*'s buildings as an act of piety and in service of the holy places, I have been appointed supervisor of the *vakıf*. I have restored other parts of the mosque, and earlier the Sultan confirmed the assignation of the position of supervisor with life tenure to myself and then to my sons and their sons. At various times, four noble imperial *berāts*⁶⁷ and one exalted *fermān*⁶⁸ have kindly been issued, and in accordance with these the Dīvān of Egypt has given a *buyuruldu*,⁶⁹ and in Cairo a *temessük*⁷⁰ has been recorded in the official register. The *fermān* with which the Sultan bestowed this favour was dated mid Rebī'ü'l-evvel 1077 (11–20 September 1666), and of the variously dated *huccets*,⁷¹ one was dated early Şevvāl 1077 (27 March–5 April 1667).

However, while this *vakıf* has been under my control, various people who bear grudges and ill-will towards me have been constantly interfering. Because I cannot be free of the injuries these people are doing to me with the intention of taking my position, I request from your exalted imperial kindnesses that, in accordance with the imperial *berāt* and the exalted, noble *emr*⁷² in my possession, an imperial *fermān* signed by your exalted, noble hand kindly be issued confirming my and after me my sons' and their sons' right to life tenure in the position of supervisor of the aforementioned *vakıf*. This petition has been submitted to he who is the centre of greatness. The decision rests with the exalted throne. Prayers and peace be upon the leader of the prophets, our leader Muḥammad, and on his family and his pure companions, and on the righteous worshippers of God. Thanks be to God, the lord of the worlds.

From he who is wretched and poor before his great and exalted Lord, Muştafā, son of al-Shaykh Aḥmad Muḥammad Abbār.

66 A *vakıf* is an endowment.

67 A *berāt* is an appointment deed issued by the Sultan.

68 A *fermān* is an imperial order.

69 A *buyuruldu* is an order.

70 A *temessük* is a title-deed.

71 *Huccet* usually refers to a deed issued by a kadi confirming a transaction or a litigation. Here, however, the petitioner seems to be referring back to the four *berāts* he has just mentioned.

72 *Emr* means order, and was often used interchangeably with *fermān*. Here, the petitioner is referring to the *fermān* he cited previously.

B:

Late Rebī'ü's-sānī of the year 1087 (3–11 July 1676).

C:

The position of supervisor of the *vaḳıf* of Sayyid Muḥammad Abu 'l-Sa'ūd al-Jāriḥī in Egypt.

This order is to the governor and the judge of Egypt:

Shaykh Muṣṭafā, the son of Shaykh Aḥmad Muḥammad Abbār of the illustrious shaykhs, came [to the palace to petition the Sultan]. He is the guardian of a *zāviye*⁷³ founded by his forefathers in Egypt, in which prayers are said for the continuation of my life and rule. According to a noble *berāt*, Muṣṭafā has been granted the position of supervisor of the *vaḳıf* of Sayyid Muḥammad Abu 'l-Sa'ūd al-Jāriḥī, may God sanctify his secret, located in Egypt, with life tenure, and after his death his sons' sons will have the right to this position. In order that no one interfere with his position, he has requested my favour, to confirm his supervision of the *vaḳıf* in accordance with the *berāt* and the *temessük* that he holds. With respect to the above, I have ordered that [his supervision of the *vaḳıf*] be confirmed in accordance with the *berāt* and *temessük* that he holds.

Mid Rebī'ü'l-evvel of the year 1077 (11–20 September 1666).

D:

Life tenure.

E:

Correct.

F:

In accordance with the record, it is commanded that an order be issued to guarantee his possession.

73 A Sufi lodge.