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The power of property: land tenure in Fāṭimid Egypt

Chris Wickham

Abstract: *Egyptian land tenure in the Fāṭimid period (969-1171) has been often assumed to be based on state ownership of agricultural land and tax-farming, as was in general the case in the Mamlūk period which followed it, and as much Islamic law rather schematically assumes. This article aims to show that this was not the case; Arabic paper and parchment documents show that private landowning was normal in Egypt into the late eleventh century and later. Egypt emerges as more similar to other Mediterranean regions than is sometimes thought. It discusses the evidence for this, and the evidence for what changed after 1100 or so, and, more tentatively, why it changed.*

Key words: land tenure, property, tax-farming, Egypt, papyrology, Fayyūm

The Egyptian rural economy is not immemorial in its basic structures. Nor has it ever been, even before the huge changes brought by the Aswān High Dam. Some writers once saw the ending of the Nile flood at the start of the 1970s as, in effect, the introduction of ‘modernity’ into an unchanging traditional Egyptian agriculture; but, then again, so have other writers who looked at the land reforms of Mehmet Ali in the 1810s, which (re)established the possibility of private landowning for Egyptian peasants.¹ Even leaving aside the ideological problems of ‘modernity’ here, these are just two of the many major changes in the agrarian history of Egypt; its rural economy has in reality lived through at least as many such shifts, and probably more, than has that of most regions of the world. To take just one earlier example, the annual redistribution of land (*taḥḍīr*) between peasant families of each village after the Nile flood, which was assumed by al-Makhzūmī in the late twelfth century to be a feature of the whole of Egypt, and which was still supposedly practiced in the eighteenth century in the Nile valley (the Ṣaʿīd) south of the Fayyūm, was not a traditional feature of the economy; it has no reflection at all in the very extensive documentation for the sixth century, when, in the valley, sales

¹ See for the latter e.g. P. Gran, *The Islamic roots of capitalism: Egypt, 1760-1840* (Austin, TX: University of Texas Press, 1979): 27, 178. The best guide is however K. M. Cuno, *The Pasha's peasants* (Cambridge: Cambridge University Press, 1992). I am very grateful indeed to Petra Sijpesteijn, Marie Legendre, Wendy Davies and the anonymous readers for *JESHO*, for their critical reading of this article.

and leases of small land plots were normal.² A read-through of the run of articles in the influential 1999 British Academy collection, *Agriculture in Egypt: from Pharaonic to modern times*, makes rapidly clear the sense of unfamiliarity one can feel when reading about one period of Egyptian rural history, if one is used to the presuppositions and the dominant problematic of another.³ But this range of changes has not itself been problematised much in current historical writing. Most people write as if their period is normative; they do not question it – so, for instance, land redistribution, or state control more generally, often become an inevitable consequence of the Nile flood, rather than the historically contingent processes they really were. I want to question it here, focussing on one particular period of major change, the Fāṭimid caliphate, which ruled in Egypt between 969 and 1171, and on one problem in particular: who owned the land.

The framing of the problem I wish to address is in one sense simple. In the late Roman empire, let us say in 600, land in Egypt was very fragmented in its ownership. There were large private owners, aristocrats (and also the emperor, and, increasingly, churches and monasteries), who owned land in large and small blocks; there were also peasant owners, who owned sets of fields, often interspersed with those of larger owners (and whose land the peasant owners were sometimes also tenants of). All private owners owed tax to the state. Some large owners collected tax on their estates themselves, in *autopragia* (although, as on the Apion estates around Bahnasā in Middle Egypt, then called Oxyrhynchos, they distinguished between taxes and rents in their internal accounting); but most peasants (*geōrgoi*), whether owners or rent-paying tenants, paid tax directly to state officials. The Roman state took much tax from Egypt (the fact of taxation, even if not its specific forms, is indeed pretty much immemorial there; that at least is true), but this did not undermine the

² The relevant section of al-Makhzūmī, *Al-Muntaqā min Kitāb al-Minhāj fī 'ilm kharāj Miṣr*, is ed. and trans. G. Frantz-Murphy, *The agrarian administration of Egypt from the Arabs to the Ottomans* (Cairo: Institut française d'archéologie orientale, 1986): 20-42 – *taḥdīr* is discussed at 21-3, 31-4; cf. Cuno, *The Pasha's peasants*: 66. Al-Nuwayrī, writing a century and a half after al-Makhzūmī, makes more explicit the nature of the land redistribution: see for a summary T. Sato, *State and rural society in medieval Islam* (Leiden: Brill, 1997): 192-7. Contrast for the sixth century e.g. P.Cair.Masp. I 67100-12, 67116-17; P.Mich. XIII 666, 667; P.Lond. II 483, V 1686, 1689; P.Herm. 34 (I am choosing at random out of very many; for abbreviations of Greek papyri editions, see lists at http://library.duke.edu/rubenstein/scriptorium/papyrus/texts/clist_papyri.html); for a fourth-century overview, see R. S. Bagnall, *Egypt in late Antiquity* (Princeton: Princeton University Press, 1993): 119-21, 148-53. But actually we find fixed land boundaries in the Ṣa'īd much later too, as for example P.Prag.Arab. 9 (10th century) for Ashmūnayn (for Arabic abbreviations, see below, n. 9); N. Michel, "Devoirs fiscaux et droits fonciers." *Journal of the economic and social history of the Orient* [henceforth *JESHO*] 43 (2000): 562, makes the same points for the sixteenth century and onwards; so we can well ask how much of Egypt al-Makhzūmī's statements were valid for even in his time.

³ *Agriculture in Egypt: from Pharaonic to modern times*, ed. A. K. Bowman and E. L. Rogan (Oxford: Oxford University Press, 1999).

dominance of private landed property, large or small, and private rent-paying.⁴ In 1300, by contrast, it was very different. The important *rawk*, land reassignment, of the Mamlūk sultan al-Nāṣir in 1315-16 showed that almost all Egyptian land was by then state-owned, either in the hands of the sultan and his immediate associates, or assigned in *iqṭāʿ*, tax concessions to soldiers in lieu of pay; private landowning was trivial in scale, and peasants, by then generically called *fallāḥūn*, simply paid tax to the state (and/or to the *iqṭāʿ*-holder) and nothing else.⁵ Their status was described by the historian and social commentator al-Maqrīzī (d. 1442) in the direst terms: a peasant was by now a slave (*ʿabd qinn*), without the possibility of freedom, to the holder of each *iqṭāʿ*. He ascribed this change to the *rawk* of the first Ayyūbid sultan Ṣalāḥ al-Dīn, Saladin, who had overthrown the Fāṭimids, in the 1170s.⁶

I am less convinced than are others that the statements about the economic history of Egypt left to us in al-Maqrīzī's voluminous writings can usually be trusted (and indeed even in his own day his claim that *fallāḥūn* were slaves was polemical exaggeration). All the same, Saladin's reign, or thereabouts, was probably indeed a major stepping stone towards the world of the Nāṣirī *rawk*, for a very similar landholding pattern is documented in great detail for the Fayyūm, the great oasis some 80 km south of Cairo, by al-Nābulusī in the 1240s.⁷ But when did this new world actually begin? With

⁴ For the sixth century, see among many R. Mazza, *L'archivio degli Apioni* (Bari: Edipuglia, 2001); P. Sarris, *Economy and society in the age of Justinian* (Cambridge: Cambridge University Press, 2006). I do not accept the view of J. Gasco, "Les grands domaines, la cité et l'état en Égypte byzantine." *Travaux et mémoires* 9 (1985) that great estates were in reality largely tax-farms; but anyway no-one doubts that there were plenty of (small and larger) private owners in the province. By tax-farming I mean the cession to private persons of the right to organise and/or underwrite local tax-collection; tax-farmers could keep whatever they gained from local taxes, over and above the amount they had agreed to pay to the state. In our period, different sorts of tax could be farmed out separately, but by far the most important and most remunerative tax was always the land tax, *kharāj*.

⁵ See e.g. H. Rabie, *The financial system of Egypt* (London: Oxford University Press, 1972): 53-6 and passim; A. Sabra, "The rise of a new class?" *Mamluk studies review* 8.2 (2004). Most private land was held as *waqf*, private charitable land, but its percentages were as yet small; in 1376 only 3% of Egyptian villages had any *waqf* (ibid.: 205). Note that I shall not use Arabic plurals for most words, as they are often very different from the singular; but *fallāḥūn* is an exception, as is also the earlier partial synonym *muzārīʿūn*, and also the words for estates (*diyāʿ*), properties (*amlāk*), and seed-corn (*taqāwī*), as the plurals here are so common in texts.

⁶ Al-Maqrīzī, *Kitāb al-Mawāʾiẓ wa-al-ʾiṭibār bi-dhikr al-khiṭaṭ wa-al-āthār* [henceforth *Khiṭaṭ*], partially ed. G. Wiet, 5 vols. (Cairo: Institut français d'archéologie orientale, 1911-27), 2: 13-14, partially trans. U. Bouriant and P. Casanova, *Description topographique et historique de l'Égypte*, 4 vols. (Cairo: Institut français d'archéologie orientale, 1895-1920), 1: 245; the best translation of this much-cited passage is however in Michel, "Devoirs fiscaux": 525-6. (Note that a better translation of *ʿabd qinn* in this context might be 'serf', as historians indeed often say; but since al-Maqrīzī was only being rhetorical here, as Michel, ibid.: 548, comments, I see no harm in leaving 'slave'.)

⁷ See C. Cahen, "Le régime des impôts dans le Fayyūm ayyūbide." *Arabica* 3 (1957), and Yossef Rapoport's analysis of al-Nābulusī's Fayyūm survey at <http://www2.history.qmul.ac.uk/ruralsocietyislam/>, last consulted 28 July 2017 [henceforth Rapoport, "Fayyūm"]; this analysis is forthcoming at greater length in book form, as Y. Rapoport and I Shahrar, *The villages of the Fayyum* (Turnhout: Brepols, 2018), and Y. Rapoport, *Rural economy and tribal*

Saladin's reforms? Or with the social convulsions of *al-shiddat al-'uẓmā*, the 'great calamity', of c.1067-72? Or with the fiscal reorganisation after the end of a century of peasant revolts in the 720s-830s? Or back to the Arab conquest in 640-2, since Egypt was supposedly later described as *fay'*, conquered land, so all in principle forfeit to the state?⁸ I shall argue here that the twelfth century is likely to mark the beginning of the change, although it took rather longer and was less attached to any single event or measure than these alternative dates imply. And – in part because the causes of this change are not fully clear, even now – I am particularly interested in shifting the terms of the debate, and in re-evaluating the sources we might use to establish the nature of land tenure. I shall argue that narrative and normative sources, such as all those mentioned so far, and even tax-focussed original documents, are less reliable guides to what was going on on the ground than are land sales and other private texts. (It is also highly likely that conditions in different parts of Egypt were quite distinct, but this point will be less developed here; few people discuss the issue for this period, and, more important, it is also hard to test empirically, for our documentary sources are weaker for both the Delta and the south.) So, although the framing of the problem may be simple, the working-through of it is not; and it must be added that a heterogeneous mixture of factors – legal debates in ninth-century Iraq, the militarisation of government, the technology of tax-farming, local peasant protagonism, bedouin protection rackets – all played their role in these changes, and all need discussion in what follows, if we want to get closer to understanding the major tenurial shifts of the Fāṭimid period. To do so, I shall divide the 202 years of Fāṭimid rule into two equal periods, before and after c.1070, and discuss the problems of each in turn.

I Landowning in the first Fāṭimid century

society in Islamic Egypt (Turnhout: Brepols, 2018). See further n. 52. The Fayyūm is not technically an oasis, as it has a feeder river, but it is close to being one, and I will use the term for convenience.

⁸ For the century of revolts, see K. Morimoto, *The fiscal administration of Egypt in the early Islamic period* (Kyoto: Dohosha, 1981): 145-72; Y. Lev, "Coptic rebellions and the Islamization of medieval Egypt (8th-10th century)." *Jerusalem studies in Arabic and Islam* 39 (2012). For *fay'*, see G. Frantz-Murphy, *Arabic agricultural leases and tax receipts from Egypt, 148-427 A.H./765-1035 A.D.* (Vienna: Brüder Hollinek, 2001) [henceforth CPR XXI]: 170-1, a letter from 794 – cf. also K. Morimoto, "Land tenure in Egypt during the early Islamic period." *Orient* 11 (1975): 127. But the use of the actual word was very rare in Egypt (even the 794 text can be read differently: Marie Legendre, pers. comm.), and, as Morimoto's article shows, it never described accurately the situation of the early Islamic province. That Egypt was *fay'* was indeed contested into the thirteenth century, as the critical comments of the influential Egyptian jurist al-Qārāfī (d. 1285) show: *The criterion for distinguishing legal opinions from judicial rulings and the administrative acts of judges and rulers*, trans. M. H. Fadel (New Haven: Yale University Press, 2017): 208-11, a reference I owe to one of the anonymous readers.

When the Arabs conquered Egypt in 640-2, the pre-existing patterns of land tenure sketched out above did not change. It is certain that some of the largest landowners failed (the largest we know of in absolute for the sixth century, the Apions, seem to have gone even before, in the Persian wars of the 610s-20s), and we can assume without problems (even if also without evidence) that the extensive lands of the emperor were taken over by the caliphs. But we have clear documentation of continued landowning, by smaller, city- and village-level, figures – including churches and monasteries – in the seventh and eighth centuries; that is to say, we have land sales, leases, and accounts in Coptic and (more occasionally) in Greek and, increasingly, Arabic.⁹ These continued in the ninth century and early tenth, when, after 850 in particular, we find reference to estates, *ḍiyāʿ* (sing. *ḍayʿa*), owned by high officials and ʿAbbāsid royals in some cases. It is quite likely that the later ʿAbbāsid period saw a considerable accumulation of property in the hands of the official élite, whether incomers or of local origin, although it is in most cases impossible to tell how they acquired it.¹⁰ But we also find less elevated owners, such as Sharaf and ʿAntar b. Ibrāhīm, who appear in one detailed ninth-century report by an estate administrator.¹¹ Estates were sometimes called *ūsiyya* and variants,

⁹ See the references collected in C. Wickham, *Framing the early middle ages* (Oxford: Oxford University Press, 2005): 251-2, 424-6; P. M. Sijpesteijn, *Shaping a Muslim state* (Oxford: Oxford University Press, 2013): 152-6; T. S. Richter, “The cultivation of monastic estates in late Antique and early Islamic Egypt.” In *Monastic estates in late Antique and early Islamic Egypt*, ed. A. Boud'hors et al. (Cincinnati: The American society of papyrologists, 2009); M. Legendre, “Caliphal estates and state policy over landholding” and G. Schenke, “Monastic control over agriculture and farming,” both in *Authority and control in the countryside*, ed. A. Delattre, M. Legendre and P. M. Sijpesteijn (Leiden: Brill, 2018). The most explicit early land lease in Arabic is CPR XXI 1 (for the year [henceforth ‘a.’] 785); see also the undated but early Chrest.Khoury I 73; and P.Jahn 17 (a. 770/830) for an early narrative about land management in Arabic. I follow, for these and all other abbreviations of Arabic documentary editions, the now-standard abbreviations in the bibliography to the marvellous Arabic Papyrology Database [henceforth APD], available at <http://www.apd.gwi.uni-muenchen.de:8080/apd/project.jsp>, last consulted 1 April 2018. These are superseding previous ones, of which probably the best-known is APEL, the classic abbreviation for A. Grohmann, *Arabic papyri in the Egyptian Library*, 6 vols. (Cairo: Egyptian Library Press, 1934-62), which is now P.Cair.Arab. I cite wherever I can from the texts now online in APD, without which this article would have been hard to write, and only include volume numbers when the database does.

¹⁰ Morimoto, “Land tenure”: 130-4; G. Frantz-Murphy, “Record of tax from imperial estates in Ushmūnayn.” In *Wiener Papyri*, ed. B. Palme (Vienna: Holzhausen, 2001); Legendre, “Caliphal estates”. See P.Ryl.Arab. I III 11; P.Berl.Arab. I 7; P.Cair.Arab. 171, 184 for examples of *amīrs* with *ḍiyāʿ*. For one example of extensive estates, those of the mid- to late ninth-century officials Yūsuf b. Ibrāhīm and his son Aḥmad, see Ibn al-Dāya, *Kitāb al-Mukāfaʿa wa-ḥusn al-ʿuqbā*, ed. M. M. Shākir (Cairo: al-maktaba al-tijāriyya al-kubrā, 1940), trans. E. Panetta, *Kitāb al-Mukāfaʿa di Ibn ad-Dāya* (Naples: Istituto universitario orientale, 1982): 45-6, 51-2, 161 (and cf. 63-6 for a property-rich Christian); see for comment G. Frantz-Murphy, “A new interpretation of the economic history of medieval Egypt.” *JESHO* 24 (1981): 282-5. She sees Yūsuf and his son as tax-farmers, a point I will discuss below.

¹¹ For non-official landowners in the ninth century, see P.Cair.Arab. 53, 240, 289 (the Sharaf and ʿAntar estate report), and P.Khalili I 18, an attractive autobiographical letter from an administrator of the private estates (*ḍiyāʿ*) of Ṭakhshī and his heirs. See also P.Cair.Arab. 261, among others, for *ḍiyāʿ*

a word which came straight from the late Roman Greek term *ousia*, 'great estate', with no apparent change of meaning.¹² There was here a consistency in Egyptian landowning patterns which would, indeed, continue well into the Fāṭimid period.

Let us therefore look in more detail at the first century of Fāṭimid rule, although going back to 900 in some cases, as many texts are not closely dated. The tenth and early eleventh century in Egypt has a steady sequence of documents and letters attesting to both large and small landowning. They appear, as do those just cited, in the Arabic- and occasionally Coptic-language papyrus and paper documentation surviving by chance from the archaeological sites of Egypt – which was mostly excavated privately and bought in Cairo markets in the decades around 1900, and then dispersed across Cairo itself, Europe (especially Vienna) and America.¹³ They come above all from the 150-kilometre stretch of the Nile valley from Ashmūnayn north to Fuṣṭāṭ, Old Cairo, plus the Fayyūm just to the west, halfway along this stretch, with only scatters from elsewhere in Egypt. (Only some 3% of the texts in Arabic script have been published, it must be noted, some 5000 letters and documents for the whole medieval period.¹⁴ This makes anything said here provisional, but it will take many decades, at the most optimistic assessment, to make outdated the patterns set out in this article and other current work.)

assessed separately for taxation from ordinary taxable land. All these texts are from the later ninth century.

¹² Early examples of *ūsiyya* are P.Prag.Arab. 88 (a. 860/1) and P.Cair.Arab. 230, 271, 377, 378 (all up to the year 901). Later, see P.HanafiTwoNewEditions 1 (a. 993/4), P.Steuerquittungen 29 (a. 986/1009), P.Vind.Arab. III 25 (11th century); and also, in the *geniza* (see next note), T-S 12.793, ed. M. Gil, *Be-malkhut yishma'el bi-teḳufat ha-ge'onim*, 4 vols. (Tel Aviv: Universitāt Tel Aviv, 1997), n. 640 (1050s: I thank Maayan Ravid for help here). For *geniza* MS citations, I follow the format of the Princeton Geniza Project, <https://geniza.princeton.edu/pgp>. For some other examples, see A. Grohmann, "Griechische und lateinische Verwaltungstermini im arabischen Aegypten." *Chronique d'Égypte* 13/14 (1932): 281-2. Werner Diem, the editor of P.Vind.Arab. III 25, translates *ūsiyya* as 'staatliche Domäne'; this public element certainly represents post-1200 usage – see e.g. Cahen, "Le régime des impôts": 28, nuanced however by Michel, "Devoirs fiscaux": 550-1, 574; and there are undoubted signs of public ownership in the text Diem edited. But there is no reason to think that of the other examples, and explicitly not of the first two, or the 993 text and the *geniza* text. In these texts, that is to say, *ūsiyya* simply appears as a synonym for *ḍay'a*, and offers a genealogical continuity back to Roman times. So, in fact, does it even in al-Makhzūmī, the state administrator par excellence, for whom these two words are again synonyms: Frantz-Murphy, *The agrarian administration*: 22, 33.

¹³ Accounts of this process can be found in the introductions to the major text editions (listed in APD), which regularly and justifiably lament the dispersion of materials. The largest single collection is of course the *geniza* of Fuṣṭāṭ's Ben Ezra synagogue, in Judeo-Arabic and (mostly) Hebrew script; this has relatively little to say about landowning, except in some of its Arabic-script texts, for which see above all P.GenizahCambr; see below, n. 46.

¹⁴ The (very rough) figure of 5000, i.e. 3%, is taken from the figures in APD (<http://www.apd.gwi.uni-muenchen.de:8080/apd/project1c.jsp>); cf. the estimate of just over 1% for the Vienna collections, the largest but also the least edited, in E. M. Grob, *Documentary Arabic private and business letters on papyrus* (Berlin: De Gruyter, 2010): 11n. The publishing percentages for similar texts in the *geniza* are much higher, at least before 1100.

For large estates, for example, we have a long letter – undated, but from the tenth or eleventh century – from an agent, Niḥrīr b. Numayr al-Faḍlī, to his lord, Abū al-Musharrif b. ‘Uqba. It is quite a rude letter, for it castigates the lord (who has just survived a perquisition by soldiers of the government, *al-‘askari*, and is short of food) for not understanding that prices for grain are lower at harvest time. It however goes on to relate how Niḥrīr went to Abū al-Musharrif’s wheat, wine, date-palm and madder plantation (for red dye), called a *ḡay’a*, in the Dākhla oasis in the far south of Egypt, and ran into trouble with the local peasants (*muzārī’ūn*) over how much recompense they should have for irrigating the land; he got out of it by lying to them about how large the madder harvest was. Another instructive text is what is probably a sale (the beginning and end of the text are lost) of half an estate (*ḡay’a*) in Nawāy, just north of Ashmūnayn, from the tenth century; eight separate land parcels are enumerated, with their bounds – dykes and irrigation channels, roads, and the land (*arḡ*) of other people, including Christian clerics and a shield-maker. This estate, described as *milk*, full property, thus had a fragmented structure of a long-standing Mediterranean type; it could have been described in any late Roman legal document in Egypt, or indeed any contemporary land cession from Latin Europe or the Byzantine empire. A further example, a land survey from 993/4 for the *ḡay’a* or *ūsiyya* of Drinja near Iḥnās, close to the Fayyūm, values the renders from a wide variety of types of crop, wheat and flax (above all), clover, safflower, figs, grapes, legumes; the total size of this estate is well over 2000 *faddāns*, perhaps 1500 hectares, a very substantial area.¹⁵

These texts are unusual in their detail and their scale, but they make it clear that substantial landowners existed in this period, who, furthermore, paid considerable attention to their properties.

¹⁵ P.Cair.Arab. 291 (re-ed. P.DiemVulgarismus); P.Prag.Arab. 9; P.HanafiTwoNewEditions 1. See also two other reports by private estate administrators, P.Hamb.Arab. II 1 a-b and 6 a (respectively, c.900 and 11th century). The figure in hectares derives from information about land sizes given by al-Qalqashandī, writing in Cairo in the fifteenth century: see *Encyclopaedia of Islam*, 2nd edn., ed. P. Bearman et al. (Leiden: Brill, 1960-2007) [henceforth *EI*], s.v. *misāḥa* (C. Cahen). The same figure is accepted in Rapoport, “Fayyūm”. It should be stressed that the continuing wealth of Christian churches, which continued at least up to the end of Fāṭimid rule, also depended on landowning; the survey from c.1210 of Abū Šāliḥ, *The churches & monasteries of Egypt and some neighbouring countries*, ed. and trans. B. T. A. Evetts (Oxford: Clarendon Press, 1895), values the landed property of several of the churches he describes, as well as the total wealth of the Egyptian church in 1180 (915 *faddāns*, he says, not an enormous amount; most had been confiscated by Saladin and his heirs) – see 1-2, 15 (the total wealth), 183-4, 195, 197-8, 203, 206 (property apparently not confiscated), 248, 250, 281 of the trans. An indicative example is P.Fatimid 1 (a. 1024), a caliphal privilege to the monks of unnamed monasteries, who will pay no customs dues when they ‘go out to your estates’, *ḡiḡā’*; it is worth also adding that the election of a new patriarch supposedly had to be delayed in 1103 because the bishops were out collecting grain and wine for the church in the summer: *History of the patriarchs of the Egyptian church*, vol. 3, ed. Y. ‘Abd al-Masīḥ et al. (Cairo, 1968-70): 1. (Muslim religious institutions got substantial landed property too, in *waqf*, but it is even less documented; only one *waqf* document for rural property survives for before 1171, P.CahenTalai 2.)

This fits with the fact that it was in the Fāṭimid period, although starting in the Ṭulūnid period (868-905), that large-scale flax cultivation developed in Egypt, to supply the linen industries of the Nile Delta, Tunisia and Sicily, and also the cash-cropping of (among other products) sugar. The huge scale of flax cultivation in the Fayyūm oasis and neighbouring areas is very visible in eleventh-century letters from the *geniza*, for Jewish merchants bought it up systematically in the markets of Būṣīr in the Nile valley just outside the oasis; we have some contemporary non-*geniza* references to this specialisation too, such as a chiding letter from one partner to another for letting some of the flax plants dry up on their joint plantation in the Fayyūm. As to sugar, an angry letter from the eleventh century makes its potential scale clear: the bucket-wheels for irrigation on our lord Ibn Miḥ's land have been out of order for three days; it's your responsibility and you're not doing anything; find people to fix them at once; I have warned the financial administrator (*'āmil*) in the city [probably Ashmūnayn]; 10,000 dinars'-worth of sugar is at risk. Direct interventions by landlords and their agents were evidently not only necessary but normal.¹⁶

Land was exploited both by tenants and by wage-labourers. The standard word for peasant in Egyptian texts of this period is *muzārī'*. It is not attested overwhelmingly often, but no other generic word appears with any regularity, and it is the commonest term used in the *geniza* letters. Al-Makhzūmī in the late twelfth century, too, saw it as the normal word to use; and peasants continued to be called this into the late middle ages (alongside, but only after c.1200, *fallāḥ*). This word can mislead. Islamic legal theorists in eighth- to tenth-century Iraq (as also later, and in other regions), universally saw *muzāra'a* as share-cropping. That was not a casual usage either: it was part of an active debate. Jurists argued about whether any leasing of land was legal in Islam, and, if so, whether only lease contracts with a fixed rent, *ujra*, or else only with a partiarly rent, i.e. share-cropping, were legal – the issue being that crops were uncertain, and one of the basic principles of Islamic law was that uncertain agreements implied deceit; share-cropping was bad because the risk fell on the

¹⁶ For flax and its Mediterranean transport, see in general S. D. Goitein, *A Mediterranean society*, 6 vols. (Berkeley: University of California Press, 1967-93), 1: 104-5, 224-8; A. L. Udovitch, "International trade and the medieval Egyptian countryside." In *Agriculture in Egypt*: 267-85 (especially for Būṣīr); and J. Goldberg, *Trade and institutions in the medieval Mediterranean* (Cambridge: Cambridge University Press, 2012). For the Egyptian factories, Frantz-Murphy, "A new interpretation"; and Y. Lev, "Tinnīs." In *L'Egypte fatimide, son art et son histoire*, ed. M. Barrucand (Paris: Presses de l'Université de Paris-Sorbonne, 1999). For sugar, the best account is M. Ouerfelli, *Le sucre* (Leiden: Brill, 2008): esp. 67-102. I will discuss the implications of cash-cropping for the Egyptian economy elsewhere; it would take us too far from my main arguments to do so here. The two letters cited here are P.Vind.Arab. I 7 and P.Berl.Arab. II 34; in the latter, the city is un-named, but Mallawī, close to Ashmūnayn, is cited in the text.

landlord, but fixed rents were bad because the risk fell on the tenant. Since leases were, of course, both normal and variegated across the *dār al-Islām*, one does not have to be sceptical about the application of *fiqh*, Islamic legal theory, to think that this debate has an angels-on-pinhead feel. Indeed, eventually the different law-schools found different ways of getting around the fact of that normality. (The most intellectually coherent solution, at least to me, was to see a lease contract as analogous to a capitalist partnership, with both parties bearing some risk: this was the position of the Ḥanafī jurist Abū Yūsuf, as also, perhaps surprisingly, Ibn Ḥanbal.)¹⁷ But since the whole issue hung on a sharp difference between *muzāraʿa*, share-cropping, and *ijāra*, fixed-rent tenancy, and since it was set out in almost the only theoretical writings in the medieval Islamic world (outside Egypt) to deal with agriculture at all, it is not surprising that historians have tended to translate *muzāriʿ* as ‘share-cropper’. In Egypt, however, that is mistaken. Share-cropping in our period is hardly attested,¹⁸ whereas *ujra* is, in dozens of texts; and, as we shall see in a moment, *muzāriʿūn* could be landowners too. Nor can we say with certainty that Egyptian lease-holding necessarily involved formal contracts, as the jurists also universally assume, although we certainly have some lease contracts, and reference to others.¹⁹ *Muzāriʿ* is, that is to say, a generic rather than a specific word, and could denote any peasant cultivator.

One important feature of Egyptian exploitation was, however, the ambiguity of *ujra* (earlier, *kirāʾ*) itself. *Ujra* does not only mean ‘rent’; it also means ‘wage’, and was used for this very regularly in our documentary texts, as also is the closely-related word *ajīr*, wage-labourer, both in urban and agricultural contexts. Two forms of the social relations of production as fundamentally distinct in economic terms as these were thus referred to with the same terminology. It is interesting that exactly the same lexical crossover appears in late Roman Egypt, where *misthios* meant a wage-labourer and

¹⁷ I rely here on Z. Haque, *Landlord and peasant in early Islam* (Islamabad: Islamic Research Institute, 1977): 325-30 and 336-7 for Abū Yūsuf and Ibn Ḥanbal; and B. Johansen, *The Islamic law on land tax and rent* (Beckenham: Croom Helm, 1988). For the complexities of real life in Iraq in the earliest Islamic centuries, see H. Kennedy, “Landholding and law in the early Islamic state.” In *Diverging paths?*, ed. J. Hudson and A. Rodríguez (Leiden: Brill, 2014). For al-Makhzūmī’s usage, see Michel, “Devoirs fiscaux”: 526-7; in general, 521-9 for the word *fallāḥ* only being used after 1200.

¹⁸ For an early example, CPR XXI 1 (a. 785), which may simply carry over late Roman practice – see refs. in Wickham, *Framing*, p. 269n (share-cropping was not the majority form of lease-holding even then, however). In our period, however, P.Cair.Arab. 291 has any partiary rent to my knowledge, and it is a special case, as it involves, apparently, only irrigation, not cultivation.

¹⁹ Leases: see T. S. Richter, “Spätkoptische Rechtsurkunden neu bearbeitet (III).” *Journal of juristic papyrology* 33 (2003), discussing a lease from c.900 in Coptic; Chrest.Khoury I 51 (a. 964); P.Vind.Arab. III 47 (10th-11th century); P.GrohmannUrkunden 1 (a. 938), 6 (a. 964), 5 (a. 1036), the renting of a mill for 8 months from the landowner’s full property, *milk*; P.KhanQasrlbrim (a. 1124), a land lease on an *iqṭāʿ*. I cite here only leases which cannot easily have to do with tax-farming; see below.

mishōtēs a tenant, but this time it had support in Islamic law, too, for the jurists saw all work by contract with a fixed return, whether leases or wages, as the same concept. Be that as it may, the ambiguity in the word conveys an important feature of Egyptian agriculture in our period, the frequency of wage-labour, beside a dominant tenant sector. Wage contracts for agricultural work are not enormously frequent, but exist, from at least the 840s onwards. A ninth-century account of an estate lists almost nothing except wages to people: generic *ajīrs*, porters, threshers, clover-cutters, watchmen, sailors, overseers. Overseers, whose role is always most important when workers are working for a wage (or else in plantation slavery, absent in medieval Egypt), turn up in other texts too. And a highly defensive letter by an overseer of state land near Ashmūnayn from the eleventh or twelfth century recounts how local *ajīrs* are refusing to winnow his wheat, apparently because they think he is hoarding grain.²⁰ Wage labour was not very common on the land in the middle ages before 1300, across the Mediterranean world and Europe, and always means that estates were being run with a concern for profit and tight control.²¹ That concern, once again, was evidently the case in much of Egypt.²²

²⁰ Estate account: P.Cair.Arab. 378. Wage contracts: P.Cair.Arab. 96 (a. 841); P.Phil.Arab. 31 (a. 882); CPR XXVI 14 (a. 891), 15 (a. 951); Chrest.Khoury II 15 (a. 994); T. S. Richter and G. Schmelz, "Der spätökoptische Arbeitsvertrag." *Journal of juristic papyrology* 40 (2010): 185-203 (a. 994); J. van der Vliet, "Nekloni (al-Naqlūn) and the Coptic account book British Library Or. 13885." In *From Bawīt to Marw*, ed. A. Kaplony, D. Potthast and C. Römer (Leiden: Brill, 2009): 164 (11th century). Overseers: e.g. P.Cair.Arab. 377; P.Heid.Arab. III 31; Chrest.Khoury I 79; P.Berl.Arab. II 34; P.GenizahCambr. 132. The defensive letter is P.Vind.Arab. III 32. Note that *ajīrs* could be reasonably prosperous; two buy and sell house plots in the Fayyūm village of Buljusūq in P.Cair.Arab. 54 and 60 (aa. 1056, 1015).

²¹ See for a rapid survey C. Wickham, "Jiangnan style." In *History after Hobsbawm*, ed. J. H. Arnold, M. J. Hilton and J. Rüger (Oxford: Oxford University Press, 2017).

²² Another example of control is the use of *taqāwī*, 'state seed-corn'. This, like much in this article, has problematic elements. An earlier historiography saw *taqāwī* as showing the state's control of all agriculture in the Ayyūbid and Mamlūk periods by distributing seed-corn to *muqṭā's*, military tax-farmers (see below, n. 44), who then distributed it to peasants in loans before sowing, repayable after the harvest at an interest of 10 or 11%. (Cahen, "Le régime des impôts": 26; Rabie, *The financial system*: 55, 68; Satō, *State and rural society*: 200-4. Note that I follow Werner Diem's understanding of the basic meaning of *taqāwī*, in preference to a common translation as 'seed advance', for, as he rightly states, its state origin was more important for its definition than the details of its use; see P.Vind.Arab. III: pp. 140-2.) As Nicolas Michel has remarked (Michel, "Devoirs fiscaux": 555-6), this would presuppose a capacity for the state's economic direction which was not available until the twentieth century (and one could add: rarely, and rarely successfully, even then); and in fact, although the state certainly kept and used seed-corn, it distributed it only in a minority of cases, as the figures in al-Nābulusī's survey of the Fayyūm show (Michel, "Devoirs fiscaux": 556-8; Rapoport, "Fayyūm"/database/index.html#17). Such seed advances were nonetheless often part of Egyptian agriculture, and had been so earlier too: see P.GenizahCambr. 132-3, 137 (all early 11th century, the first and third from public contexts), and, from the 980s, the vaguer al-Muqaddasī, *Kitāb aḥṣan al-taqāsīm fī ma'rifat al-āqālīm*, ed. M. J. de Goeje (Leiden: Brill, 1906): 212, trans. A. Miquel, "L'Égypte vue par un géographe arabe du I^{er}/Xe siècle", *Annales islamologiques* 11 (1972): 137. Indeed, they are documented under the Roman empire, whether handed out by public authorities or by private landowners (e.g. Mazza, *L'archivio degli Apioni*: 124-5; Wickham, *Framing*: 269n; for public

Smaller landowners are attested in our sources, too. Much of what we have seen so far has been necessarily anecdotal; it is hard to track connected sets of documents among the chance finds, however numerous, which buyers acquired in Cairo markets, and letters anyway outnumber legal texts in our published corpus. But in 1997 archaeologists found a ceramic pot full of documents, 39 in all (containing in total 45 texts), in a house outside the monastery of Naqlūn in the Fayyūm, where they were excavating; the pot contained the archive of a peasant (*muzāri'*) called Jirja b. Bifām, active between 1009 and 1029 in the village of Damūya at the eastern edge of the oasis, not far from the Nile. This was published by Christian Gaubert and Jean-Michel Mouton in 2014, and was completed by a historical analysis of the Fayyūm by Mouton which is now the best account of any part of rural Egypt in the Fāṭimid period.²³ We can take it that these documents represent what Jirja thought was important to keep, out of whatever number of written texts passed through his hands across his active life. And what he wanted to keep, for more than half the set, was documents of sale, almost all (and atypically for Egypt) on parchment, of houses and land.

We have two other peasant archives from this period, that of Mīnā b. Jirja of Ṭuṭūn and his family in the Fayyūm from the 990s onwards and that (in Coptic, very unusually by now) of Rafaēl son of Mina of Dashlūt just south of Ashmūnayn, from 1022-62.²⁴ Neither of these is as large, however, and only two of Mīnā's published family documents, from 1004 and 1064, are land sales. Jirja, by contrast, together with his brothers, '*muzāri'*ūn of Damūya' as the documents regularly state, bought agricultural land on eighteen separate occasions, making up three quarters of the land sales surviving from the Fāṭimid period.²⁵ They are repetitive, as formulaic documents always are – they indeed also

authorities, D. Rathbone, *Economic rationalism and rural society in third-century A.D. Egypt* [Cambridge: Cambridge University Press, 1991]: 64, 210n). They show that both the state, on its own land, and sometimes private owners too, could maintain a capillary control over agricultural practices when needed, which had no parallel outside Egypt until the thirteenth-century development of *mezzadria* contracts in Italy (see e.g. O. Muzzi and M. D. Nenci, *Il contratto di mezzadria nella Toscana medievale 2* [Firenze: Olschki, 1988]).

²³ C. Gaubert and J.-M. Mouton, *Hommes et villages du Fayyout dans la documentation papyrologique arabe (Xe-XIe siècles)* (Paris: Droz, 2014): 165-271 for Mouton's historical analysis, "La société villageoise au Fayyout de 900 à 1100". The documents are cited as P.Fay.Villages.

²⁴ Mīnā: so far, only a proportion of his archive has been published (P.Vente 9-11, 25, Appendix 1; Chrest.Khoury I 41, 57, II 20), although Yūsuf Rāgib has been promising a full publication for several years. Rafaēl: see esp. T. S. Richter, "Spätkoptische Rechtsurkunden neu bearbeitet (II)." *Journal of juristic papyrology* 30 (2000), which re-edits almost all of the editio princeps of M. Green, "A private archive of Coptic letters and documents from Teshlot." *Oudheidkundige mededelingen* 64 (1983); they are cited as P.Teshlot. All these three rural dealers were Christian, but so were most peasants in the Nile valley in the eleventh century.

²⁵ P.Fay.Villages 5-6, 10-16, 19-27. The others, known to me at least, are Chrest.Khoury I 57, 88, II 19, 20; P.GenizahCamb. 4; and P.CahenTalai 1. We could add CPR XXVI 9; P.FahmiTaaqud 7;

replicate in their formularies those for the sales of houses, which are a good deal more numerous in our document sets, taken as a whole. Jirja however bought a garden, vineyards, a palm-grove, and in particular open land on 'black earth' or 'silt earth' (*ibṭīz*), in plots which (when measured) varied between half a *faddān* and 2 *faddāns*, for sums of money ranging from ½ dinar to 8 dinars, totalling 51½ dinars (plus two sales where the price is lost). The going rate for a *faddān* in the 1020s Fayyūm seems to have been 4 dinars; at that rate, Jirja accumulated some 10 *faddāns*, c. 7.5 ha, of open land (i.e. for grain or flax), plus the tree-cropped lands. Most of the sales included in the formulary the statement that they were held in full property, *māl* and *milki* – or, as the texts often say more formally, *mālan min māli-him wa-milkan min milki-him*, 'a good among their goods and a property among their properties'. Jirja was thus buying himself out of the level of a cultivator, for 51½ dinars is not a small amount, and nor, for a peasant, is 7.5 ha. And, indeed, by 1023 Jirja was a village headman, paying the poll-tax on Christians, *jizya*, for the community of the village (*day'a*)²⁶ of Damūya, and also took a tax-farm (*qabāla*) for part of the land-tax, *kharāj*, of a village 8 km away, Aṭṭīḥ Shallā. He was definitely moving up in status here, as we shall see later. He may well have got the money to do this by trading, for we have some record of his trade deals too (these were on paper – the deals were of course more ephemeral). But he still called himself a *muzārī*, at least in his land-acquisition documents. That is to say: Jirja was a rich and rising villager, a landowner with fields scattered all over his village territory, but he still self-defined as a peasant.²⁷

P.Cair.Arab. 76, all for tenth-century sales of palm-trees in *milki* or the equivalent, but trees have a different status in Islamic law.

²⁶ Note that, by the eleventh century at the latest, *day'a* as often meant 'village' as 'estate'. The documents for this are above all from the Fayyūm, but P.Cair.Arab. 72 and P.GenizahCambr. 58 are from further south in the Nile valley, so it was not only a Fayyūm usage. Mouton, "La société villageoise": 174, discussing the Fayyūm, argues that the word meant 'village territory'; this is often very likely, but does not seem to have been the case in every instance. Interestingly, the development of the word *day'a* from 'estate' to 'village'/'village territory' exactly parallels a similar shift for the Latin word *villa* between the late Roman empire and the central middle ages in western Europe; see e.g. Wickham, *Framing*: 470-1, 510-14.

²⁷ P.Fay.Villages 28 (*qabāla*), 30-3 (*jizya*), 36-7, 41-2 (trade). Mouton, "La société villageoise" discusses Jirja's activities in the context of the Fayyūm as a whole. At 207-9, he argues that the word *muzārī* must, given Jirja's activities, mean a rich peasant, using as an analogy Michel's demonstration in "Devoirs fiscaux": 527, 535-41, that *fallāḥūn* in the late middle ages may well have constituted the more prosperous stratum of the peasantry. This reading does not seem necessary; Mouton does not cite the other examples of references to *muzārī'ūn* (e.g. P.Cair.Arab. 291), which do not indicate that they are anything other than cultivators in general, nor the legal literature, which, however schematic, certainly assumes that they are all direct cultivators. Only T-S 12.793, ed. M. Gil, *Be-malkhut yishma'el*, n. 640, distinguishes *muzārī'ūn* from the poorest rural people, who are perhaps here wage-labourers. But the issue does not affect the documented scale of Jirja's activities. For the hectare figures, see above, n. 15. 51½ dinars is more than three years' salary for a manual labourer in Fustāṭ in the early eleventh century; see E. Ashtor, *Histoire des prix et salaires dans l'Orient médiéval* [Paris: SEVPEN, 1969]: 223-4.

II Property and tax-farming

Into the mid-eleventh century, then, the pattern of landowning in Fāṭimid Egypt had strong parallels with that of the late Roman period, with large and small landowners, generally owning fragmented estates – as indeed partible inheritance, a standard part of both Roman and Islamic law, tends to favour everywhere – plus, doubtless, some larger blocs of land, which would have included substantial public (caliphal) land, as it did under Rome as well. This certainly would push the start of the dramatic shift in the basic structures of land tenure, outlined at the start of this article, into the second Fāṭimid century at the earliest; and that is what the rest of this article will argue. But, before we look at that period, we must stop for a moment and ask why this has not been much recognised in the current literature. For, of all the (fairly few) writers on the subject, only Mouton has analysed Fāṭimid-period landowning in the way I have done so here.²⁸ He has the advantage of the Jirja archive, of course, which he convincingly generalises outwards to the Fayyūm as a whole. But even before that was discovered, many of the other texts I have cited were published, sometimes decades ago; and yet the prevailing trend in the literature, sometimes implicitly, sometimes explicitly, has been to stress tax-farming on state land as the dominant mode of rural exploitation, in the Fāṭimid period (and well before) just as was the case well after, under the Mamlūks. This hypothesis thus carries the implication that Egyptian land belonged above all to the state, much earlier than I have been arguing. One can see this clearly in the work of Gladys Frantz-Murphy, the major figure in the study of Egyptian taxation in this period, whose arguments other historians have tended to accept without much debate – or, if they disagree, they have been fairly muted about it.²⁹ I do not myself accept these arguments; but we need to see why tax experts have argued in the way they have.

There are three main reasons why one might argue that Egyptian land was predominantly state-owned very early, and that tax was therefore the major due paid by peasants, making it far more

²⁸ Mouton, “La société villageoise”: 207-11. For the pre-Fāṭimid period, so does Morimoto, “Land tenure”: 130-4 (without seeing all the difficulties in some of his texts); for the earliest period, see above, n. 9, together with M. Legendre, *La Moyenne-Égypte du VIIe au IXe siècle*, thèse de doctorat, Université Paris-Sorbonne, 2014: 280-317; this is now the basic starting-point for early Islamic Ashmūnayn.

²⁹ See above all G. Frantz-Murphy, “Land-tenure in Egypt in the first five centuries of Islamic rule (seventh-twelfth centuries AD).” In *Agriculture in Egypt: 237-66*; and the commentaries in CPR XXI. Werner Diem perhaps does not accept this (e.g. when, in his commentary on P.Vind.Arab. I 3, he reads *kharāj* as ‘Pachtzins’, private rent; see below, n. 37), but he is not explicit about his wider views here. His broader economic survey of deferred sale, *Arabischer Terminkauf* (Wiesbaden: Harrassowitz, 2006), does not discuss tenurial issues.

important than rent paid to private landowners in the relations of production in the early Islamic countryside. One is the simple frequency of tax receipts in our text collections, which makes taxpaying seem to loom large in the documentary practices of the period. (The land tax was in our period above all paid by individuals, not collectivities.) This is the least important reason, given that such receipts were also very common indeed in the late Roman period, when private landowning was certainly the norm; taxation was also normally very document-based, whereas leasing and wage-paying did not have to be.³⁰ The second reason, which underlies many of the assumptions of tax experts, is that al-Makhzūmī's manual (and also that, slightly later, of Ibn Mammātī) shows that by the late twelfth century it was possible to write about Egyptian rural relations as if tax was the only payment peasants made, and as if tax-collectors and state surveyors were the people who controlled all rural landed relationships, including the annual *taḥqīr* land distributions; and it is very striking how early the detailed fiscal terminology al-Makhzūmī uses can be tracked in Egyptian texts – back to the eighth century, in fact.³¹ It might not seem to require much of a leap, given that, to backdate his assumptions about land tenure as well. I have already argued, however, that al-Makhzūmī overgeneralises when he discusses *taḥqīr*; it may be that he is too schematic when he discusses the role of state officials more generally as well – and it must be added that he does not express any explicit views as to who actually owned land. Indeed, it is worth pointing out that under the Roman empire annual post-flood surveys for tax purposes were equally routine, without anyone seeking to claim that land was not held as private property. But it also does not follow that, even if the details of tax-raising were stable across centuries, so were the implicit assumptions about tenure made by later authors.³²

³⁰ For large sets of edited tax-receipts from the eleventh century and earlier, see e.g. CPR XXI 38-90; P.Steuerquittungen. These show the dominance of individual payment of the *kharāj*, which was the norm since at least the start of the 'Abbāsid period: see e.g. Sijpesteijn, *Shaping a Muslim state*: 214-16; although a handful (e.g. CPR XXI 54, a.857/8) hint at the existence of some collective tax-paying too. Compare, for the sixth century, P.Cair.Masp. I 67033-51 for one set of tax receipts from Aphrodītē (modern Kōm Ishqāw) in Middle Egypt, and for the seventh-eighth O.Medin.HabuCopt. 218-400 for a large set from Jēme (Madīnat Habu) in Upper Egypt – but there are any number of others.

³¹ For the back history, Frantz-Murphy, *The agrarian administration*: 53-64. For a still-important survey of al-Makhzūmī, with comparisons to Ibn Mammātī, see C. Cahen, "Contribution à l'étude des impôts dans l'Égypte médiévale." *JESHO* 5 (1962). Ibn Mammātī, *Kitāb qawānin al-dawāwīn*, ed. A. S. Atiya (Cairo: Maṭba'at Miṣr, 1943) and partially trans. R. S. Cooper, *Ibn Mammātī's Rules for the ministries* (Ph.D. thesis, University of California at Berkeley, 1973), is rather less detailed on these matters than al-Makhzūmī. For Ibn Mammātī see also R. S. Cooper, "Land classification terminology and the assessment of the *kharāj* tax in medieval Egypt." *JESHO* 17 (1974). It should be added that al-Muqaddasī (*Kitāb aḥsan al-taqāsīm*: 212, trans. 137) claims that the state owns all the land in Egypt, as early as the 980s, but the detailed characterisation given there is an incredible one, clearly based on rumour and misunderstanding.

³² Frantz-Murphy in her discussions of al-Makhzūmī implies that she thinks land could be privately owned in the ninth century, at least: see *The agrarian administration*, 93. But her major general

The third reason is the most significant to my mind: it is that our tax-farming contracts, which are fairly numerous (Frantz-Murphy has identified 61 up to 1025, mostly pre-Fāṭimid, and edited or re-edited 36 of them herself), very frequently refer to such contracts as leases, in that they say 'I lease/rent' (*an ukriya*), and that they often refer to the tax due via tax-farming as 'rent', *kirā*, or, increasingly, *ujra*. Such texts are often for specific quantities of land, and sometimes specify the crop to be sown. They indicate a relatively close control of agriculture by the 'lessee'; but the land tax, *kharāj*, is the focus of the contract, *qabāla*. The holder of such tax-farming contracts, the *qābil* or *mutaqabbil*, was theoretically balanced by a guarantor for the tax paid, *ḡāmin* (guarantors for the fulfilment of contracts had been commonplace in Egyptian rural relations since Roman times, and the concept was also theorised in *fiqh*); but contractors and guarantors are not clearly distinct in our texts, and, by the Fāṭimid period, *ḡāmin* had become the commonest word for 'tax-farmer', with *ḡamān* (literally, 'liability' or 'guarantee') denoting both the tax-farming contract itself and the area of land assigned in it. These points are not in serious dispute, and Frantz-Murphy is our best guide to them. What is in dispute are, however, the implications of this. It becomes possible for historians to assume that, if *ujra*, 'rent', is referring to tax in these texts, then it always does; and that therefore other references to 'rents' are really to tax. Furthermore, given that it is certainly true that tax terminology, or the names of tax officials, are referred to in many texts which do not otherwise seem to refer to anything other than private landowning, perhaps all references to *kharāj*, no matter how casual, also reveal an estate which is really a tax-farm? It then becomes a small step to stating, as Frantz-Murphy indeed does, that there was not, in reality, any full private property and leasing in the Fāṭimid period and before (she says, since the late eighth century); that there was nothing other than the world of tax-raising.³³ I do not accept these lines of reasoning, however. I cannot see that the majority of the texts about land tenure which I have myself cited could lead to that conclusion without considerable difficulty – and, not least, it is in my view impossible to understand Jirja's land-acquisitions as anything

synthesis, "Land-tenure", argues differently. For the Roman period, D. Bonneau, *Le fisc et le Nil* (Paris: Cujas, 1971): 89-95.

³³ CPR XXI contains the basic setting-out of the texts Frantz-Murphy is arguing from (with the fuller list of tax leases, some in the volume and some not, at pp. 56-61 – I exclude CPR XXI 1, as she explicitly says that this is a private lease; some of the others are not technically leases, but seem to belong to the world of tax). This is why my list of private leases in n. 19 is short; because all other post-900 leases which I have seen, including those not included in Frantz-Murphy's own lists, are ambiguous from the standpoint of tax vs. rent. For *ḡamāns*, see as an important starting-point P. M. Sijpesteijn, "Profit following responsibility." *Journal of juristic papyrology* 31 (2001); for the long lists of Jewish *ḡāmins* in Goitein, *A Mediterranean society*, see below, n. 48. For late Roman guarantees, including against the flight of peasants from the land, see e.g. Sarris, *Economy and society*: 60-6, 73.

other than in full property.³⁴ But if that is the case, private property re-enters into the equation; and then some of the wider arguments against private landed property can be put into question, too.

One of these concerns the word *ujra*. It is true that this often, above all in the pre-Fāṭimid period, means ‘tax’; but actually, in some of the leases, *ujra* and *kharāj* are explicitly counterposed. One interesting example is a text of 926/7 (P.Cair.Arab. 86-7, re-edited in CPR XXI 31-2; it survives in two copies on the same sheet); the text is interesting enough to be worth quoting in full, in translation.

In the name of God the merciful and compassionate. The witnesses named in this writing witness the acknowledgement of Antanās b. Sisina b. Antanās, residing in the village (*qarya*) known as Nawāya, one of the villages of Lower Ashmūn, that he was present with them and had called them to witness on his behalf in the soundness of his mind and of his body and and that he is legally capable of conducting his affairs. Concerning the fallow lands of the properties (*amlāk*) known as Hūr Qulta, ascribed to [probably for taxation; doubtless cultivated by] Biqām b. Halistūs, part of which had been in the name of Jirja Quzmān in the auction (*dilāla*) of Nawāya, part of which Muzāḥim b. Ishaq b. Muḥammad b. Aḥmad, the financial administrator (*‘āmil*) of Abū Aḥmad al-Ḥasan b. Muḥammad for the administration of the *kharāj* and the estates (*ḍiyā’*) of the districts of al-Ashmūnayn, [took] for four successive years, the first of them being the year 312 [a. 924/5] and the last of them being the year 315, for 20 dinars by weight in minted coin, of the cash of the treasury, in gold, of standard weight, washed. And it was weighed out, apart from (*siwā mā*) what is required in rent (*ujra*) and [*unreadable word in both texts*]. And that is reckoning at 5 dinars for each year. Indeed this is property (*milk*) of him and of his fathers before him. Indeed it is the tax-farm (*qabāla*) of Muzāḥim ibn Ishaq. And that is his to hand over to him. And Muzāḥim ibn Ishaq handed that over to Antanās b. Sisina b. Antanās of Nawāya. And Antanās b. Sisina b. Antanās of Nawāya affirmed that he received the fallow fields of the properties (*amlāk*) mentioned in this writing from Muzāḥim ibn Ishaq. And he took possession of them for himself for cultivation (*zara’a*). And whomever he wishes can register them and cultivate them. And he himself is responsible for the assessment of that, the whole of it according to the conditions established in the tax office (*ḍiwān al-kharāj*) under Muzāḥim ibn Ishaq. And Antanās b. Sisina b. Antanās of Nawāya will deliver all of the *kharāj*. That is for what is imposed for the right of the treasury, under the right for water, part of the *kharāj* of the fallow fields of the properties mentioned in this writing under Muzāḥim ibn Ishaq for two successive years, the first of them being the year 314 and the last of them being the year 315, according to the stipulations established in the tax office for the property/goods (*māl*) of Muzāḥim b. Ishaq ibn Ibrahīm in this writing. ... [There follow a sanction clause, a guarantee, and a lost list of witnesses.]

It is clear here that Antanās b. Sisina of what is now Nawāy near Ashmūnayn is taking on the payment of *kharāj* on a set of lands in the same village from the tax-farm (*qabāla*) of Muzāḥim b.

³⁴ Apart from the very concrete nature of the texts concerned, the fact that the formularies in Jirja’s land sales match perfectly with those for his house sales – P.Fay.Villages 4, 7-9, 17-18 – is to me telling; for houses were not part of the world of land tax. The early tenth-century book of sales formularies, *Kitāb al-buyū’*, of the Egyptian jurist al-Ṭahāwī (ed. J. A. Wakin, *The function of documents in Islamic law*, Albany: State University of New York Press, 1972) also draws no distinction between house and land sales: see e.g. II. 20.3-4, III 1.0-2.2. It is fair to signal that my arguments here are quite similar in structure to my earlier arguments against Jean Durliat’s theory (a much less plausible one, in fact) that all late Roman and early medieval Latin references to *possessio* were really to tax-farming concessions: see his *Les finances publiques de Dioclétien aux Carolingiens (284-888)* (Sigmaringen: Thorbecke, 1990), and my critique, “La chute de Rome n’aura pas lieu.” *Le moyen âge* 99 (1993).

Ishāq, the financial administrator (*‘āmil*) of Ashmūnayn. Muzāḥim has taken on the tax-farm two years ago for a period of four years, and he is here ceding it to Antanās for the last two years. The text states that the expected annual return is 5 dinars, ‘apart from’ what is required in *ujra*. Surprisingly, however, the text then says *‘inna dhālika milkan la-hu wa-li-‘ābā’i-hi qabla-hu*, ‘indeed this is property (*milk*) of him and of his fathers before him’. Exactly whose property is not clear in the complex text (Frantz-Murphy assumes Muzāḥim rather than Antanās, and I conclude the same; Grohmann supposed the opposite), but either way one of the temporary tax-concessions turns out in some way not to be so temporary after all. A possible reading of the text which cuts out inconsistencies would be that Muzāḥim owned the land he had a temporary tax-farm on, and was ceding it to Antanās for two years for both tax (of 5 dinars) to the state and rent to Muzāḥim. (This would fit, among other things, the several tax receipts from the tenth and early eleventh centuries which say that the *kharāj* is being paid on the payer’s or a third party’s *milk*.) Any way around, however, full property is in some way involved. As already implied, Frantz-Murphy assumes here and elsewhere that *ujra* is another kind of tax (of what type is not clear), but her only source for the effective equivalence of tax and rent is Islamic legal theory, which indeed does sometimes theorise the proposition that *kharāj* on state land can be seen as rent, at least in abstract terms. How far we can regard this (Iraq-based) theory as a good guide to Egyptian practice must be questioned. At the very least, however, she is right to characterise this text as showing ‘the shifting and ambiguous nature of tenure and liability’.³⁵

A further problem, however, is that tenurial and fiscal terminology can shift ambiguously in both directions. A lease in Coptic from 901 refers to a tenurial concession as a *kepele*, that is, a *qabāla*. No-one has proposed that tax-farm concessions could be in Coptic, which had effectively lost its status as a language of legal documents; here, the word must have moved from the domain of tax

³⁵ For definitions of *ujra*, CPR XXI: pp. 30-1, 151-2. Apart from in CPR XXI, Frantz-Murphy discusses the 926/7 text in “Land-tenure”: 259-60 (260 for the quote at the end of the paragraph). My translation, which uses both versions of the text, differs slightly from hers, and from Grohmann’s in P.Cair.Arab. I am very grateful to Petra Sijpesteijn for help with this translation. For tax receipts on *milk*, see P.Ryl.Arab. II 3; CPR XXI 74, 81, 85, 87; P.Cair.Arab. 192, 194; P.Steuerquittungen 31 (the latter, from 1052/3, being the latest text). Frantz-Murphy here uses H. Modarressi Tabātabā’i, *Kharāj in Islamic law* (London: Anchor Press, 1983), whose schematic account simply summarises the equally schematic statements by jurists that all lands belong to the Muslim community, that is to say in practice the state, and that *kharāj* is thus exacted on state land by definition. Although this view was indeed a standard part of much *fiqh*, it was considerably nuanced by other theorists (for which see Haque and Johansen, cited above, n. 17, and indeed Modarressi Tabātabā’i himself, *Kharāj in Islamic law*: 109, 143, 150, 200-1), not to speak of real life (see Kennedy, also cited in n. 17).

to mean a land lease.³⁶ Werner Diem argues, as noted earlier, that in several texts *kharāj* can mean private ground rent; I have seen at least one more probable case.³⁷ Remarkably, the same word *kharāj* is used in Niḥrīr's letter about the Dākhla oasis, already discussed, to mean 'yield': here, the looseness of the terminology on the ground is very striking. There are also texts in which a *mutaqabbil* could perfectly well be a private tenant, as when in 1009 the man concerned, Mīnā b. Buṣṭul, is a cowherd or cattle dealer (*baqqār*), without the status which (one might think) tax-farming assumes, paying *ujra* to a man who is not obviously any official.³⁸ Indeed, if one loosened tax terminology far enough, one could end up interpreting all of Frantz-Murphy's tax-'leases' as private leases of land which just happen to stress tax a lot.

I would not go that far myself; if we reinterpreted these 'leases' in such a way as to cut out all their tax-farming elements, we would be being as schematic as someone who interpreted all apparently private land contracts as really about tax. Rather, the flexibility of our terminology – with the tenurial word *ujra* sometimes meaning 'tax' and the fiscal word *kharāj* sometimes (although less often) meaning 'rent' – points to the opposite conclusion: that of how much tenurial and fiscal relationships could interpenetrate on the ground. That might, of course, undermine private landowning, and indeed as we shall see, I think that in the end, as circumstances changed, it did. But it had not done so yet in the first Fāṭimid century, when private landowners remain visible and often prosperous; up to this point, that interpenetration seems to me to have been very much a two-way process. So, notwithstanding the tendencies of much of the historiography, I have no problem about standing by my picture of an early Fāṭimid world in which there were landowners, large and small, selling land in full property and also leasing it. Such owners were not weakened by the fact that a decentralised system of tax-farming was developing alongside them, with considerable interpenetration of personnel, and with landowners sometimes taking on the tax-farms of both their own lands and the lands of others. As Michael Brett has put it, 'landownership was drawn into the service of the state', and the state benefited from this commitment, just as it had done – in different ways – under the late Roman empire. Although *ḍāmins* sometimes controlled crop choices on lands

³⁶ Richter, "Spätkoptische Rechtsurkunden (III)"; cf. P.Cair.Arab. 270 (9th century), containing references to *qabālas* which look like leasehold tenures to me (and also to Adolf Grohmann).

³⁷ P.Vind.Arab. I 3 (with comment, p. 19), 39 (13th century); P.Prag.Arab. 4 (=CPR XXI 11), 7. I would add P.GrohmannUrkunden 4 (a. 950/1), for, although this document is for land of the Ikshīdīd rulers of Egypt, and the context is thus fairly fiscal, surely one would not take a tax-farm on irrigation machinery?

³⁸ P.Prag.Arab. 84-5; we do not know the provenance of the two linked texts.

they tax-farmed, the actual collection of taxes seems still to have been in the hands of state officials; we have quite a number of discursive letters from such officials to each other about tax-collecting details.³⁹ That double responsibility will have made it harder for external *ḡāmins* to weaken the property rights of others on their holdings. There was, unsurprisingly, oppressive behaviour, by all types of people who had some power over exactions; we can see signs of it in plenty of texts.⁴⁰ But we find such behaviour in all periods; it did not have to undermine property rights in a structural way.

III The long twelfth century

After c.1070, however, things changed. For a start, our published documents drop considerably in number. There are over 450 texts in APD for a generic tenth century, and 370 for the eleventh (mostly for before 1050, although very many are undated); that is down to 135 for the twelfth. It is very likely that this drop is largely the result of editors' choices; notwithstanding the work of Grohmann, Diem and Geoffrey Khan, there is still a bias towards earlier centuries in Egyptian Arabic document editing. But it is also the case that even fewer of the texts we have relate to agrarian matters. The last land sale we have dates to 1068/9, except for a couple for orchards around Fustāṭ-Cairo.⁴¹ At the current state of research, we have no more private archives which tell us about peasant entrepreneurship. And, even if we set aside the narratives of twelfth-century and later historians, which stress the tax-farming of military figures, we have more references to *iqṭā'*, and more references to the local control of *ḡāmins*. Let us go through these evidences carefully, to see what trends they point to, and how they may have worked.

The standard story, taken largely from al-Maqrīzī and other Mamlūk writers, starts with the 'great calamity' of c.1067-72, at the mid-point of Fāṭimid history, which saw a series of supposedly low Nile floods and thus famines, exacerbated by civil war. Famines affected Fustāṭ-Cairo first, as it was the only Egyptian city, apart maybe for a couple on the coast, which could not be fed from its immediate hinterland. They could be averted by sensible governmental measures (the opening of state granaries, price-fixing, forced sales, rationing), and often were (most recently in 1055), but this

³⁹ Examples: P.Vind.Arab. III 23, 24, 26, 43 (this one is from a *ḡāmin*, but he is behaving like a worried middle manager); and note also P.Prag.Arab. 37-49, which involve collectors collecting from a wide variety of people, including peasants. Brett quote: "The way of the peasant." *Bulletin of the School of Oriental and African Studies* 47 (1984): 50.

⁴⁰ For example, apart from instances already cited, P.Vind.Arab. II 52, III 23, 26, 43, and, earlier, CPR XVI 11 (9th century).

⁴¹ Chrest.Khoury I 88 (also II 20 for 1064); for around the capital, see n. 46 below.

was a time of exceptionally poor and unstable government, and that was made worse by deliberate blockades of the capital by political rivals. Our late narratives, which concentrate on the capital almost exclusively, depict the period in the most extreme terms – the harem dying of starvation, the caliph living off charity – and, even if we do not believe this (which I find it very hard to), Fustāṭ was certainly hit, for we have at least one dated *geniza* letter which makes that clear.⁴² On the other hand, our dated Arabic-script letters and documents, even if by now less numerous, show no signs of anything similar, and it seems fair to conclude that the countryside was less badly hit than the capital.⁴³ What supports this is the rapid success of a new military strong-man, Badr al-Jamālī, ruling 1074-94, in bringing back order and prosperity to Egypt, by defeating all his rivals in war over the next two years; competent government continued through the rule of his son al-Afḍal (d. 1121), and that of the latter's deputy, al-Ma'mūn al-Baṭā'ihī, who succeeded him up to 1125. Even with the Nile back to normal, a long-term country-wide famine would not have been resolved in this way and so fast, and Badr al-Jamālī's success implies that the most serious and structural problems were political rather than economic. One of these problems was the fact that successive armies regarded themselves as underpaid; Badr seems to have dealt with that by dividing tax revenues between the soldiers of his army as *iqṭā's*, military tax-farms. This division was updated by al-Afḍal and al-Baṭā'ihī in a *rawk* of 1107-8, and then further reformed in the 1120s. We have a detailed account of these in al-Maqrīzī; the usual problems about his reliability are here alleviated by the fact that he claims to be using a (presumably well-informed) account written by al-Baṭā'ihī's son.

⁴² See for initial surveys H. Halm, *Die Kalifen von Kairo* (Munich: C. H. Beck, 2003): 400-20; A. A. Elbendary, "The worst of times." In *Money, land and trade*: 67-83 (which stresses that this was not a period of really low Niles); and M. Brett, *The Fatimid empire* (Edinburgh: Edinburgh University Press, 2017): 201-10. Al-Maqrīzī discussed this period more than once; his *Kitāb ighāthat al-umma bi-kashf al-ghumma* (ed. M. M. Ziyāda and J. Shayyāl [Cairo: Lajnat al-T'ālīf wa-al-Tarjama wa-al-Nashr, 1940], trans. A. Allouche, *Mamluk economics* [Salt Lake City: University of Utah Press, 1994]), is convenient as well as highly-coloured (note that it, like some other accounts, has the 'calamity' starting in 1065, to fit the Biblical seven years). Dated *geniza* letter: CUL Or.1080 J71, ed. Gil, *Be-malkhut yishma'el*, n. 619 (a. 1070). Another, T-S 13J14.2, ed. *ibid.*, n. 241, trans. A. L. Udovitch, "A tale of two cities." In *The medieval city*, ed. H. A. Miskimin, D. Herlihy and A. L. Udovitch (New Haven: Yale University Press, 1977): 151-3, a much-cited text showing a seriously low Nile, is undated, and its attachment to this period cannot be demonstrated.

⁴³ They are P.Cair.Arab. 45, 68-72; Chrest.Khoury I 18, 88; P.RagibQalamun 5, 7; P.GenizahCamb. 39; P.Vente 27; P.Transmission 8. They show standard sales of houses, land, guardianship and animals; debt, marriage and divorce agreements. They are from the Fayyūm and Ashmūnayn, as so many texts are. They are mostly typical texts, and none refer to the troubles experienced in the capital. In the *geniza*, T-S 13J26.8, ed. Gil, *Be-malkhut yishma'el*, n. 556, trans. S. Simonsohn, *The Jews in Sicily*, 1 (Leiden: Brill, 1997), n. 159, dated to 1066-7, refers to a wheat shortage in the Delta, although international trade in non-foodstuffs was evidently unaffected, given the rest of the text.

According to al-Maqrīzī (i.e. Ibn al-Ma'mūn al-Baṭā'ihī), in 1107-8 al-Baṭā'ihī took account of the fact that the *iqṭā'*s of what is implied to have been Badr al-Jamālī's tax division had changed in value. Specifically, those of military leaders (*amīrs*) had increased in value, to well above the level of the tax they still had to pay on each *iqṭā'*, but the revenues of more ordinary soldiers had dropped. All the concessions were cancelled, and the *iqṭā'*s were redistributed. The text claims that this was done so cleverly that everyone was satisfied, and the state still benefited. How this remarkable feat was actually achieved is pretty obscure, and neither Claude Cahen nor Brett – the only historians to discuss the issue in detail – claim really to have understood it (and nor do I). But, for our purposes, more important is the fact that the richer *muqṭā'*s (*iqṭā'*-holders) were afraid that al-Afḍal would take away their properties (*amlāk*, the plural of *milk*), which included orchards and sugar-cane presses but also other lands, until the ruler reassured them that these would be fully owned, separately from their *iqṭā'*s. This was not, then, a world in which private property had been abandoned, just because the tax system had been further decentralised.⁴⁴ Indeed, when al-Baṭā'ihī undertook further reforms in 1121-2, remitting arrears on tax-farms, preventing new tax-farmers from over-bidding for their concessions (*ḍamāns*), and re-surveying the land, he found that there were many irrigated estates (with low tax estimates, which was what concerned al-Baṭā'ihī most) whose owners had no title, although they claimed to have inherited the land across generations. Al-Baṭā'ihī raised the taxes but remitted the arrears. Even those owners who had appropriated state land beside their own properties (*amlāk*) with no legal title, apparently above all in the Upper Ṣa'īd in the far south, where they were often responsible for land reclamation, were allowed to keep it as long as they paid tax from now on. Again, it was not state land which was increasing in this account. And, indeed, after the 1107-8 account, the word *iqṭā'* does not again appear in this text, and all we have is *ḍamāns*.⁴⁵ So we have

⁴⁴ Al-Maqrīzī, *Khīṭaṭ*, 2: 5-6 (trans. 1: 238-9); but the best trans. is now in M. Brett, "The origins of the Mamluk military system in the Fatimid period." In *Egypt and Syria in the Fatimid, Ayyubid and Mamluk eras*, 1 (Leuven: Uitgeverij Peeters, 1995): 42; he also gives the best accounts of these developments (in *ibid.*, with "The way of the peasant", and *The Fatimid empire*: 212, 237-9, 254-5). See also C. Cahen, "L'administration financière de l'armée fatimide d'après al-Makhzūmī." *JESHO* 15 (1972). Note that Brett refers to *iqṭā'* cessions as 'tax-farms', as do I; military tax-farms could be differently constructed from civilian *ḍamāns*, but *iqṭā'*-holders, *muqṭā'*s, in this period (unlike later) paid dues to the state. As Cahen shows ("L'administration financière": 167 [al-Makhzūmī's text], 178), by al-Makhzūmī's time, the difference was that a *muqṭā'* took a fixed pay from what the land was calculated to owe in tax and gave to the state the surplus – unlike a *ḍāmin*, who gave the state a fixed amount and took what he could, by implication more, from local taxation. In 1107, my reading, with Brett, is that *iqṭā'*s were as yet more similar to *ḍamāns*, but the difference is not germane to the argument here.

⁴⁵ For 1121-2, see al-Maqrīzī, *Khīṭaṭ*, 2: 6-13 (trans. 1: 239-45). Brett, "The way of the peasant": 53-5, argues that it is important that some of the land on *iqṭā'*s was described as uncultivated in al-Maqrīzī's

proprietors and *ḡāmins* in the 1120s, just as was the case in the 1020s. Perhaps nothing had yet changed after all.

On one level, it had not. We have a reference to a landowning family doing accounts for the peasants (*muzārī'ūn*) of an unidentified village in 1164; we have a handful of *geniza* texts showing Jewish owners with at least some agricultural interests. Furthermore, the orchards, palm groves and flax-preparation pools immediately around Fustāṭ have a few surviving sales and leases in the second Fāṭimid century. These are not extensive references, and suburban orchards do not have the same tax status as open land (nor would they be systematically taken over by the state later), but they show some continuities, at least.⁴⁶ Tax-raising also remained highly complex, and largely state-controlled in its main lines, military tax-farming or no; al-Makhzūmī, whatever the problems about the representativeness of his text, is a clear witness to that.⁴⁷ So also are the examples of Jewish *ḡāmins* in *geniza* texts, cited by Goitein, which are largely twelfth-century (some of them indeed are from even later), for these were certainly not military figures; they appear to have been regularly appointed by government officials (Badr al-Jamālī himself named one, according to a letter of c.1096), so had remained representatives of central power. Some of their *ḡamāns* were for very specific types of tax, often on silk, but many others were for single villages, matching the sorts of tax-farm which we have

text, and that this reflects the land abandonments of the 'calamity' and the selective ability of richer *iqṭā'*-holders to take advantage of the reclamation of land. This is possible, and would indeed be a sign of the negative impact of the 'calamity', for a generation at least; but the text does not require it, and the references are fairly casual. In 1121, when al-Maqrīzī incorporates an edict of the governor of the Upper Ṣa'īd about the usurpation of property (*Khīṭaṭ*, 2: 11-13 [trans. 1: 243-5]), which is accepted on condition that such usurpations do not happen again, the references to reclamation are much more stressed in the text; this could be a more solid reference to the land abandonment of the 'calamity'. But such an association remains an inference, and anyway not all the usurpations are of reclaimed land. For the absence of references to *iqṭā'*, see Brett, "The origins": 44, referring also to the shortness of the list of references by al-Maqrīzī to *iqṭā'* in Y. Lev, *State and society in Fatimid Egypt* (Leiden: Brill, 1991): 124-7. The first reference to *iqṭā'* in a document which I have found is from 1124, P.KhanQasrlbrim, although P.CahenTalal 1 (a. 1159) refers to a holding in *iqṭā'* going back to 1102.

⁴⁶ P.Heid.Arab. III 35 (a. 1164); for around the capital, P.GenizahCambr. 4 (a. 1104); T-S 16.222, ed. M. Gil, *Documents of the Jewish pious foundations from the Cairo geniza* (Leiden: Brill, 1976), n. 50 (a. 1150); P.CahenTalal 1 (a. 1159); see also Goitein, *A Mediterranean society*, I: 122. See *ibid.*, I: 116-18, 425 for private landowning by Jews. But, although Goitein minimised Jewish landownership, the *geniza* texts he cites here, esp. T-S 28.6, 20.99, 12.312, 10J17.23v, and ENA 4020.30, actually have less to do with landowning than even he says. T-S 20.99 (c.1090), in which the will of a notable divides agricultural land between his heirs, is above all about orchards and tax-farming rights, not open land; 28.6 (a. 1079) is vague about the exact rights the agricultural partnership in the text is claiming over the flax mentioned in the text (in Dammūh, near the capital); ENA 4020.30 (from the 1130s or earlier) seems to have to do with managing state lands. Actual Jewish landowning may have been restricted above all to orchards. I owe this analysis to the kindness of Lorenzo Bondioli, who checked the texts for me.

⁴⁷ See the whole section of al-Makhzūmī edited and translated in Frantz-Murphy, *The agrarian administration*: 19-42. See also the careful accounting of the state property of Balaqs near Cairo for the 58 *hijra* years, up to 1159, in which it was held in *iqṭā'*: P.CahenTalal 1.

seen earlier. Such *ḡāmins* often worked in partnership, presumably for greater effectiveness. Goitein remarks that 'they wielded little power and therefore could not become very oppressive'. One might well doubt that, at least sometimes; even non-military *ḡāmins* had considerable transactional force in every period, especially as any tax-collector needed armed men to help make exactions possible. Outside Egypt, a Jewish merchant called Salāma b. Mūsā recounted in a letter to Fuṣṭāṭ in (perhaps) 1064 how he had been granted the tax-farming of an area of olive-groves near Sfax in Tunisia by the city's autonomous governor; his first action (the only one he had time for, as war intervened) was to buy up the olive-harvest, which he presumably could not have done without that transactional power. But it would be unlikely that Jewish tax-farmers in the Fāṭimid world could establish more permanent local authority.⁴⁸

On the other hand, there are now signs that other *ḡāmins* or *muḡṭā's* could do just that. A proper land lease from 1124, for once in the far south of Egypt, of one eighth of an island just north of Aswān, for a rent (*ujra*) of 3 dinars, is for part of the assigned *iqṭā's* of a local military commander; clearly the latter was simply exploiting the land as if it was an ordinary estate. A caliphal decree of 1134 complains, among other things, that the fishermen of the Delta province of al-Gharbiyya are fishing along the lake-shores of the neighbouring coastal province of al-Nastarāwiyya; this has supposedly damaged the interests of local *ḡāmins*, and henceforth no-one may encroach on the shore-line here except the 'tenants' (*mu'āmalī-him*) of the *ḡamān*. We have an image of the *ḡāmin* in effect as lord here, for it is he who is the interested local party, not any private landowner. Even small tax-farmers could be rather more prominent than before. A group of *iqṭā'-*holders from the eastern Delta petition the *wāzir* in 1149/53 against the misbehaviour of a local deputy (*nāyib*), who has annexed their *iqṭā'*, 100 *faddāns* in size, and refused their caliph-granted right to establish a new market on it. But although the scale of this is not so vast, it is valuable (they assess it at 5500 dinars), and in addition they are entrepreneurially minded: if they cannot get their *iqṭā'* back, they ask that they be compensated by a neighbouring one, where they can develop a sugar plantation.⁴⁹ One of al-

⁴⁸ Goitein, *A Mediterranean society*, 2: 354-63 (quote from 363), with the list of village-based *ḡāmins* at 606. Badr al-Jamālī: T-S 13J14.14; partnerships: Firkovitch II NS 1700 13AIII; T-S 13J20.2 (one that ended badly). P.GenizahCambr. 63 is a similar small-scale *ḡamān* for (probably) a Muslim from 1087/8; so is P.GenizahCambr. 135 (a. 1156/7), for a village near Bahnasā. For Salāma, see Halper 389, ed. Gil, *Be-malkhut yishma'el*, n. 751, trans. Simonsohn, *The Jews in Sicily*, 1, n. 151. The dating there to 1064 is not secure: pers. comm. Jessica Goldberg.

⁴⁹ P.KhanQasrlbrim; P.GenizahCambr. 117, 81. In n. 117, the editor, Geoffrey Khan, is uncertain of the translation 'tenants'. The word has a very wide range of meanings in Arabic, and 'associates' or 'dependants' might be better.

Maqrīzī's references to *iqṭā's* refers to the defence of Ashkelon in Palestine against the Crusaders in the 1140s: a six-monthly certificate had to be sent to Cairo listing those soldiers who were present in the city and those who were absent on their *iqṭā's*. We have only al-Maqrīzī as a source here; all the same, the image of soldiers in Egypt's most important frontier fortress spending parts of the year looking after their tax-farms is a striking one. This fits with the interest in cultivation which would be very much a feature of Ayyūbid and Mamlūk *muqṭā's*; by 1175, Saladin supposedly had to pause a Syrian campaign, and nearly lost a battle, because his soldiers needed to return to Egypt for the harvest.⁵⁰ In this context I do not make any great distinction between non-military and military tax-farms, for it is not the (huge) complexities of army pay or fiscal administration which interest me here; what is important, however, is that tax-farming of both types was more and more visibly taking on aspects of tenurial control of the land – not always, and not everywhere, but in some cases at least. And that, at least, may indeed be related to the trend for such tax-farms to be held by soldiers, for they were closer to the world of political power, and could often have been more interested in power over the land than a traditional *qāmin* might.

At this point we reach the period when Saladin took over, in 1169 as *wazīr* and in 1171 as the successor to the Fāṭimid caliphs, with a full *rawk* in the 1170s, in which, as noted at the start of this article, it seems likely that nearly everywhere in Egypt was assigned in *iqṭā'*. Al-Makhzūmī wrote in precisely this period too, 1169-85; the picture he paints, of heavily state-run fiscal control of land, has seemed nearly to be the world of Mamlūk state landowning, hence the fact that the debate about how much of that world pre-existed Saladin has so much focussed on what he wrote. My concern has been to move away from his broad-brush depiction, and to set out what can be seen of agrarian relationships on the ground. As we have seen, they were pretty variegated in the twelfth century, much more than we would realise if we only used fiscal treatises. Our evidence is not good enough for this century for it to be possible to say *how much* of Egypt was already under a régime in which *muqṭā's* controlled agriculture directly, and how much was rather more complex: with some places in which *muqṭā's* had little interest or involvement in the land; some places in which they had to balance their own (and central government's) fiscal powers with the local rights and effective control of continuing private landowners or other powers; some places in which the two functions overlapped, with *muqṭā's* taking tax on their own private land (perhaps using their own *qāmins*); and some places

⁵⁰ For the al-Maqrīzī text, see Brett, "The origins": 49; for 1175, Rabie, *The financial system*: 69-70.

where they were not there at all, and *ḡāmins* simply farmed taxes for the state in the traditional way. All of these different realities, which can be identified even in those texts we have, would have posed different challenges to a reassignment of *iqṭā*'s in the 1170s, and are very likely to have made our image of Ayyūbid state control considerably less complete in reality, in most places for some time – for there is no more evidence of dramatic change on the ground in the 1170s than in any other medieval period; and if a class of substantial landowners had been suddenly dispossessed, we might expect to see some signs of it. That is to say, we are looking at trends here, not sharp breaks – even though by 1300, say, the world of Egyptian land tenure was visibly very different indeed to what it was in 1000.

Exactly how Egyptians got from one side to the other of this divide has to be in large part guess-work; as I stated at the start, the causes of this change are by no means clear. But it will help if we look, as a final example, at one specific area, the Fayyūm oasis, for there at least we have good documentation up to the 1060s or so, and also al-Nābulusī's survey from the 1240s, which shows how much things had changed there across two centuries. Some suggestions as to the motors of change will therefore be clearer in that context.

IV The Fayyūm as a test case for social change

The Fayyūm in the 1020s was a region of substantial and spatially dense villages (and one town, Madīnat al-Fayyūm) which shows, in those with good documentation, a set of active Christian peasants like Jirja of Damūya, some of them visibly landowners, as well as (although it is not the subject of this article) a wide variety of rural artisans. A handful of soldiers are documented, but these seem to have been normal landowners too. They may well have often been richer, although it is hard to tell from the materials we have, but certainly there were large landowners as well as small in the oasis. The region had both Christian and Muslim inhabitants; we cannot be sure that Arabic names always denoted Muslims (only religious names like Muḥammad, or roles as legal witnesses, are certain guides here), but saints' names like Jirja (George) or Buḡtur (Victor) undoubtedly denoted Christians. In most of the best-documented villages, all in the southern third of the oasis, a high proportion of eleventh-century names were Christian in that sense.⁵¹ That was certainly not the case in the 1240s, when Christians were quite a small minority of the population, and the vast majority

⁵¹ See above all Mouton, "La société villageoise": 237-42.

were called by al-Nābulusī ‘*arab*, sometimes *badw* (bedouin), and were divided into tribal confederations, the Banū Kilāb (who included, among others, the Banū ‘Āmir and the Banu Rabī’a), the Banū ‘Ajlān and the (originally Berber) Lawāta. As Yossef Rapoport has remarked, it is beyond plausibility that there should have been a whole-scale population transfer here. What we are looking at is conversion, and the attachment of converts to pre-existing Arab tribes, who were certainly in the 1240s established agriculturalists (the word *badw* did not necessarily imply ‘nomadic’), but who gave ‘protection’ (*khafāra*) – a rather oppressive protection, for money – to their ‘settled’ (*ḥaḍar*), implicitly Christian, neighbours. By now, too, there is no reference to landowning except for a small handful of *waqfs*; and most of the oasis was divided into *iqṭā’*s.⁵²

This new world did not, however, come out of nowhere. There were several signs of change in our latest eleventh-century texts. Jirja himself was one: a rising peasant who was himself moving into tax-farming. I have remarked that Jewish tax-farmers were unlikely to gain much stable local power beyond that invested in their contract, and the same would be true for Christians; but if they converted, the situation could well be different. It is interesting in this context that, although Jirja just calls himself by his given name and patronymic when he buys land and houses, letters to him (some of them definitely from Muslims) also call him ‘Abd Allāh al-Khayr or Abū al-Khayr. ‘Father of goodness’ is not a *kunya* which claims a specific Muslim identity (it was quite common among Jews, for example), but it is potentially a first step towards a fuller Islamicisation. Jirja’s heirs could well have taken on wholly Arabic names, converted, and have become larger-scale and more entrepreneurial *ḍāmins*, a role which would also produce much more potential for wealth than did small-scale trading and land-acquisitions. That is entirely hypothetical, but it does not seem to me gratuitous.⁵³

A second sign is the initial appearance of ‘guardians’, *khafīrs*, in our sources, offering guardianship or protection (again *khafāra*) to villages or isolated monasteries, most plausibly against nomadic bedouin, who certainly did exist on the edge of the oasis, as elsewhere in the Ṣa’īd. Jirja and

⁵² See in general Rapoport, “Fayyūm”; idem, “Invisible peasants, marauding nomads.” *Mamluk studies review* 8.2 (2004) – see 4-12 for *badw* as agriculturalists and *ḥaḍar*, 12-14 for no significant population change; Cahen, “Le régime des impôts”: table inserted at 14, for figures; J. G. Keenan, “Fayyum agriculture at the end of the Ayyubid era.” In *Agriculture in Egypt*. 287-99. Mouton, “La société villageoise”: 270 suspects ‘vastes rémues d’hommes’; this seems to me very unlikely – not least because the desert, the original home of nomadic bedouin groups, cannot sustain large enough populations for them to overwhelm settled land demographically.

⁵³ P.Fay.Villages 36-8, 41-2. Note that Jirja was not the only Christian peasant in the oasis to move down this route; the son of Mīnā b. Jirja of Tuṭūn, another archive-maker, was also a *ḍāmin*, of his own large village, in 1014: P.Vente 25. For Jews, see Goitein, *A Mediterranean society*, 6: 5, s.v. Abu’l-Khayr.

a colleague, as village headmen for Damūya, were asked to pay money (not huge sums) for guardianship on three occasions in, probably, the 1020s (once to a woman, Falfala bt. Duwayk). Guardianship could already be oppressive, though; in an undated letter from this period we have an appeal to a *qā'id*, a local commander or governor, by a tenant of a vineyard, who has paid his rent, but then meets the brother of his landlord, who demands money on top of that for guardianship.⁵⁴ In the 1050s-60s in the Fayyūm, acts for such guardians are more numerous, even though the total number of documents was by then dropping. A *khafīr* in Ṭuṭūn, 'Uqayl b. Ḥudayj al-ʿĀmirī, sold agricultural land to two grandsons of Mīnā b. Jirja in 1064; the *khafīr* of the village of Iṣā and the monastery of Qalamūn, Abū al-Dīn b. Ramaḍān al-Rabʿī, bought and sold property between 1054 and 1068 in several different places in the southern Fayyūm, as well as disputing one 'faddān of guardianship' over the village of Iḥrīt with his brother. *Khafāra*, in fact, as this latter phrase in part hints, was in fact by now understood as being as a real property right, and in some of these texts it was bought and sold with similar property formulae to those which one can elsewhere (as we have already seen) find for houses and fields, such as (in a text of 1054) *mālan min māli-hi wa-milk[an] min ʿamlāki-hi*. And one could make a lot of money out of it. In 1069, two guardians of the small village of Uqlūl married each other, in the middle of the 'great calamity'; the dowry was huge, 800 dinars plus silk and gold objects.⁵⁵

It is not straightforward to see what such guardianship/protection actually consisted of. These men and women were not simply field guards – that, at least, is clear from the way the documents are framed; it is likely that they employed armed men rather than acting themselves. There must have been some element of coercion of local inhabitants involved, actual or potential, as shown in the appeal to the *qā'id*; Abū al-dīn's fraternal dispute over guardianship also included a sword. But the protection must have been legally valid, if property rights in it could be bought and sold, and if disputes over it could be resolved in public. Jean-Michel Mouton, who has given us the best analysis of these texts, argues convincingly that the guardians must have been put in or else accepted by the state. We could see guardianship as, in effect, legally-sanctioned local lordship,

⁵⁴ See P.Fay.Villages 38-40; P.Vind.Arab. III 47 (the appeal to the *qā'id*; the letter is unprovenanced, and could come from anywhere in the Fayyūm or Middle Nile valley). Earlier guardians, then called *ḥāris*, do not seem to have been as locally powerful: see refs. in Sijpesteijn, *Shaping a Muslim state*: 309-10.

⁵⁵ Chrest.Khoury II 20; for Abū al-Dīn, P.RagibQalamun 1-2, 4-8 (quote from n. 2; n. 5 is the dispute); P.Transmission 8 for the 1069 marriage; and see below, nn. 57-8 for Qashshāsh and his family.

village-level seigneurie.⁵⁶ And there seems to have been a cross-over between *khafāra* and tax-farming. Qashshāsh b. Shabīb, active in the 1010s-20s, was a *ḍāmin* in the Fayyūm village of Difinnū – significantly, he bought land inside his own *ḍamān* – as well as, on the basis of one textual reading, being a *khafīr*, probably in nearby Uqlūl, where he was certainly powerful enough to ratify a house sale; and his son Abū al-Khayr (by chance, he had the same *kunya* as Jirja of Damūya) was the legal representative of ‘Azīza bt. Ḥudayj, the guardian bride of 1069, so presumably, if not a kinsman, had the same status as her.⁵⁷ We thus have, in the Fayyūm of the mid-eleventh century, a new social stratum, locally-living, dominant and rich (including in land), which had links to the tax structure and also a quasi-military role. And the members of this stratum were not random incomers: they had tribal *nisbas*. ‘Uqayl and Qashshāsh were ‘Āmirīs, i.e. members of the Banū ‘Āmir; Abū al-Dīn b. Ramaḍān was from the Banu Rabī’a; Qirwāsh b. Ḥumayd, the guardian bridegroom of 1069, was almost certainly from the Banū Kilāb, the parent confederation of both these tribes. They were, that is to say, not only from bedouin tribes – that is to say, although these figures were all fully settled in Fayyūm villages, their ‘protection’ was in effect against themselves – but from the very tribes which made up most of the inhabitants of this part of the oasis in the 1240s.

These personages, the latest to appear in our Fayyūm documentation (Abū al-Khayr b. Qashshāsh can be followed until 1078), do not attest in themselves to major tenurial changes; and we have, as elsewhere in Egypt but even more so, a gap in the twelfth century.⁵⁸ Here, too, we can only fill the gap between the landowning world just described and the state-dominated tax-raising world of the thirteenth century with hypothesis. But I would here offer a story-line which goes like this. The ‘bedouin’ guardians became sufficiently locally dominant that, when Christian peasants converted, they attached themselves to the guardian families as *mawālī*, clients – and we do in fact have one document which attests to such clientage, a late land sale of 1069 between two clients (at least one

⁵⁶ Mouton, “La société villageoise”: 251-9. See in general, for earlier periods, C. Cahen, “Notes pour l’histoire de la *ḥimāya*.” In *Mélanges Louis Massignon*, vol. 1 (Damascus: Institut français de Damas, 1956). For brief commentaries on the phenomenon, see also the notes to Y. Rāḡib’s edition of Abū al-Dīn b. Ramaḍān’s archive, P.RagibQalamun. (Rāḡib, *ibid.*: p. 26, thinks Abū al-Dīn was a Christian; this seems unlikely to me given his *nisba* and father’s name, but he may have come from a recently converting family: see below.)

⁵⁷ P.Berl.Arab. I 10 a, 10 b (Mouton, “La société villageoise”: 255n reads *khafīr* in line 2, plausibly, but the text admits several, if less good, alternatives); P.Transmission 2, 8; Chrest.Khoury II 3, 4, 19, 20.

⁵⁸ 1078: Chrest.Khoury II 4. The only published twelfth-century texts which can be pinned to the Fayyūm are P.Cair.Arab. 105-12 (a. 1132-3), all acknowledgements of debts in wheat in a single village, plus an attractive letter from a soldier to his wife about military manoeuvres, P.Vind.Arab. II 11: interesting texts, but unhelpful for these arguments. (APD includes two others at present [1 April 2018], but there is no good reason to connect them to the oasis.)

with a certainly Muslim name) of two members of the Banu Rabī'a in the village of Ṭanshāy.⁵⁹ Slowly, then, the peasant population of the whole oasis, or most of it, would have become identifiable as members of settled bedouin tribes. But the guardians were also partly militarised with, in some cases, tax-farming experience; they, or at least the males among them, were obvious local figures to give *iqṭā's* to after the 1070s. Solid local control over guardianship and *iqṭā's*, and the potential for large-scale profit, could have become more important than the actual property-holding of the lands in them; the same families would have stayed as local lords, but by now as *muqṭā's* of land which was more frequently seen as belonging to the state. Saladin and his heirs replaced these local *muqṭā's* with his own, but the local leaders seem mostly to have survived thereafter in their old role as local guardians and, in particular, were doubtless also tax-farmers, *ḍāmins*, for the new *muqṭā's* (they were presumably turning into the village leaders, *shaykhs*, who in the later middle ages were responsible for local land taxes which were by now imposed collectively on villages). Such a survival may well have been easier in this region because the Fayyūm was initially held as a single large *iqṭā'*, and its holder certainly needed subordinates to do the local tax-collection; but many of Saladin's *muqṭā's* will have had *ḍāmins* elsewhere too.⁶⁰ The ground would thus have been laid on the local level for a new view of tenure, which came to assume that state control was the key element, and which (eventually) cut out local landowners and private rent agreements altogether.

Here, we can move back to looking at the development of Egypt as a whole. We must keep different sorts of constraints apart in this context. The state did not itself have to care greatly who owned the land. Its own officials after all intervened in the actual tax-raising process throughout, whether they were dealing with direct taxation or tax-farming by Jews and Christians and civilian Muslims or military *iqṭā's*; and tax was what interested the state. That is to say, in these latter cases the *ḍāmins* or (initially) the *muqṭā's* paid quotas of tax, which was collected separately; conversely, if they wanted to develop the land and thus their own profits after paying those quotas, they could do so by direct intervention, if they were powerful enough, but that was not the concern of the state. What actually did happen when that interest in development and local control ran up against the interests of traditional substantial – i.e. estate-owning, *milk*-owning – landowners? We simply cannot tell; all we can say is that the latter, as a class, eventually lost ground considerably, for they are no longer visible

⁵⁹ Chrest.Khoury I 88 (a. 1068/9). See Mouton, "La société villageoise": 258.

⁶⁰ For the single *iqṭā'*, see e.g. Sato, *State and rural society*: 72-6. For *shaykhs* as parallel/equivalent to guardians, *ibid.*: 184.

when our documentation becomes clearer again in the thirteenth century; and from now on all references in our sources to local land management are associated with *muqṭā*'s, and not landowners. The latter could well have continued in many places, but they had lost any political prominence.

Given that tax-farming, whether by civilian or military figures, does not have to undermine landowning – we have seen the point made extensively already – then an alternative argument could easily be made here too, extending that last point. One might propose that, actually, landowning continued much more completely, but it was now hidden by our very state-focussed, top-down sources (which include even al-Nābulusī in the Fayyūm, although he does give some indication of who owned estates): perhaps the view that all land belonged to the state (apart from *waqf* and its analogues), which is henceforth assumed in our sources, simply represented a Cairo's-eye view, which wholly misrepresented realities on the ground. We do not as yet, after all, have significant documentary sources from the thirteenth century to contest this, given that current publications of such texts (and perhaps the texts themselves) definitively tail off after 1200. Such a hypothesis would solve the problem of how, exactly, owners lost legal title, and of how come there is no reference in the sources to that loss, in so text-obsessed a country as Egypt. I would not wish to reject this argument at all; it is highly likely that the development I am describing was often much slower than I have proposed – and also, probably, quite regionally variable. But it must have occurred some time, since by the fifteenth century (at the latest) it becomes steadily harder to postulate an undocumented landowning stratum, and by the eighteenth century impossible; given that, it might be simpler to go back to the Ayyūbid period, and to see that as the tipping-point.⁶¹

What may be the best way to put it is to say that in the twelfth century, tax-farmers steadily gained more local authority than they had had before; that Saladin generalised that power for his own *muqṭā*'s; but that it took a longer, and regionally variable, time for this authority to be seen as entirely replacing that of traditional landowning. It seems to me most likely, however, that traditional estate-owners in general survived, in the twelfth century and into the thirteenth, precisely by shifting their focus from ownership (in some regions via guardianship) to tax-farming, which could well be more remunerative than landowning, and brought more potential political influence as well. Such owners may also have become much more interested in links to the army, and in *iqṭā*'s rather than *ḍamāns*,

⁶¹ I thank Petra Sijpesteijn for forcing me to rethink my ideas here.

for military status by now conveyed much more substantial transactional power. Élite landowners, as a class, have usually in history been more prepared than others to alter their whole identities and frameworks of behaviour so as to maintain their power and status when the state changes – for example, from Roman to ‘Germanic’ identity in the post-imperial West, or indeed Christian to Muslim religion in the western regions of the early caliphate, given that most élites undoubtedly converted earlier than most of the peasantry in the different caliphal provinces. And it must have been similarly obvious that the terms of reference of local and central power were changing quite substantially in the twelfth and thirteenth centuries in Egypt. If this was generally the case, then the only landowners left who would have been committed to property rights were peasants, such as the *muzāri‘ūn* of Jirja’s earlier world – in places, that is, where peasants did own land. That would have made it much easier for the long-held assumptions in much *fiqh*, that the state owned the land and taxes were all that needed to be exacted, finally to take root in Egyptian practice, for peasants would have been less able to resist such a legal rethinking of their own landowning status.⁶² And this may explain why the process escaped the written record, for (even in Egypt) peasants had in practice less access to it.

The movement from private to state land could, then, have extended for a long time into the thirteenth century. All the same, it must also have begun well before 1170, for, even if these changes were by no means complete yet, they supposed a pre-existing *internal* development towards tax-based power over the land, by local figures. Saladin’s sudden introduction of a new and external army, to whom he redistributed the *iqṭā’s* of Egypt, would have been even more radical if the process by which the locally powerful moved from landowning to tax-farming, and the process of legal rethinking, had not been well under way already. That rethinking was not small-scale: it involved in effect the expropriation of nearly every owner of their landed property. But it might, conversely, not actually have been all that difficult to deal with at the village level, for peasants paid their taxes before as after, and non-landowning peasants at least only had to pay one form of due now, tax rather than tax plus rent. Kenneth Cuno has remarked that eighteenth-century Delta peasants may have often been unaware that they did not have property rights over their land, given the frequency with which they alienated it, in lease or sale.⁶³ I do not at all argue that we can see an unbroken continuity in peasant assumptions and practice from the world of Jirja of Damūya to the world Cuno describes; for a start, the sharp fall-off of the percentage of land documents from the late eleventh century onwards

⁶² Cf. Johansen, *The Islamic law on land tax and rent*: 82-5 for jurists’ reactions.

⁶³ Cuno, *The Pasha’s peasants*: 81-2.

is at least a *prima facie* indication that they were much less frequent; and it seems to me unlikely that legally valid documents after 1200 or so could easily have described property-rights in most land as *milk*. But the absence of any documented reaction to these changes at least makes it plausible that they were less dramatic on the ground than they can seem to be if we look at them from the outside. De facto, late medieval Egyptian peasants controlled their own lives without much outside intervention, as Nicolas Michel has stressed,⁶⁴ and maybe, if tax did not become too high and tax revolts ensued (as they sometimes did⁶⁵), that was what mattered most. All the same, across a century or more, a slow tenurial revolution had occurred.

On one level, it still remains surprising that landowning lost out in these developments. Implicit in every aspect of my descriptions of what Egyptian local societies were like at each stage in these centuries is how common it was for tax-farmers and their analogues to appropriate state rights and turn them into full property. The sort of local power which *muqṭā's* and *ḍāmins* had in twelfth-century documents could easily have turned into property rights in a less structured political system; al-Baṭā'iḥ himself, by no means a weak figure, was prepared to sign off the property rights of people whom he knew, or suspected, had appropriated it from the state. Later, Mamlūk *amīrs* tried to acquire land in full property as well as in *iqṭā'*; sultans turned land into *milk* for their heirs; indeed, in the fifteenth century the sultans were selling off state land rights to their major subordinates, and such rights could be held and alienated as *milk*. Later still, in Cuno's eighteenth century, de facto property rights were normal; they were not here tending towards de jure property (even if there was debate among jurists about it), but they were ready to be made so by Mehmet Ali and his successors.⁶⁶ All the same, Egypt's fiscal and political administration was never so incoherent as to mean that the state lost control of the basic structures of power and tax-raising, including at the local level. And this meant

⁶⁴ Michel, "Devoirs fiscaux", *passim*; this article is by far the best single account of Egyptian rural relations in the later middle ages.

⁶⁵ See for example Rapoport, "Invisible peasants".

⁶⁶ For the late middle ages, see M. Eychenne, *Liens personnels, clientélisme et réseaux de pouvoir dans le sultanat mamelouk (milieu XIII^e - fin XIV^e siècle)* (Beirut: Presses de l'IFPO, 2013): 76; H. Halm, *Ägypten nach den mamlukischen Lehenregistern* (Wiesbaden: Dr. Ludwig Reichert, 1979): 53-4; I. B. Abū Ghāzī, *Fī tārikh Miṣr al-ijtimā'ī* (Cairo: 'Ayn lil-dirāsāt wa-al-buḥūth al-insānīya wa-al-ijtimā'īya, 2000); cf. Sabra, "The rise of a new class?". For the later modern period, Cuno, *The Pasha's peasants*: 64-84; cf. M. Hakim, "A multiplicity of rights." In *Money, land and trade*, ed. N. Hanna (London: I. B. Tauris, 2002); U. Wokoeck, "The expropriation of the Pasha's peasants." In *Mamluks and Ottomans*, ed. D. J. Wasserstein and A. Ayalon (London: Routledge, 2006). I am grateful to one of the anonymous readers for clarification here. See also the very general comments in C. Wickham, *Land and power* (London: British School at Rome, 1994): 58-66.

that, in the delicate balance between the sort of local control brought by landowning, and that deriving from the structures of tax-raising, which never failed in Egypt, it was possible, at least once, for the processes to run the other way, from landowning to tax-raising. In a very long twelfth century, continuing later, although with, I would suggest, an acceleration between 1120 and 1170, this seems to me to have been what happened. That was a shift which it would take another six centuries fully to reverse.

Readers familiar with the Ottoman *timar* system of the fifteenth and sixteenth centuries will find some of the issues raised in this article recognisable; for across the Ottoman heartland of Anatolia and the Balkans, virtually the same patterns developed, of overwhelming state ownership of land, and tax-raising devolved to the soldiery of the imperial armies. There are parallels in all the major early modern Islamic states, indeed. But exactly how the *timar* and state land (*miriye*) system developed is by no means clear, either in the historiography or, as I understand it, in the sources.⁶⁷ Too much documentation was lost in those regions, in the three or four centuries of incoherent and often-changing political systems which succeeded the Byzantine empire, after 1100 on the Anatolian plateau, after 1200 everywhere else, before Ottoman recentralisation. I would propose that Egypt may serve as a model for the sort of shifts that may have taken place, there too. We have an evidence gap in Egypt as well, but it is only of a century or so, and we at least know here that the state remained more or less the same, and reasonably effective for the most part as well. It is indeed very likely that the sorts of shift discussed in this article can only happen with a strong state, which narrows the moments of change down in the proto-Ottoman world as well. But it is above all likely that such shifts also cannot easily occur by external fiat anywhere, in medieval and early modern conditions. Even in the twentieth century, with modern technology and military power, Stalin found the abolition of rural property rights to be controversial, and bloody to execute. Before that, internal, local developments were at the root of most successful tenurial revolutions. I have tried to set out here some of the ways in which such developments could take place.

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⁶⁷ For a good survey of the inconsistent and sometimes frankly implausible bibliography, see M. C. Bartusis, *Land and privilege in Byzantium* (Cambridge: Cambridge University Press, 2012): 579-96. Out of the range of authors he discusses, V. P. Moutafchieva, *Agrarian relations in the Ottoman empire in the 15th and 16th centuries* (Boulder, CO: East European Monographs, 1988) holds up as an interesting interpretative model; see also N. Beldiceanu, *Le timar dans l'État ottoman (début XIVe-début XVIe siècle)* (Wiesbaden: Harrassowitz, 1980), for data.

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