

The Long Arm of the Provincial Law: A Custody Battle in a *Qāḍī* Petition from the Medieval Fayyūm*

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Abstract

This article presents an edition, translation, and study of a short Arabic petition to a qāḍī and the rescript issued in response. The two texts, originating from Egypt's Fayyūm oasis and dateable to the fourth/tenth or fifth/eleventh century, are preserved incompletely on both sides of a single leaf of paper now in the holdings of the Near East Section of the Library of Congress, Washington, DC. This document's genre plus its place of origin make it noteworthy. Although scholars have devoted a good deal of attention to medieval Arabic petitions, especially those addressed to high-ranking figures of the Fatimid, Ayyubid, and Mamluk states, the low-register provincial sort that the document at hand exemplifies remains understudied. By comparing this petition to other such documents, I flesh out the features of this common documentary tool used to seek aid and patronage in medieval Arabic-speaking societies. Furthermore, the people and places this document concerns are attested in other documents, which allows us to draw connections between this petition and the wider social world of the medieval Fayyūm and to sketch a basic outline of the workings of a provincial qāḍī court. Through the petition, I sketch two kinds of interconnected stories: the human stories of a father trying to care for his daughter and of a provincial family of legal functionaries in the Egyptian countryside, and the historical story of the role played by legal documents and institutions in structuring medieval social life.

Introduction

The Near East Section of the Library of Congress, Washington, DC, houses a little-explored collection of Arabic documents, including several originating from the provincial milieu of Egypt's Fayyūm oasis during the medieval period.¹ Among these items is a small leaf of

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1. See N. Vanthieghem and L. Weitz, "Monks, Monasteries, and Muslim Scribes: Three Parchment House

paper containing a petition to a *qāḍī* and the rescript issued in response, both dateable to the fourth/tenth or fifth/eleventh century. Despite this document's modest provincial origins, the edition, translation, and study of it presented here shed new light on two notable areas: the infrastructure of Islamic law in the medieval Egyptian countryside and the development of the Arabic petition as a tool of medieval administrative practice.

The petition under study provides one of the few explicit documentary attestations of a provincial *qāḍī* in the late Abbasid or Fatimid period; moreover, the people and places it concerns are fortuitously attested in other contemporary documents. We are thus able to draw connections between this petition and the wider society of the medieval Fayyūm; to sketch a basic outline of the workings of the rural court that dealt with the petition's business, particularly by tracing five generations of a lineage of court scribes and witnesses; and to offer some informed speculation on the *madhhab* affiliation and decision-making of a medieval provincial judge.

The genre of this document deserves scrutiny as well. Although scholars have given considerable attention to Arabic petitions addressed to grandees of the Fatimid, Ayyubid, and Mamluk states, the low-register provincial sort that the present document exemplifies remains understudied. Comparison to other such documents allows us to flesh out the features of this documentary tool, used commonly throughout the medieval Arabophone Islamic world to seek aid and patronage.

What appears at first glance to be a fragmentary, obdurate document reveals a surprising richness. It allows us to trace two sorts of interwoven stories: the human ones of a down-on-his-luck father trying to care for his daughter and of a family of provincial legal functionaries, and the historical ones of the role played by legal documents and institutions in structuring medieval social life.

Edition

Petition to a Qāḍī and the Qāḍī's Rescript concerning the Custody of a Minor Child

An unnamed man requests the help of a *qāḍī* and his delegate, Ibrāhīm b. Rizq, in removing the petitioner's minor daughter from the custody of his deceased wife's mother. The *qāḍī* responds.

P. Washington Libr. of Congress Inv. Ar. 95	Ṭuṭūn (?)
10.8 × 24 cm	fourth–fifth/tenth–eleventh century

Light brown paper. The right and left margins are preserved. The top margin is partially preserved, but the bottom of the sheet has been lost. A number of small and several larger holes pockmark the interior of the sheet. Regular horizontal creases occurring approximately every ten centimeters suggest that the sheet has been rolled and then flattened.²

Sales from the 4th/10th-Century Fayyūm," *Arabica* 67 (2020): 461–501.

2. My thanks are due to Clair Dekle, Senior Book Conservator at the Library of Congress, for providing photographs of the document.

The text of the document is in two hands. The first hand composed the petition on the entirety of the recto side and roughly two-thirds of the verso in a black ink with a thick ductus. Diacritics are infrequent and inconsistent. When continuing the text from the recto onto the verso, the scribe turned the sheet over the short edge such that the top of the verso side corresponds to the bottom of the recto.

The second hand then rotated the sheet to begin the rescript, the response to the petition, from the bottom of the verso side. This hand is smaller, somewhat more angular, and appears more rushed than the first hand. The rescript is written in a black ink; the text is not as well preserved because of the ink's fading, discoloration, and damage to this portion of the sheet.³

Figure 1: P. Washington Libr. of Congress
Inv. Ar. 95 Recto



- [1] (1st hand) بسم الله الرحمن
 الر[حيم توكل]ت على الله
 [2] اعلم سيدي القاضي اطال الله بقاءه
 [3] وادام علاه وكبت اعداه ان لي
 [4] بنت ماتت امها عنها وهي بنت
 [5] شهر وسل[م]تها ل[س]تها من امها
 [6] واجريت عليها [النفقة م]ن خمس
 [7] سنين ودخلت السادسة وانا
 [8] رجل مسكن ما يمكنني النفقة عليها
 [9] عند سنها فان راى سيدي القاضي
 [10] اراه الله مجابه يتطول بالتوقيع
 [11] الى خليفته بططون ابرهيم بن رزق
 [12] يسلم الي بنتي حتى اجعلها عند والدتي
 [13] وهي سنها من ابوها تكون
 [14] [.] بن

3. Brackets in the edition and translation denote my suggested restorations of lacunae in the text. Parentheses in the edition denote my expansion of an abbreviated word form. Parentheses in the translation denote discretionary editorial additions for clarity.

Figure 2: P. Washington Libr. of Congress
Inv. Ar. 95 Verso



- [1] (1st hand) خليفة سيدي القاضي
ادام الله عزه
[2] عند من يثق به حتى تكبر
[3] الصبية ويكمل عقلها
[4] بتسلمه فاعرفت سيدي القاضي كبت الله
[5] اعداه ذلك ليقف عليه ويعلمه
[6] ان شا الله حسبنا الله ونعم الوكيل
- [7] (2nd hand) انشا الله لابه لابرهيه]م [ب]ن
علي اكرمك الله تقف على ما ذكر هذا ال[ر]
[8] جل من ابنته]ه في عجز جدتها من امها
وهي اولاً بح[ض]ـ[انته]ـا
[9] واكتشف؟ [.] . . . ع [.]
[10] ورسه [.] منها الرجل
[11] وان ضرعت النفقة عليها ابتع من
رجلها وانفق عليها
[12] عند جدتها فاعلم ذلك ان] شا الله والله
ح(سب)ـي ونعم الوك[ب]ـل
[13] وصلى الله على محمد النبي واله وسلم

عن [12] والدتي [11] ررق [10] بالنوقع محابه [9] سنّها [8] سنين [7] القاصي [2] نسم [1] Recto
الصبي [3] نكر [2] Verso

Translation

Recto

- [1] (1st hand) In the name of God, the Merciful, the C[ompassionate! I place trust] in God.
[2] I inform my master the judge, may God prolong his life,
[3] perpetuate his exaltedness, and crush his enemies, that I have
[4] a daughter whose mother died when she was
[5] one month old. I deli[v]ered her (to reside) with her maternal [gr]andmother,
[6] and have provided her [support fo]r five
[7] years. But the sixth has begun with me
[8] a poor man, unable to provide her support
[9] at her grandmother's. If my master the judge should see fit—
[10] may God show him his answer—(to) demonstrate magnanimity in his rescript

- [11] to his delegate in ʿUṭūn, Ibrāhīm b. Rizq,
 [12] let him deliver my daughter to me until I may place her with my mother,
 [13] her paternal grandmother, who is
 [14] [.]

Verso

- [1] (1st hand) the delegate of my master the judge, may God perpetuate his might,
 [2] with someone in whom he trusts, until
 [3] the girl comes of age and her mind is fully formed
 [4] in his safekeeping. I have informed my master the judge, may God crush
 [5] his enemies, of this so that he might take cognizance of it and know of it,
 [6] if God wills. God is our sufficiency. What an excellent Keeper is He!
- [7] (2nd hand) Go[d] willing, [to Ibrāhī]m [son] of ‘Alī, may God honor him. May you
 take cognizance of what this [m]an describes
 [8] of [his] daughter concerning the incapacity of her maternal grandmother, who has
 first right to cu[st]od[y of her.]
 [9] Uncover (?) [. . .] [.]
 [10] [.] from her the man
 [11] If she begs for support for her, buy (something) from her (father) and provide (it)
 to her
 [12] at her grandmother(’s abode). Take cognizance of the foregoing, God [w]illing.
 God is my sufficiency. What an excellent K[ee]per is He!
 [13] May God bless and keep Muḥammad the prophet and his family.

Commentary

Recto

- [1] [**ṭawakkal**]tu ‘**alā Allāh** Compare *P.Cair.Arab.* 37; *P.Transmission* 4; *P.Vente* Appendix 2; *CPR XXI* 74, 78.⁴ This addition to the opening invocation is sometimes placed above the *basma*la.
- [2] **u‘īm** A formulaic introduction to the exposition of the petition; see the discussion below.
- [2–3] **aṭāla Allāh baqā’ahu wa-adāma ‘alā’ahu wa-kabata a‘dā’ahu** A common blessing in petitions; see the discussion below.
- [5] **lī-[s]ittihā** For *sitt* as “grandmother,” see J. G. Hava, *Arabic-English Dictionary* (Beirut: Catholic Press, 1899), 300.

4. All references to documents in this article follow the system of the International Society for Arabic Papyrology (see https://www.naher-osten.uni-muenchen.de/isap/isap_checklist/index.html) and the Arabic Papyrology Database (<https://www.apd.gwi.uni-muenchen.de/apd/project.jsp>). I have used both extensively to identify, collate, and compare relevant documents.

- [8] *miskīn* Reading the *rasm* مسكين as مسكين. *yumkinnī* Properly يمكنني, *yumkinunī*, rather than يمكنني.
- [9] *fa-in raʿā* A formulaic opening to the petitioner’s request; see the discussion below.
- [10] *arāhu Allāh mujābahu* I am unaware of other attestations of this formula. In later Mamluk petitions, *mujāb*, “it is granted,” is a standard response in rescripts granting the petition’s request. See *P.St.Catherine I* 13 B and C = *P.SternMamlukPetitions* 2 and 3. Another possible reading is *addāhu Allāh mujābahu*, “may God give him to grant it.”
yataṭawwal Properly, we would expect the particle *an* to precede *yataṭawwal*. For an example in a letter of the formula *fa-in raʿā . . . an yataṭawwal*, “should [the recipient] see fit to offer his magnanimity to answer the request,” see *CPR XXXII* 6.2.
tawqīʿ A rescript, that is, a decision written on and in response to a petition. See M. Rustow, *The Lost Archive: Traces of a Caliphate in a Cairo Synagogue* (Princeton, NJ: Princeton University Press, 2020), 370–71. Other references to rescripts within the text of Fatimid and Ayyubid petitions and requests include *P.Vind.Arab. III* 30.12; *P.GenizahCambr.* 95r.7; *P.RustowPetition.* 12.
- [11] *khalīfatihi bi-Ṭuṭūn Ibrāhīm b. Rizq* On the office of the delegate, the location, and the identity of Ibrāhīm, see the discussion below. A superfluous tooth follows the *bāʾ* in *bi-Ṭuṭūn*.

Verso

- [4] *bi-tasallumih* The *rasm* يتسلمه is clear but the interpretation is uncertain. One might have expected يتسلمها *yatasallahā*, suggesting that if the judge has a trustworthy guardian in mind, “let him receive her [the daughter],” but the *rasm* will not allow that reading.
Allāh The scribe has mistakenly added a third *lām*.
- [4–5] *fa-aʿraftu . . . dhālika li-yaqif ʿalayhi wa-yaʿlimahu in shāʿa Allāh* For the formula “I have informed you so that you might know,” addressed to someone of higher rank, as in this document, see the letter concerning fiscal administration *CPR XXXII* 12.6. For the verbal phrase *waqafa ʿalā* in the sense used here, see *P.GenizahCambr.* 95l.2–4.
- [6] *ḥasbunā Allāh wa-niʿm al-wakīl* This formula, very common in the documentary record, was used by scribes to fill the final line of a document to the left-hand margin. See Y. Rāḡib, *Actes de vente d’esclaves et d’animaux d’Égypte médiévale* (Cairo: Institut français d’archéologie orientale, 2002–6), 2:4, §10.
- [7] *inshāʿa All[āh li-Ibrāhī]m [ib]n ʿAlī* This reading is speculative. The *rasm* على is clear enough and one Ibrāhīm b. ʿAlī b. Rizq is known from other documents (see the

discussion below). The reading here would thus mean that Ibrāhīm b. Rizq, the *qāḍī*'s delegate named in recto l. 11, was the recipient of the rescript and charged with carrying out its order.

- [7–8] **taqif ‘alā mā dhakara hādhā al-[r]ajul** For the phrase *li-yaqif ‘alā*, “let [so-and-so] take cognizance of,” used to deliver an instruction to the recipient of a rescript to a petition just as the formula is here, see *P.GenizahCambr.* 951.2–4.
- [12] **wa-Allāh ḥa(sb)ī wa-ni‘m al-wak[ī]** If this reading is correct, this formula is an anomalous version of the standard one found in l. 6. Another possible reading, similarly unattested, would read the first half of the phrase as *والله حي wa-Allāh ḥayy*, “God is the Living One.”

The Story

The protagonist of the story laid out in this document is the father of a young girl. His petition, likely written by a scribe he has commissioned, requests redress from a *qāḍī* for the predicament in which the father finds himself. He relates that when his daughter was only a month old, her mother, assuredly the petitioner’s wife, died. He then handed the child over to the girl’s maternal grandmother (*li-sittihā min ummihā*) for caretaking. The petitioner states that he has been furnishing maintenance (*nafaqa*) for his daughter for the last five years. As the sixth year of the girl’s life begins, however, the petitioner claims to be too poor to continue providing support as long as the girl lives with his former mother-in-law. The petitioner therefore asks for help from the *qāḍī* and from the latter’s delegate to the village of Ṭuṭūn, Ibrāhīm b. Rizq, in facilitating the transfer of the girl from the custody of her maternal grandmother to that of the petitioner’s own mother, or perhaps to a court-appointed guardian—the lacunae in the document render the final details of the request unclear.

The rescript—the judge’s response to the petition, written on the bottom half of the document’s verso side by either the judge or another scribe—is unfortunately more difficult to read and interpret. It appears to be addressed to the judge’s delegate, who is ordered to look into the case and, following several illegible passages, to procure material support for the girl at her grandmother’s home; which grandmother is meant here we cannot say.

The petition is undated, and we have the name of neither the petitioner nor the judge. But the document’s formal features and the two proper names that do appear in the text, Ṭuṭūn and the *qāḍī*'s delegate Ibrāhīm, allow us to make some educated inferences about the document’s origins and to explore the institutional and social context in which it was produced: a provincial court in Egypt’s Fayyūm oasis, likely during the first half-century following the Fatimid conquest of 359/969.

The Setting

Ṭuṭūn is a familiar locale in the Arabic documentary record of medieval Egypt. A mostly Christian village lying at the southern edge of the Fayyūm, Ṭuṭūn produced a considerable number of legal and other documents, dating especially between the third/ninth and fifth/

eleventh centuries, that have survived to the present.⁵ The petitioner's daughter and her maternal grandmother must have resided in Ṭuṭūn, since the petitioner asks that the judge's delegate in that village secure and deliver his daughter to him. The document does not identify the judge's location, but two possibilities present themselves: Madīnat al-Fayyūm, the provincial capital, and Ṭalīt, a village about four kilometers west of Ṭuṭūn.⁶ I prefer the latter interpretation, which requires further discussion that I pursue in the following section.

We know nothing of the circumstances of the document's discovery,⁷ so whether it was excavated in the vicinity of Ṭuṭūn or elsewhere and who retained possession of it after its drafting remain uncertain. We might speculate that Ibrāhīm b. Rizq held on to the document, since he would have been charged with carrying out the order in the rescript.

Although we have no date for the petition, we are fortunate that Ibrāhīm b. Rizq appears in a number of other Ṭuṭūn-related documents and that plenty of other Arabic petitions are extant to compare to ours. As we will see, these allow us to locate our petition between the latter half of the fourth/tenth century (most likely after the Fatimid conquest of Egypt in 359/969) and the mid-fifth/eleventh. Our document and its comparanda can also help us partially reconstruct the Islamic judicial infrastructure of the rural district around Ṭuṭūn and the locals who worked in it—a notable contribution, as provincial administrative history is particularly difficult to trace in this period.

The *Khalīfa* and the *Qādī*

The petition mentions holders of two judicial positions, the *khalīfa* and the *qādī*. The term *khalīfa* appears relatively early in Egypt's papyrological record to designate individuals delegated some judicial power by a higher authority.⁸ So, for example, a papyrus of the 210s/820s calls one Ḥasan b. Ya'qūb "the *khalīfa* of Yaḥyā b. Sa'īd, [who is] the *khalīfa* of the *qādī* 'Īsā b. al-Munkadir, in the Fayyūm."⁹ 'Īsā was the chief judge of Egypt with his seat in Fustat; we therefore understand Ḥasan in this example to have been the Fayyūm's main local judicial figure by virtue of the authority delegated down the chain to him from 'Īsā.

5. See C. Gaubert and J.-M. Mouton, *Hommes et villages du Fayyūm dans la documentation papyrologique arabe (X^e-XI^e siècles)* (Geneva: Librairie Droz, 2014), 231–35; Y. Rapoport, *Rural Economy and Tribal Society in Islamic Egypt: A Study of al-Nābulusī's "Villages of the Fayyūm"* (Turnhout: Brepols, 2018), 43–47; L. Weitz, "Islamic Law on the Provincial Margins: Christian Patrons and Muslim Notaries in Upper Egypt, 2nd–5th/8th–11th Centuries," *Islamic Law and Society* 27 (2020): 5–52; M. J. Shomali, "Arabic Legal Documents from the Fatimid Period and Their Historical Background" (PhD thesis, University of Cambridge, 2020).

6. See the map in Gaubert and Mouton, *Hommes et villages*, 299, and the discussion in M. Tillier and N. Vanthieghem, "La rançon du serment: Un accord à l'amiable au tribunal fatimide de Ṭalīt," *Revue des mondes musulmans et de la Méditerranée* 140 (2016): 53–72, at 59–60.

7. The document belongs to a collection that the Library of Congress purchased from the Cairo dealer Au Bouquiniste Orientale, likely in the late 1940s or early 1950s. See Vanthieghem and Weitz, "Monks, Monasteries, and Muslim Scribes," 463, n. 5.

8. See M. Tillier, *L'invention du *caḍī*: La justice des musulmans, des juifs et des chrétiens aux premiers siècles de l'islam* (Paris: Publications de la Sorbonne, 2017), 40–41.

9. *P.Sijpesteijn* Delegation.

Ibrāhīm b. Rizq appears to have enjoyed delegated judicial powers of an even more localized nature, limited to the village of Ṭuṭūn. Indeed, there are other examples of probable village-level judicial delegates elsewhere in the southern Fayyūm, designated by slightly different formulations: a “representative [of justice] in Uqlūl” (*al-mustakhlaf bi-Uqlūl*), witness to a document of 415/1024; a “holder of the right to justice (*al-mustaḥiqq al-ḥukm*) in Uqlūl,” 417/1026; and another “representative of justice” (*al-mustakhlaf ‘alā al-ḥukm*) in Barbanūda, 421/1030.¹⁰ What these individuals’ precise powers were is not certain, and we should think of *khalīfa* as a loose term that might connote a host of duties, not as a designation of a uniform office.¹¹ In the case of our petition, at least, Ibrāhīm’s position involved carrying out the order of a higher authority rather than issuing a judgment himself.

Who is the *qāḍī* to whom the petition is addressed and from whom Ibrāhīm’s powers derive? Given the small size and generally inelegant form of the petition (discussed below), we cannot be dealing with Egypt’s chief *qāḍī* in Fustat or Cairo; a provincial judge based in the Fayyūm is much more probable. Thus, one possibility is that the petition is addressed to the *qāḍī* of the provincial capital, Madīnat al-Fayyūm.

A second interpretation is that the *qāḍī* in question occupied a judgeship in Ṭuṭūn’s neighboring village of Ṭalīt. We know Ṭalīt to have been home to a *majlis al-ḥukm* by the early fifth/eleventh century, as this tribunal is named in a dispute settlement that the *majlis* produced in 404/1013–14.¹² Though that document gives no title for the presiding authority, its contents indicate that the remit of the *majlis* stretched beyond Ṭalīt itself into the surrounding region, as one of the litigants is identified as a resident of Ṭuṭūn (the other gets no geographical *nisba*).¹³ In view of the fact that multiple judicial delegates are attested in nearby villages, it is reasonable to think that a formal court serving the surrounding district would have been home to an official with a higher rank than that of a village-level *khalīfa*. Furthermore, another *majlis al-ḥukm* attested in contemporary documents was located in a town, al-Ushmūnayn,¹⁴ that we know was the seat of a *qāḍī*.¹⁵ Adding these observations together, it is conceivable that the *qāḍī* of our petition sat in Ṭalīt.¹⁶ If he did,

10. *P.Transmission 3; P.VanthieghemArabisation; Chrest.Khoury II 19.*

11. On a *qāḍī* who is the *khalīfa* of another *qāḍī* in al-Ushmūnayn, see D. Livingston, “Life in the Egyptian Valley under Ikshīdīd and Fāṭimid Rule: Insights from Documentary Sources,” *Journal of the Economic and Social History of the Orient* 61 (2018): 426–60, at 443–44.

12. *P.TillierRancon.*

13. The defendant is one Sūrus b. Jirja al-Ṭuṭūnī. *Chrest.Khoury I 39*, a quittance between a resident of Ṭalīt and another of Buljusūq, is another example of multi-village business that I consider likely to have been a product of Ṭalīt’s *majlis*.

14. Judicial summonses to the *majlis al-ḥukm* in al-Ushmūnayn include *Chrest.Khoury I 78, 79; Chrest. Khoury II 32, 33; P.GrohmannUrkunden 7.*

15. Fourth/tenth-century petitions from al-Ushmūnayn addressed to a *qāḍī* include *P.Heid.Arab. III 28* and *Chrest.Khoury I 81. P.Cair.Arab. 45*, a marriage contract of 461/1069, names al-Ushmūnayn’s current *qāḍī*.

16. M. Tillier and N. Vanthieghem also conclude that there is a good possibility that a *qāḍī* sat in Ṭalīt. See “La rançon,” 61; “Un reçu de paiement pour une vente immobilière à terme,” *Chronique d’Egypte* 93 (2018): 421–31, at 421–22.

this village judge presumably had jurisdiction over some stretch of the southern Fayyūm while remaining subordinate to the *qāḍī* of Madīnat al-Fayyūm.

I incline to the view that Ṭalīt indeed hosted our document's *qāḍī*, largely because I find the overall roughness of the petition—its small size, spelling mistakes, and brusque rescript—suggestive of distance from a more prestigious court setting in the national or provincial capital. But the evidence for a *qāḍī*ship in Ṭalīt is ultimately circumstantial, and we cannot rule out the possibility that the petition was destined for the eyes of a judge in Madīnat al-Fayyūm. It appears more certain that Ṭalīt's *majlis al-ḥukm* was a local center of judicial activity and that, whatever the title of its chief authority, Ṭuṭūn-related matters fell under its purview. In addition to the documented appearance of a Ṭuṭūnite litigant at Ṭalīt discussed above, the almost exclusively Coptic and biblical names of the residents of Ṭuṭūn found in documents related to the village give the impression that it was mostly Christian into the second half of the fifth/eleventh century, which militates against the likelihood that it hosted its own Islamic legal assembly.¹⁷ I thus consider it probable that Ibrāhīm was associated with Ṭalīt's *majlis al-ḥukm*. Perhaps he was made *khalīfa* for Ṭuṭūn by the Ṭalīt *majlis*; perhaps he himself presided over the *majlis* by virtue of delegated authority from a higher *qāḍī*, and that remit included responsibility for Ṭuṭūn as well. I develop this inference of an association between Ṭalīt's Islamic tribunal and the *khalīfa* Ibrāhīm, as well as his broader lineage, in the following section.

Finally, wherever our petition's addressee had his seat, it is worth noting that the document remains one of the earliest attestations of a judicial official in the Fayyūm bearing the title of *qāḍī*.¹⁸ If he was indeed the *qāḍī* of Ṭalīt, we have one of the only documentary attestations of that title outside of a major city or provincial capital. Mathieu Tillier has argued that Egypt's Islamic court system began to expand into the provinces and rural areas beginning perhaps in the third/ninth century;¹⁹ although the paper trail left by that process has provided most of the medieval legal documents available for us to study today, explicit mentions of *qāḍīs* securely locatable in the provinces are few and far between.²⁰ We may now add the Fayyūmī *qāḍī* of our petition to those few other references.

Ibrāhīm and the Banū Rizq

The evidence for the identity of our *qāḍī* ends at the inferred location of his seat, but a number of other documents allow us to say more about the *khalīfa* Ibrāhīm and, by extension, the human infrastructure of his local judicial institution—the group of scribes and witnesses who supported its work. We would not expect a judge's delegate to a village at the desert's edge to enjoy a prominent place in the historical record, but Ibrāhīm's *nasab*

17. See, for the same argument, Tillier and Vanthieghem, "La rançon," 59–60. Cf. Shomali, "Arabic Legal Documents," 132–35.

18. *P.Fay.Villages* 37 and 40, two late fourth/tenth- to early fifth/eleventh-century letters from Damūya in the vicinity of the Fayyūm, mention *qāḍīs*.

19. M. Tillier, *L'invention*, 114–35.

20. See the documents cited in notes 15 and 18 above.

“ibn Rizq” crops up a number of times in the Arabic documentation of his home region.²¹ Tracing this family name through the documents suggests that Ibrāhīm and his family belonged to a provincial Muslim literate class and maintained traditions of service to their local Islamic institutions. Perhaps constituting a petty elite, local lineages such as the Banū Rizq provided the ranks of witnesses and scribes that kept the business of village courts humming.

We first encounter the descendants of a certain Rizq as witnesses to two of the earliest extant Arabic legal documents related to Ṭuṭūn, deeds of purchase dated 268/881 and 272/886. Al-Ḥasan b. Rizq, four of his sons, and one nephew affixed their witness signatures to the former; the same al-Ḥasan, four sons, a nephew, a grandnephew, and perhaps a grandson signed the latter.²²

The latest attestations of the “ibn Rizq” *nasab* come nearly two hundred years later in a corpus of legal documents dated between 405/1014 and 456/1064. In these, all concerning individuals from southern Fayyūm settlements, one al-Ḥasan b. Ibrāhīm b. Rizq has signed his name and added a note of registration in the upper margin.²³ This al-Ḥasan cannot be the grandson of the same Rizq whose grandchildren lived two centuries earlier, but he was indeed Rizq’s descendant: eleven years before the younger al-Ḥasan appears as a document registrant, his witness signature on a deed of manumission gives his full genealogy, al-Ḥasan b. Ibrāhīm b. ‘Alī b. Jibrīl b. al-Ḥasan b. Rizq.²⁴ The fifth/eleventh-century al-Ḥasan was thus the great-great-grandson of his third/ninth-century namesake, and his signature indicates that Ibn Rizq had become the clan *nasab* of a broader lineage descended from that common ancestor.

The Banū Rizq evidently passed on a commitment to serve their local Islamic legal institutions from one generation to the next, as a survey of documents from the southern Fayyūm turns up at least thirteen members of this lineage who appear as witnesses or document registrants (see Table 1). Following Tillier and Naïm Vanthieghem, I would suggest that these individuals were closely associated with Ṭalīt’s *majlis al-ḥukm* and perhaps resided in that village.²⁵ With one exception, the descendants of Rizq appear as witnesses exclusively in documents related to residents of Ṭuṭūn; as mentioned above,

21. Noted in Tillier and Vanthieghem, “La rançon,” 60; Shomali, “Arabic Legal Documents,” 147–48.

22. *P.FahmiTaaqud* 4, 5.

23. *P.Berl.Arab. I* 22; *Chrest.Khoury I* 39; *Chrest.Khoury II* 20; *CPR XXVI* 10; *P.Shomali* 1–3, 5–7, 8–9; *P.TillierRecu*; P. Utah 850r (unpublished). See also A. Grohmann, *Einführung und Chrestomathie zur arabischen Papyruskunde* (Prague: Státní Pedagogické Nakladatelství, 1954), 121–24. Note that *P.TillierRecu* does not mention explicit toponyms or geographical *nisbas*. P. Utah 850r concerns parties from Ṭuṭūn, but the date is illegible.

24. *P.Cair.Arab.* 37 (393/1003).

25. Tillier and Vanthieghem, “La rançon,” 60. Cf. Shomali, “Arabic Legal Documents,” 139–41. Note that *P.Shomali* 1.10 describes a manor or pavilion, *jawsaq*, that lies in Ṭuṭūn and belongs to Ṭāhīr b. al-Ḥasan b. Rizq. If this is the same individual who signed *P.FahmiTaaqud* 4 (268/881), he can no longer have been alive when *P.Shomali* 1 (405/1014) was drafted; perhaps “Ṭāhīr’s manor” was the customary moniker given to this property. It is, in any case, evidence that at least some of the Banū Rizq owned property and might have resided in Ṭuṭūn at some point, but it hardly proves that the clan as a whole did.

Table 1. Members of the Banū Rizq Attested in Legal Documents

Name	Documents (date)
al-Ḥasan b. Rizq	<i>P.FahmiTaaqud</i> 4 (268/881), 5 (272/886)
Dāwūd b. al-Ḥasan b. Rizq	<i>P.FahmiTaaqud</i> 4, 5
Ṭāhir b. al-Ḥasan b. Rizq	<i>P.FahmiTaaqud</i> 4, 5
Iṣḥāq b. Sulaymān b. Rizq	<i>P.FahmiTaaqud</i> 4, 5
Hārūn b. al-Ḥasan b. Rizq	<i>P.FahmiTaaqud</i> 4, 6 (293/906)
‘Īsā b. Iṣḥāq b. Sulaymān [b. Rizq]	<i>P.FahmiTaaqud</i> 5* ²⁶
Ya‘qūb b. al-Ḥasan b. Rizq	<i>P.FahmiTaaqud</i> 5
Sulaymān b. Ya‘qūb [b. al-Ḥasan b. Rizq]	<i>P.FahmiTaaqud</i> 5*
Aḥmad b. al-Ḥasan b. Rizq	<i>P.FahmiTaaqud</i> 4, 5, 6
Ibrāhīm b. Aḥmad [b. al-Ḥasan] b. Rizq ²⁷	<i>P.Cair.Arab.</i> 58* (341/952), 59* (341/953), 119 (348/960); <i>P. Berl. Inv.</i> 9159* (unpublished, 346/961); ²⁸ <i>P.FahmiTaaqud</i> 9 (353/964)
‘Alī b. Jibrīl [b. al-Ḥasan] b. Rizq ²⁹	<i>P.Frantz-MurphyComparison I</i> 1* (350/961), 2* (352/963); <i>P.Vente</i> 9 = <i>Chrest.Khoury I</i> 53 (372/983)
Ibrāhīm b. ‘Alī [b. Jibrīl b. al-Ḥasan b. Rizq]	<i>P.Cair.Arab.</i> 37* (393/1003) ³⁰
al-Ḥasan b. Ibrāhīm b. ‘Alī b. Jibrīl b. al-Ḥasan b. Rizq	<i>P.Cair.Arab.</i> 37; <i>P.Shomali</i> 1 (405/1014); <i>P.Berl.Arab I</i> 22 (407/1016); <i>P.Shomali</i> 2 (417/1026), 3 (430/1038); <i>P.TillierRecu</i> (447/1055); <i>CPR XXVI</i> 10 (451/1059); <i>P.Shomali</i> 5 (454/1062), 7 (455/1063), 8–9 (456/1064); <i>Chrest.Khoury I</i> 39 (456/1064); <i>Chrest.Khoury II</i> 20 (456/1064); <i>P. Utah</i> 850r (date illegible)

26. Asterisks indicate that the Ibn Rizq *nasab* does not appear in the individual’s signature, but internal and cross-document comparison makes his belonging to the family likely.

27. Ibrāhīm b. Aḥmad added the Ibn Rizq *nasab* to his signature in *P.Cair.Arab.* 119 and *P.FahmiTaaqud* 9 (the editor erroneously reads Rajab for Rizq; see the plate) but not in the other documents. Grohmann’s notes to *P.Cair.Arab.* 58.15, 59.14, and 119.13 suggest that we are dealing with the same individual on all these documents because of the similarity of the hand.

28. See Grohmann’s notes to *P.Cair.Arab.* 58.15 and 119.13.

29. ‘Alī b. Rizq signed on *P.Vente* 9. He is plausibly the same individual as ‘Alī b. Jibrīl b. al-Ḥasan b. Rizq, the grandfather of al-Ḥasan b. Ibrāhīm in al-Ḥasan’s genealogically complete signature to *P.Cair.Arab.* 37. I am therefore inclined to identify him also with the ‘Alī b. Jibrīl of *P.Frantz-MurphyComparison I* 1 and 2, though this identification is not definite. The published document images are too indistinct to compare the hands effectively.

30. Ibrāhīm b. ‘Alī signed as the registrant in the upper margin of this document. It is not a stretch to presume that he is the father of al-Ḥasan b. Ibrāhīm, the document’s first witness and scribe.

the Christian character of Ṭuṭūn gives one to suspect that Ṭalīt's *majlis al-ḥukm* served as the local center of Islamic legal services for its neighboring village.³¹ We can thus imagine that Ṭuṭūnites would have made the short four-kilometer walk to Ṭalīt to get their legal documents drawn up and registered, and there encountered the Banū Rizq and other locals who served the court.³²

No doubt more members of this family will turn up as more documents are published and studied.³³ Overall, the Banū Rizq's literacy and connections to their local court suggest that they constituted part of the Muslim civilian elite of the southern Fayyūm. It is not particularly surprising to find a specialized craft and social role—here, scribal literacy and service to the court—passed down through the generations of a single lineage. But the Banū Rizq provide us a picture of this social phenomenon that is especially evocative for its small-scale character. We more typically encounter scribal dynasties in chronicles of the Abbasid chancery or in Mamluk biographical dictionaries; here we have one in the handwriting of five generations of provincial scribes.

In this regard, the Banū Rizq's documents reveal noteworthy details of the workings of a provincial Islamic court. Every member of the family listed in Table 1 had at least basic scribal literacy, because their witness testimonies note that they wrote in their own hands, with one exception: the patriarch al-Ḥasan b. Rizq, whose sons Dāwūd and Aḥmad “wrote for him . . . at his command and in his presence” (*kataba ‘anhu . . . bi-amrihi wa-maḥḍarīh*).³⁴ Even if al-Ḥasan never learned to write Arabic, his descendants consistently cultivated that skill and source of social capital. At least some of them received more advanced scribal training as well; they not only signed legal documents as witnesses but also drafted some of our extant examples.³⁵

Still others among the Banū Rizq achieved enough prominence to fill judicial roles more elevated than those of scribe and witness. The Ibrāhīm of our petition was a *qāḍī*'s delegate. Two members of the lineage appear as document registrants, signing and adding a note of validation to their respective documents' upper margins.³⁶ This was the practice when a

31. This hypothesis is strengthened by our one example of a witness explicitly identified as hailing from Ṭuṭūn, Abū al-‘Ulā b. Ḥudayj al-Ṭuṭūnī, on *P.Shomali* 3. Geographical *nisbas* are uncommon in witness signatures and likely to signify an individual who is nonlocal or unfamiliar to the court, especially when someone else writes for the witness, as in this case (though we do admittedly find one witness calling himself al-Ṭalītī on the Ṭalīt dispute settlement *P.TillierRancon*). If one witness had to be identified as a Ṭuṭūnite, it is likely that the others did not share that characteristic.

32. See similarly Livingston, “Life in the Egyptian Valley,” 448–50.

33. Three further likely candidates include Yūsuf b. Hārūn, who signed as a witness alongside his probable father Hārūn b. al-Ḥasan b. Rizq on *P.FahmiTaaqud* 6; Yūsuf's brother Hubayra b. Hārūn b. al-Ḥasan, who signed alongside Yūsuf on *P.VanthieghemMonks* 1 and independently on *P.FahmiTaaqud* 7; and Yūsuf's son ‘Abd al-Ṣamad b. Yūsuf b. Hārūn, witness to *P.Cair.Arab.* 57 and 119, *Chrest.Khoury I* 57, and *P.Vente* 9.

34. *P.FahmiTaaqud* 4.23, 5.34. This is a standard phrase for hypograph Arabic witness testimonies.

35. Al-Ḥasan's son Dāwūd was clearly the scribe of *P.FahmiTaaqud* 4 and perhaps of 5; three generations later, al-Ḥasan b. Ibrāhīm drafted *P.Cair.Arab.* 37. Grohmann's notes on the last state that the main hand and that of the first witness, al-Ḥasan, are different, but the plate image very clearly suggests otherwise to me.

36. Ibrāhīm b. ‘Alī and his son al-Ḥasan; see each of their documents in Table 1. A typical registration formula, of which several are attested, is “This [document] has been validated before me (*ṣaḥḥa dhālika ‘indī*). Al-Ḥasan

document was copied into a court's register and thereby endowed with probative value.³⁷ Attaching the validation note was most likely the prerogative of the judge himself, one of his representatives, or at least a senior scribe (the registration notes are usually in a different hand than that of a given document's main drafter).³⁸

In fact, the documentary remains of al-Ḥasan the younger's activities offer a suggestive outline of the steadily ascending career a provincial scribe might hope to enjoy, and they demonstrate the role literate, petty notables such as the Banū Rizq could play in running a provincial Islamic court. We first meet al-Ḥasan in 393/1003 drafting the deed of manumission *P.Cair.Arab. 37* and signing as the first witness. His father, Ibrāhīm (probably our document's *khalīfa*, on which more below), signs as the registrant, so al-Ḥasan must have grown up with a paternal exemplar of a court servant. *P.Cair.Arab. 37* is written in an eminently clear, deliberate hand with large letter shapes and plenty of diacritical points, and I am tempted to see in these characteristics a young, enthusiastic scribe new to the professional practice of his craft. Al-Ḥasan's inclusion of a five-generation genealogy in his witness signature likewise suggests a youthful earnestness.

At some later point, al-Ḥasan began to play a judicial role comparable to his father's: in each of his documents that postdate *P.Cair.Arab. 37* he signs as the registrant rather than as a witness. His hand becomes tighter, as we might expect after years of composing legal formulae, but remains recognizably that of the younger man.³⁹ Indeed, al-Ḥasan apparently worked in and around his local court for quite a long time; of the thirteen documents that he registered of which I am aware, the earliest is dated 405/1014 and the latest 456/1064. One, in particular, suggests that al-Ḥasan eventually attained a high regional judicial post, likely the *qāḍī*ship or whatever senior position Ṭalīt's *majlis al-ḥukm* hosted. *Chrest.Khoury I 39* of 456/1064 is a quittance for a debt between two individuals, one from Ṭalīt and the other from the nearby village of Buljusūq. All other documents with geographical indicators in which the Banū Rizq appear concern individuals from Ṭuṭūn.⁴⁰ As noted above, I surmise that the Ṭuṭūnites went to Ṭalīt to have their legal documents drawn up, and this explains the concentration of particular witnesses in those deeds. But al-Ḥasan bucks the trend in *Chrest.Khoury I 39*: because he presided over a transaction involving parties from multiple other villages (including Ṭalīt), it is not unreasonable to think that he had by that time become a higher judicial official with responsibility for a wider district.⁴¹ If this inference is correct, al-Ḥasan b. Ibrāhīm's activities exemplify nicely the possible career arc of a provincial legal scribe, from witness and document drafter to registrant and judge of

b. Ibrāhīm b. Rizq wrote [this] in his hand (*bi-khaṭṭih*)" (*CPR XXVI 10.1-2*).

37. Rāḡib, *Actes*, 2:116–20.

38. See Tillier and Vanthieghem, "Un reḡu," 421, n. 5. The practice appears to have been different in the village of Damūya just outside the entrance to the Fayyūm, where the drafter of the legal documents *P.Fay. Villages 5-27* was also the one to register them.

39. A distinctive final *nūn*, for example, remains evident in al-Ḥasan's signature on *P.TillierRecu*.

40. *P.Cair.Arab. 37* and *P.TillierRecu* include no *nisbas* or other geographical indicators. I have not seen the unpublished P. Berl. Inv. 9159.

41. The same conclusion is offered in Tillier and Vanthieghem, "Un reḡu," 422.

some sort. Sons of other generations of the Banū Rizq may well have followed a path similar to his.

Overall, situating our petition in the context of related documents gives us an evocative glimpse of the structure of a minor provincial court. Its regular workings leaned on local families with traditions of scribal learning like the Banū Rizq; witnesses, scribes, higher judicial officials, and maybe even judges themselves were drawn from their ranks.

The Ibrāhīm b. Rizq of our petition fits this pattern in his service to the court as a judge's delegate, but we must contend with a bit of uncertainty about his identity. If my reconstruction of the damaged rescript text is correct, the *khalīfa* was Ibrāhīm b. ʿAlī b. Rizq, al-Ḥasan the younger's father who registered the manumission of 393/1003. But we should note that Ibrāhīm b. Aḥmad b. Rizq, who appears several times as a witness in the mid-fourth/tenth century, is another possibility.

Which Ibrāhīm we decide on thus also affects the dating of the document. But here we are fortunate to have additional data in the form of the petition's diplomatics. Recent work on petitions from the Fatimid caliphate has revealed much about the development of this genre. With these insights in mind, several formulaic and physical features of our petition suggest that it was produced in the later fourth/tenth century at the earliest, after the advent of the Fatimids in Egypt, and thus that Ibrāhīm b. ʿAlī was indeed our *qāḍī's* *khalīfa* in Ṭuṭūn. A close look at these same features can, in turn, shed further light on the development of the Arabic petition as a genre.

The Diplomatics of the Petition

Two kinds of Arabic petitions, both different from ours, have received a good degree of attention from scholars: petitions on papyrus from the first three Islamic centuries that are formally similar to letters, and generically distinctive paper petitions of the Fatimid, Ayyubid, and Mamluk periods addressed to high-ranking state authorities.⁴² Marina Rustow has recently made a compelling case that the evolution of the Arabic petition from the epistolary to the later form was programmatic rather than haphazard, an insight with consequences for the interpretation of the present document. In brief, Rustow argues that the Fatimids overhauled the Egyptian capital's central chancery after they conquered the country in 359/969, instituting new script styles and document formats inspired by the

42. On early petitions, see especially G. Khan, "The Historical Development of the Structure of Medieval Arabic Petitions," *Bulletin of the School of Oriental and African Studies* 53 (1990): 8–30. On Fatimid paper petitions, see now Rustow, *Lost Archive*, 113–244, and the works of S. D. Goitein and S. M. Stern discussed therein. On Ayyubid and Mamluk petitions, see D. P. Little, "Five Petitions and Consequential Decrees from Late Fourteenth Century Jerusalem," *al-Majalla al-ʿarabiyya li-l-ʿulūm al-insāniyya* 54 (1996): 348–96; idem, "Two Petitions and Consequential Court Records from the Ḥaram Collection," *Jerusalem Studies in Arabic and Islam* 25 (2001): 171–94; D. S. Richards, "A Mamlūk Petition and a Report from the Dīwān al-Jaysh," *Bulletin of the School of Oriental and African Studies* 40 (1977): 1–14; idem, "A Doctor's Petition for a Salaried Post in Saladin's Hospital," *Social History of Medicine* 5 (1992): 297–306; idem, "A Petition for an *Iqtāʿ* Addressed to Saladin or al-ʿĀdil," *Bulletin of the School of Oriental and African Studies* 55 (1992): 98–105; S. M. Stern, "Petitions from the Ayyūbid Period," *Bulletin of the School of Oriental and African Studies* 27 (1964): 1–32; idem, "Petitions from the Mamlūk Period (Notes on the Mamlūk Documents from Sinai)," *Bulletin of the School of Oriental and African Studies* 29 (1966): 233–76.

imperial grandeur of eastern Abbasid chancery practice. One outcome of this overhaul was that the petition, an important technology of state that linked subjects, lower-level officials, and rulers in relationships of patronage and oversight, became a “distinctive genre, with dedicated formulary and specific, grand formatting,” including both a “curvilinear, proportioned” script new to Egypt and a particular style of line shape and spacing.⁴³ These features set the new Fatimid state petition drafted by scribes close to Cairo’s chancery apart from the earlier Arabic petitions, which had been almost indistinguishable from regular letters.

How does the present document fit into these developments? It appears to fall between the new high chancery style and the older epistolary one, and it thus belongs to an intermediate category that so far has received little attention from scholars. Certain of the document’s features exhibit a resemblance to Rustow’s Fatimid state petitions, which supports dating the document to the early Fatimid period (and identifying Ibrāhīm b. ‘Alī as its *khalīfa*). Others are holdovers from the older epistolary petition style or are shared with contemporary letters but not with the high state petitions. Overall, we should understand our document as exemplifying a rough category—not a coherent genre—of lower-register petition writing that carried on alongside the high chancery style after the Fatimid reforms. Petitions of this kind originated or circulated at some degree of remove from the palace chancery context of Rustow’s archetypal Fatimid state documents;⁴⁴ they absorbed some high-style elements while retaining epistolary features as well. I will illustrate this rough documentary category by examining several of our petition’s key formulaic and physical features and comparing them to those of other pertinent documents,⁴⁵ and then circle back around with the resulting insights to the question of the document’s date of origin.

The most basic formal element of our petition to note is its material: paper. This essential feature locates the document in the 300s/900s at the earliest, as paper replaced papyrus as Egypt’s main writing support during that century.⁴⁶ Several of the document’s key formulae, on the other hand, are clear carryovers from the epistolary petitionary style of earlier centuries. One such feature is the *ra’y* clause, the formula that uses some form of the root *r-ʿ-y* to express the petitioner’s request for assistance. Our document features a simple, tried and true version of the clause: “If [the addressee] should see fit (*fa-in ra’ā*), [let him

43. M. Rustow, “The Fatimid Petition,” *Jewish History* 32 (2019): 351–72, at 351–52.

44. Note that state petitions were not chancery documents proper because they were produced outside the palace and sent to it rather than in the course of the palace chancery’s regular business. But their formal features place them clearly in the broader family of state documents. Rustow, *Lost Archive*, 102.

45. I collated a corpus of low-register petitions for comparison by reviewing all texts on paper of the fourth–fifth/tenth–eleventh centuries described as petitions in the Arabic Papyrology Database (accessed 27 May 2020) and filtering out high state petitions from Cairo to caliphs and viziers, settling on the following eleven documents: *P.Berl.Arab.* II 82; *P.Fay.Villages* 44; *P.Heid.Arab.* III 28r; *P.RustowPetition*; *P.Vind.Arab.* II 32; *P.Vind.Arab.* III 38, 40, 41, 47r, 66. (*P.Vind.Arab.* III 64, identified as fourth/tenth century in the database, must be later; see Rustow, *Lost Archive*, 491, n. 29.) Many and possibly all these documents are of provincial origin. This document set does not include the metropolitan petitions to mid-level or sub-royal officials *P.GenizahCambr.* 93–98, though these share some features with the low-register corpus, as we will see below.

46. Rustow, *Lost Archive*, 113.

do the following]” (recto ll. 9–10). This simple formula is found on early papyrus petitions and some later paper ones,⁴⁷ all of which are addressed to subroyal dignitaries; high Fatimid petitions to caliphs and viziers, by contrast, use newer, more syntactically complex versions of the *raʿy* formula.⁴⁸

In a similar category is the verb *uʿlim*, “I inform,” used as a blunt introduction to the exposition of the petitioner’s problem (recto l. 2). This is a quintessentially cross-genre epistolary petitionary formula—it is found in both letters and petitions from the third/ninth century into the fifth/eleventh.⁴⁹ Like the simple *raʿy* formula, it is attested in petitions to subcaliphal dignitaries and often in provincial contexts.⁵⁰ It is not found in metropolitan Fatimid petitions, which prefer more oblique, less presumptuous expository introductions.⁵¹

By contrast, a third formula of note that features in our petition appears to be a later development shared with petitions drafted in Cairo (as well as some letters). It thus represents a new, higher-style element adopted in this low-register petition. The formula in question opens the petition with a tripartite blessing on the addressee, “may God prolong (*aṭāla*) his life, perpetuate (*adāma*) his exaltedness, and crush (*kabata*) his enemies.” The tripartite phrasing is manifestly formulaic; slight variations in the objects of the verbs are attested,⁵² but all iterations follow the *aṭāla-adāma-kabata* order. The formula appears to be a new usage in the era of paper. Although each of the three elements is attested individually in some form in early papyrus documents,⁵³ in the published record the tripartite combination occurs only from the fourth/tenth century onward.

47. The many papyrus examples include *P.Kratchkovski*; *P.KhanPetitions* 1–3. For paper examples, dateable by their hands to the fourth–fifth/tenth–eleventh centuries, see *P.Berl.Arab. II* 82; *P.GenizahCambr.* 93, 94 (both Cairo); *P.Vind.Arab. III* 66 (*qāḍī*). Here and in the following notes, I give the rank of the addressee and the provenance of the document, if available, in parentheses.

48. See Khan, “Historical Development,” 18–24.

49. Papyrus letters (among many): *P.Khalili I* 24; *P.JoySorrow* 41. Paper letters and private requests: *P.Berl.Arab. II* 69; *P.Vind.Arab. II* 3; *P.DiemPrivatbriefe* 1.

50. Papyrus petitions: *P.KhanPetitions* 1, 2, 3r, 3v; *P.Ryl.Arab I I* 2. Paper petitions: *P.Heid.Arab. III* (*qāḍī*, al-Ushmūnayn); *P.Vind.Arab. III* 41 (*ʿāmil* [financial administrator]), 47r (*qāʿid* [governor]). *P.RustowPetition* uses *uʿlim* to address Sitt al-Mulk, the sister and regent of the Fatimid caliph; the Fayyūmī scribe appears to have been unaware of any problem with using a low-register phrase that a Cairene would almost certainly not have employed to address a member of the caliphal house. See the discussion in M. Rustow, “Famine, State Extraction and Subjects’ Rights in Fatimid Egypt: A Petition to the Princess Sitt al-Mulk from the Cairo Geniza,” unpublished manuscript, which I thank the author for sharing with me.

51. E.g. *P.RustowWoman*; *P.GenizahCambr.* 74, among others. This matter is discussed in Rustow, “Famine.”

52. We find two rhyming options for the “exaltedness—enemy/enemies” sequence, either *ʿuluww* and *ʿaduww* or *aʿlāʿ* and *aʿdāʿ*. Sometimes “might” (*ʿizz*) or “beneficence” (*naʿmāʿ*) takes the place of “exaltedness” in the second element. In many examples, additional direct objects are added to the second or third element, and sometimes verbal elements are appended to the tripartite core. See Diem’s discussion of the variants in his notes to *P.Vind.Arab. I* 7.2–4.

53. The elements *aṭāla Allāh baqāʿa-* and *adāma Allāh . . .*, “may God prolong [the addressee’s] life” and “perpetuate [some attribute of the addressee’s],” are ubiquitous. I am aware of a solitary early example of element 3, *kabata [Allāh] aʿdāʿa-* (“may [God] crush [the addressee’s] enemies”): *P.KhanPetitions* 1. “Exaltedness” (*ʿalāʿ* or *ʿuluww*) as the object of the verb *adāma* appears in independent attestations of the second element only from the fourth/tenth century onward; see *P.RustowWoman* and *P.GenizahCambr.* 72.

This tripartite blessing appears in two contexts: private letters and petitions to subcaliphal officials.⁵⁴ Notably, several of those petitions come from Cairo, probably from the hands of scribes closely connected to the chancery.⁵⁵ It therefore seems that the tripartite blessing may have originated as a metropolitan chancery address for officials below the rank of caliph that subsequently filtered down into private epistolary and low-register petitionary style.

Whether or not this hypothesis is correct, the fact that our provincial *qāḍī* petition exhibits both this newer metropolitan feature and earlier epistolary ones points to its hybrid character. We find a similar mixture in the physical and visual features of the document—its material, size and shape, script style, and text layout. The smaller and rougher brown paper, the absence of the petitioner’s name in the upper left-hand corner,⁵⁶ the cramped line spacing, and the thick, inelegant ductus indicate that we are far from the palace chancery; a Cairene scribe might have chuckled at features redolent to him of the Fayyūm boondocks. Our *qāḍī*’s rescript, which I have left aside until now because of its poor state of preservation, may have elicited a similar reaction, as its legible portions suggest an older, provincial hand. Those same features are suggestive, in turn, of less formal, more immediate social relationships—the *qāḍī* to whom the scribe was writing was probably not a distant, awesome authority whom he needed to address with all the extravagance of metropolitan chancery style, but a somewhat familiar personality.

Other graphic elements of our petition, on the other hand, suggest that the document’s provincial scribe was at least partially aware of the high style that Rustow associates with Fatimid state documents and that he sought to emulate it (either earnestly and not very well, half-heartedly, or perhaps even in jest). These features relate to line layouts and letter shapes. Some of the petition’s lines exhibit hanging baselines—that is, individual words are written at an angle rather than parallel to the overall line of writing, which causes successive words to nest in the laps of preceding ones.⁵⁷ This feature is evident, for example, at the beginning of the document in *u’lim sayyidī al-qāḍī* on the second recto line. It is most pronounced at the ends of some lines (most obviously recto lines 2, 7, 8, and 9, and verso

54. Letters: *CPR XXXII* 4, 12; *P.Berl.Arab. II* 69, 81; *P.DiemPrivatBriefe* 1; *P.Heid.Arab. III* 26; *P.Vind.Arab. I* 7, 16; *P.Vind.Arab. II* 35; *P.Vind.Arab. III* 21, 25r, 26r, 29r. Petitions originating in the provinces: *P.Fay.Villages* 44 (*qāḍī*, Fayyūm); *P.Heid.Arab. II* 28r (al-Ushmūnayn); *P.Vind.Arab. III* 38, 40 (both al-Ushmūnayn). Petitions in Cairo/Fustat: *P.GenizahCambr.* 93 (*amīr*), 95r (*qāḍī*), 96, 97 (*qā’id*), 98 I and II (*qāḍī*); P. Washington Libr. of Congress Inv. Ar. 111 (vizier). On elaborate opening blessings for viziers and caliphs, see Khan, “Historical Development,” 26–30.

55. See the previous note. We should not think that every scribe of a petition from Cairo/Fustat necessarily worked in the palace chancery and knew the chancery style inside and out. But it is still reasonable to expect basic elements of the high chancery style to appear in petitions originating in the capital. For example, the unpublished petition to a vizier in P. Washington Libr. of Congress Inv. Ar. 111 clearly shows a chancery-style hand (and uses the tripartite opening blessing).

56. See Rustow, “Fatimid Petition,” 360, n. 8.

57. E. M. Grob, *Documentary Arabic Private and Business Letters on Papyrus: Form and Function, Content and Context* (Berlin: de Gruyter, 2010), 166–70; Rustow, *Lost Archive*, 169–72.

lines 1 and 4), which gives them hints of the upward-slanting, boat shape that Rustow sees as distinctive of Fatimid state petitions.⁵⁸

Of the document's letter shapes, some appear in evidently older forms typical of provincial hands, such as the *alif* with a foot (in *bi-l-tawqī*^c, recto l. 10).⁵⁹ Other letters, however, begin to approach curvilinear shapes at least comparable to those of the chancery style: a fully rounded bowl for final *nūn* and *qāf*;⁶⁰ a two-stroke rather than “double-hairpin” *kāf*;⁶¹ a vertical rather than slanted-stroke *tā*;⁶² and the *hā*' *rasm*, which is sometimes a “dull hairpin” but other times involves a greater flourish of the pen.⁶³

Notably, the combination of high chancery and older graphic elements that I have identified in our document is also evident in other little-studied petitions from provincial contexts of the fourth–fifth/tenth–eleventh century. A Fayyūmic petition dateable to 411–14/1021–24 and addressed to the caliph's sister Sitt al-Mulk lacks boat lines and a curvilinear script but gives a *tarjama*, the petitioner's name, in the upper left-hand corner as a petition written by a metropolitan chancery scribe would do. An example addressed to an unnamed *shaykh* in al-Ushmūnayn follows the chancery style more closely by including a *tarjama*, upward-slanting lines, and wider line spacing. A petitionary epistle addressed to a *qādī* in the vicinity of the Fayyūm includes a *tarjama* and upward-slanting, semi-boat shapes for the first few lines before the writer abandons the effort. A petition of uncertain provenance addressed to a financial administrator (*ʿāmil*) is generous with its line spacing but eschews boat-shaping.⁶⁴

Hybridity is thus the common denominator in the graphic as well as formulaic elements of provincial petitions in this period.⁶⁵ We are dealing, in sum, with a rough petitionary form that lies between the earlier epistolary style and Rustow's Fatimid state one, an amorphous category that we can label heuristically the “low-register paper petition.” Documents that

58. As halting and inelegant as the layout of our document is, it is nonetheless closer to the palace chancery style in this respect than is at least one petition that we suspect actually made it to the palace: *P.RustowPetition*, addressed from the Fayyūm to Sitt al-Mulk.

59. See also the open final *nūn* (e.g., *in*, recto l. 3); the full loop for final *hā*'/*tā*' *marbūṭa* (*al-sādīsa*, recto l. 7); and the toothless *ṣād* (*al-ṣabiya*, verso l. 3). On script styles and letter shapes, see Grob, *Letters on Papyrus*, 159–206; Rustow, “Fatimid Petition,” 366; Rustow, *Lost Archive*, 160–206.

60. *Min, fa-in, rizq, takūn, yathiq*; recto ll. 5, 9, 11, 13; verso l. 2.

61. *Kabata, yumkinnī, takūn*; recto ll. 3, 8, 13.

62. *Yataṭawwal, bi-Ṭuṭūn*; recto ll. 10, 11.

63. *Ḥattā aj'alahā, ḥattā, ḥasbunā*; recto l. 12; verso ll. 2, 6.

64. These documents are, respectively, *P.RustowPetition*, *P.Vind.Arab. III* 40, *P.Fay.Villages* 44, and *P.Vind.Arab. III* 41. The petitioner of the last calls himself a *Kutāmī*, which the editor understands to mean a resident of the village of Kutāma in the Delta but which might denote instead a member of the Berber Kutāma tribe.

65. How provincial scribes would have acquired familiarity with the metropolitan style deserves further study. Rustow suggests that the Fatimids invested in training functionaries in the new scribal styles even in the provinces (*Lost Archive*, 242). Perhaps anyone associated with state administrative organs, including *sharīʿa* courts, would have received some such training as Fatimid rule got up and running, and this was then passed on to succeeding generations of scribes. That provincials may not have viewed the new style with the same reverence as did metropolitan chancery scribes, for whom good style was a hallmark of a “guild identity” (*Lost Archive*, 100), could account for its incomplete dissemination outside the capital.

fit this category were usually produced by scribes outside the immediate orbit of the palace chancery, addressed to subroyal dignitaries, and inflected to varying degrees by older petitionary, newer epistolary, and high chancery usages.

I have labeled this category “paper” rather than “Fatimid” petitions because even those of its features that appear to be new to the 300s/900s, such as the tripartite opening blessing, may predate the Fatimid overhaul of the Egyptian chancery at the latter end of that century. Nonetheless, in the case of our petition, I am inclined to date the document to the Fatimid period on the basis especially of the graphic elements—hanging baselines and boat-shaped lines—that Rustow sees as emblematic of the high Fatimid style. Such a dating, in turn, gives added weight to the identification of the document’s *khalīfa* as Ibrāhīm b. ‘Alī b. Rizq, active after the Fatimid conquest of Egypt, rather than Ibrāhīm b. Aḥmad, active before it. On this basis, I propose 390/1000 as an approximate date for the document.

And in this direction, the petition’s formulae offer one more interesting morsel of evidence. After the *basma* of the opening invocation, the scribe adds *tawakkaltu ‘alā Allāh*, “I place trust in God.” This extended invocation is not overly common in the published documentary record; I have found only two other examples in the legal documents of the southern Fayyūm, one of which is the deed of manumission drafted by al-Ḥasan b. Ibrāhīm b. ‘Alī and registered by his father.⁶⁶ A coincidence? The respective hands of the manumission and our petition are largely dissimilar, although that need not be decisive if the drafter of the petition was imitating a less familiar metropolitan style. Perhaps the *tawakkul* invocation was a family usage, and the scribe of our petition was either the *khalīfa* himself or his son, al-Ḥasan the longtime court servant.

Father, Daughter, and the Long Arm of the Law

The question of who drafted the petition brings us back to the human heart of our story, the petitioner trying to alleviate the financial problems bedeviling him, his daughter, and a mother-in-law with whom he was probably at loggerheads. It also returns us to the workings of the provincial court, since in order for the petitioner to achieve his aims, the text of the petition had to render his problems legible and actionable in the legal framework within which the *qāḍī* operated. Unfortunately, the text is incomplete to the degree that we can reconstruct neither the full facts of the case nor the *qāḍī*’s ruling. Nonetheless, we can describe the rough outline of the case in search of the story within it, and we can compare the case to prescriptive works of law to hazard some guesses regarding the *madhhab* affiliations of the provincial judiciary involved and the ultimate outcome of the case.

We do not know which school of Islamic law our petition’s *qāḍī* adhered to, if he followed any of them with particular fidelity. In general, we would expect the Mālikī school to have been best represented in the Egyptian provinces, but it is possible that the Shāfi‘īs, and perhaps even the Ḥanafīs and the Ismā‘īlīs (the latter only after the establishment of the Fatimids), had a presence there as well.⁶⁷ Given the uncertainty regarding the *qāḍī*’s

66. The other is *P.Transmission* 4, Uqlūl, 418/1027. The invocation is attested elsewhere in *P.Vente* Appendix 2 (Asyūṭ) and in *CPR XXI* 74, 78 (tax quittances from the first half of the third/ninth century).

67. Worth mentioning here is the unpublished paper deed of sale P. Cambr. UL Inv. Michael. Charta B 87,

affiliation, the following examination touches on the opinions of each of these schools, though the Ismāʿīlīs are left aside for lack of any extensive discussion of the relevant legal problems in the extant Fatimid lawbooks.

Two principal areas of Islamic family law bear on the facts of the case as the petition presents them: the custody of minor children and the obligation to provide material support (*nafaqa*) for minor dependents. Regarding the former, the petition's narrative suggests that the father's actions so far had accorded precisely with the Islamic law of custody. Majority views across the Islamic legal schools prescribe that mothers have first right to take custody of and raise young children; if a child's mother dies or is unfit to provide care, her own mother is next in line and takes precedence over the father and various other relations. The Islamic legal schools differ as to when an offspring moves out of the "tender years" and into an age of moral formation when the father reenters the picture as a potential custodian, but all would agree that the petitioner's six-year-old daughter was still within the former category.⁶⁸ So, in placing his daughter with her maternal grandmother after the death of his wife, the unnamed petitioner did exactly what Islamic law imagines he should have done in such a situation.

Things get more complicated with the question of maintenance. The petitioner had been providing material support for his daughter for several years preceding the petition, as Islamic law expects of the fathers of minor children.⁶⁹ But in the petition he avers that something has recently changed and he no longer has the means to support his daughter in her current custodial circumstances. He appears to suggest that the support would be within his means if his own mother took custody of the child. Why that should be so is not immediately clear, but we can imagine several possible scenarios. Perhaps the petitioner's mother-in-law expected an additional wage for herself beyond what sufficed for the child's needs; perhaps she expected cash payments but specie was difficult to come by in a rural area; perhaps the petitioner shared a dwelling with his mother, so bringing his daughter to her would have meant taking his daughter himself (and avoiding additional rent costs).⁷⁰

the parties to which include two brothers from Ṭalit identified with the *nisba al-shāfiʿiyya*, "the Shāfiʿīs." This document, dateable formally and paleographically to the fourth–fifth/tenth–eleventh centuries, confirms the presence of at least some Shāfiʿīs in the southern Fayyūm. It may also suggest that Shāfiʿī affiliation was uncommon enough to merit a distinguishing *nisba*. I thank Naīm Vanthieghem for pointing me to this document and sharing an image of it.

68. See generally A. F. Ibrahim, *Child Custody in Islamic Law: Theory and Practice in Egypt since the Sixteenth Century* (Cambridge: Cambridge University Press, 2018), 64–71; Ibn Qudāma, *al-Mughnī*, ed. ʿAbd Allāh b. ʿAbd al-Muḥsin al-Turkī and ʿAbd al-Fattāḥ Muḥammad al-Hulw (Cairo: Hajr, 1986), 11:412–16, 422–23. Specifically for the Mālikīs, see Saḥnūn al-Tanūkhī, *al-Mudawwana al-kubrā* (Cairo: Maṭbaʿat al-Saʿāda, 1322/1905–6; reprint, [Riyadh]: Wizārat al-Shuʿūn al-Islāmiyya wa-l-Awqāf wa-l-Daʿwa wa-l-Irshād, n.d.), 5:38–40 (maternal custody until age of marriage); for the Shāfiʿīs, see Muḥyī al-Dīn al-Nawawī, *Minhāj al-ṭālibīn wa-ʿumdat al-muftīn*, ed. Muḥammad Muḥammad Ṭāhir Shaʿbān (Beirut: Dār al-Minhāj, 2005), 466 (until age of discretion); for the Ḥanafīs, see al-Marghīnānī, *al-Hidāya sharḥ Bidāyat al-mubtadī*, ed. Sāʿid Bakdāsh (Medina: Dār al-Sirāj, 2019), 3:357–58 (until start of menstruation).

69. Ibrahim, *Child Custody*, 84–87; Ibn Qudāma, *Mughnī*, 11:372–74.

70. I thank Oded Zinger for the latter two suggestions.

Overall, the petition depicts for the judge a financial situation made untenable by the conflicting legal imperatives of the maternal grandmother's right to custody and the father's obligation to provide material support. The petitioner seeks redress by asking the judge to rule that the latter imperative outweighs the former: removing the child from her maternal grandmother's custody would allow the father to continue to fulfill his obligation of support. My reading of the rescript indicates that the *qāḍī* ordered Ibrāhīm to look into the maternal grandmother's "incapacity" (*ʿajz*)—perhaps her inability to care for the child without the burdensome payments the father had to provide? The end of the rescript then suggests that the daughter should wind up with one of the grandmothers, but which one the judge meant we cannot tell. A survey of medieval *fiqh* and *fatwā* literature turns up mixed results and rulings that leave open the possibility of this case's going either way, although an overall trend toward privileging the father's position is discernible.

Consider first the petition's implication that the father's maintenance costs depend on the identity of the custodian. Some jurists might object that the child's needs are the child's needs and that these should not change from one grandmother's house to that of another. This position appears to find support among some early Mālikī authorities, who state that the grandmother has no right to recompense (*ajr*) for providing custody even if the father could afford it;⁷¹ he owes only the child's *nafaqa*. The Egyptian Ḥanafī al-Ṭaḥāwī (d. 321/933) offers a similar ruling.⁷² We might imagine that a judge who followed the logic of these opinions would deny both any demands for additional payments by the maternal grandmother and the father's request to end her custody of the child.

But another prominent Mālikī opinion holds to the contrary that the father of a child who has been taken in by her maternal grandmother must provide for the child's housing (*suknā*) in addition to her food and clothing.⁷³ The Shāfiʿī school came to maintain in similar terms that the father owes a wage (*maʿūna*, *muʿna*) to the custodian.⁷⁴ We would expect a

71. Ibn Abī Zayd al-Qayrawānī, *al-Nawādir wa-l-ziyādāt ʿalā mā fi al-Mudawwana min ghayrihā min al-ummahāt*, ed. Muḥammad al-Amīn Būkhūbza (Beirut: Dār al-Gharb al-Islāmī, 1999), 5:58, drawn from Ibn al-Mawwāz. The same opinion with different phrasing is attributed to Ashhab b. ʿAbd al-ʿAzīz (d. 204/819) and drawn from the Andalusian collection *al-Uṭbiyya* in Ibn Yūnus al-Ṣiqillī, *al-Jāmiʿ li-masāʾil al-Mudawwana*, ed. Ḥamdān b. ʿAbd Allāh b. Idrīs al-Shamrī (Beirut: Dār al-Fikr, 2013), 9:516. See, with further discussion, Ibn Rushd al-Jadd, *al-Bayān wa-l-taḥṣīl*, ed. Muḥammad Ḥujjī, 2nd ed. (Beirut: Dār al-Gharb al-Islāmī, 1988), 5:376–77.

72. Abū Jaʿfar al-Ṭaḥāwī and Abū Bakr al-Jaṣṣāṣ, *Mukhtaṣar Ikhtilāf al-ʿulamāʾ*, ed. ʿAbd Allāh Nadhīr Aḥmad (Beirut: Dār al-Bashāʾir al-Islāmiyya, 2014), 2:460–61. Al-Ṭaḥāwī states that a custodian may not take rent payments (*ujrat al-manzil*) from the property (*māl*) of the ward. The phrasing indicates that the child in this example has inherited his own property and is not receiving *nafaqa* from his father, who may be deceased, so al-Ṭaḥāwī does not actually specify whether a living father owes wages to a custodian beyond the child's *nafaqa*. Al-Ṭaḥāwī goes on to say, however, that "others" aver that the custodian is due rent either from the ward's property or from the *nafaqa* the ward is receiving. By contrasting this second opinion with the first, al-Ṭaḥāwī implies that his favored opinion does not make custodian's wages obligatory on the father.

73. Saḥnūn, *Mudawwana*, 5:44. For further discussion, see Ibn Rushd al-Jadd, *al-Muqaddamāt al-mumahhidāt*, ed. Muḥammad Ḥujjī (Beirut: Dār al-Gharb al-Islāmī, 1988), 1:570–71; Ibrahim, *Child Custody*, 58–63.

74. Interestingly, al-Ṭaḥāwī comments that the opinion that the custodian is due rent money "has been related from al-Shāfiʿī, but I have not found a narration of this" (*ḥukiya dhālika ʿan al-Shāfiʿī wa-lam najidhu riwāyatan*; al-Ṭaḥāwī and al-Jaṣṣāṣ, *Ikhtilāf*, 2:461). Neither have I. A survey of the chapters on custody in al-Shāfiʿī's *Umm* (Muḥammad b. Idrīs al-Shāfiʿī, *al-Umm*, ed. Rifʿat Fawzī ʿAbd al-Muṭṭalib [al-Manṣūra: Dār

judge bearing these opinions in mind to acknowledge that different custodians might place different cost burdens on the father. Would such a judge have pressed this line of reasoning further and allowed a father to remove a minor child from the care of her maternal grandmother, the custodian of first right, for reasons of financial exigency?

This precise question does not come up in the early foundational works of the *madhhabs* so far as I have been able to see, but similar cases receive attention in later *furūʿ* and *fatwā* works. Opinions are mixed, but the overall trajectory tends toward allowing a father to intervene in and change his minor child's custody situation if doing so eases a financial burden. A *fatwā* of the Mālikī Ibn Sirāj al-Andalusī (d. 456/1064) describes the case of an orphan living with his maternal grandmother who wants to sell the ward's last remaining property to pay for his upkeep; the paternal grandmother offers to raise and provide for the child herself to keep the property intact. Ibn Sirāj reports differing opinions, some prioritizing the maternal grandmother's right to custody and others the best care for the ward (*al-rifq bi-l-maḥḍūn*). For his part, Ibn Sirāj leans toward the latter option, which he puts forward to support his answer to another *fatwā* request that is remarkably similar to our case. The maternal grandmother of a girl whose mother died has had custody for six years, at which point the girl's property, presumably what she inherited from her mother, is almost used up; the father, lacking means himself, wants to bring the girl to his own mother, who will provide for and raise her. Ibn Sirāj prefers that he do so to prevent the girl's impoverishment.⁷⁵ Along similar lines, a sixth/twelfth-century Mālikī commentary work by Ibn Rushd al-Jadd (d. 520/1126) allows a father to remove his children from the care of their maternal grandmother to that of his own relatives if the grandmother will not provide custody for free (*an taḥḍunahum bi-ghayr shayʿ*).⁷⁶

I have been unable to find an opinion in a medieval Shāfiʿī work as directly related to our case as the Mālikī *fatwās* are, but the discussion in al-Juwaynī's (d. 478/1085) *Nihāyat al-maṭlab* of the custody rights of a mother who requests a wage is relevant. Al-Juwaynī recognizes one view, among others, that affirms that custody is no different whether provided by a child's mother or by someone else, built on the primary opinion that breastfeeding by a mother is not preferable to that by a volunteer (*mutabarrīʿa*) wet nurse if the mother demands a wage for her labor.⁷⁷ This opinion would appear to leave room for

al-Wafāʿ, 2008], 6:238–420) and the abridgment of al-Muzanī (Abū Ibrāhīm al-Muzanī, *Mukhtaṣar al-Muzanī*, ed. Muḥammad ʿAbd al-Qādir Shāhīn [Beirut: Dār al-Kutub al-ʿIlmiyya, 1998], 309–10) confirms that no such opinion is found there. But the classical Shāfiʿī commentarial tradition based on al-Muzanī takes it as mostly uncontroversial that the custodian is indeed due a wage. See, e.g., Imām al-Ḥaramayn al-Juwaynī, *Nihāyat al-maṭlab fī dirāyat al-madhhab*, ed. ʿAbd al-ʿAzīm Maḥmūd al-Dīb (Jedda: Dār al-Minhāj li-l-Nashr wa-l-Tawzīʿ, 2007), 15:566; Abū Ḥāmid al-Ghazālī, *al-Wajīz fī fiqh al-imām al-Shāfiʿī*, ed. ʿAlī Muʿawwaḍ and ʿĀdil ʿAbd al-Mawjūd (Beirut: Dār al-Arqam, 1997), 2:123; Abū al-Qāsim al-Rāfiʿī, *al-ʿAzīz sharḥ al-Wajīz*, ed. Muʿawwaḍ and ʿAbd al-Mawjūd (Beirut: Dār al-Kutub al-ʿIlmiyya, 1997), 10:87; Muḥyī al-Dīn al-Nawawī, *Rawḍat al-tālibīn*, ed. Muʿawwaḍ and ʿAbd al-Mawjūd (Riyadh: Dār ʿĀlam al-Kutub, 2003), 6:504.

75. Recorded in Abū al-ʿAbbās al-Wansharīsī, *al-Miʿyār al-muʿrib wa-l-jāmiʿ al-mughrib ʿan fatāwā ahl Ifrīqiyya wa-l-Andalus wa-l-Maghrib*, ed. Muḥammad Ḥujjī (Rabat: Wizārat al-Awqāf wa-l-Shuʿūn al-Islāmiyya li-l-Mamlaka al-Maghribiyya, 1981–83), 4:48–49.

76. Ibn Rushd, *Bayān*, 5:376.

77. See al-Juwaynī, *Nihāya*, 15:539–40, no. 10,218, and 566–67, no. 10,248.

a Shāfiʿī judge to allow a father to take over custody decisions in cases of financial exigency. I have been unable to find further discussion of this issue in medieval Shāfiʿī sources,⁷⁸ but at some point Middle Eastern Shāfiʿīs adopted explicitly a position that would have favored our petitioner: the twelfth/eighteenth-century *fatwā* collection of al-Khalīlī (d. 1147/1734–35) includes multiple opinions affirming that a paternal grandmother who demands no wage has priority of custody over a maternal one who requests to be paid.⁷⁹

Among the Ḥanafīs, I have found no discussions of wages owed to custodians (as opposed to wet nurses) in al-Shaybānī’s (d. 189/804) foundational works or the major classical compendium of al-Sarakhsī (d. 483/1090).⁸⁰ But split opinions start to crop up in Ḥanafī sources thereafter. The *Fatāwā* of Qāḍikhān (d. 592/1196) takes up the case of a divorced mother who asks for a wage (*ujra*) on top of the support her impoverished ex-husband provides the child. The father’s sister offers to “raise the child with her own resources without recompense” (*turabbī al-walad bi-mālihā majānan*). Qāḍikhān notes that opinions differ but declares that the correct one is that the mother be offered custody with no wage; if she refuses, the child goes to the paternal aunt.⁸¹ A few centuries later, a responsum of the Egyptian Ḥanafī Ibn Quṭlūbughā (d. 879/1474) dealing with a nearly identical case gives the same ruling as Qāḍikhān’s while also citing another jurist’s contradictory opinion privileging the mother’s right to custody.⁸² Ultimately, the Ḥanafī tradition in the Arab lands looks to have followed Qāḍikhān and Ibn Quṭlūbughā, affirming that wages are due for the provision of custody and allowing in situations of financial exigency the removal of children from custodians who would otherwise have first right of custody.⁸³

The upshot of the foregoing discussion is that each of the Islamic legal schools relevant to an examination of early Fatimid Egypt considered the maternal grandmother to have first right of custody of a motherless child; but each also developed opinions that would have been favorable to an impoverished father’s desire to remove his child from the care of an otherwise rightful custodian if he was unable to afford the cost of that custody arrangement. Lacking the full text of the rescript, we can say only that the judge in our case might have ruled either way, though the overall trajectory of the discussions in the legal sources leads one to suspect that the case ended in the father’s favor.

78. Including *furūʿ* works as well as the *fatwā* collections of Ibn al-Ṣalāḥ, al-Nawawī, al-Subkī, and Ibn Ḥajar al-Haytamī.

79. Muḥammad al-Khalīlī, *Fatāwā al-Khalīlī* (Egypt: n.p., n.d.), 2:134, 136.

80. Muḥammad b. al-Ḥasan al-Shaybānī, *al-Aṣl*, ed. Muḥammad Būynūkālīn (Qatar: Wizārat al-Awqāf, 2012), 4:544–49, 10:348–54; Shams al-Dīn al-Sarakhsī, *Kitāb al-Mabsūṭ* (Beirut: Dār al-Maʿrifā, n.d.), 5:207–13.

81. Fakhr al-Dīn Qāḍikhān, *Fatāwā Qāḍikhān*, ed. Sālim Muṣṭafā al-Badrī (Beirut: Dār al-Kutub al-ʿIlmiyya, 2009), 1:367.

82. Qāsim Ibn Quṭlūbughā, *Majmūʿat al-rasāʾil*, ed. ʿAbd al-Ḥamīd Muḥammad al-Darwīsh and ʿAbd al-ʿAlīm Muḥammad al-Darwīsh (Damascus: Dār al-Nawādir, 2013), 709–10.

83. For examples, see J. E. Tucker, *In the House of the Law: Gender and Islamic Law in Ottoman Syria and Palestine* (Berkeley: University of California Press, 1998), 126; Shihāb al-Dīn al-Shilbī, *Hāshiyat al-Shilbī*, on the margins of Fakhr al-Dīn al-Zaylaʿī, *Tabyīn al-ḥaqāʾiq sharḥ Kanz al-daqaʾiq* (Būlāq: al-Maṭbaʿa al-Kubrā al-Amīriyya, 1314/1896–97), 3:46; Ibn ʿAbidīn, *al-Uqūd al-durriyya fī tanqīḥ al-fatāwā al-ḥāmidīyya* (n.p.: n.p., n.d.), 1:58–60.

In speculating on the course of our case, we have so far proceeded on the assumption that the petitioner's claims and stated aims were truthful. It is possible, however, that he was simply at odds with his mother-in-law or concerned about his daughter for emotional or other nonmaterial reasons and pleaded poverty as a strategy to regain custody. This possibility could have been behind the suggestion at the end of the petition of a trustee of the court as another option for a custodian: was the father trying to get his daughter away from her maternal grandmother at any cost?

The relationship between father and mother-in-law brings us to a final question: to which religions did the parties involved in the case belong? As noted earlier, the documentary record indicates that Ṭuṭūn was a largely Christian village into the fifth/eleventh century. If our petition follows this pattern and concerns a Christian family, the father was nonetheless apparently willing to seek remedies from a Muslim judge. The many extant Arabic-Islamic deeds and contracts from Ṭuṭūn and elsewhere demonstrate that Christians in late Abbasid and Fatimid Egypt routinely made use of Muslim courts and scribes for commercial and property business,⁸⁴ but there is much less evidence of Fayyūmī Christians litigating intracommunal or family disputes before Muslim judges. Two Arabic documents acknowledging the apportionment of inheritances among Ṭuṭūnite Christian families may have been generated by litigation of this kind;⁸⁵ if all the parties described in our petition were Christian, we have a new piece of evidence in this direction. Also of interest would be the fact that the custody and child-rearing practices of a Christian family accorded precisely with Islamic legal prescriptions. Perhaps placing the motherless child with the maternal grandmother had long been customary across the religious communities, or perhaps it had developed from an Islamic legal prescription into a regional custom.⁸⁶

Another possibility is that the deceased mother came from a Christian family of Ṭuṭūn while the father was Muslim (the fact that the father asks for the help of the *khalīfa* in securing his daughter may indicate that he did not reside in the village). If this was the case, it is unsurprising to find the father petitioning a Muslim *qāḍī* for assistance. Such a scenario would also have implications for the judge's treatment of the case depending on his *madhhab* affiliation, since we would be dealing with a Muslim child (following the religion of her father) in the custody of a Christian grandmother. The Ḥanafīs and most Mālikīs allowed Christian, Jewish, and even Zoroastrian custodians to care for Muslim children before the age of moral and religious formation; the Shāfi'īs and some Mālikīs did not.⁸⁷

84. Weitz, "Islamic Law."

85. *P.Hamb.Arab. I* 1; *CPR XXVI* 10.

86. Major medieval Copto-Arabic books of canon law, including the sixth/twelfth-century *Majmū' al-qawānīn* of Patriarch Ghubriyāl II b. Turayk and the seventh/thirteenth-century *al-Majmū' al-ṣafawī* of al-Ṣafī b. al-ʿAssāl, appear not to treat the law of custody.

87. Ibrahim, *Child Custody*, 78–79; Ibn Qudāma, *Mughnī*, 11:412–13; al-Sarakhsī, *Mabsūṭ*, 5:210; Khalīl b. Ishāq al-Jundī, *al-Tawḍīḥ fī sharḥ al-Mukhtaṣar al-faraʿī li-Ibn al-Ḥājib*, ed. Aḥmad b. ʿAbd al-Karīm Najīb (Dublin: Markaz Najibawayh li-l-Makhtūṭāt wa-Khidmat al-Turāth, 2008), 5:177–78; al-Nawawī, *Minhāj*, 465.

Finally, perhaps both the father and the mother belonged to the little-attested Muslim community of Fatimid Ṭuṭūn.⁸⁸

Conclusion

Our knowledge of the petitioner's and his daughter's circumstances ends at the margins of our document. Where the daughter spent the rest of her childhood remains uncertain, and we can only hope that the father acted with good intent in trying to win custody from his deceased wife's mother. But set amid the considerable documentary evidence extant from the medieval southern Fayyūm, this petition and its rescript reveal a surprising amount about both the structures of a provincial Egyptian judiciary and the development of the Arabic petition, a medieval technology vital to constructing relationships between subjects, administrators, and rulers. The *khalīfa* involved in the case was likely associated with an Islamic *majlis al-ḥukm* in the village of Ṭalīt, and the *qāḍī* may have been as well (though this is less certain). If this interpretation is correct, the court activity in Ṭalīt attested by our document highlights just how extensive was the growth of Egypt's Islamic judiciary in the later Abbasid and Fatimid periods. Provincial judicial institutions must have been supported by a local petty literate class of scribes and witnesses; the *khalīfa* Ibrāhīm's family, the Banū Rizq, belonged to precisely this class, and we can trace their activities in service to their court for nearly two centuries.

Though Ibrāhīm b. Rizq may have plied his trade near the desert edge of a rural province, his professional world was not disconnected from wider developments in law, scribal culture, and administration. The diplomatics of this petition suggest that its scribe had taken some influence from the new, high style of petition writing practiced in the orbit of the Fatimid chancery in Cairo. Indeed, the mixture of old and new formal features that we find in the document helps us date it to the first century of Fatimid rule. That mixture also allows us to identify a little-studied, low-register form of petition writing—continuing in certain ways the old Arabic epistolary genre and coexisting with the high Fatimid style—that our document exemplifies.

Ultimately, our petition was a tool, a physical record of text that the petitioner planned to use in the furtherance of his interests. We may hope that things turned out well enough for him and his daughter. As more documents from the village world of the Fatimid Fayyūm are identified and studied, perhaps one or both of them will reappear and we will be able to follow their stories further.

88. Two individuals identified as Ṭuṭūnites who bear apparently Arabic Muslim names are found in *P.Cair. Arab.* 59.2 and *P.Shomali* 3 witnesses.1.

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