

MAKING THE PRIVATE PUBLIC: A DELIVERY OF PALESTINIAN OIL IN THIRD/NINTH-CENTURY EGYPT

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A short document written on papyrus records an order for the delivery of Palestinian oil in third/ninth-century CE Egypt. It reveals interesting information concerning transregional trade relations, commercial infrastructures and the logistics of product distribution, as well as document validation practices and the legal status and authority of documents, especially those of a semi-public nature. The text will be compared to similar orders of payment and delivery, and it will be read for evidence of local patterns of patronage and systems of care in mediaeval Egypt.

1. INTRODUCTION: EGYPT AS CENTRE OF THE WORLD¹

The papyrus under discussion,² whose edition and translation appears below, is currently kept at the Department of Papyri of the Austrian National Library in Vienna. The back of the papyrus is blank, but notes such as these were typically written on reused documents. The direction of the text, which is parallel to the papyrus fibres as opposed to the more common

¹ This article is offered in recognition of Kaj Öhrnberg's achievements in establishing Egypt's important contributions to – and connections with – early Muslim governmental structures and the history of Islam's formative years. Although the individuals and goods mentioned in this text did not travel as far as Arabia, like Kaj's Mariya al-Qibtiyya, or originate in as exotic a place as Kaj's al-Muqawqis, who came from the Caucasus, they nevertheless show the degree to which Egypt, far from being a backwater, was globally connected. That this can be argued on the basis of documentary rather than literary material makes it especially appropriate as a tribute to Kaj's research interests.

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This article makes use of the standardised abbreviations of editions of Greek, Coptic, and Arabic papyri as they can be found in the Checklist of Editions Greek, Latin, Demotic and Coptic Papyri, Ostraca and Tablets (<http://papyri.info/docs/checklist>) and the Checklist of Arabic Documents (http://www.naher-osten.uni-muenchen.de/isap/isap_checklist/index.html).

² P.Vindob. AP 3172. I would like to thank Bernhard Palme for permission to publish this papyrus. I would also like to thank Claudia Kreuzsaler and Sandra Hodecek for their invaluable help in locating the papyrus and facilitating its publication. A short description of the text is given by Joseph Karabacek 1894: 186.

transversa charta practice in the Arab period, confirms that this too is a secondary text.³ The writing and some of the formulae point to a composition date in the third/ninth century. There is no indication of the geographical background of the papyrus, but considering that it was acquired in Egypt, it is probably safe to assume that it also originated there.

The recipient of the note is told to give a quarter *qisṭ* of Palestinian oil to a servant (*ghulām*) and to charge him for part of it, the exact amount being unfortunately lost.⁴ No addressee and sender are recorded, but it can be assumed that the Muḥammad who wrote and signed the document also formulated the order recorded in it. The note is dated by the month only, and a pious formula added by Muḥammad is appended to the bottom.⁵

This small document is very mundane in its quotidian, local, and limited focus. It concerns the delivery of a small amount of oil to an unidentified individual, following the order of a certain person named Muḥammad, somewhere in ninth-century Egypt. The kind of oil delivered allows us to explore Egypt's trans-regional commercial relations at this time, as well as the economic circumstances, (agricultural) products cultivated, and scope and extent of Eastern Mediterranean production centres and trade networks approximately 150 years after the Arab conquests had altered the region's political organisation and social composition. The language and formulae used in the seven lines of the papyrus text, although appearing at first glance not to be of much consequence beyond their immediate content, allow us to discuss the role of written documents in this society. What dimension did written documents add to orally established communication and obligation, and how was the authority of documents understood? Finally, the papyrus shows that the use of delivery orders, well known from pre-Islamic Egypt, had undergone a profound change in the early Islamic period. Besides functioning as payments for deliveries of all kinds in a commercial environment in order to effect, postpone or circumvent cash transactions, a large number of Arabic delivery notes also served as a form of almsgiving. Formally indistinguishable from other delivery notes, the document edited and discussed in this article falls into the latter category, as can be derived from the later addition of a standardised phrase that speaks to this purpose.

Before we delve further into the various questions raised by this text, let us take a closer look at what it actually says.

3 Papyrus sheets were generally written first on the side that formed the inside of a papyrus roll, where the material was smoothest and of a better quality. From the Byzantine period onwards, probably because texts were written in larger letters and composed more spaciouly, they were no longer written from the top of the shortest part of the papyrus and unrolled horizontally, as had been the practice to date; after the roll was turned 90°, the texts were written on pieces cut from a vertically unrolled roll. The Arabs continued this practice. See Sijpesteijn 2013: 220.

4 Karabacek (1894: 186) wrote that the order contained the price to be paid for the oil that was to be given to the servant ("mit schriftlicher Angabe des Preisses, dem Burschen zu übergeben"). It is not certain whether he inferred this from the remaining text or whether more text was visible when he wrote this summary. Also see the commentary to line 4.

5 The date of 210/826 that Karabacek (1894: 186) read, written with Greek numerals in the signature at the end of line 5, cannot be confirmed (see the discussion below in the commentary to line 5). The description "Greek-Arabic" for the text should thus be ignored. I would like to thank Federico Morelli for looking with me for traces of Greek writing on the papyrus.

2. ORDER FOR DELIVERY OF PALESTINIAN OIL

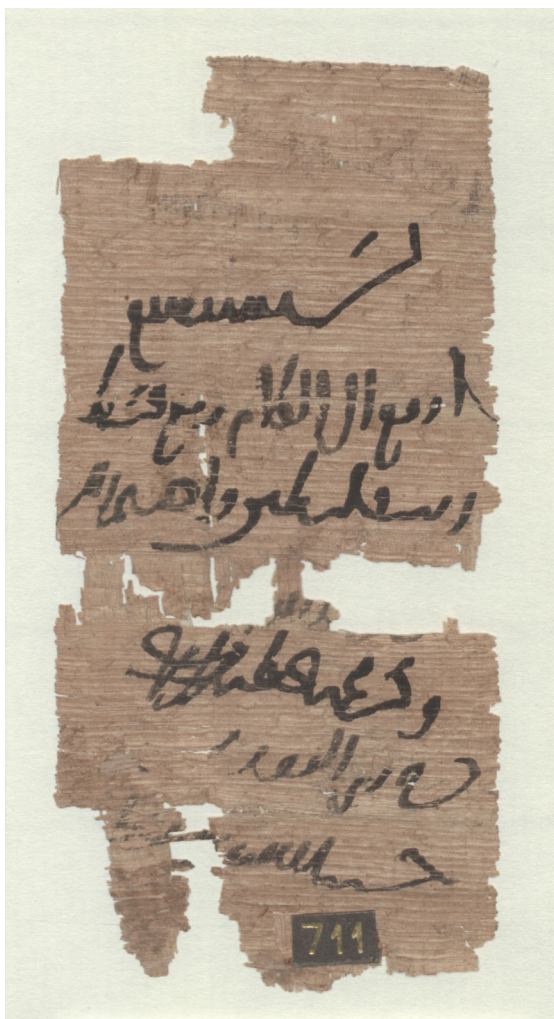


Figure 1 P.Vindob. AP 3172. 12.3 × 5.6. 3rd/9th c.

The papyrus is middle brown and rather coarse, with the original cutting lines preserved on all four sides. The top-left corner is broken off without any loss of text. The bottom-left corner is damaged with two vertically extending holes from the bottom margin. About two-thirds down, an almost entirely missing papyrus fibre has resulted in the loss of nearly one complete line of text. The text is written with a fine pen in black ink parallel to the fibres. No diacritical dots are written and *sīn* sometimes has an oblique stroke over it.

Edition

- ١ . بسم الله الرحمن الرحيم
- ٢ . ادفع الي الغلام ربع قسط
- ٣ . زيت فلسطيني واحتسب من ذلك
- ٤ . [...] ان شا الله (vac.)
- ٥ . وكتب محمد في خطه (signature)
- ٦ . في ذي القعدة
- ٧ . حسبنا الله ونعم الوكيل

Translation

1. In the name of God, the Compassionate, the Merciful!
2. Pay to the servant one quarter *qisṭ*
3. of Palestinian oil and debit (to him) of that
4. [...], God willing. (vac.)
5. Muḥammad wrote (it) in his own hand (signature)
6. in Dhū al-Qa'da.
7. Our sufficiency is God and He is the best trustee.

Commentary

1. The *basmala* is written very cursively and entirely ligatured.
2. *Idfa' ilā fulān* is the common opening of these kinds of delivery orders dating from the third/ninth century (e.g. *P.Cair.Arab.* V 341.5; 361.2, both third/ninth century; 347.2, third–fourth/ninth–tenth century, provenance of all al-Ushmūnayn; 345.2, dated 207/823, provenance possibly Ihnās or al-Bahnāsā; *P.Prag.Arab.* 62.2, dated 205/820, provenance unknown). Sometimes the demand is preceded by an epistolary opening formula after the *basmala*, e.g. *'āfānā allāh wa-īyyāka min al-sū idfa' ilā* (*P.Heid.Arab.* II 31.2–3, third/ninth century, provenance not mentioned); *abqāka allāh wa-a'azzaka wa-akramaka idfa' ilā* (*P.Prag.Arab.* 61.2, third/ninth century, provenance unknown); occasionally the blessing is combined with a form of address for the recipient of the note, such as: *yā juzayl*, *abqāka allāh*, *idfa' ilā* (*P.Cair.Arab.* V 340.1, third/ninth century, provenance unknown); *yā abā isma'il a'azzaka allāh*, *idfa' ilā* (*P.Cair.Arab.* V 352.2–3, third/ninth century, provenance

unknown); *madda allāh fī ‘umrika wa-aṭāla baqāka idfa’ ilā* (*P.Cair.Arab.* V 359.2–3, third/ninth century, provenance unknown). In other cases, some form of address is added after the verb, e.g. *idfa’ yā ‘īsā a’azzaka allāh ilā* (*P.Cair.Arab.* V 353.2, dated 303/915, provenance al-Ushmūnayn); *idfa’ yā ‘alī ilā* (*P.Cair.Arab.* V 350.2, third/ninth century, provenance al-Ushmūnayn). The purpose of the payment or delivery can be added after the imperative “pay!” (cf. *idfa’ fī nuzul rasūlī* [*P.Cair.Arab.* V 346.2, third/ninth century, provenance unknown]). In other cases, both the recipient and the purpose are identified: *idfa’ fī safra ilā al-m* (*P.Cair.Arab.* V 355.2, dated 209/824 or 309/921, provenance unknown, with corrections by Diem 2012: 76); *idfa’ ilā jirja al-farrāsh li-naḥaqatihi* (Grohmann 1952: 141); *idfa’ ilā qasṭabṭīn al-farrāsh li-naḥaqatihi* (Grohmann 1952: 142, both dated 208/823, provenance of both is unknown). A *qisṭ* was the measurement used for fluids such as oils, honey, vinegar, and fat (Grohmann 1955a: 167–168). *Qisṭ* measuring cups were mostly made of glass, and the stamps affixed to them record that they held whole, half, quarter, and eighth *qisṭs*. The *qisṭ*’s actual volume varied over time, while different adjectives distinguished specific kinds of *qisṭs* (Grohmann 1955a: 167–170).

3. *Zayt falastīnī* probably refers to olive oil (see section 3 below). *Iḥtasib* is ligatured to the preposition *min*.

4. The verb *iḥtasib* uses a direct object or the preposition *bi* to indicate the item that is being billed. Since the next word in the line is *min*, this does not refer directly to the item being billed. The phrase “charge (to him) of this”, *iḥtasib min dhālika*, should instead be followed by a price or the part of the item that was to be billed. There is only a small space available at the beginning of this line to record the amount or share of the delivered oil. Traces of the bottom of two letters can be observed beneath the lost papyrus fibres. *In sha’a allāh* is reconstructed on the basis of parallels. See, for example, the orders for payment dated 194/810 (Grohmann 1952: 143, provenance Madīnat al-Fayyūm), 205/820 (Grohmann 1952: 142–143, provenance unknown), 207/823 (*P.Cair.Arab.* V 344.4, provenance unknown), 249/865 (*P.Cair.Arab.* V 355.7, provenance unknown), 274/887 (Grohmann 1952: 144, provenance Madīnat al-Fayyūm), and others from the third/ninth century (e.g. *P.Cair.Arab.* V 340.4; 342.6; 352.4–5, provenance of all these is unknown; 341.9, provenance al-Ushmūnayn; *P.Ryl.Arab.* I VIII 5.5, provenance not mentioned; and the unpublished P.Vindob. AP 668.5, provenance unknown). Part of the final *nūn* of *in* can be seen under the lacuna, and the final *alif* of *sha’a* and part of *allāh* can be read in this line as well.

5. Muḥammad is ligatured to *bi-khaṭṭihi*. In addition, to writing the note in his own hand, Muḥammad added a star-shaped graphic to his statement as a signature. Grohmann read between the lines of this star-shaped graphic σι, and indeed the shapes at the top and left half of the drawing resemble these letters. It is, however, uncommon to have the year written after a phrase that refers to the person who wrote the document and before the designation of the month, which appears in the next line. Reading part of the figure as Greek letters also makes explanations of the meaning of the rest of the sign more complicated, as dates obscured by lines and crossings-out are not otherwise attested. See, for an example of how dates do figure in similar contexts, for example the unpublished legal document P.Vindob. AP 1710, dated 242/856, in which one of the witnesses’ statements ends with the date “[in the month X of] the year 242”. The year is written with Greek numerals (σλβ), and it is followed by a hand-drawn mark as a kind of signature. These kinds of star-shaped signs start to appear at the bottom of receipts and tax demand notes in Egypt from the third/ninth century onwards as a practice introduced by officials coming from Persia (Khan 2007: 207; Sijpesteijn 2012). It is thus more likely to interpret the entire drawing as a signature of Muḥammad. Two expressions with *ḥasbunā allāh* can be found at the end of third/ninth-century letters, as well as other notes and documents of a semi-legal nature, in combination with two subsequent expressions. *Ḥasbunā allāh waḥduhu* appears at the end of third/ninth-century delivery orders (*P.Cair.Arab.* V 340.6; 348.4, provenance of both is unknown) and other kinds of semi-official letters, such as petitions (e.g. the unpublished petition to a *qāḍī* P.Vindob. AP 4030). *Ḥasbunā allāh wa-ni’ma al-wakīl* is more often attested in third/ninth-century papyri, namely letters (*P.Khalili* I 36.17, provenance not mentioned; *P.Cair.Arab.* V 309, provenance unknown, after the *basmala*; 322.v16, provenance al-Ushmūnayn; *CPR* XVI 29.13; *P.Ryl.Arab.* I VI 23.20, provenance of both not mentioned; *P.Hamb.Arab.* II 67.5, third–fourth/ninth–tenth century, provenance al-Bahnasā), at the end of receipts (*P.Prag.Arab.* 63.6), and on delivery orders (*P.Khalili* I 22.6, provenance not mentioned). The traces of ink at the end of this line fit the latter reading best.

3. A TRANSREGIONAL TRADE NETWORK

As in the pre-Islamic period, oil was used for diverse purposes in Islamic Egypt: for cooking,⁶ in cosmetics (such as soaps, lotions, and perfumes),⁷ in medical (Pormann 2007: 115–138; Till 1951: 80–82) and magical recipes,⁸ for liturgical purposes,⁹ and as a fuel for lamps.¹⁰ Oil presses are attested in the documents and their use is confirmed by archaeological evidence.¹¹ Most of the everyday oils were made from the seeds of plants that grew in abundance in Egypt, such as the radish (*fujl*), sesame, linseed (*ḥarr*), safflower (*qurṭum*), and rape (*saljam*). Although olive trees were cultivated in Egypt, olive oil production rates remained low. In spite of an increase in olive cultivation in the Byzantine period, Egyptian olives seem to have been used mostly for eating rather than pressing.¹² Olives are mentioned in documents, and the eleventh-century Persian traveller Nasir-i Khusraw (d. 480/1088) saw them in the markets of Cairo.¹³ But the Mamluk author al-ʿUmarī (d. 749/1349) wrote that relatively few olives were produced in the Fayyūm and that most of Egypt’s olives had to be imported.¹⁴ Olive oil, specified as *al-zayt al-zaytūnī* or *al-zayt al-ṭayyib*, is also attested in sources referring to mediaeval Islamic Egypt.¹⁵ To a larger degree, it was imported into Egypt, from Tunisia, (via) Sicily, Syria, and, to a

6 Although the use of clarified butter increased under the Arabs at the expense of (olive) oil, as is shown both in demands for delivery of goods made by Arabs of the Egyptian population (Sijpesteijn 2013: 66 n. 115) and evidence of culinary practices (Lewicka 2011: 318–321), large quantities of oils continued to be used for cooking.

7 See notes 27 and 28 below.

8 See the famous story about the nun who contrived her own death, presumably to prevent even worse treatment at the hands of the caliph Marwān II (r. 126–132/744–750). The nun claimed that she had a magical oil that made skin impenetrable. When asked to show its effectiveness by trying it out on herself, she offered her neck anointed with the oil to the caliph. Only after the caliph cut off her head did he realise her trick (ps.-Abū Šāliḥ [7th/13th c.], *Churches and Monasteries*: 240–242; fol. 84b–86a). For further details, see Till 1951: 80–82; Kropp 1930: 152.

9 See below on the production of *myron*.

10 Based on Geniza documents, Moshe Gil (1975: 63) has argued that a large part of the endowment of Cairene synagogues was spent on lamp oil. See his discussion on lamp oils used in churches, synagogues, and mosques in mediaeval Egypt (1975: 64). Cf. also *Q* 24:35: “God is the light of the heavens and the earth. The example of His light is like a niche within which is a lamp, the lamp is within glass, the glass as if it were a pearly [white] star lit from [the oil of] a blessed olive tree, neither of the east nor of the west, whose oil would almost glow even if untouched by fire.” Oil lamps have been found in archaeological contexts dating to Islamic Egypt (e.g. Fuṣṭāt: Kawatoko 1987).

11 A press (*mi šara*) belonging to an oil dealer (*zayyāt*) is mentioned in a contract of sale dated 239/854 (*P.Cair. Arab.* I 56.4, provenance Edfū). Reference to a pressing season also appears in a text dating to 117/735 (Sijpesteijn 2004: 145 n. 94). Remains that can be probably identified as olive oil presses were discovered in Islamic Tebtunis in the Fayyūm (Rousset & Marchand 1999: 201–206).

12 Olive trees were especially abundant in the Fayyūm (al-Nabulsī [d. 660/1262], *Taʾrīkh al-Fayyūm*), the other oases (Brun 2003; Rousset & Marchand 1999: 201–206; Dixneuf 2011: 207), and the Delta (Müller-Wodarg 1955: 64–65). The main reason for the low levels of olive production was climatological. With less rainfall than neighbouring countries on the Mediterranean, Egypt never enjoyed a flourishing olive tree cultivation. For an overview of evidence of olive tree cultivation in Egypt from the pharaonic period to the early twentieth century, see Lucas & Harris 1962: 333–335.

13 Cited in Lewicka 2011: 246.

14 al-ʿUmarī, *Masālik al-abṣār fī mamālik al-amṣāri*: 83. Cited in Lewicka 2011: 246 n. 567. For references to olives in the papyri, see *P.Lond.* I 113 10, provenance Fayyūm, in which twenty litres of “wild olives” are demanded for an army unit in the years 639–640. In two second/eighth-century letters, orders for olives are placed (Jahn 1937: no. 12 = Chrest.Khoury I 98, provenance Fayyūm; Younes 2013: no. 33). A third/ninth-century papyrus also records an order for “one-third dinar of black olives” (*P.Ryl. Arab.* II 8.9, provenance not mentioned).

15 A papyrus dated between 831 and 870 mentions olive oil (*zayt zaytūnī*) without an indication where this was produced (David-Weill 1951–1952: line 8, provenance unknown). A seventh-century Greek papyrus records that different communities in the Hermopolite pagarchy (Ashmūnayn) delivered three litres olive oil (*spanelaion*) and twenty litres radish oil to an Arab commander (*CPR* VIII 85). Other references to deliveries of olive oil (*elaion spanon*) appear in Greek papyri from the seventh and eighth centuries (Morelli 1996: 194–195). For references in literary sources, see Gil 1975: 66; Lewicka 2011.

smaller extent, from Cilicia and Spain, but most of it came from Palestine (Lewicka 2011: 317; Decker 2009: 163–173; for a later period, see Gil 1975).

Most scholars have long since abandoned the idea that the impact of the early Muslim conquests on the patterns and volume of agricultural production and commercial trade in the eastern Mediterranean was uniformly negative.¹⁶ Detailed studies, mostly using archaeological evidence, emphasise the chronological and geographical variations of this period of transition and the following centuries (Avni 2014; Taxel 2013). Archaeological finds and current interpretations thereof show that the production of the two main agricultural export products of Byzantine Palestine, wine and olive oil, continued into the early Islamic period.¹⁷ Olive oil production even increased under the Arabs, as it gradually replaced wine production, with some areas (especially in central Palestine) reaching a peak in the commercial exploitation of olive oil in the seventh to ninth centuries.¹⁸ The supply in Palestine well exceeded local needs, and literary and documentary evidence confirms olive oil exports from Palestine throughout the Muslim world into the eleventh century.¹⁹ With the European market having diminished sharply, Egypt doubtlessly became more important as a buyer of Palestinian oil.²⁰

When examining the consumption of Palestinian olive oil in Egypt, textual and material sources confirm that oil was imported from Palestine continuously from the Byzantine into the Muslim period. Nebi Samwil-type jars of the sort that most probably were also used to transport olive oil continued to be imported from Palestine into Egypt during this period (Gascoigne & Pyke 2011). Amphorae of the LR5 and LR6 types from Palestine that replaced (in smaller numbers) the LR4 type used to import olive oil from Palestine were also used in Egypt from the early eighth century onwards.²¹

Descriptions of the production of chrism or *myron* used in the Coptic Church during confirmation, baptism, and other ceremonies date to the eighth century (Youssef 2009; Villecourt 1921; 1928).²² Of the many ingredients in chrism, Palestinian olive oil was essential.²³ Documentary evidence from Egypt confirms the presence of imported Palestinian olive oil in Egypt into the eleventh century.²⁴ A third/ninth-century letter listing different goods sent to the addressee mentions a

16 For a recent overview, see Avni 2014: 11–39. See also Walmsley 2007.

17 Wine production in Palestine diminished in the eighth to ninth centuries (Taxel 2013: 388). This is confirmed by a diminishing number of amphorae of the LRA4 type, generally considered to be used for wine imports into Egypt from the early eighth century onwards (Dixneuf 2011: 237).

18 For Samaria, see Avni 2014: 247–249. While Yitzhak Magen's (2008) theory that olive oil production increased at the expense of wine production immediately after the Arab conquerors arrived in Palestine has been criticised (for criticism, see Taxel 2013; Avni 2014: 247–248), most scholars do see an increase in oil production with wine production continuing uninterrupted, at least in the earliest period of Muslim rule (Avni 2014: 222; Taxel 2013: 387–388). To get an impression of the quantity of olive oil produced at this time in Palestine, see Taxel 2013.

19 The Persian traveller Nasir-i Khusraw (d. 480/1088) commented on the oil produced in Palestine, which was stored in large underground pits before being exported (cited in Gil 1997: 236–237). Eleventh-century documents from the Geniza show oil being traded between Palestine and Egypt (Gil 1997: 236–237).

20 I would like to thank Gideon Avni for bringing this point to my attention. Cf. Drauschke 2011.

21 These amphorae were used to transport a multitude of products, including wine, grain, nuts, dried figs, fish brine, and olive oil (Decker 2009: 239).

22 I would like to thank Alexandria Konstantinidou for bringing this point to my attention.

23 The recipes are based on the Old Testament description of the production of aromatic oils for ceremonial use (*Exodus* 30: 22–25). See Swanson 2010: 105.

24 With multiple olive oil production centres in operation in Palestine at this time, it does not seem necessary to equate Palestinian oil with oil produced around Nablus, as done by Adolf Grohmann (1955b: 93) and repeated by Werner Diem (1997: 95). Olive oil production around Nablus actually decreased as a result of the Samaritan revolts in the sixth–eighth centuries (Avni 2014), and the area only again regained a reputation for oil production in the Ottoman period.

“jar of Palestinian oil” (l. 6), where the jar is defined as a ‘water jar’ (*qullat mā*), meaning that it was a larger type. The sender writes that the oil cost 1 1/4 dinar, amounting to approximately 1 1/3 dinar per *qintār*.²⁵ A third/ninth-century account of agricultural goods mentions “five dirhams for Palestinian oil”, but the amount of oil that could be bought with that is not mentioned.²⁶ Another third/ninth-century papyrus contains a recipe for a body lotion used when bathing, in which, besides various other components used in the fabrication of soaps, Palestinian oil was added.²⁷ In a letter on paper dating to the third–fourth/ninth–tenth century, also related to cosmetics, the sender asks the addressee to buy him Palestinian oil together with jasmine oil.²⁸

In our papyrus, the servant receives one fourth of a *qisṭ* (from the Greek *xestēs*) of Palestinian oil. When taking into consideration the increase in size that the *qisṭ* underwent in the Islamic period, the amount offered to the servant is about the same as that generally allotted for the monthly consumption of one person, namely half a litre (Morelli 1996: 133–134).²⁹ While monthly assignments of oils to different kinds of workers in the Islamic period from Egypt were the same, these would typically not have been *olive* oil, but other kinds of less costly, locally produced oils made from seeds, such as rape, safflower, linseed, or radish. The fact that the volume of oil delivered generally matches the standard monthly amount in other cases suggests that the olive oil in our papyrus was intended for consumption.

4. A SYSTEM OF CARE AND DEPENDENCY

This order written on papyrus informs us about the logistics of payments made by private individuals and the context in which such payments took place. It is not clear from the text whether the Muḥammad who issued the order did so in the capacity of a scribe penning an instruction made by the owner of the oil or whether he was the owner himself, or indeed whether the oil was issued by a related commercial contact. In any case, the *ghulām* had to take the document written by Muḥammad and hand it over to someone responsible for the oil, presumably at the place where it was distributed, in order to receive his ration. The bearer of the delivery order was thus generally also the recipient of the goods, while the order was addressed to another person, namely the person who had to execute it. Other orders offer further information on how similar instructions trickled down the chain of command. In an order to hand over 1 1/2 *qisṭ* of vinegar to a certain Rayyān and “his six companions (*aṣḥāb*)”, it is mentioned after the *basmala* that it was directed to “the official for provisions” (*ilā ṣāḥib al-mawn*).³⁰ Other orders have the name of the person needing to execute the order written above the *basmala*, while the

25 For the text, see *P.Berl.Arab.* II 40.6, provenance not mentioned. For the calculation of the price, see Diem 1997: 90–92.

26 *P.Cair.Arab.* VI 430.4, provenance unknown.

27 For a translation and description of the contents, see Karabacek 1894: 200 no. 760.

28 *P.Cair.Arab.* V 311.2, provenance unknown.

29 See also another third/ninth-century papyrus with an order to pay 1/4 *qisṭ* of oil to someone (Grohmann 1952: 141 l. 4, provenance Madīnat al-Fayyūm). In another order dated 208/823, a valet receives a monthly maintenance of 1/3 *qisṭ* of oil (Grohmann 1952: 141 l. 5, provenance unknown). For the size of the *qisṭ* in Islamic Egypt, see Grohmann 1955a: 169; Hinz 1955. The annual consumption of oil for a single person in antiquity has been calculated to have been twenty litres (Decker 2009: 170 n. 64).

30 *P.Cair.Arab.* V 342, provenance unknown. With corrections by Diem 2012: 72. See also the order dated 159/776 issued to Ka'b b. Zayd, whose name appears after the *basmala* (Grohmann 1952: 141).

recipient of the goods is mentioned in the document.³¹ In yet another delivery order, the agent of the person issuing the order is addressed directly in the opening phrase: “let the agent pay to” (*yadfa‘ al-wakīl ilā*).³² In some cases, payment had to be made to a person other than the bearer of the order, in which case the latter may have played some intermediary role. In an unusually extensive third/ninth-century payment order, the writer orders the recipient to pay to an imprisoned druggist 1 1/6 1/48 dinar for his maintenance for one month.³³ Another order asks the recipient to hand over some money or goods to the bearer of the letter for the maintenance of yet another person who had been sent on an errand with the donkey of the person writing the order. The letter-bearer was presumably in charge of bringing the goods or payment to the donkey’s owner.³⁴ In all these cases, the order would still have been carried by someone, the recipient of the goods or some intermediary, from the person issuing the order to the one executing it. The written orders of payment confirmed any orally transmitted instructions that the ultimate recipients might have passed on at the same time.

Most delivery orders do not mention what, if anything, the bearer has to pay for the goods that are received. This raises the question of how such delivery orders functioned in the Egyptian economy. Generally it has been assumed that delivery orders were used to provide rations to workers on large estates from the supplies that they produced (i.e. payments in kind for services performed, settled mutually). Some of the Arabic orders for payment seem to support such an interpretation, especially when an agent (*wakīl*) is asked to distribute the goods.³⁵ In many other cases, however, the context of the order makes it likely that it was executed within one economic unit, a household or a shop, without payment being exchanged. See, for example, the order to “send Jurayj, the servant, a piece of the white brocade that we also sent to Salāma”.³⁶ On another occasion, the recipient of the order is requested to “hand over all the honey you have for the making of the honey sherbet (*fuqqā*)”.³⁷ The “one ram (l. 3 *kabsh α* [i.e. 1] *dhakar wāḥid*)” that is ordered for “the people of my house (*qawm manzilī*)” seems to refer to some internal register, as the papyrus also states that the ram covers two months (of meat consumption?). (Grohmann 1952: 144, provenance Madīnat al-Fayyūm) Moreover, mention of the payment being for the maintenance (*nuzl*, *rizq*, or *nafaqa*) of the recipient of the goods makes it likely that these were offered in exchange for work.³⁸ Sometimes a more specific purpose is given in the text: for example, the cheese offered to two parties respectively travelling to Asyūt

31 *P.Cair.Arab.* V 341, third/ninth century, provenance al-Ushmūnayn. Similarly, the addressee who has to execute the order is mentioned above the *basmala* in an order dated 200/816, with the name of the recipient mentioned in the document itself (Grohmann 1952: 149). The same addressee and recipient are mentioned on the verso of this document (Grohmann 1952: 150).

32 *P.Cair.Arab.* V 348, third–fourth/ninth–tenth century, provenance unknown. See also the examples listed under the commentary to line 2 above.

33 *P.Cair.Arab.* V 351, provenance al-Ushmūnayn.

34 *P.Cair.Arab.* V 361, third/ninth century, provenance unknown.

35 A *wakīl* is asked to pay “Surūr, the caravan leader, five pounds of *laythī* grapes” (*P.Cair.Arab.* V 348.2–3, third–fourth/ninth–tenth century, provenance unknown).

36 *P.Heid.Arab.* II 31.3–4, third/ninth century, provenance not mentioned.

37 *P.Cair.Arab.* V 343, second–third/eighth–ninth century, provenance unknown.

38 See the 240 *raṭl* of meat offered for the maintenance of the recipient (and presumably some others) for a period of two months (*li-nafaqatihi li-shahrayn*) (*P.Cair.Arab.* V 344, dated 207/823, provenance unknown), the six *raṭl* cheese offered for “the maintenance of my messenger [...] and those with him (*fī nuzul rasūlī* [...] *waman ma‘ahu*)” (*P.Cair.Arab.* V 346, provenance unknown), the 1/3 *qisṭ* of oil offered for the recipient’s monthly allowance (*li-nafaqatihi li-shahr*) (Grohmann, 1952: 141), and the cheese (*jibn* and *halūm*) needed to cover one month (*li-nafaqatihi li-shahr*) (Grohmann 1952: 142, provenance unknown).

and Fustāt as provisions during their travels (*saḡra*).³⁹ According to another delivery note, a person sent to take care of a donkey is to receive some goods or money, presumably to cover his living expenses while on the job.⁴⁰

Sometimes, however, recipient of the goods or the person sending the order was expected to pay for the delivered goods. Although they used the same language, format, and elements as discussed above, such payment orders seem to be financial transactions between different parties. The sender of a third/ninth-century order writes that the recipient should “give the price, pay it completely, carry the wine and hand (the wine) over to a trustworthy person”, presumably to be transported to the one sending the note.⁴¹ Another person writes, “Buy for me with the dirham of Yuḡannis, the baker, two thirds of a papyrus roll.”⁴² The tailor who is told to hand over a piece of brocade to a customer is further urged to do so by the sender’s remark that he has already been paid for the work.⁴³ More often than orders for goods, orders for payments contain financial and accounting information about the transaction. For example, the dinar to be paid to the bearer of an order is the one that the recipient “took from Jurayj”. (Grohmann 1952: 148, provenance unknown) Often the person issuing the order specifies that he should be billed for payment or that payment should be charged, presumably to the account of the recipient. The two recipients of a letter asked to organise a payment to a third person who is imprisoned are told to “charge it” (i.e. the money payment) (l. 8 *iḡtasibā bihi*), presumably against the recipient’s account.⁴⁴ At the end of an order to pay someone one dinar, the sender adds a demand to record the expenses incurred (*wa-ḡtasib bihi*). (Grohmann 1952: 151, provenance unknown, with corrections by Diem 2011: 121) Other orders for payment specify that the sender should be billed for the monies transferred.⁴⁵ While these orders for payment seem to be part of commercial transactions in which payments are made by fellow traders or investors, some are clearly of a different nature. In a second–third/eighth–ninth-century request to give the letter-bearer five dirhams, the sender adds: “O father, truly I say to you: I shall settle my account tomorrow!” (Grohmann 1952: 147–148, provenance unknown) In another document, one dinar is to be paid as a kind of loan to someone “until he receives it (i.e. the dinar) back from the estate”.⁴⁶

A final type of delivery order shows yet another context, namely that of offering goods as a form of alms. In the case of our papyrus, the document was especially important as it contained information on what the *ghulām* had to pay for the oil he was to receive. The recipient of our papyrus letter is told to charge the servant only part of the total costs (l. 3 *iḡtasib min dhālika*). In two other, unpublished, delivery orders, the sender asks the addressee not to charge for the goods, as the recipient of the goods is “poor”. In one of these, a third/ninth-century delivery order, instructions given to the letter-bearer (l. 4 *ṡāḡhib kitābī ilayka*) by the sender specify that the recipient should not be charged anything (ll. 6–7 *ḡattā aḡtasibaka bihi wa-lā taḡtasibhu*

39 *P.Cair.Arab.* V 355, provenance unknown. With corrections by Diem 2012: 75–76.

40 *P.Cair.Arab.* V 361, provenance probably al-Ushmūnayn.

41 The text follows the third/ninth-century model of delivery orders using the imperative *idfa*’, followed further on in the text by *in sha’a allāh*, and ending with the statement *kutiba* (*P.Ryl.Arab.* I VIII 5, provenance not mentioned).

42 Instead of the imperative *idfa*’, the papyrus starts with *khudhdh lī*, followed by *in sha’a allāh* (Grohmann 1952: 146).

43 *P.Khalili* I 22, third/ninth century, provenance not mentioned.

44 *P.Cair.Arab.* V 351.8, provenance al-Ushmūnayn, with corrections by Diem 2012: 73–74.

45 “Charge me for it” (*iḡtasib bihi ilayya/’alayya*; *P.Cair.Arab.* V 357; 358, both third–fourth/ninth–tenth century; *iḡtasib li-fulān ’annī*; *P.Cair.Arab.* V 356, third/ninth century, provenance of all three is al-Ushmūnayn).

46 *P.Cair.Arab.* V 354, third–fourth/ninth–tenth century, provenance unknown.

bihā) because “he is a poor man” (l. 7 *fa-innahu insān maskīn*).⁴⁷ In the other, a third/ninth-century order, it is the female letter-bearer (ll. 2–3 *ṣāhibat kitābī ilayka*) who should not be charged (l. 4 *wa-lā taḥtasibhā ‘anhā*) because she is poor (l. 5 *maskīna*).⁴⁸

The *ghulām* received the costly Palestinian oil at a reduced price as a form of alms. Studies on wealth distribution and the poverty economy in the ancient world have convincingly shown how precarious basic sustenance and income could be, even for those of middling status. Lacking substantial provisions or a significant buffer, they had to ask for support when faced with one of the frequent instances of financial strain.⁴⁹ That the oil that the *ghulām* received covered a monthly ration might also be because this was the standard measure handed out. It might, on the other hand, be explained by a certain regularity in the *ghulām*'s appearances at Muḥammad's in order to receive his oil mentioned in the note. Finally, his being labelled as a “servant”, with all of the different connotations and meanings associated with the word *ghulām*, could point to his inclusion in Muḥammad's household.⁵⁰

5. LEGALISING PRIVATE TRANSACTIONS

The payment order discussed above contains several elements that are reminiscent of legal documents. The formulae used, the layout of the document, and other external signs give it a quasi-official stature designed to induce compliance with its instructions. Such elements were superfluous from a secretarial or legal point of view, however, as no legal transaction had taken place whose enforceability had to be guaranteed by the recording of any correct procedure. The character of the transaction and the association with the legal transactions that would result from these kinds of orders, namely a transfer of goods with or without (partial) payment, inspired the development of a literary convention that resembled the legal format.

Documents do not constitute evidence in Islamic law. The oral statement of witnesses having been present validates a legal transaction, and it is the oral statement of the witnesses that comprises the proof thereof, while the written version merely serves as an aide-mémoire (Schacht 1964: 192–195; Wakin: 1972). While documents were a permanent and ubiquitous element of legal transactions from the beginning of Islam's history,⁵¹ Islamic legal documents reflect the oral aspect of Islamic legal transactions and are formed around the legal principle that it was the statement of the witnesses that constituted proof of the transaction. Equally important in the shaping of Islamic legal documents was the standardisation of documentary practice together with the regularisation of Islamic law that took place in the first centuries of Islam. For this purpose, too, a vast body of literature developed, prescribing what elements Muslim legal documents should contain in order for them to be legally valid. It is these developments that have also revealed the presence of certain features of documentation in Arabic payment or delivery orders.

47 P.Vindob. AP 1257. I am preparing an edition of this text. The reading by Grohmann in a third/ninth-century order “do not make it expensive for him” (l. 5 *lā taja‘l lahu qhalī*) (1952: 139–140), should be corrected to “do not let there be any excuses” (*lā taja‘l lahu ‘illa*). The same expression is used in *P.Cair.Arab.* V 356.8, provenance al-Ushmūnayn, as corrected by Diem (2012: 76).

48 P.Vindob. AP 1514. I am preparing an edition of this text.

49 See especially Brown 2012.

50 See the recipients of 6 *raṭl* of bread in a delivery order dated 205/820: “the servant of Abū Zakariyya and Muṭariq” (*P.Prag.Arab.* 62, provenance unknown).

51 Already mentioned in *Q* 2:282; 24:33, as well in accounts about Muḥammad's life.

5.1 Documents in Islamic law

Islamic legal transactions are validated by the presence of witnesses observing the transaction between the parties. The oral statement of the witnesses forms the admissible evidence for the transaction and, in cases of litigation, the witnesses should be present in court to confirm what they had observed. While any Muslim satisfying certain conditions can act as a witness, in Egypt an office of certified witnesses, called *'udūl* (s. *'adl*), was introduced in 174/790. These officials could be called upon to validate legal transactions through their presence. Even more importantly, their authority was indisputable, such that the legality of the transaction they attested could not be invalidated on the grounds of the witnesses having dubious standing (Khan 1993: 173).

These conditions were translated into documents that described the transaction in an objective style (third-person) and in past tense, followed by the witnesses' statements (also in the third-person and past tense).⁵² All that was required were the names of two witnesses who stated that they had been present,⁵³ but it became customary from the late second/eighth century onwards for the *'udūl* to add a written statement to the bottom of the document, confirming their presence. Witnesses could write in their own hand (*kataba bi-khattihi*), often adding a personalised pious phrase or a drawing or symbol.⁵⁴ In other cases, it is added that a third person wrote the statement of the witness, who was for some reason unable to write himself (*shahida fulān wa-kataba fulān bi-amrihi wa-mahḍarihi*). It is very common to find many more witnesses than the two (men) required by Islamic law giving their names at the bottom of the document (Grohmann 1955a: 119).

The witnesses write that they observed what is stated in the document (*shahida fulān 'alā/bi-dhālika; 'alā/bi-mā fī hādhā al-kitāb; bi-[jamī'] mā fīhi*). In some later documents, the parties to the transaction are said to have given an oral statement (*iqrār*) as to the validity of the transaction described in the document, and the witnesses confirm that they were present at the giving of the *iqrār*, using the phrase “so-and-so was present at the giving of the statement by so-and-so” (*shahida fulān 'alā l-iqrār fulān*). Muslim jurists, moreover, provided precise descriptions of what elements of the transaction had to be listed in the document. They also prescribed carefully and in detail the phrases and expressions that were to be employed to express these elements in order for it to be legally valid (Wakin 1972; Rāḡib 2006).

Indeed, documents that were drawn up according to these prescriptions, notarised and endorsed by witnesses operated as independent evidence. Thus the scribe of a document of manumission, dated 304/916, writes: “I have written this document, o Mubārak, recording my manumission of you after (my) death while in sound health, so that it can serve you forever as evidence and written proof (literally: document)” (*wa-katabtu laka yā mubārak hādhā al-kitāb bi-tadbīrī iyyāka fī ṣaḥḥatī li-yakūna ḥujja wa-wathīqa fī yadayka al-yawm wa-l-yawm*).⁵⁵

52 For exceptions, see Rāḡib 2006: 105.

53 As was done in *P.Vente* 14, dating from the second/eighth century, provenance Fayyūm; 15, dated 150–159/767–775, provenance not mentioned; Hanafī 2010, dated 102/721, provenance unknown.

54 The earliest document in which witnesses write their statement in their own hand is dated 178/795 (*CPR* XXVI 17). See for examples of witnesses adding personalised signs and phrases, the witnesses who signed the tax farming documents dated 288/901 (Sijpesteijn 2001). For other examples, see Grohmann 1934a: 81; 1952: 91. See also the unpublished *P.Vindob.* AP 1710 l. 6, dated 242/856.

55 Grohmann 1934b, no. 7.6–7, provenance Nubia. Cf. *ruq'atī laka ḥujja* (*P.Cair.Arab.* V 335.8, dated 434/1042–1043, provenance unknown, with corrections in Diem 2012: 69). See also the following expression attested in official Greek and Coptic documents, mostly from the seventh and eighth centuries: “and as evidence hereof I have written this receipt for you” (*kai pros tōn dēlon einai pepoiēmai tēn parousan apodeixin*) (Sijpesteijn 2013: 236 n. 101).

Dividing an inheritance on the basis of a will dated 412/1021–1022, the notary writes, “and this acknowledgement (*iqrār*) was written in two copies for each of the two (parties), one document as evidence (*ḥujja*) of what he is owed and what he owes” (*wa-kutiba ḥādḥā al-iqrār ... nuskhatayn bi-yad kull wāḥid minhumā katabahu ḥujja lahu wa-‘alayhi*).⁵⁶ The notary who drew up the sale of a house dated 332/1043 wrote at the top of the document: “this document is viable evidence” (*ḥādihi al-wathīqa muḥajja*).⁵⁷ Documents could also be offered to the *qādī*’s court to be validated as acceptable evidence. This practice can be detected on (or is visible on) documents from the Fatimid and Mamluk periods.⁵⁸ As these documents could be passed from one party to the next, frequently travelling over vast spans of time and place, it was often logistically impossible to retrieve the witnesses who had been present at the transaction.⁵⁹

Private legal documents were sometimes written without some of the prescribed elements. This appears to have been the case when familiarity and trust between the parties made it unnecessary to complete the documents in such a way that they could be used in court. For example, one can cite a series of eight documents recording the purchases of horses by two brothers, ‘Alī b. Bulghāq and Muḥammad b. Bulghāq, from different parties. Regarding the date, only the day of the month is mentioned, while no witnesses are found at the bottom of the document.⁶⁰ Similarly, a document dated 310/922–923 recording the sale of a slave girl does not contain witnesses.⁶¹ In another document dated 666/1267, one half-share of a female donkey and one half-share of a male donkey are sold, but the witnesses are lacking.⁶²

5.2 Legalisation of other documents

The conditions described in the previous section relate to private legal transactions recorded in documents that functioned as acceptable evidence (*ḥujja*) in court. Many of these kinds of documents have been preserved on papyrus. Besides such legal contracts, there are many more documents preserved from the public and private spheres that do not document a legal transaction, but record orders, agreements, and other obligations that gained authority through the persons involved or the nature of the text. Such impositions and obligations are then translated again into formalistic and conventional expressions and formulae.

56 *P.Cair.Arab.* II 138.15–16, provenance al-Ushmūnayn.

57 *P.Cair.Arab.* I 63.1, provenance probably Fayyūm.

58 Grohmann 1955a: 122–123. For the Mamluk period, see Müller 2013.

59 See also the debt acknowledgements (*adhkār ḥuqūq*) which were transferable. Anyone holding the debt acknowledgement document was entitled to collect the debt, as expressed in the phrase: “whoever presents this debt acknowledgement, to him will be acknowledged its right” (*man qāma bi-dhikr al-ḥaqq iqtadā bihi wa-man aḥāla ‘alayhā aqarrat lahu*) (Thung 2006: 96–97).

60 *P.Vente* 16–23, provenance not mentioned. The editor’s remark that the witnesses do not appear at the bottom of the document because they made their statements orally (Rāḡib 2002: 47) is not convincing, as witnesses would always have made their statement orally. Their oral statement was recorded in different ways, including the names of the witnesses being listed, or accompanied with their signatures or personal statements.

61 *P.Vente* 6, provenance not mentioned.

62 *P.Vente* 28, provenance not mentioned.

5.2.1 Public documents

Tax receipts and tax demand notes issued by Muslim authorities were seldom witnessed.⁶³ This was also generally the case for agricultural leases issued by government officials acting as representatives of the higher authorities.⁶⁴ These documents obtained their legal force from the authority of the official issuing them. They also, however, acquired standardised characteristics and visual expressions that added to their weight and ensured their legal efficacy. The earliest Arabic dated text, part of a bilingual Greek-Arabic papyrus dated 22/643, is a receipt for 65 sheep issued to Christophoros and Theodorakios, the two pagarchs of the Heracleopolite nome (Ihnās), by ‘Abd Allāh b. Jābir (d. c.650). The Arabic text starts with the formula “this is what ‘Abd Allāh b. Jābir took” (*hādhā mā akhadha ‘abd allāh ibn jābir*), showing the objective style that is characteristic of legal documents and similar to how legal documents start.⁶⁵ The Arabic text of this earliest-dated papyrus already contains standardised documentation formulae and elements, with the name of the scribe of the text mentioned at the bottom together with the date, pointing to the existence of Arabic documentation conventions that differed from local practices.⁶⁶ Other public documents – such as decrees, tax receipts, tax demands, and agricultural leases – were written according to standardised formulae, which often closely adhered to the traditions of the legal documents described above.⁶⁷ These conventions of documentation were not completely fixed, however, and continued to develop in the following centuries (Thung 2006: 9–10).

Besides standard formulae, other elements were added to public documents to confirm their official character. “Do not accept any tax demand note unless it contains my seal (*bullā*)”, wrote a Muslim official in the seventh century. Indeed, many Greek, bilingual Greek-Arabic and Arabic tax demands contain a seal at the bottom of the papyrus with the stamp of the official issuing the document. These clay seals were also used to secure the folded-up part at the bottom of tax demands and fiscal receipts that contained a summary of the document, with amounts to be paid or already paid, and the date. This practice was introduced by Arabs in the seventh century in Egypt. Even after such clay seals ceased to be used, apparently in the ninth century, similar summaries continued to be added at the bottom of documents.⁶⁸ It is at this time that star-shaped drawings start to appear at the bottom of similar documents in Egypt. This practice seems to be an echo of seals with star-shaped symbols, which were used to validate tax receipts in the eastern part of the Islamic Empire and whose usage was introduced by officials coming to Egypt from those regions (Khan 2007: 206–207). It is obvious that for documents that derived a large part of their legitimacy and force from the individuals issuing them, securely establishing the identification of those individuals was crucial.

63 None of the “official” ones gathered by Werner Diem are (*P.Steuerquittungen*), and most of the ones collected by Gladys Frantz-Murphy (2001: 119) are not either. A receipt dated 218/833 that does contain witnesses’ statements was, according to Frantz-Murphy (2001: 265), probably issued by a private individual.

64 See the examples in *CPR XXI*. See also Grohmann 1955a: 108.

65 Legal documents generally also start with the two words *hādhā mā*, followed by a verb indicating the kind of transaction: *ishtarā*, *ašdaqā*, *akrā*, etc.

66 Edition of the Greek text: *SB VI 9576*. Edition of the Arabic and Greek texts: Grohmann 1952: 113–114. For a discussion of the language, expressions and elements that appear in this text and that point to an application of Arabic documentation and administrative practices, which differed from the long-standing Egyptian practice immediately following the Arab takeover of the province, see Sijpesteijn 2013: 67–68.

67 For the development of the formulae in agricultural leases and tax receipts, see Frantz-Murphy 2001.

68 This practice is recorded to have been in use in Egypt and elsewhere in the Near East in earlier times. One wonders whether the Arabs re-introduced this Near Eastern practice or if it was a new development. See Sijpesteijn 2012.

The use of standardised formulae and the presence of certain elements – the date, description of objects and persons involved, and mention of the scribe – seem to have been introduced from legal documentation practices. Other elements, such as the use of a seal and identifying signatures or symbols by witnesses and scribes, were added independently of the legal tradition. All these elements had the result of adding to the weight, and thereby the efficacy, of the document, and thus they can be interpreted as expressions of a scribal class seeking to ensure that their documents were complied with.⁶⁹ One can imagine, however, that the legal and administrative traditions were closely related and that practices and conventions, as well as ideas about the function, character and purpose of documents, moved from one genre to the next via their practitioners, namely the scribes and secretaries.

5.2.2 Delivery orders as legal documents

Delivery orders preserved on papyrus similarly show standardised formulae that compare well with legal texts, together with other elements that contribute to the official character of the documents. The delivery order described above can serve as an example. It has several features in common with similar third/ninth-century payment orders, which show standardisation and an application of semi-legal features in order to induce compliance. The orders start with the imperative “pay to so-and-so” (*idfa‘ ilā fulān*), which can be preceded or accompanied by formulations addressing the recipient of the order.⁷⁰ This is followed by a description of the article to be delivered, sometimes including mention of the purpose or price to be paid for it. The description of the recipient and the article is concluded with the exclamation “God willing” (*in sha‘a allāh*). At the end of the document, there follows the date on which the document was written (*kutiba fī*), sometimes together with the name of the person who composed the document (*kataba fulān bi-khaṭṭihi fī*). Several third/ninth-century payment orders repeat the amount owed in an abbreviated form in the margins at the bottom or at the top of the document, as seen in the tax receipts and tax demands described above.⁷¹ At the bottom of the order, a pious expression such as *ḥasbuna allāh wa-ni‘ama al-wakīl* is sometimes added.⁷² Not all delivery orders contain all these elements, while some additional expressions and phrases were also added, depending, it seems, on the context in which the document was written.⁷³ In spite of such variation, it is clear that distinctive documentation conventions and a standardisation had developed by the third/ninth century. This underlying model made the orders recognisable while at the same time convincing for the recipient of the order, both in terms of authenticity and legitimacy, allowing for a smoother execution of its demands.

The payment order discussed above contains several of these elements. The document starts with the order “pay to”. After listing the servant (*ghulām*) as the recipient and the goods to be delivered, namely 1/4 *qisṭ* of Palestinian oil, it is stated that the servant only has to pay part of

69 See also the development of secretarial handbooks that prescribed in detail the documentation conventions to be applied in different kinds of documents. For Egypt, al-Qalqashandī’s (d. 821/1418) *Ṣubḥ al-a‘shā fī šinā‘at al-inshā* represents the main example of this genre.

70 See above the commentary to line 2.

71 *P.Cair.Arab.* V 341, 342; *P.Prag.Arab.* 62, dated 205/820; *P.Cair.Arab.* V 344, dated 207/823; Grohmann 1952: 141, dated 208/823; *P.Cair.Arab.* V 355, dated 249/865.

72 See above the commentary to line 7.

73 See, for example, the extensive formulae and instructions contained in the order to hand over to a prisoner 1 1/6 1/48 dinar for his maintenance (*P.Cair.Arab.* V 351, dated 262/876, provenance al-Ushmūnayn).

the price of the oil. This sentence is specifically related to the circumstances of this document, as described above. Then follows the phrase “God willing”. The scribe Muḥammad mentions that he wrote the document in his own hand in Dhū l-Qa‘da. Muḥammad has further added the phrase *ḥasbuna allāh wa-ni‘ma al-wakīl* and a star-like drawing, which matches what one finds at the end of the public documents described above.

The *ghulām* thus presumably took this note from Muḥammad to the latter’s storage chambers (or one of his stewards’ storage chambers) to collect the oil he was entitled to, according to the note. While he could have given Muḥammad’s order orally, the document was needed to convince the person in charge of the oil storage to hand it over to the servant. Since the servant was entitled to a reduced price, it would have been even more important to be able to present this decision in a convincing form – that is, following the required standard. Muḥammad’s name, and especially his signature at the end of the document, further ensured the legitimacy of the order. As the servant received a monthly ration of oil, it is likely that he would have been a regular visitor at Muḥammad’s door, explaining the lack of year and other particulars in the document, such as the purpose of the delivery or mention of the person who had to execute the order.⁷⁴

6. CONCLUSION

In 102/721, a woman wrote a letter that contained, besides some remarks about her own current condition and a request for news from the addressee, a statement manumitting her female slave and creating for her a pious endowment of a house and vineyard to live off after the sender’s death. At the bottom of the document, the names of four male witnesses and a scribe, as well as the date, are mentioned. This letter-cum-legal act reflects well the hybrid forms that existed at a time when Islamic legal documentation practices were still in flux. While legal documentation practices continued, of course, to change similar cases of mixed forms are not attested in later periods.⁷⁵ It also shows how, from Islam’s earliest history, legal agreements were written down and how such written documents functioned to assure the transactions agreed upon. While witnesses are mentioned in this letter and testament by name only and do not write their names themselves, they are said to have witnessed what is “in this document (*shahida ‘alā mā fī hādhihi al-ṣaḥīfa*)”, showing the mix of oral and written procedures that characterise the practices of Islamic law.⁷⁶ Finally, the document shows that Arabic legal premises and expressions used in documents, although never static and unchanging, were already in place and were different from the local tradition.

Even when fixed models and conventions had been established for different kinds of legal documents, by the third/ninth century, when the delivery order discussed above was written, ambiguities continued to exist in the establishment of semi-legal documents. On the one hand, delivery orders from the third/ninth century were in need of features to confirm the formal and

74 For orders containing an identification of the person executing the order, see section 4 above. In other orders, the purpose is listed, such as “the maintenance of my messenger [...] and those with him (*fī nuzul rasūlī [...] wa-man ma‘ahu*)” (*P.Cair.Arab.* V 346, provenance unknown), for the recipient’s maintenance (*li-nafaqatihi*: *P.Cair.Arab.* V 352, provenance unknown; *li-nafaqatihi li-shahr*: Grohmann 1952: 142; *fī rizqihi li-jumādā*: *P.Cair.Arab.* V 351, with corrections by Diem 2012: 73–74), for rent (*wa-huwa ‘an kirā*) (*P.Cair.Arab.* V 350, provenance al-Ushmūnayn), for travel provisions (*P.Cair.Arab.* V 355, with corrections by Diem 2012: 75–76), “for the medical treatment of the slave girl” (Grohmann 1952: 145), and for the “copying of the cadastre” (Grohmann 1952: 145).

75 Hanafi 2010, dated 102/721, provenance unknown.

76 See line 10 in this document.

coercive nature of the request and ensure its implementation while they at the same time did not constitute an actual legal act. Thus, they contain standardised elements and expressions inspired by legal documents.⁷⁷ They do not, however, include all the features prescribed for legal documents that function as evidence.

Standardised payment orders functioned on a practical level, therefore, to transfer and induce adherence to an orally-placed order. The bearer, having obtained the order at the behest of the initiator (i.e. the sender of the order), would bring it to the executor to have it effected. As with official legal documents, the written order was at once a reminder of the agreement and a way to enforce the agreement through the hierarchical powers associated with it.

At the same time, the order functioned at a social level, facilitating the distribution of oil to the *ghulām* as a form of alms. As in the order discussed above, the recipient presumably requested the execution of the order most often him or herself. Why the *ghulām* could claim such help from Muḥammad and what their mutual relationship was remain questions that the papyrus cannot answer. The Palestinian oil moved via interregional trade networks and personal patronage systems to a needy servant in Egypt. The multitude of ties and relations of our short papyrus shows intertwined networks of exchange, dependency and patronage that connected events, documents, individuals, and regions in third/ninth-century Egypt.

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⁷⁷ There are some delivery orders requesting postal mules to be put at the disposal of messengers from the second/eighth century that have a different format (*fa-ḥmal* [...] 'alā [...] *P.Ryl.Arab.* I IV).

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