

- I. Today I will take Boccaccio's words seriously: I would like to heed his advice about marvels: to strip our senses bare of the common, banal order of the quotidian in order to discover the truly marvelous in the world around us; and what better to do this with than the **family**, that most ubiquitous social form, so pervasive and ostensibly stable that it tricks us—as it did Boccaccio—into believing it is part of the *natural* world. That is my second, crucial point and task today: to truly appreciate the marvel that is family, we need to abandon preconceived notions about its naturalness +++
- II. Specifically, I will interrogate the close and mutually constitutive relationship of family and legal practice... Specifically, I will look at the role *waqf* in the construction and articulation—i.e. the production—of the family. My case study is a micro-history of the Qarafi family—one of them, at least! I will begin by telling you about
  - a. my research (sources, method);
  - b. then turn to a few of my findings; and
  - c. close with a few reflections on the significance of this case for our wider understandings the Qarafa as a social space, *waqf* as a socio-legal practice, and hopefully, a more dynamic understanding of *family* as strategic praxis—a matter of *doing* not just *being*.
- III. Our saga of family and community begins, ironically enough, with the crucial act of a **White** Ottoman **eunuch** (Masih Pasha, governor of Egypt from 1574-80) contemplating death. Ironic, of course, because nothing about that scene bodes well for continuity, stability, or reproduction (the hallmarks of family)... Until we realize that Masih's reflection led him to found a *waqf*, a charitable endowment, in our area of the Small Qarafa—a complex for a Sufi he esteemed and devoutly believed in, Shaykh Nur ad-Din al-Qarafi and his family. Masih provided for An-Nur and his progeny both a fancy residence by his mosque/the complex and official positions managing the large endowment. The act represented Masih's construction not only of a mosque, *turba*, and slew of social services but also his *production of an adopted social and spiritual lineage, in a sense, an act of intransigence against his biological extinction.*
  - a. Indeed, it is this condition—specifying an-Nur's line as beneficiaries—that means that these descendents appear—by name—not only in *waqf* documents (including the original *waqfiyya*, appointment records, etc.) but also in dozens of Court (*mahakim shar'iyya*) records over the following centuries... My research consisted of a kind of forensic hunt for clues as I traced these descendents through their various legal acts → to arrive at this **Family Tree**.
  - b. The **documentation that makes such an investigation possible** first appears in high enough density in the later 16th century (with stable Ottoman rule in Egypt). It is remarkable and unique (for Egypt) in that, unlike earlier periods, I am able trace **non-elite** families. The reasons for the emergence of this kind of archival base are complex, but they certainly include a new interest on the part of the (Ottoman) state to intervene in, and regulate, legal matters; the establishment and control of archives was central to both goals.<sup>i</sup>

**Slide #1:**  
Qarafiyya  
family Tree

- c. These sources present a refreshing substitute to narrative sources, and therefore allow us an alternative understanding of the Qarafa space—both physical and spiritual. I would argue they also present a different deposit of social practice and thus allow us to interrogate specific dimensions of social life and action that are otherwise invisible to narrative accounts (like *ẓiyara* guide books, or topographical guides like Maqrizi's *Khitat*). Among the domains these sources shed light on is Family Life, and legal culture as it emerges from families' strategies of property devolution—how individuals and collectives used the legal instruments (e.g. *waqf*) to ensure a favorable transmission of patrimony (both material and symbolic); forge alliances, etc. Finally, they allow us an alternative **SCALE** (and thus **scope**) of investigation—micro-history—that brings into sharper relief certain modes of action (strategies) that are otherwise deliberately occluded or silenced in different (specifically, narrative) sources.<sup>ii</sup>
- d. Before turning to our findings, it is worth noting a few caveats:
- i. As I was searching for the Qarafiyya, I came to appreciate the profound mess that is the world of family life and strategy... First there is the issue of naming: there were numerous unrelated families of Qarafiyya—which was a crucial lesson in the dynamics of naming in a pre-modern, pre-nationalist society where family names are not stable and 'last names' (if we can call them that) were multiple epithets (*nishbas*) of Geography (Origin, *mujawara*, and/or Residence); Occupation; Madhhab affiliation, etc. Many of these had specific social and *practical* (in both senses of the word) logics but until one decoded them, they were profoundly frustrating... Here it is worth suggesting that Masih Pasha's *waqf* probably played an important role in stabilizing the Qarafi epithet among Nur ad-Din's descendents, for when they appear in documents to be appointed to, to claim, and to contest official *waqf* positions, they invariably established (argued for) their linked to the original beneficiary Nur ad-Din Qarafi.
    1. This is not helped any by the fact that a few hundred meters away was the endowment of another Qarafi—the 14th-century, also a Sufi shaykh!—Badr ad-Din al-Qarafi, founded (as in Masih's case) by a member of the ruling military establishment, this time a Mamluk amir. I also traced a venerable family of al-Badr's (not on this tree)...
    2. First names are no easier to decode—nor do they facilitate tracing a family, for the relationship b/w Laqab, Kunya, and Ism by this period was virtually a relative idiosyncrasy—albeit complicated by patterns of symbolic association
      - a. within the family (e.g. grandsons named—Kunya & Ism—after grandfather;
      - b. Performing alliance/esteem through emulative naming (you name son after your teacher or Sufi master, etc.)

IV. Looking at our Qarafi tree, a few features are remarkably significant & deserve a few words:

a. **First: Gendered and Property Devolution Strategies**

The presence and prominent role of **women**, esp. managing *waqf* [*nazar/tabadduth*]

Zoom in on:  
Nazrene &  
Khadija [D5-D6]

- i. In addition to recovering female agency and restoring women to social history (job of *tabadduth* literally restores the voice of women to the historical record), this fact has further critical significance: take Nazrene & Khadija [D5-6]...
  1. In practice, at least, devolution of property and revenue/office did NOT proceed along strictly (or even, primarily) agnatic lines: cf. the case of Nazrene and Khadija who inherit job of *nazar/tabadduth* from **maternal grandfather**, Jarbash al-'Umari.
  2. They have brothers—and at least one paternal cousin—so their appointment to manage Nuri Waqf *alone* is not only assertion of their rights—but a deliberate and conscious elimination of those male relatives who would have otherwise inherited a share (of W) had it been distributed strictly according to the *fara'id* rules of inheritance...
  3. Other cases, women are assigned **equal shares** to the estate—here: same shares of inherited *waqf* jobs—as their brothers: again, an alternative to the *fara'id* rules assigning them ½ the share of males (of same degree of relation, *qaraba*).

- b. **Second: the family beyond biological kin**: it extends to included **(manumitted) slaves**, who clearly continue to play important role in lives of (former) masters—and after their deaths, the worlds of their households and estates...

- i. The same for **factotums/clients (tabi')** Our case study includes one *tabi'*, a former slave as the name indicates who identifies himself strictly in terms of relation to a Qarafi notable; that link is acknowledged by the master/patron, who had established him in the position of *nazar/tabadduth*

- c. Third: One way to understand *waqf* constructions is as specific types of investments: the amount set aside for/invested in *waqf* constitutes a voluntary (self-imposed) tax on the family (a \$ amount they designate into a specific economic field—or, investment in the future of progeny...

- i. A cursory look at the types of **services** included by Masih Pasha—and thence, the supplementary or pilot *amqaf* add-ons it spawned—reveals a strong **bias/preference in favor of specific religious and educational occupations...** Hence, we can call the voluntary tax a **cultural tax** on the family's resources... which may explain:

1. **Occupational Patterns**: Judging from legal records, the Qarafiyya exhibited a high specialization in religious/educational career paths [judges/notaries; Sufis; teachers/professors/students]—which makes sense as consequence of *waqf* investments they lived around/off;
2. **Demographics & Development of Qarafa as Urban Space**: Another consequence of this specific investment pattern is that the area around

**SLIDE #2??**

**'Job Tree'**

Devolution of  
office of  
*Nazar/Tahadduth*  
in W-Nur ad-Din

Masih/Nur ad-Din develops with a particular demographic—and thence, consequently, further investment—profile (a stable or even self-perpetuating cycle for my period, from 16th-early 18th c.) in this phase of the Qarafa Sughra's settlement

## V. Conclusions

- a. Restoring the Dynamic and Practical Logic of Waqf as Family Strategy
- b. To understand the significance of every *waqf* decision, we must consider its inverse: to what ends, for example, the act (choice) nullifies what *fara'id* rules would have established (e.g. disinheriting male relative—widower or father—by specifying daughters as sole *nuẓẓar*)... Thence the dynamism of *waqf*, which functions as a tool of family and property strategies → Families used Islamic Law (consumed justice), rather than being hapless prisoners of its structural inequalities and procedural arbitrariness...<sup>iii</sup>
- c. Waqf functioned as a Tool for (material) Property Devolution—but also for the (re)production of Kinship (Blood and Spiritual) = In addition to property devolution, our case study being located in the charged symbolic space of the Qarafa—and featuring the axial figures of Sufi shaykhs, who after all, represent the Poles around which much of these strategic acts were performed...—illustrates an oft-ignored aspect of waqf praxis:
  - i. *Waqf* was a legal tool that allowed a person like Masih to translate—and thus, ratify and his personal symbolic wishes/desires into the legal language of debt, charity, and inheritance... It allowed him to legally fabricate (produce) a spiritual lineage (vis-à-vis his master and *mu'taqad* Nur ad-Din al-Q) while reciprocally providing for the latter's physical (blood) progeny in perpetuity... The legal formulae at end of *waqfiyyat*—the conditional maledictions against those who tamper with the endower's wishes—were thus not only pious recipes but also legal tactics that sealed that translation of subjective wishes into precepts of divine law.
  - ii. Founding a waqf constituted an exemplary role-model in action that imparted to younger generations specific ideals of piety and propriety, notions of gendered justice and equity, and spatialized ideals of sanctity (*mu'taqad* spirituality) to be upheld and venerated.
  - iii. This Symbolic Script was especially powerful being enacted in
    1. close (physical) proximity to graves and sites of miracles; and
    2. at the (temporally) charged moments of life cycles (*in vivo*; on deathbed)
  - iv. I would even argue that it was especially more charged in being intertwined with the fields of the material/economic (in NOT being distinct or disaggregated from them).

## Postscript

One of the few modern accounts of Masih's/Nur ad-Din *Waqf* describes the project thus:

*"[the waqf] lacks any political or pragmatic inclination, rather seems only to follow the personal inclinations and pious beliefs of the founders."*

I hope that the alternative micro-history of the Qarafiyya/*Waqf* Masih-Nur ad-Din has not only exposed the inaccuracies of this simplistic account (dismissal), but also suggested some of the methodological reasons (assumptions) that made it possible.

- I. First, there is the author's restrictive analysis and preoccupation with inclinations (intentions), which is now clearly outdated and limited; instead, I have proposed investigating consequences, and sought this by research in court records around the family of Nur ad-Din and their administration of the endowment.
  - i. Related here is the fuzzy category of "inclination" which seems to imply (insist) on conscious and/or explicitly stated; instead, by investigating different genres of sources, and using a more sophisticated theory of social action, we can realize how subjects could be aware *on a practical level* (i.e. pragmatic, but also, related to *practice*) the logic of certain acts without wanting to disclose this—indeed, in many cases (e.g. the economism of gift-giving, for example), subject expend great efforts to specifically hide such understanding and expectation...
- II. A second limitation here is the restrictive understanding of the 'political'—i.e. understanding this strictly in terms of official government circles and directives/policies—rather than pursuing the more dynamic understanding of the word as the diffuse power relations/struggles between *all subjects*.
- III. Finally and perhaps most significantly, is the uncritical use of the religious/secular dichotomy which is used here as if those fields were always historically distinct, discrete, and stable. In other words, there is an uncritical, presentist bias—an acceptance of the post-Enlightenment category of 'religion' (as a personal domain and one that is discrete and separate from the rest of the world), which is all the more insidious in being implicit (i.e. unstated and therefore unchallengeable). Indeed the attempt to naturalize this dichotomy—to represent it as essential and abstract, timeless—is one of the hallmarks of modernity which we can hardly presume for (project onto) Ottoman society and culture... Instead, I have sought a mode of inquiry that analyzes piety and patrimony as part of the same field—as they clearly were, judging by the statements and actions of our Ottoman subjects.

⇒ **Nice anecdote** of Judge Nur ad-Din Mahmud al-Jaliqi (late 16th) and the *amir's* attempt to embezzle by marrying old (ugly?) orphaned spinster bkr and retroactively assigning himself *wasi* on her underage siblings → Ghazzi says Jaliqi declined for one of two reasons (...): *fama*/reputation and/or piety (*diyana*) —but Ghazzi dissolves nicely despite actors attempt to dissimulate (*aḡhar lana...*) → anyway, guy dies ugly death, practically from the gossip and enmity of the judge who *does* ratify the snake move!<sup>iv</sup>

<sup>1</sup> **Anonymous (CHECK)?** as in May handout, "Chronology of Suyuti Buildings and Structures", s.v. [983/1575 'Masjid Nur al-Din Masih Pasha...'], page 5.

i This is clearly borne out in several explicit biographical anecdotes by al-Ghazzi, a contemporary of the Ottoman conquest and biographer of 10th/16th-century notables of Egypt-Syria. Two biographies suffice here: in both, the subjects astutely (1) note the change in the administration of marriage (and attitude towards registering marriage contracts) from the Mamluk to the Ottoman period, and (2) remarkably, explain to others that the reason behind the state's new and serious investment in record-keeping and administration is related to the collection of marriage taxes (levied by judges upon the contraction of a marriage in court—all features that the Ottomans insist upon—and severely prosecute infractions of) *and* suggest that this part of a larger difference in government practices. See *Kawakib as-Sa'ira* 1/20 and 3/198...

Both subjects (and al-Ghazzi) were keenly aware of the emerging trend of Ottoman centralization, a process in which the state not only levied (required) higher revenues, but also sought tighter control over revenue flows and regulation of authority.

The *mahakim shar'iyya* were the Ottoman state's only legal institution regarding matters of personal status and property (in addition to functioning as a central Office of Public Records, like modern counterpart *as-Sjill al-Madani*). It is important to appreciate that the centralization of Ottoman rule and its consolidation in provinces like Egypt depended on carefully monitoring, regulating and controlling *private* as well as public acts, especially—in the Ottoman case—when it came to law.

ii It is not that documentary sources present an unmediated view onto social reality—not at all: like other sources, they have a specific logic, i.e. particular silences and absences. (But again, neither do I argue that they are simply textual representations of reality of the same order as narrative sources.) Instead, we must read them as tools of a different discursive language that construes reality in a particular manner, and authorizes particular narratives in a certain way. But they always contain unique features—imperfections—that allow the careful reader a glimpse of social action: through the layers of legal formulae and conventions that seek to tame the messy social world into legal order, we can glean something of historical contingency and human agency.

iii This is not to say that Islamic law was necessary egalitarian or favored/produced equality either; rather it is to eschew all essentialist characterizations of a legal system (Islamic law here being no different than others) and to propose, instead, a model of strategic consumption in order to make better sense of the interface of human agency and historical contingency (to restore to the practical logic/sense to historical actors' choices).

iv Ghazzi, *kawakib sa'ira* 3/182.