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REMARKS ON THE HISTORICAL BACKGROUND AND DEVELOPMENT OF EARLY ARABIC DOCUMENTARY FORMULAE

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Abstract

The formulaic structure of both Arabic legal documents and Arabic letters in the Umayyad period (661–750) were brought by the Arabs to the conquered territories. Some features of the formulae can be shown to have parallels in pre-Islamic Semitic formula traditions. In the Abbasid period (750–1258) new formulae were introduced. The new legal formulae were developed by jurists, who sometimes drew on other legal traditions that existed in the Abbasid, formerly Sassanian, heartlands. The innovations in letter formulae appear to have been stimulated by the enhanced importance of court ceremonial protocol in the Abbasid period. Whereas in the Umayyad period the writer of a letter presented himself as remote from the recipient, in the new style introduced in the Abbasid period the writer presents himself as being in the virtual presence of the recipient. Some of the innovations of documentary formula that arose in the Abbasid heartlands appear earlier in documents from Khurasan (modern Afghanistan) than in those from Egypt.

1 The provenance of Arabic documents from the early Islamic period

The vast majority of extant original documents from the early Islamic period have been found in Egypt. These date from the very beginning of the Arab settlement in Egypt in the seventh century and continue to be attested through the following centuries. Up to the tenth century the documents are written on papyrus, the ancient writing material of Egypt. From the tenth century onwards papyrus was replaced as the common writing material in Egypt by paper, which had been originally introduced into the Islamic world in the eastern provinces. Although thousands of Arabic papyrus documents have been preserved from the seventh to the tenth centuries, they are not evenly distributed across this period. By far the largest proportion of the extant papyri from Egypt are datable to the ninth century.

A small number of Arabic documents on papyrus have been discovered at sites outside of Egypt in the Levant and Iraq. These include papyri from Damas-

cus (ed. ABBOT, 1938), Nessana (ʿAwǧāʾ al-Ḥafīr) near Beʾersheva (ed. KRAEMER, 1938), Khirbet al-Mird in the Judaean Desert (ed. GROHMANN, 1963), and Sāmarrāʾ (HERZFELD, 1912: pl. xxxvib). Some papyrus documents that have been discovered at sites in Egypt may, indeed, have originally been written elsewhere. This is the case, for example, with P.Khalili I 6, which is an account of expenditure of a Christian monastic community in Northern Syria or Iraq.

Until recently very little early Arabic documentary material had been discovered in the eastern Islamic world comparable to the Arabic papyri from Egypt. The only document available was an Arabic letter written on parchment from Central Asia datable to c. 100/[718–719] (ed. KRACHKOVSKI/KRACHKOVSKAYA, 1934). This was discovered in 1933 in the ruins of a fortress on Mount Mugh situated in the valley of Zarafšān in Tajikistan (ancient Sogdiana). The early Arabic documentary material from the eastern extremities of the Islamic world has now been increased by the discovery a few years ago of Arabic documents from a private archive of a family resident in Khurasan in the early Abbasid period (ed. KHAN, 2007a). They consist of thirty-two legal and administrative documents datable from 138–160/[755–777] and a private letter from the same period. Place names mentioned in the documents indicate that they were written in a region between Bāmyān and Samangān in present day north-eastern Afghanistan. Like the document from Mount Mugh, these newly discovered documents are on parchment. They were discovered together with a corpus of documents written in Bactrian, an Iranian language, which appear to have belonged to the same family archive (ed. SIMS-WILLIAMS, 2000; SIMS-WILLIAMS, 2007).

A few fragments of Arabic documents from the eastern provinces datable to the ninth century have recently come to light amongst a collection of Pahlavi documents at Berkeley (ed. KHAN, 2007b). These are likely to have originated in Iran, as is the case with the Pahlavi documents. One notable feature of these documents is that they are written on paper, whereas documents from the same period written in Egypt are on papyrus, indicating that paper was in use as a writing material for documents in the eastern provinces earlier than in Egypt. This is in conformity with the statement of al-Ǧāḥiẓ, writing in the ninth century, that "the papyri of Egypt are for the West what the papers of Samarqand are for the East".[1]

1 Quoted by AṬ-ṬAʿĀLABĪ, ed. 1867: 97 and AS-SUYŪṬĪ, ed. 1881, vol. 2: 28.

2 Legal documents

The formulaic structure of early Arabic legal documents differs from that of the local traditions. The Arabic legal papyri from early Islamic Egypt have a different structure from that of the contemporary Byzantine Greek or Coptic documents. Distinctive elements of the Arabic documents include the predominant use of third person objective style in a "monumental" type of introductory formula consisting of a demonstrative pronoun referring to the document ("This is a release ...", "This is what so-and-so bought ...") and the lack of autograph witness clauses. The Greek and Coptic documents, by contrast, generally use subjective style and have autograph witness clauses. The early Arabic formularies are overall much simpler than the Greek and Coptic and lack many of the clauses that make the Greek and Coptic more legally watertight, such as warranty clauses or validity clauses.

It is clear that the Arabic formulary is not based on the Greek or Coptic but rather was an independent tradition that was brought by the Arabs to the lands that they conquered. This is shown clearly in the case of a few bilingual Arabic-Greek documents from the seventh and eighth centuries that are of a legal nature. One such document has been found at Nessana, dated 67/[687] (KRAEMER, 1958: 156–160), in which the Arabic version differs in structure from the Greek, but conforms to the patterns of other Arabic legal documents from the early Islamic period. The Arabic document, for example, closes with a list of names of witnesses without signatures whereas the Greek has an autograph witness clause.[2]

Likewise the Arabic legal documents in the newly discovered corpus from Khurasan differ radically in structure from that of contemporary legal documents written in Bactrian that emanate from the same family archive. It should be noted, however, that the Arabic legal documents from Khurasan (*fig. 7.1*) resemble closely the structure of Arabic legal documents from Egypt. The only possible explanation for this is that the Arabs brought to the eastern provinces their own formulary tradition, which was ultimately of the same origin as that which was used in Egypt.

The Arabic legal formulary tradition that was brought by the Arabs at the time of the conquests and used in the early Islamic period contains a number of elements that correspond to legal traditions that are known to have existed in the Near East in the pre-Islamic period. One example of this is the witness formula

2 For further details see KHAN, 1994a.

šahida fulānun ʿalā nafsihi "he witnessed for himself" which has parallels in Aramaic and Hebrew legal documents dating from the first half the first millennium AD from the Judaean Desert and Dura Europos (KHAN, 1994a: 364). The Arabic term *barāʾa* "clearance (from legal claims)" and the associated verbal forms, which are found in the earliest Arabic legal papyri from Egypt, correspond to cognate forms found in the Aramaic and Nabataean documents from the Judaean Desert datable to the first two centuries AD, e.g. *wʾbryt ytky* "and I have cleared you", *mn klʾ ktbt mbrʾ ytky* "I have written clearing you from everything", *khlyqt mtntʾ wbrʾwnyʾ* "according to the norm of gifts and quittances" (KHAN, 1994a: 364). Parallels to certain components of the early Arabic formulary can be found also in Epigraphic South Arabic legal texts, such as the use of an initial demonstrative pronoun.

The Arabic formularies of legal papyri in Egypt exhibit a watershed in their development between the second and third centuries A.H. / eighth and ninth centuries A.D. In the ninth centuries new formulaic patterns appear in the Arabic documents that have parallels in Byzantine Greek and Coptic documents. These include elements such as warranty clauses, validity clauses, formulae referring to legal "acknowledgements" (*ʾiqrārāt*) and autograph witness clauses. These newly emerging elements in the Arabic documents were not, however, direct continuations of the local Egyptian tradition but rather were introduced into the legal formularies by Islamic jurists active in Iraq in the eighth century. These jurists derived certain elements from local legal traditions in Iraq that were of pre-Islamic origin. Although there is a similarity between these elements and the Byzantine legal formularies in use in Egypt, it does not necessarily follow that the jurists were drawing on a Greek tradition. Certain linguistic features of the newly introduced Arabic formulae indicate that their immediate origin was in an Aramaic legal tradition that was related to the Byzantine Greek tradition rather than directly in the Greek. An example of this is the use of the Arabic noun *darak* "overtaking by a claim" and the associated verb *ʾadraka* "to overtake (a claim)" to refer to claims of a third party in the formula of warranty clauses. This is likely to be an Arabic imitation of the Aramaic legal term *ʾaḏraḵtā*, which occurs in Jewish Talmudic law. The legal act of *ʾaḏraḵtā* granted a creditor the right to take possession of property pledged to him as surety by a debtor, if the debtor sold this property.[3] Subsequent developments in Arabic legal formularies that appear in documents in later centuries can likewise be attributed to the influence of the formularies of the jurists. The formularies of the jurist al-

3 GULAK, 1939: 118ff., GULAK, 1926: 314–333.

Ṭaḥāwī (died 321/933), for example, had a clear influence on those found in Arabic legal documents from Fāṭimid Fusṭāṭ that are preserved in the Cairo Genizah (KHAN, 1993: 51–55).

There was a certain drag in time between the introduction of new formulaic elements by the jurists and their appearance in the legal documents. One important insight that we have from the Khurasan corpus of Arabic documents is that some features of the formularies that were developed by the Iraqi jurists in the second century appear in Khurasan earlier than in Egypt. This is seen, for example, in the case of the new warranty formula. In the extant texts of the formularies (*šurūṭ*) of the Iraqi jurists the term *darak* and the verb *ʾadraka* is first found in the formulary attributed to Abū Ḥanīfa (died 150/767) and Abū Yūsuf Yaʿqūb (died 182/798): *fa-mā ʾadraka fulāna bna fulānin fī ḏālika min darakin fa-ʿalā fulāni bni fulānin ḫalāṣu ḏālika ʾaw raddu ṯ-ṯamani* "Whatever claim is made against so-and-so son of so-and-so, it is the duty of so-and-so son of so-and-so to clear that or return the price".[4] Warranty clauses containing such terminology are not found in the Arabic documents from Egypt before the ninth century. The earliest case I am aware of is P.Berl.Arab. I 11 (276/[889], Fayyum): *fa-mā ʾadraka fulāna bna fulānin fī hāḏā š-širāʾi min daraki ʿulqatin ʾaw tibāʿatin li-ʾaḥadin mina n-nāsi* ... "Should any claim be made against so-and-so the son of so-and-so with respect to this purchase by way of attachment or right due to any person ...." The terminology is, however, now attested over a century earlier in a legal document from the Khurasan corpus dated 145/[762]: *fa-mā ʾadrakaka min subuli ʾIbrāhīma ʾaw ġayrihi fa-ʿalayya ḫalāṣuhu* "Whatever liability overtakes you with regard to Ibrāhīm or anybody else – it is incumbent upon me to clear it" (P.Khurasan 25).

We may summarize the development of Arabic legal formularies as follows. The Arabs had a legal formulary tradition in the pre-Islamic period which they brought with them to various regions of the Middle East at the time of the Islamic conquests. The formularies underwent radical changes in the Abbasid period. These changes can be attributed in large measure to the activity of jurists based in Iraq. The changes first emerge in documents in the eastern provinces and only later found their way into the documents further West in Egypt. It is relevant to add here that some innovations in legal formularies made in the East never reached Spain, in the far West of the Islamic world, where the legal for-

4 This has been preserved in AṬ-ṬAḤĀWĪ, ed. 1972: text 21.

mularies of the later Middle Ages (twelfth–fifteenth centuries) contained some archaic elements.[5]

3 Letters

As with legal documents, there is a radical shift in the development of formulae of letters written in Egypt between the eighth and ninth centuries. In the seventh and eight centuries the opening formula of letters had the following structure:

i. Basmala: *bi-smi llāhi r-raḥmāni r-raḥīmi* "In the name of God the Merciful and Compassionate"
ii. Address: *min fulānin ʾilā fulānin* "From so-and-so to so-and-so" or *ʾilā fulānin min fulānin* "To so-and-so from so-and-so", the person with the highest rank being placed in initial position.
iii. Greeting: *as-salāmu ʿalayka* "Peace be upon you"
iv. Blessing: *ʾaḥmadu ʾilayka allāha l-laḏī lā ʾilāha ʾillā huwa* "I praise for your sake God. There is no other god than He".
v. Formula marking transition to body of letter: *ʾammā baʿdu fa-...* "As for after (it), then ..."

This structure with the distinctive blessing formula *ʾaḥmadu ʾilayka llāha l-laḏī lā ʾilāha ʾillā huwa* is attested in extant letters written in Egypt throughout the seventh century.[6] Occasionally the greeting and blessing formulae are omitted, but the early letters are still distinguished from those of the third century by placing the address after the *basmala*.[7]

This epistolary formula is found also in extant letters that were written in the eastern provinces in the early Islamic period. These include the letter discovered in Central Asia published by Krachkovski and Krachkovskaya, which is datable to c. 100/[718–719] (KRACHKOVSKI/KRACHKOVSKAYA, 1934) and a letter written in Khurasan datable to the second half of the eighth century (*fig. 7.2*).[8] The use of the same epistolary formula in Egypt and in the eastern peripheries of the Islamic world in the Umayyad and early Abbasid periods suggest

5 See KHAN, 1993: 43–44.
6 The latest datable document I am aware of is PERF 624, a decree issued by the finance director of the governor ʿAbdallāh ibn al-Musayyab, who was in office 176–177/792–793.
7 See Khan, 1992: 126–127 for details.
8 This letter, which is in the Khalili collection, came to light after the administrative and legal documents from Khurasan had been prepared for publication.

that, as is the case with the legal formularies, the Arabs brought with them to the conquered territories their own letter formulae and did not take them from the local practices in the various places where they settled. This is demonstrated by the fact that the early Arabic epistolary formula differs from that of contemporary letters written according to the pre-Islamic local practice in other languages. In Egypt, for example, we have several letters written in Greek that are contemporary with the Arabic documents from the early Islamic period but exhibit several points of difference in their formula. Of particular importance in this respect is the correspondence of the governor Qurra ibn Šarīk who issued correspondence of a similar nature in both Arabic and Greek. The opening formulae of the two types of letter are as follows:

i. Arabic letters from Qurra ibn Šarīk (fig. 6.1a):
"In the name of God the Merciful and Compassionate. From Qurra ibn Šarīk to so-and-so. I praise God. There is no other god than He. As for after (it), then + *body of letter*"
ii. Greek letters from Qurra ibn Šarīk:
"In the name of God. Qurra ibn Šarīk, Governor, to so-and-so. + *body of letter*"

As can be seen the Greek letters have the address after the initial invocation (equivalent to the *basmala*), but they lack anything that corresponds to the blessing formula or the transition formula. It has been shown above that some features of the early Arabic legal formularies correspond to elements that are found in other Semitic pre-Islamic traditions, e.g. the formula *šahida fulānun ʿalā nafsihi* "he witnessed for himself" and the term *barāʾa* "quittance". One may expect, therefore, to find the same background to some elements of the early Arabic letter formulae. Of particular significance in this respect is the transition formula that introduces the body of the letter. As has been seen this is lacking in the Greek opening formula. Such transitional markers are, however, found in the formulas of Aramaic and Hebrew letters of the pre-Islamic period. The Aramaic and Hebrew letters also have a greetings formula containing the word *šlām* and *šālōm* respectively, which corresponds to the formula containing the word *salām* occurring in some of the early Arabic letters.[9]

Official documents from Egypt and Khurasan datable to the eighth century that relate to tax and are issued by the financial administrators (*ʿummāl*) of a governor (*ʾamīr*) open with the address and have the operative clauses in subjective style (*fig. 7.3*). In these respects, therefore, they resemble letters. They are distinguished from letters, however, by the lack of the characteristic blessing

9 For these transition markers see ALEXANDER, 1978; PARDEE, 1982.

formula and, crucially, by the "monumental" style opening with a demonstrative pronoun referring to the document (*hāḏā kitābun min* ... "This is a document from ..."), which reflects the fact that the document had the status of a legal instrument of proof. This type of documentary structure is found, for example, in agricultural leases, which are extant from the early Abbasid period (FRANTZ-MURPHY, 2001: 22–23). In these documents the government official refers to himself in the first person and the lessee is referred to in the second person. A similar format is found in official documents extant from the second century, some from the late Umayyad period, that grant permission to travel for the purpose of finding work and paying tax in a different region.[10] These open *hāḏā kitābun min* ... and the financial administrator who issues the document refers to himself in the first person in the operative clauses. Of a similar structure are tax receipts issued in the early Abbasid period.[11]

The early Arabic epistolary formula continues several decades into the Abbasid period in the second half of the second century. By the third century, however, letters written in Egypt have a completely different formula (*fig. 7.4a–b*). The distinctive features of this are the removal of the address from the text of the letter, the introduction of a new style of blessing formula and the lack of any systematic formula marking the transition to the main body of the letter. A typical opening structure is as follows:

> i. Basmala: *bi-smi llāhi r-raḥmāni r-raḥīmi* "In the name of God the Merciful and Compassionate"
> ii. Blessing: *ʾaṭāla llāhu baqāʾaka wa-ʾadāma ʿizzaka wa-karāmataka wa-taʾyīdaka wa-saʿādataka wa-salāmataka* .... "May God prolong your life and cause to endure your strength, your honour, your support, your happiness and your health ..."

In most private letters the address was removed altogether from the recto of the letter and only written on the verso, which was visible to the person delivering the letter when it was folded. In some cases it is not completely removed from the recto but written above the *basmala* outside the text of the letter (KHAN, 1992: 127, 141). The older practice of including the address in the text after the *basmala* is found only in a few extant documents from the ninth century, which are items of high-level official correspondence or petitions to high dignitaries.

10 P.Cair.Arab. 174–175, RĀĠIB, 1997.

11 This is the case with tax receipts in the Khurasan corpus written in the middle of the eighth century and "official" tax receipts from Egypt of the same period; cf. KHAN, 2007a: 27–28; FRANTZ-MURPHY, 2001: 64–65.

These include, for example, PERF 763 (dated 242/[856], ed. GROHMANN, 1952: 149), an official letter of appointment from the heir apparent al-Muntaṣir billāh, and P.Cair.Arab. 172 (ed. GROHMANN, 1952: 121), a petition to the caliph al-Muʿtazz billāh (252–255/[866–869]).

The new type of epistolary formula occurs in the fragments of Arabic letters on paper from Iran that have been preserved in the Pahlavi archive at Berkeley. Radio-carbon dating of these Arabic fragments indicate that they were not written later than the ninth century. The use of the writing material paper makes it unlikely that they were written before the ninth century.[12] In the letter from Khurasan datable to the middle of the eighth century *(fig. 7.2)*, on the other hand, the old epistolary formula is used.

The blessing formula characteristic of the epistolary style that emerges in extant letters in the ninth century was used at that period to address recipients of all social ranks. It is found in letters addressed to *ʾamīr*s, e.g. P.Khalili I 16 (9th century), and to rulers, e.g. the aforementioned petition to the caliph al-Muʿtazz billāh (252–255/[866–869], P.Cair.Arab. 172, ed. GROHMANN, 1952: 121) and a letter addressed to Aḥmad ibn Ṭūlūn (254–270/868–884) in Egypt (Princeton Firestone Library inv. no. 2002-136). The only distinctive structural feature of the blessings in such letters is that the high-ranking addressee is referred to in the third person (*ʾaṭāla llāhu baqāʾahu* "may God prolong his life") rather than the second person (*ʾaṭāla llāhu baqāʾaka*), which is characteristic of letters written to people of lower rank.

By the Fāṭimid period (10th–12th century), however, the blessing formula *ʾaṭāla llāhu baqāʾahu* was not used in documents addressed to rulers, but only to people of lower rank (KHAN, 1993: 310). A new blessing formula was introduced for correspondence addressed to the Fāṭimid caliphs, which had the form: *ṣalawātu llāhi wa-barakātuhu wa-nawāmī zakawātihi wa-ʾafḍalu salāmihi wa-taḥiyyātihi ʿalā mawlānā wa-sayyidinā* ... "The benedictions of God and his blessings, his increasing benefactions and most excellent peace and greetings upon our master and our lord ....". This blessing and variants of it are found in many extant letters, including petitions and reports, which were addressed to Fāṭimid caliphs (KHAN, 1993: 307ff.). It was also used outside the written medium of documents as a prayer for the Fāṭimid ruler by Jews in their communal worship (GOITEIN, 1982: 57).

Another distinctive feature of letters written to Fāṭimid rulers is the obeisance formula *al-mamlūku yuqabbilu l-ʾarḍa* "the slave kisses the ground". This

12 KHAN, 2007b; AZARPAY ET AL., 2007.

formula was introduced into petitions during the reign of al-ʾĀmir (1101–1130 AD). It is not found in petitions to earlier Fāṭimid caliphs (KHAN, 1990: 24–26). The introduction of the formula at the time of al-ʾĀmir appears to reflect a development in court ceremonial protocol in his reign, whereby the custom of kissing the ground in the presence of the caliph was reintroduced after having been discontinued for some time. This is alluded to in the chronicle of the vizier Ibn al-Maʾmūn al-Baṭāʾihī: *ʾiǧtamaʿ ʾumarāʾ d-dawlati li-taqbīli l-ʾarḍi bayna yadayi l-ḫalīfati l-ʾĀmiri ʿalā al-ʿādati llatī qarrarahā mustaǧaddatan* "The ʾamīrs of the state gathered to kiss the ground before the caliph al-ʾĀmir according to the custom that he had re-established" (FUʾĀD SAYYID, 1983: 21).

The entire set of opening formulae in letters to Fāṭimid caliphs, including the blessings and the obeisance formula, is likely to be a verbal expression of court ceremonial that was performed during the audience with the ruler. The lack of address ("to X from Y") in the text of the letters is consistent with such an interpretration. Such an address would express separation between the sender and the recipient. Rather, the sender presents himself as being in the virtual presence of the caliph, offering blessings and obeisance as he would at an audience at court. The name of the sender is placed outside the text of the letter at the top of the sheet, which was referred to as the *tarǧama* "heading" in the medieval handbooks for secretaries (STERN, 1962: 190–191). The structure of the opening of letters to Fāṭimid caliphs, therefore, was as follows:

i. Name of sender (*tarǧama*)
ii. *basmala*
iii. Blessing on caliph
iv. Obeisance formula (*al-mamlūku yuqabbilu l-ʾarḍa*)

Petitions addressed to viziers, who took de facto control in Egypt in the late Fāṭimid (12th century) period, had a different blessing. This typically had the form *ḫallada llāhu taʿāla mulka l-maǧlisi l-sāmī s-sayyidiyyi l-ʾaǧalliyyi l-ǧuyūšiyyi s-sayfiyyi n-nāṣiriyyi l-kāfiliyyi l-hādī wa-ʿaḍada bihi d-dīna wa-ʾamtaʿa bi-ṭūli baqāʾihi ʾamīra l-muʾminīna wa-ʾadāma qudratahu wa-ʾaʿlā kalimatahu* "May God, exalted is he, perpetuate the dominion of the lofty seat, the most excellent lord, commander of the armies, sword of Islam, the defender, the protector, the guide and support of the faith through him and allow the Commander of the Faithful to enjoy his long life and cause his power to endure and exalt his word" (RICHARDS, 1973: 141). Such petitions addressed to viziers in the late Fāṭimid period otherwise have the same structural elements as are

found in letters addressed to Fāṭimid caliphs, including the verbal obeisance formula *al-mamlūku yuqabbilu l-ʾarḍa* "the slave kisses the ground". In the early Ayyūbid period (later 12th–early 13th centuries) this structure was maintained and is attested in extant petitions addressed to Saladin (1171–1192) and al-ʿĀdil (1200–1218). After al-ʿĀdil, however, petitions to rulers opened directly with the obeisance formula rather than an initial blessing on the ruler, a practice which continued into Mamluk times (1250–1517) (KHAN, 1990: 26–30).

A further development in the Ayyubid and Mamluk periods was the distribution of the usage of the obeisance formula. As remarked above, it was originally introduced to recreate court ceremonial in the presence of the ruler. After the Fāṭimid period, however, it begins to be used more widely in letters addressed to recipients of lower rank and is found in numerous extant private letters written in the Ayyubid and Mamluk periods. Its status was "downgraded" and it lost its original association with court ceremonial.

It is possible that the type of epistolary formula that was introduced in the ninth century and replaced the early Arabic epistolary formula likewise had its background in court ceremonial. As we have seen, the type of letter formula that appears in the ninth century lacks the address in the text of the document, whereby the expression of physical remoteness between the sender and the addressee is removed. This differs from the early Arabic formula which, as in most Near Eastern parallels, makes this remoteness explicit by having the address in the text after the *basmala*. Of particular significance is that there are references in the historical sources to the use of the the formula *ʾaṭāla llāhu baqāʾahu* "May God prolong his life" as a blessing on the Abbasid caliphs at court audiences. This is attested already for the caliph al-Manṣūr (136–158/754–775), who was addressed at court, according to Ibn al-ʾAṯīr (*al-Kāmil fī al-Taʾrīḫ*, ed. Cairo, 1886, Part 6, p. 9), as *ʾamīru l-muʾminīna ʾaṭāla llāhu baqāʾahu*. The letter formula with this blessing, therefore, may have originally been an imitation of court protocol, in which the sender presents himself as being in the virtual presence of the addressee rather than being in a remote location. As we have seen, in the ninth century this blessing formula is used in extant letters addressed to rulers and also in those addressed to people of lower rank. By the Fāṭimid period, however, it had lost its association with court protocol, a new style of blessing being used at court, and was only used in letters addressed to recipients below the rank of ruler.

4 Script

We have seen that a major shift occurs in the formulaic structure of both legal documents and letters written in Egypt between the eight and ninth centuries. In the case of legal and administrative documents the Khurasan corpus now shows us that many of the innovations began in the eastern provinces and were transferred subsequently to Egypt. Their introduction into Egypt is likely to have been facilitated by the appointment of numerous high level Iranian administrators in the country in the Abbasid period (9th century). Members of some Iranian administrative families served for many generations in Egypt. In the ninth century Iranians were increasingly appointed as district and higher level governors in Egypt, offices that previously been given generally to members of the caliph's family. In 856 AD, in fact, a policy was introduced to exclude Arabs systematically from governerships.[13]

We do not have documentary evidence for a similar time drag between the introduction of the new epistolary formulae in the East and in Egypt. As remarked above, however, it is likely that the formula originated in Abbasid court ceremonial, which, if Ibn al-ʾAṯīr can be trusted, existed already at the time of al-Manṣūr in the second half of the eighth century.

Concomitant with the shift in formulae in the ninth century in Egypt there is a shift in the style of script used in all types of documents. In the ninth century most documents begin to be written in a hand that is far more cursive than that of the seventh and eighth centuries. The radical nature of this shift makes it unlikely that it developed in Egypt by natural evolution, but rather was introduced from outside. Evidence for this is now provided by the Khurasan document corpus from the eighth century. Many of the documents in this corpus, especially those of an administrative nature, exhibit a script that is more cursive than the script of Arabic papyri from Egypt datable to the same period. It corresponds more closely to the cursive type of script that is characteristic of the papyri from the ninth century onwards. It is probable, therefore, that the appearance of a more cursive script style in the papyri from the ninth century was another aspect of eastern administrative practice that was introduced into Egypt by officials trained in the eastern provinces. This, therefore, would explain the shift in documentary script type in the Arabic papyri.

Many of the officials who drew up the administrative documents in the Khurasan corpus were of Iranian background. Terms used in the nomenclature

13 AL-KINDĪ, ed. 1912: 202, FRANTZ-MURPHY, 2001: 81–83.

of these officials such as *al-'Iṣbahbaḏ* (< Pahlavi *spāhbed*) suggest that some of these were members of Iranian administrative families who could have been in state service over several generations. What may be of crucial significance is that these circles of Iranian administrators who produced the highly cursive Arabic documents in the early Abbasid period would have at a slightly earlier period been writing administrative documents in Pahlavi. The use of Pahlavi was in use in the eastern Islamic administration at least until 697, when, according to the historical sources, the official language changed to Arabic. Various Pahlavi administrative documents have been discovered in recent decades that were written in the early Islamic period. The dates proposed for these range from the seventh to the eighth century,[14] suggesting that Pahlavi survived in administrative documents after 697. The most conspicuous feature of the script of the Pahlavi administrative documents is its advanced degree of cursiveness, which resulted in many of the Pahlavi letter shapes becoming similar in appearance. Angles are transformed into curves and curves into straight strokes.[15] One possible explanation for the development of similar cursive tendencies in the Arabic documentary script of the eastern Islamic empire, therefore, could be that they were introduced through the influence of a Pahlavi "substrate" by administrators who were trained in the Pahlavi administrative tradition. It should be noted that Pahlavi was not the local Iranian language of Khurasan in the early Abbasid period. The extant corpus of Bactrian documents indicate that the local population had a tradition of writing documents in the local Bactrian language. Administrators trained in Pahlavi are likely, therefore, to have come from Iran, nearer the Abbasid, and formerly Sasanian, administrative centre. This is, indeed, indicated by the form of some of the Iranian elements in the names of the administrators in the Arabic documents from Khurasan. The term *al-ʾIṣbahbaḏ*, for example, is derived from Middle Persian *spāhbed* "army-commander" and differs from the local Bactrian form *spālbid* (SIMS-WILLIAMS, 1997: 5). The seals with astral imagery used by these administrators in the Arabic documents are also not a local Bactrian tradition but rather are characteristic of iconography originating in the Sasanian heartlands.[16]

The "eastern" innovation in Arabic script which had a radical impact on the documentary hand in Egypt did not have such a thorough-going influence on the

14 GIGNOUX, 1991; GIGNOUX, 1996; AZARPAY, 2003.

15 HANSEN, 1938; DE MENASCE, 1953, 1957; WEBER, 1973; WEBER, 1983; WEBER, 1984; WEBER, 1992; GIGNOUX, 1999.

16 For the seals with astral images in the documents see Khan, 2007a: 86–88. I am grateful to Judith Lerner for drawing my attention to the background of these seals.

Arabic script used in the Maġrib in the far West of the Islamic world, which retained many of the features of the early script down to modern times.

5 Concluding remarks

The formulaic structure of both Arabic legal documents and Arabic letters in the Umayyad period were brought by the Arabs to the conquered territories. Some features of the formulae can be shown to have parallels in pre-Islamic Semitic formula traditions, such as those in Aramaic, Hebrew and Epigraphic South Arabian. In the Abbasid period new formulae were introduced. The new legal formulae were developed by jurists, who sometimes drew on other legal traditions that existed in the Abbasid, formerly Sassanian, heartlands, in particular Aramaic traditions. The innovations in letter formulae appear to have been stimulated by the enhanced importance of court ceremonial protocol in the Abbasid period. Whereas in the Umayyad period the writer of a letter presented himself as remote from the recipient, in the new style introduced in the Abbasid period the writer presents himself as being in the virtual presence of the recipient. Some of the innovations of documentary formula that arose in the Abbasid heartlands appear earlier in Khurasan than in Egypt, indicating the close relationship of Khurasan with the administrative centre in the early Abbasid period.

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Figures

Fig. 7.1: Arabic quittance for *ḫarāǧ* tax from Khurasan. Dated *Rabīᶜ II* 147 / June 764. KHAN, 2007a: no. 1.

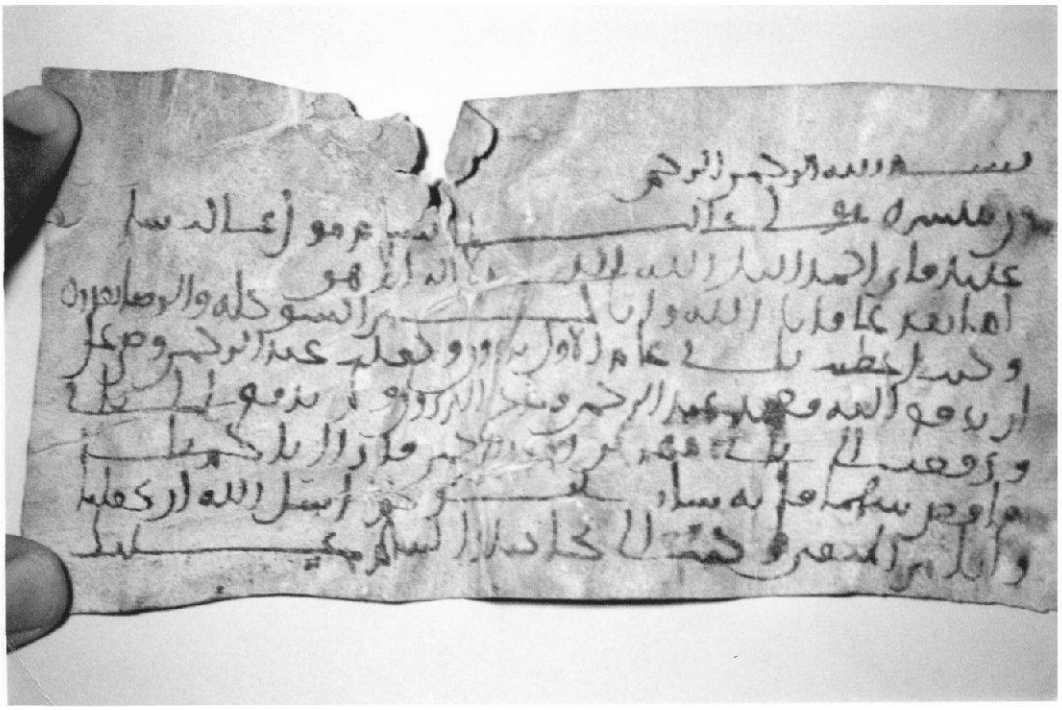

Fig. 7.2: Arabic letter from Khurasan. Mid 8th century.

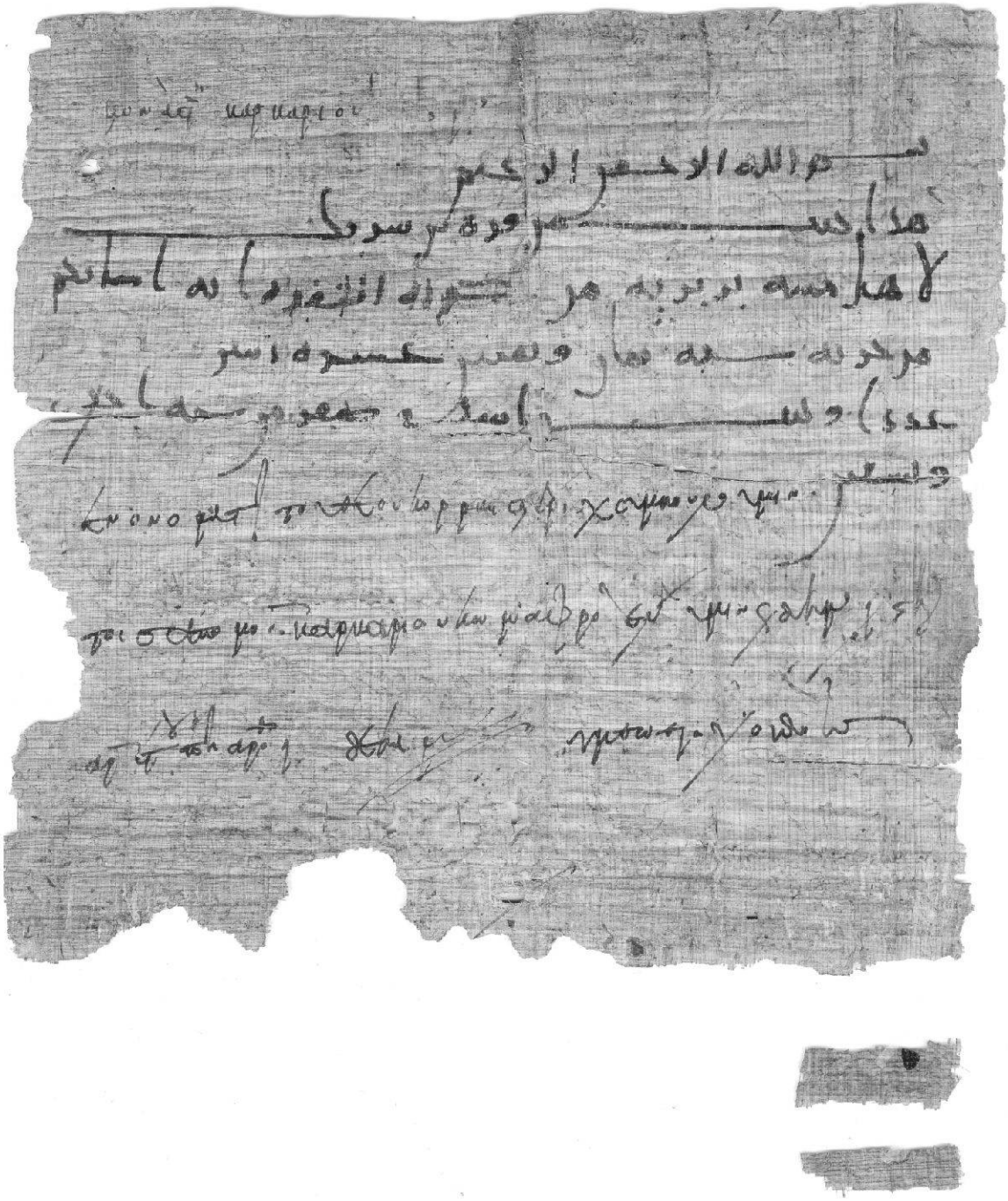

Fig. 7.3: Bilingual Arabic-Greek tax bill of the Egyptian governor Qurra b. Šarīk to the people of the Barbarios Monastery of the province Aphrodito (Išqawh). Arabic part dated *Ṣafar* 91 / [December 709 – Januar 710]. BECKER, 1906: no. 6. (Photograph by courtesy of the Institut für Papyrologie der Ruprecht-Karls-Universität Heidelberg, inv. Arab. 13).

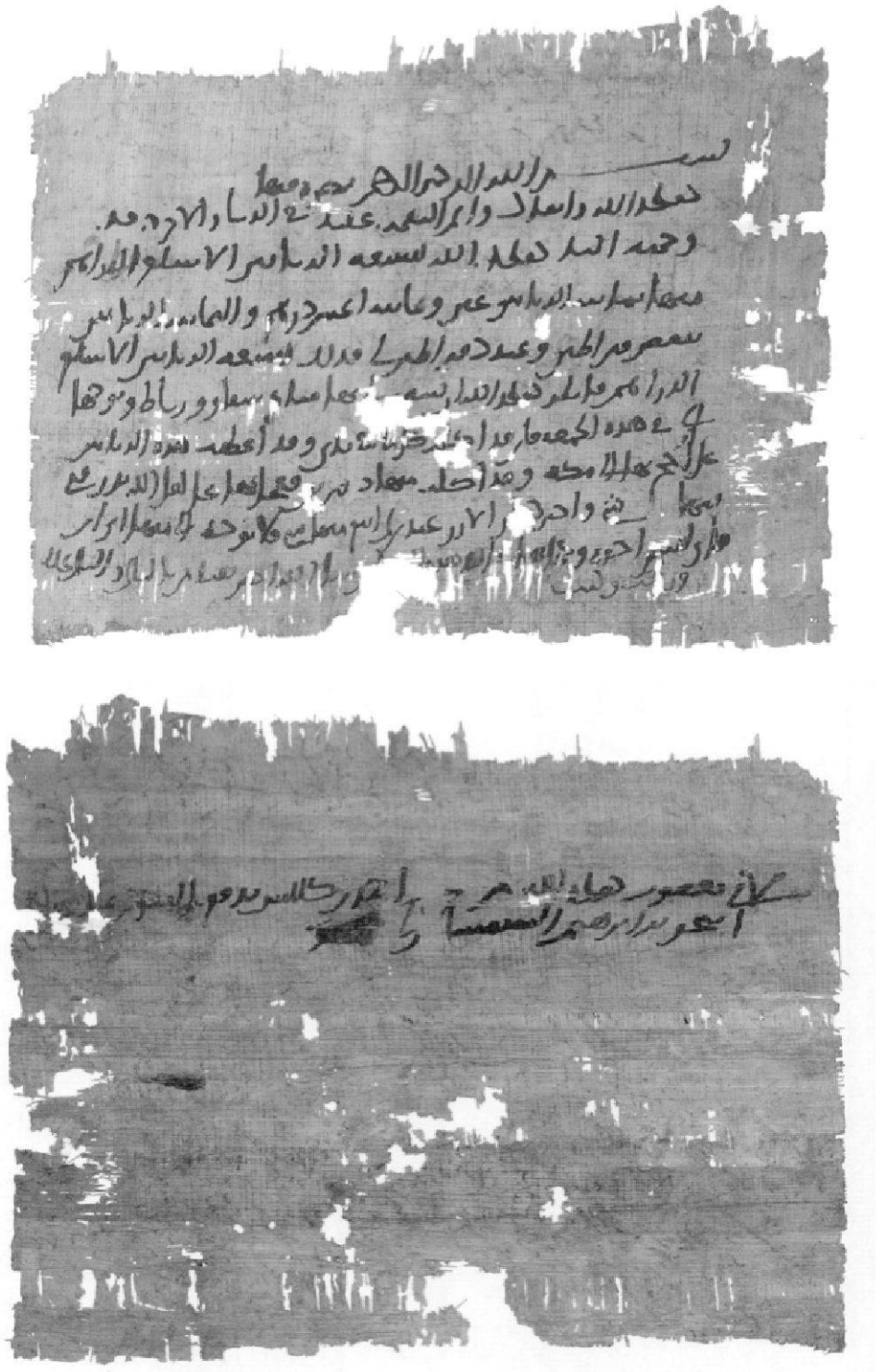

Fig. 7.4a–b: Arabic business letter (recto and verso) from Egypt. 9th century. RĀĠIB, 1996 no. 5. (Photograph by courtesy of the Papyrussammlung der Österreichischen Nationalbilbiothek Wien, inv. A.P. 320).