

Building Practices in Light of Mamluk Endowment Documents*

Mamluk endowment deeds are one of the substantial primary sources that provide us with information about various building practices that are not given enough attention by other sources. The majority of modern studies that are based on deeds focus on artistic and structural analysis of Mamluk foundations as well as functionality and patronage. They trace the history of the decorative styles and patterns and the technical features of structural elements giving little attention to builders and their role in building practices.

One exception is Dina Ishak's study of the endowment system and its relation to maintenance and repair activities using examples from Mamluk *waqf* deeds.¹ She aims to highlight the benefits that could be gained from the study of *waqf* documents with respect to protecting the built heritage of modern Cairo. Therefore, her paper looks at maintenance practices. Waqf deeds of sultan Qalāwūn (r. 1279-1290), sultan Barsbay (r. 1422-1438) and sultan al-Ghūrī (r.1501-1516) are examined to show how they stipulate keeping the foundations in good order and regularly repaired. In these examples, the founder states that the supervisor (nāzir) has to appoint building craftsmen to maintain the foundation. For instance, sultan al-Ghūrī specifies the tasks that the marble mason should fulfill; he had to inspect the marble of the school and the dome on regular basis and do whatever is needed to fix and return the pieces that were about to fall to their original place.² Since Mamluk deeds are able to yield more aspects of building practices, they can be taken further with regard to other roles that builders played in endowed properties.

This paper looks at the building activities that were assigned to the alienated (*mawqūf*) properties using specific examples from the Mamluk period. The study will go over the different building craftsmen's practices in light of archival deeds to show the craftsmen's roles and the regulations they had to follow. It will then focus on the link between building craftsmen's activities and the sultanate representatives and its impact on the building profession during the Mamluk period.

I choose to focus on endowment buildings because they are well documented and any action taken to exchange, restore, extend building or carry on an inspection report is documented as well. Although the surviving documents are much less than the documents that Mamluk Sultanate left behind, they are able to enhance the modern understanding of

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¹ Dina Ishak Bakhom, 'The Waqf System: Maintenance, Repair, and Upkeep', in Pascale Ghazaleh (ed.), *Held in Trust: Waqf in the Islamic World* (Cairo and New York: The American University in Cairo, 2011), pp. 179-196.

² *Ibid.*, p. 185.

builders' roles during the Mamluk time. They explain the procedures and regulations that controlled the architectural practices in this kind of properties, and thus it could be considered an indicator for general practices in the profession. Further, few surviving documents of building and demolition's permission add another aspect of governance the building profession during the Mamluk period.

The deeds, on which this study relies, fall in two groups. The first group³ was found in Dar al-Wathaiq al-Qawmiyyah's Archive in Cairo, their date ranges from 865/1460 to 912/1507. This group includes variety of deeds: building permission, endowment deed, inspection report and exchange deed (*istibdāl*: exchange or sale of an alienated property that is no longer profitable in order to allow the endower to substitute for it another lucrative estate). The second group⁴ was found in the archive of Ministry of Endowments in Cairo. Their date ranges from 711/1311 to 906/1500, and they include documents types of renting permissions and exchange deeds.

Building craftsmen played an essential role in keeping the endowed properties functional. Their roles range from the very early stage of building the endowed foundation to maintaining, inspecting, restoring and estimating values in cases of exchange and calculating the restoration expenses.

Mamluk deeds do not give information on the first stage, building the foundation. Rather, the endowment deed aims to specify the founder (*wāqif*); the alienated property(s) (*mawqūf*); beneficiaries (*mawqūf 'alayhi*) which could be founder's family, the Muslim community and poor people or public utilities such as mosques, schools, hospitals, graveyards and drinking fountains. The deeds also specify revenue and expenditures. Craftsmen's roles in building new foundations are discussed in



Figure 1: The complex of sultan al-ẓāhir Barqūq (788/1386) (photo: author)

³ Dar al-Wathaiq al-Qawmiyyah/Cairo (DWQ): 106/17, 126/20, 220/35, 221/35, 261/41.

⁴ Ministry of Awqaf/Cairo (WA): 718j and 701j.

literary sources in more detail as chroniclers pay attention to sultans and emirs' new foundations. In several cases they tell us when the project had started and how long did it take to finish the project. Also, if a mason or talented craftsman created a masterpiece or high quality structural element, the chronicler shows his appreciation by adding few lines about him and the rewards given by the sultan during the opening ceremony. For example, al-Maqrīzī talks about the sultan al-Zāhir Barqūq (r. 784-801/1382-1399) and his rewards to the master Shihāb al-Dīn Aḥmad al-Ṭūlūnī⁵ and his team of builders and masons who participated in building al-Zāhiriyyah Madrasa.⁶

As for the other roles, Mamluk deeds show aspects of the tasks and practices assigned to builders. To keep the foundation in order and well functioning, the founder had two options. One was to take out of the revenue as much money as needed to maintain and repair the building, and in this case no specific craftsmen were assigned as permanent workers in the foundation. The second was to assign specialist craftsman(s) such as master builder (*muhandis*), carpenter, marble man and plumber on a permanent basis. The first option was more common, examples from archival deeds are: one of sultan Qāytbāy's endowments DWQ



Figure 2: The complex of sultan al-Ghūrī (909/1504) (photo: author)

187/28; al-Zaynī Yāqūt's deed DWQ 204/33; al-Sayfī Qajmās al-Ishāqī's deed WA 670j (see index 1); one of sultan al-Zāhir Barqūq's endowments DWQ 51/- and WA 713j. The second option was mostly found in big complexes and foundations such as sultan Qānṣuwah al-Ghūrī's complex that consists of *khānqāh*, mausoleum, *sabīl-kuttāb*, mosque and madrasah.⁷

⁵ Al- Ṭūlūnī is a family of which several members flourished in building craft and took high positions in Mamluk court during the 9th/15th century.

⁶ Aḥmad bin Ali al-Maqrīzī, *al-Sulūk li-Ma'rifat Duwal al-Mulūk*, ed. Sa'īd Abd al-Fattāḥ 'Āshūr (Cairo: Dār al-Kutub wa al-Wathā'iq al-Qawmiyyah, 1971), vol. 8, p. 547.

⁷ Other examples in light of endowment deeds: Abu al-Maḥāsin Yūsuf- Amīr Ustādār (see index 2) who states to appoint a marble man and a master builder (*mi'mār*): deed DWQ106/17; Azdumur min 'Alī- Amīr Dawādār

In few cases, both alternatives were combined, as the founder specifies to put the maintenance as the first priority of expenditures, in addition to assigning one or more building craftsmen to look after the foundation. For example, in 897/1492, al-Nāṣirī Muḥammad bin al-Zainī Musāfir- *Amīr Ākhūr*⁸ in his private endowment deed states that the supervisor should start with maintenance, restoration and whatever else is required to keep his four different buildings, located behind Zuwaylah gate, it in good shape and perpetuate its utility, even if the revenue was all spent:

"... على أن الناظر على هذه الأوقاف المذكورة والمتولي عليها يستغل جميع ما يتحصل من ريعها بسائر وجوه الاستغلالات الشرعية فيبدأ من ذلك بعمارتها ومرمتها وعمل مصالحها وما فيه بقا عينها و دوام منفعتها ولو أنفق في ذلك جميع غلتها و مافضل بعد ذلك بصرف منه في كل شهر..."⁹
 "... So the supervisor of these mentioned endowments who is in charge, has to take the advantage of all their revenue for whatever legal benefits. He should start with building works and restoration, and spend on their interests to keep them extant and beneficial even if the revenue was all spent.

However much money remained, [he] spends in every month..."

At the same time, he stipulates to spend 1200 dirhams on annual basis for the advantage of the waterwheel including the carpenter's wage:

"وبصرف منه ايضا في كل سنة من السنين العربية الموصوفة اعلاه ما يبلغه من الفلوس الجدد الموصوفة اعلاه الف درهم واحدة و مائتا درهم نصفها ستمائة درهم او ما يقوم مقامها من النقود يوم ذك في مصالح ادارة الساقية الخشب المركبة على فوهة البير الما المعين الكاين بدرب... يصرف ذلك في ثمن قواديس فخار او طوانس و أكلال و ثمن مسمار و أجرة نجار وأجرة سواق وغير ذلك..."¹⁰

"to spend [of the revenue] in each year of the Arabian years described above an amount of the new fils [copper coins] described above one thousand dirhams and two-hundred dirhams, half of which is six-hundred dirhams, or its equivalent of money on that day, for the purpose of managing the wooden waterwheel that is set up on the head of the specified well, located in road...to be spent on the cost of pottery buckets, coronas, spikes, carpenter's wage and waterwheel driver's wage..."

(see index 1 and 2) who states to appoint a plumber and a carpenter: deed DWQ 241/38 and al-Sayfī Azbak al-Atābikī min Ṭuṭukh (see index 1) who appoints a marble man and a plumber: DWQ 198/29.

⁸ See index 2.

⁹ Dar al-Wathaiq al-Qawmiyyah 183/42 (Hujaj umarā' wa salāṭīn, film 9), p. 17.

¹⁰ Ibid., p. 20

Similarly, sultan Qāyṭbāy in his endowment deed directs the supervisor to combine all his alienated properties' revenue then start with maintaining the assigned charitable foundations:

" شرط أن يضم ريع ذلك بعضه الى بعض و يبدأ من ريعه بعمارته و عمارة جميع ما شمله الوقف المسطر اعلاه من الجامع والسبيل وغير ذلك مما تقدم وصفه اعلاه..."¹¹

“[Qāyṭbāy] stipulates that [the supervisor has to] conjoin its revenue together and start spending on building works for it and all other [endowments] included in the above-lined [deed]: the grand mosque, sabīl¹² and other [foundations] that have been described above...”

Besides, he assigns a master builder (*mi mār*), a marble man and a plumber for permanent jobs with salaries on monthly basis:

"ويصرف لرجل من أهل الخير والأمانة يكون معمارا بالاقواق المذكورة اعلاه يحضر يوم العمارة في الوقت المذكور ليتعهد الصنّاع في العمل ويحثهم عليه ويمنعهم من البطالة و غير ذلك مما جرت العادة به في ذلك في كل شهر يمضي من شهور الالهة من الفلوس الموصوفة اعلاه مايتا درهم نصف ذلك مائة درهم او ما يقوم مقام ذلك من النقود عند الصرف من غير زيادة على ذلك... ويصرف لرجل من اهل الخير والدين يكون مرخما بالوقف المذكور اعلاه على ان يتولى ترميم ما يحتاج الى ترميمه في رخامها وعمل مصالح ذلك على عادة المرخمين في ذلك في كل شهر يمضي من شهور الالهة من الفلوس الموصوفة اعلاه مايتا درهم نصفها مائة درهم او ما يقوم مقام ذلك... ويصرف لرجل سباك يتولى عمل ما يحتاج اليه من ترميم اقصاب وميازيب ومجاري مياه بالاقواق المسقّات المذكورة التي بالقاهرة المحروسة وبالصحراء..."¹³

“to pay for a man of goodness and honesty [who] would be [a master builder] *mi mār* in the endowments mentioned above, to attend the day of building [maintenance] at the mentioned time to supervise the craftsmen, encourage them [to work], prevent [their] idleness and so forth as customary, in every month that passes of the crescent months, an amount of fils that is described above [equal to] two hundred dirhams, half of which [is] a hundred dirham, or whatever money is equivalent at the payment [time] with no more on top of that... and to pay for a man of goodness and faith [who] would be a marbler at the above-mentioned endowment, to be responsible for restoration required for its marble and work for its advantage as is customary for marblers in this regard, in every month that passes of the crescent months an amount of fils which described above [equal to] two hundred dirhams, half of which [is] a hundred dirhams, or whatever money is equivalent... and pay for

¹¹ WA 886q, p. 121.

¹² Fountain.

¹³ *Ibid.*, p. 133.

a plumber to carry out whatever needed to restore pipes, downspouts, water courses at the above-mentioned roofed endowments in the Guarded Cairo and the desert...”

In this example, sultan Qāyṭbāy emphasizes the importance of appointing building craftsmen to look after his foundation that consists of mosque, mausoleum and *sabil-kuttāb*. Also, he defines the roles and tasks that each craftsman should carry out. All staff to be appointed, including builders and craftsmen, have to be known for their good manners and piety, a condition he repeats for each position. Specifically, in this text, he stipulates to appoint a master builder of a good merit and honesty to attend the time of maintenance and



Figure 3: Sultan Qāyṭbāy's complex in Cairo's desert (879/1474) (after K.A.C. Creswell)

restoration, to supervise workers and encourage them to work seriously with no idleness, in addition to other responsibilities of his peers at that time which come under supervisory role rather than manual labour. Similarly, the proposed marble man had to be chosen on the basis of goodness and piety, and had to fulfill his duty to check the foundation's marble once in a while and fix whatever needs to be fixed. He was also, to restore the broken down parts and work for its advantage to keep the marble in good condition. On the same basis, the plumber had to regularly check the all water pipes and courses to make sure they are functional and in a proper condition. If any problem occurred in water courses or basins, such as blockage or breakdown, he had to solve it and replace the damaged parts to keep up the water supply.

The founder's insistence on choosing honest workers is to guarantee a care of good quality for his complex and keep it in a proper condition as long as possible to serve the community and people at whom it was aimed. Consequently, the building craftsmen's role in maintaining the endowed foundations was essential and significant that endowment deeds hardly devoid of taking this into consideration.

Builders, especially master builders (*muhandis* or *mi mār*), had the responsibility to provide the Sultanate representatives with an inspection report upon request. Deed DWQ

126/20 is one of the surviving inspection reports. Its purpose was to inspect the endowments of sultan Baybars al-Bunduqdārī and estimate the restoration costs. The beginning of this deed is lost, so it is not clear who asked to carry out this inspection. However, it could be suggested that the beneficiaries of the assigned endowment raised their request to the chief judge to take the proper action. The surviving part of the deed shows that the chief judge forwarded the request to his deputy to commence the procedures of checking the foundation. The deputy judge in his turn delegated four master builders¹⁴ accompanied by two witnesses to go and examine four different places of sultan Baybars' endowments that are located within Cairo. The assigned four master builders went together to the first place which consists of *rab* (an apartment complex where tenants pay rent), shops and caravan. They went through every single part of the first location to check what needs fixing and restoration, and then moved together to the second location which seems to be an abandoned house, to do the same task. Then they did the same for the other two places. After writing down their notes and defining the parts that need restoration and rebuilding, they calculated the total cost for building works including materials and wages. They noted that the calculated cost is at the time of writing their report, but prices change.

This example shows a different setting of the building profession during the Mamluk time. First of all, it shows that the Mamluk Sultanate through the judge (*qāḍī*) supervises and regulates the building practices. It also shows that one or more master builders go themselves to examine the foundation and write down a report about its condition and the restorations required, with estimate costs. Further, as certain names are repeated over several deeds, it could be suggested that those masters might have a position in the Mamluk court to carry out this and relevant responsibilities.¹⁵

Another aspect of the builders' tasks is to define the rental value of the alienated properties if beneficiaries asked for a permission to rent the whole property or part of it. It is important to differentiate between renting a private property and an alienated property in this regard. Leasing an alienated property required a report by expert builders who go themselves to examine and check the property to specify the rental fare, while leasing a private property, as documents show, did not require that action. It seems that the rental fare for a private possession was left to be agreed by the landlord and the tenant with no need to be supervised and regulated by the court. On the other hand, the endowed properties including public

¹⁴ Their names as appeared under their signature: Ibrahīm bin 'Abd Allah bin Yūsuf, Ibrahīm bin Ḥasan, Abū Bakr bin Muḥammad al-Muhandis and Aḥmad bin 'Alī al-Muhandis.

¹⁵ Compare deeds: DWQ 125/20, DWQ 126/20 and WA 537j

institutions required a different way to deal with because of its philanthropic nature where honesty and precision have to be guaranteed. Since this kind of charity deeds is aimed at welfare of people and community, it is important to do whatever needed to perpetuate its benefit for both the founder (he gets a reward by Allah) and beneficiaries (services for their advantage). So, regulation through the judge's control was seen as necessary. Back to private transactions leasing or selling, its affect falls only on its both ends and no philanthropic intent appears. For instance, private leasing deed WA 701j¹⁶ between al-Zaynī Abu Bakr Muzhir al-Anṣārī and Abu Bakr bin Ramaḍān Qāsim in 791/1389 shows that the rental fare is defined by both sides' agreement with no involvement of an expert builder. This is not the situation when 18 shops out of Abu al-Ḥajjāj and Ibn Malakshū's endowment property were requested for rent. The tenant and the endowment's supervisor raised their request to the judge court who delegates honest experts in building profession to examine the building and define its rental value:

"و ذلك بعد اکتتاب محضر مصير العدول شهود القيمة أرباب الخيرة بالعقار وتقويمه المندوبين لذلك من مجلس الحكم العزيز بالديار المصرية الى حيث المكان وكشفوه و حرروا الذرع المذكور بأعليه و ذرع المستثنى به منه و قالوا أن القيمة عن أجرة أرض الفندق بكماله خلا المستثنى به و هو أرض الحوانيت ... ما مبلغه عن جميع المدة المذكورة من الدراهم النقرة¹⁷ سبعة وعشرون ألف درهم نقرة... و أن ذلك أجرة المثل يومئذ..."¹⁸

“and this [contract was drawn up] after the writing of a report by honest witnesses expert in real estate and its value, who were delegated by the honored judicial court of the Egyptian lands, [who] went to the place and examined it and measured the aforementioned area and measured the excluded area. They said that the rental value of all the inn's area excluding shops' land...for the whole period [30 years] is the sum of twenty seven thousand *naqirah* dirhams... and this is the same value as of equivalent [property] at this time...”

In this case, the judge delegated honest and expert builders to check the property and write down a report about its condition and the suggested rental fare. Those assigned builders had to be honest, and familiar and up to date with the market value of lands and properties, and had to be experts in buildings of different types. These are two fundamental criteria that the assigned master builder had to meet for this kind of task because the judge relies on their report. To guarantee a prudent decision, the judge needs a reliable source to get the

¹⁶ Published by 'Abd al-Laṭīf Ibrāhīm in Umdurman Islamic University Journal, no. 2, 1969.

¹⁷ Dirham with silver ratio of 2/3.

¹⁸ WA 718j.

information he needs. In this deed, the beneficiaries asked the judge to determine the renting value for part of their endowment. The judge in his turn delegated expert builders to examine the property and give the market value of renting a property with equivalent specifications. The experts went to the property and took the measurements and examined its condition, then wrote their report with the suggested rent fare for a period of thirty years.

Normally, choosing at least two or more honest expert builders to go for checking was fundamental in all petitions raised to the judge to issue his decision. Since the chief judge supervises this process, the process follows the procedures of Islamic law as all Islamic contracts / deeds (*mu'āmalāt*) require two honest men witnesses.

Master builders' presence was also required in the process of exchanging endowments. Were the foundation not to produce enough revenue to cover the assigned expenditures, it could be exchanged with another one of higher revenue or sell it and buy with its money another building or a share in a sufficiently high revenue source. In both cases it is essential to:

- 1- Report on the foundation's condition to demonstrate that its revenue is reduced partially or completely and not able to cover its expenditures anymore. If not, it is not allowed to be exchanged.
- 2- Define the market value of the foundation, either to be exchanged with an equivalent one that has higher revenue, or to be sold in order to buy another one on the basis of the founder's terms that sustains the outlays and more advantageous for the beneficiaries.

When the endowment's supervisor notices the reduction in the revenue, he raises a petition to the judge court to delegate honest experts in building profession to carry out this mission. After examining the foundation, the experts write a detailed report including their observation then submit it to the judge who copies or includes parts of the report in his decision deed. Deed DWQ 261/41 says:

"...لما رُفعت اليه¹⁹ القصة المصفة أعلاه المتضمنة... المستحقين لوقف فاطمة بنت (...)²⁰ زوج المرحوم العلاني الصابوني وأنه صار بصفة مسوغة لاستبداله شرعا و تم من رغب في استبداله بمبلغ يُشترى به ما هو أنفع لجهة الوقف و يُوقف على حكمه... النواب في الحكم العزيز بالنظر في ذلك وسماع البينة به والاذن في استبداله و الحكم بذلك على الوجه الشرعي وعين سيدنا قاضي القضاة شيخ الاسلام المنوه باسمه الكريم أعلاه أدام الله تعالى أيامه (...)²¹ القصة المذكورة على نائبه سيدنا ... الشيخ مجير الدين المشار اليه أحسن الله تعالى إليه وتأملها أملا شافيا وامتثل ذلك

¹⁹ Refers to: (see index 1). قاضي القضاة أبو البركات عبد البر بن الشحنة الحنفي:

²⁰ Illegible word due to corrosion at the left edge.

²¹ Illegible word due to corrosion at the left edge.

بالسمع والطاعة وكتب بخطه الكريم ادنى خط مستنبيه المشار له أعلاه ما مثاله بكشف بم يقوم و
عين من أجازته من المهندسين أهل الخبرة بالعقارات و عيوبها و الأراضى و ذرعها و الأبنية
و اختلافها مم سيوضع اسمه ادنى فصل المسوغ الذي سيسطر بحاشيته لكشف المكان الاتى وصفه و
تحديده فيه وتقويمه، فساروا الى حيث المكان الموعود به أعلاه الكاين بالقاهرة المحروسة داخل بابى
زويله... هذا ما دل عليه كتاب الوقف المذكور و قد كشف المهندسون المندوبون لكشف المكان
المذكور وتقويمه من بين يدي سيدنا الحاكم المشار له أعلاه المكان المذكور فيه و شاهدوه و أحاطو
به علما و خبرة نافية للجهالة و اقاموا شهادتهم لدى الحاكم المشار له فيه... ذلك أنهم شاهدوا المكان
المذكور أعلاه بالوصف الذي عليه الآن بعد الكشف التام فوجدوه قد تدمر بناؤه و قل ريعه و نقصت
غلته و ضعفت أجرته و توالى عليه ايدي ذوي الشوكة و المتجوهرون يعجز عن خلاص الأجر منه
وفات غرض واقفه و تعذر كامل استغلاله و صرفه في مصرفه الشرعي ودعت الضرورة الى
استبداله بما يكون خيرا منه للوقف ومستحقه و أكثر ريعا و أوفر أجرة و اسهل تناولا أو بمبلغ
يشترى به ما يكون موصوفا بما ذكر و يوقف ذلك على حكم الوقف المذكور أعلاه في ساير أحواله
و شروطه و أن القيمة عن ذلك كله مع مراعاة الحظ والمصلحة للوقف المذكور و مستحقه ما جملته
من الذهب الأشرفى و الظاهرى الطيب الوزن السالم من عيب مثله معاملة الآن بالديار المصرية
الف دينار وتسعماية دينار واستبداله بالمبلغ المذكور فيه حظا ومصلحة لجهة الوقف المذكور
و مستحقه و ثبت مضمون ما شهد به المهندسون لدى سيدنا الحاكم المشار اليه أعلاه..."

"...when the above-attached petition was raised to [qadī]... The beneficiaries of the endowment of Fātimah b. (...) ²², the widow of al-'Alā'ī al-Ṣābūnī, [claim] that it [the property] come to a condition that allows it to be legally exchanged with someone who wishes [this property] for an amount of money to buy what is more advantageous to the endowment and to be endowed on the basis of its conditions... [the beneficiaries ask] the representatives of the honorable judicial court to hear the case and [consider] the evidence to issue a permission to exchange it on the basis of legal adjudication. Our chieftain, the chief judge, the sheikh of Islam, his noble name mentioned-above, may Allah perpetuate his days (...) ²³ assigned the mentioned petition to his surrogate our chieftain... sheikh Mujīr al-Dīn, the referred to, may Allah, the Almighty, treat him well, [who] heard and obeyed with close examination [of the petition], then he wrote down with his noble hand writing, below the script of his the above-mentioned chief, to check and evaluate [the property], [he] appointed someone who is permitted from those [muhandisīn] who are expert in real estate and its defects, lands and measurements, as well as buildings of all varieties to examine the property that will be described and defined. Their names will be written in the margins below the section [of the deed] giving reasons [for allowing the exchange]. They went to the

²² Illegible word due to corrosion at the left edge.

²³ Illegible word due to corrosion at the left edge.

aforementioned place, in Guarded Cairo, within Zuwaylah Gate... this is what the mentioned endowment deed showed. The expert builders, who were delegated by our the above-mentioned chieftain judge to carry out examination and assessment, went to check the mentioned place and examined it, [so] they became aware and had acquaintance with its [condition] with no lack of knowledge, [they] established their testimony to the referred to judge... that they observed the aforementioned place whose current status is described. After close examination, they found that its construction is damaged, its profit is reduced, its return is diminished, its rent decreased and becomes under the hands of the people of power in a way that the [beneficiaries] could not get its income, and the purpose of its founder failed to be achieved [as] gaining its benefit to be spent on legal expenditures [becomes] difficult. The necessity requires to exchange [the property] with another more accessible one of more income and higher revenue for the good of the endowment and its beneficiaries, or with an amount of money to buy whatever matches the mentioned description to be endowed on the basis of the above-mentioned endowment with all its cases and conditions. The value for the whole property, (with taking the advantage for the endowment and its beneficiaries into consideration), is one thousand and nine hundred dinars of al-Ashrafī and al-Zāhirī gold of good, full of weight and free from defects of the current Egyptian land's transaction. Exchanging the property with the mentioned amount of money is for the advantage of the mentioned endowment and its beneficiaries, [this is what] the expert builders testified before our chieftain the aforementioned judge...”

The text shows that the beneficiaries of Fatimah's endowment raised a petition to the judicial court to get a permission to exchange the endowment because its revenue became insufficient. The first step in the procedures was to receive the petition and forward it to the deputy judge, and then the deputy judge assigned expert builders to go to the location and check its condition and write a report with their observation. The expert builders went to the place that was located within Zuwaylah Gate and found that it was wracked and unable to produce a sufficient income. They suggested the market value of selling this building to buy another one that can sustain the endowment's outlays. The judge received the experts' report and included it in his permission. The experts' signature on the permission was required because the judge relied on their observation to issue his order. After that, the beneficiaries

took the proper actions to sell the building and buy another one of sufficient revenue to be endowed on the basis of endower's conditions.

In fact, this deed suggests that:

- 1- The waqf's supervisor cannot take any action to exchange or sell the endowment without the judge's permission.
- 2- The judge appoints at least two expert builders to carry out the mission.
- 3- The assigned experts have to go themselves to examine and check the endowment and its condition then raise their report to the judge.
- 4- The experts define criteria of the suggested equivalent property to be exchanged with or specify the market value to sell it.

This study argues that the Mamluk Sultanate, through the judiciary, regulated and controlled the building practices for endowed properties. That included all kinds of building works, in addition to other cases of exchange and renting endowments. Building craftsmen's role did not end with the building of new endowed foundations. Their role continued after that to keep the endowments in good order including repairing, restoring and anything else required to keep them in good condition.

If the founder wanted to perpetuate the utility of his foundation, there were two available options. The first option was to put the maintenance as the first priority of expenditures. In this case, builders were hired on temporary basis. The second option was to appoint one or more building craftsmen on permanent basis to look after the foundation and keep it in a proper condition. Endowment deeds suggest that the first option was more common, while the second option was mostly found in big or multifunctional foundations.

The analysis of Mamluk endowment deeds suggests that expert builders also participated in writing inspection reports upon request. The procedure was followed upon a private or a governmental request raised to the judge to check the endowed foundation's condition. This could be a normal or regular check, or for restoration purpose. In this situation, the judge delegated two or more expert builders to go to the foundation and carefully check every part as they are going through, then write down a report including their observation and suggestion.

The court also controlled and regulated the rent of endowed properties. Beneficiaries raised their request to the judge who sent expert builders to examine the property and define the rental value. They then wrote down their suggested value for the proposed period of time, and the judge in his turn gave permission to rent. Renting an endowed property was not,

however, the same as renting a private property. Leasing a private property did not require judicial permission or governance, and was left to both ends' agreement.

If the endowed property's revenue decreased and could not meet its outlays, it was eligible for exchange. In this case, beneficiaries raised their request to the judge who looks at the case. Endowment deeds show that the chief judge forwards the request to his deputy to examine the case and commence the procedures. The deputy judge sends two or more expert builders to check the property and its capability to produce sufficient revenue, and then the experts write down a report with observation and their suggestion.

Most of deeds that include involvement of experts in procedures of checking, estimating costs and exchange mention that the assigned experts were of honesty and expertise. These were the most two important criteria that delegated builders had to meet because the judge rely on their report to make his decision. In some cases, the experts were accompanied with two or more witnesses to support the experts' mission.

The cooperation between the Mamluk judiciary and expert builders suggests a different context and involvement of building profession in the management of endowed properties' affairs. This context adds to the modern understanding and perception of building profession during the Mamluk period.

Index 1: Brief biographies of main figures mentioned in the study

- **Al-Sayfī Qajmās al-Ishāqī** (d. 892/1487): moved through several positions in the Sultanate court, his last position was vice sultan for the Greater Syria. Known for his goodness and pioussness. He built two schools: one in Cairo at the Red Road and the other one in Damascus.²⁴
- **Azdumur min 'Alī Bāy Amīr Dawādār** (d. 913/1507): known for his bravery and knighthood, bought by sultan Qāyṭbāy, advanced to several positions such as *sharāb-khānāh* and head of thousand, the last was *dawādārīyyah*.²⁵
- **Al-Sayfī Azbak al-Atābikī min Ṭuṭukh** (d. 904/1499): was of great status in the Mamluk Sultanate, has complete power and authority, emancipated by sultan al-Zāhir Jaqmaq. Was vice sultan for the Greater Syria during sultan al-Zāhir Billbāy's reign then became Atābak in 873/1469 during sultan Qāyṭbāy's rule.²⁶

²⁴ For more information see: Ibn Ayyās, *Badā'i' al-Zuhūr fī waqā'i' al-Duhūr* (Istanbul: Maṭba'at al-Dawlah, 1936), v.3, p. 238.

²⁵ For long biography see: Ibn Ayyās, *Badā'i' al-Zuhūr*, v. 4, p. 119.

²⁶ For more information see: Ibn Ayyās, *Badā'i' al-Zuhūr*, v. 3, p. 402.

- **Abu al-Barakāt 'Abd al-Barr bin al-Shuḥnah al-Ḥanafī** (d. 921/1515): he worked as a chief judge for al-Ḥanafī doctrine for around thirteen years then dismissed, considered to be one of al-Ḥanafī elites. Died with the age of seventy-five years old. See: Ibn Ayyās, *Badā'ī 'al-Zuhūr*, v. 4, p. 470.

Index 2: Definition of some sultanate court positions

- **Amīr Ākhūr**: the person who is in charge of the sultan or amir's stables and whatever it include of horses and camels.²⁷
- **Amīr Ustādār**: the person who is responsible for sultan's palace including the drinking room and all working force in the palace.²⁸
- **Amīr Dawādār**: the amir who is in charge of delivering messages from or to the Mamluk sultan and informing him with the sultanate's general matters.²⁹

Index 3: Documents used in the study³⁰

Dar al-Wathaiq al-Qawmiyyah-Cairo (DWQ)			
Deed no.	Deed date	Deed type	Partners
187/28	27 Ramaḍān 884 11 Dec. 1479	endowment	Sultan Qāyṭbāy
204/33	11 Rajab 893 21 June 1488	endowment	Al-Zaynī Yāqūt bin 'Abd Allah al-Kamālī
51/-	6 Sha'bān 788 1 Sep. 1386	endowment	Sultan Abū Sa'īd Barqūq
106/17	16 Jamāda al-awwal 852 18 July 1448	endowment	Jamāl al-Dīn Abu al-Maḥāsīn Yusuf
241/38	19 Shawwal 908 16 Apr. 1503	endowment	Al-Sayfī Azdumur al-Makhdūmī
198/29	21 Ramaḍān 890 30 Sep. 1485	endowment	Al-Sayfī Azbak al-Atābikī min Ṭuṭukh
126/20	8 Rabī' al-Ākhar 865	Checking	Endowments of sultan al-Ẓāhir

²⁷ See: Aḥmad bin 'Abd Allah al-Qalqashandī, *Ṣubḥ al-A'shā fī Ṣinā'at al-Inshā* (Cairo, 1913-18), v. 5, p. 461.

²⁸ al-Qalqashandī, *Ṣubḥ al-A'shā*, v. 4, p. 20.

²⁹ al-Qalqashandī, *Ṣubḥ al-A'shā*, v. 4, p. 19.

³⁰ Muhammad Muhammad Amin, *Fihrist Wathā'iq al-Qāhirah Ḥattā Nihāyat 'Aṣr Salāṭīn al-Mamālīk* (Cairo: IFAO, 1981)

	20 Jan. 1461	report	Baybars
261/41	21 Ramaḍān 912 4 Feb. 1507	exchange	Beneficiaries of Fatimah bint al-'Aṭṭār's endowment
220/35	24 Şafar 902 31 Oct. 1496	building permission	Al-Shahābī Ansbāy min Baybars al-Nāşirī
Wizarat al-Awqaf-Cairo (WA)			
670j	18 Jumadā al-Awwal 873 3 Dec. 1468	endowment	Al-Sayfī Qajmās al-Ishāqī
713j	3 Jumadā al-Ākhirah 786 22 July 1384	endowment	Aḥmad bin Muḥammad bin al-Naḥḥās
886q	24 Jumadā al-Ākhirah 879 5 Nov. 1474	endowment	Sultan Qāyrbāy
701j	11 Rabī' al-Ākhar 791 8 Apr. 1389	leasing contract	al-Zaynī Abu Bakr Muzhir al-Anşārī and Abu Bakr bin Ramaḍān Qāsīm
718j	22 Jumadā al-Awwal 711 6 Oct. 1311	leasing permission	Of the endowment of Abu al-Ḥajjāj and Ibn Malakshū