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The End of an Era

Pre-Reform Damascus in the 1820s

La fin d'une époque : Damas au temps de la pré-réforme des années 1820

نهاية حقبة: دمشق زمن ما قبل الإصلاح في عشرينات القرن التاسع عشر

James Reilly



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The End of an Era

Pre-Reform Damascus in the 1820s

James REILLY

During the 1990s and 2000s, Old Damascus as a place and as a representation was a focus of substantial public attention. Within Syrian society it became a project of cultural nostalgia combined with economic liberalization to make the Old City a symbol of deeply rooted urban virtues and identity, or of tourism-oriented entrepreneurial ambitions, or both.¹ As is typical of nostalgic or instrumentalist representations of the past, the employment of historical Damascus in a symbolic or iconic way occluded its actual history. What people today think of as Old Damascus is a product of long historical accretions, but it especially refers to the dimensions of the city as shaped during the 400 years of Ottoman rule. Far from any manufactured or idealized images of timelessness, Damascus in the Ottoman period underwent a series of changes with respect to its regional position and its urban fabric.² This article's main purpose is to portray aspects of Damascene society on the eve of the 19th-century Ottoman reform era. It will demonstrate that Ottoman reform was an uneven and multifaceted affair, unfolding as it did within a complex urban and regional setting, and that the reform era bequeathed to posterity what later generations thought of as "traditional" Damascus.

Damascus in the 1820s was on the cusp of dramatic political changes. During the preceding century, it had become the center of regional political and commercial networks, associated most dramatically with the ascent of the 'Azm family of Ottoman governors, and highlighted by Damascus's responsibility for provisioning and protecting the annual pilgrimage and trade caravan to Mecca. Political and economic competition fueled factional competition within the city, while governors of Damascus jostled with regional rivals to extend the reach of their city's political clientele, trade routes, and claims

1. SALAMANDRA 2004, p. 71–93.

2. RAYMOND 1985, p. 43–66.

on revenue. In 1725, when the first ‘Aẓm governor was appointed to Damascus from the family’s original base near Ḥamā, the northern grain producing districts of Ḥomṣ and Ḥamā were stripped from the coastal province of Tripoli and assigned permanently to Damascus. Later, as Mediterranean trade grew more lucrative and coastal revenues increased, a port-city governorship based at Acre and identified with the Mamlūk soldier Aḥmad al-Ġazzār challenged Damascus’s ascendancy. Al-Ġazzār reached the peak of his power at the time of his success against the invading French army of Napoleon Bonaparte in 1799. Though al-Ġazzār died in 1804, a rivalry continued between his successors in Acre (men drawn from his retinue) and successive governors of Damascus, including the last ‘Aẓm to serve in that capacity. The question of who would administer Tripoli and collect its taxes — whether a client of Damascus or of Acre — was one symptom of the inland-vs.-coast rivalry during the early 19th century.³

These familiar regional political and economic contours were shortly to change. After 1831 Damascus and its residents would be subject to new forms of administration derived from a centralizing bureaucratic state, and would be exposed to novel economic forces associated with free trade and the early industrial revolution. These new elements would not unfold on a *tabula rasa*, however, but within an already existing, complex and well-established social and economic milieu.

The decade of the 1820s marked the final years of Damascenes’ experiences within an older imperial (Ottoman) system. Hence this article portrays and highlights aspects of Damascene society in the 1820s, including the city’s production and trade, and its social structures as reflected in relationships among status, class, family and property. In the Ottoman Asian lands of the 1820s, Christian Europe and European interests had not yet taken on the visibly looming and transformative presence that they were shortly to assume. Neither had modern bureaucratized forms of Ottoman statehood extended into the provincial hinterland whose center was at Damascus.

The principal material for this study comes from a selection of cases in Damascus’s sharia court registers dated 1243–1244 *hiġri*, corresponding mostly to 1828 CE. The sharia courts, staffed by a judge (*ḥākim* or *qāḍī*) appointed from Istanbul as well as by deputy judges drawn from local Damascene ulama, administered Islamic law, fulfilled notary functions, and registered official decrees at a time when published official gazettes did not yet exist. It is true that the court records capture only parts of historical experience, reflecting as they do an official outlook and record on behalf of the “Sublime State” (*al-dawla al-‘āliyya*) and its functionaries. Nevertheless, a wide cross-section of the population used the courts, either because they had to or because they wished to obtain written documents attesting to or clarifying issues related to property, entitlements or obligations. Thus the court records offer clues and insights into the quotidian workings of society and economy of Damascus

3. This summary is synthesized from, among others, KURAYYIM 2004; PHILIPP 2001; RAFAQ 1966; REILLY 2002; SCHILCHER 1985.

in a way that few (or no) other sources from this era can. Evidence from the court records illuminates aspects of urban history that would otherwise be lost in history's shadows.

Damascus's society was unabashedly hierarchical, commensurate with the situation of other major Ottoman urban centers. Families of military status formed the politically dominant social stratum. At the highest ranks (*pasha*, *bey*), men of military status filled the city's and province's top administrative posts. More numerous than the *pashas* and *beys* were the *agha*-s, a military rank and title that encompassed garrison commanders, mercenaries, public security officers, the imperial Janissary garrison (*kapıkul*), and local militia figures (*yerliyya*).⁴ People of military status were ubiquitous in the economic life of 1820s Damascus. In one specific sphere of activity – ownership or possession of distant agricultural properties – they had few local peers. As people associated with the military – that is, men trained and authorized to carry arms and accustomed to extending the writ of provincial authority to outlying areas – individuals and families of military status were well positioned to enforce their ownership claims in distant regions. Typically such properties were found in predominantly grain-growing lands of the Marğ (to the east), Ḥawrān (to the south), and the Biqā' (to the west).⁵

Thus in 1828 the commanding *agha* of Damascus's citadel and his brother – also an *agha*, and with a Turkish-sounding surname – purchased a large Marğ farm including its buildings, its livestock and its warehoused crops from the estate of an indebted merchant originally from the city of Diyarbakır in Anatolia.⁶ This kind of property, with its varieties of lands, tools, buildings, crops and animals, was known locally as a *ḥānūt*. Similarly, another Marğ *ḥānūt* had been owned by an *agha* with family origins in Daghestan in the Caucasus Mountains. When he died his heirs sold it to another, apparently unrelated *agha*.⁷ Three *agha*-s were among those who leased an entire Marğ village from the Lālā Muṣṭafā Pasha endowment (*waqf*), which had been established by a 16th-century Ottoman governor and minister.⁸ (Later in the 19th century, in more bureaucratized times, this endowment would undergird a major Damascene business and commercial fortune as will be noted below.)

Remaining in Damascus's hinterland and moving southward, one encounters 'Ā'iṣa, the daughter of an *agha* from Anatolia, who contracted a long-term lease (43 years!) in her own name for a Ḥawrān village. That village was part of the Ḥaramayn *waqf* (dedicated to support Mecca and Medina), whose Damascene custodian was also an *agha*.⁹ Westward

4. BARBIR 1984, p. 89ff.

5. For an overview of this situation see REILLY 1989.

6. Law Court Records (LCR) Damascus vol. 312, p. 34, doc. 103, 23 Şafar 1244/4 Sept. 1828. The fraternal buyers were named Bar'atī.

7. LCR Damascus vol. 312, p. 95–96, doc. 273, 14 Ğumādā I 1244/22 Nov. 1828.

8. LCR Damascus vol. 311, p. 238, doc. 227, 29 Rabī II 1243/19 Nov. 1827.

9. LCR Damascus vol. 311, p. 334–335, doc. 362, n.d. 1243/1827–1828. As was typical of many *waqf* transactions, the lease permitted 'Ā'iṣa to acquire a type of equity in the leased property (called *muṣṣad*) in return for improvements she might make there.

from Damascus, a woman who had inherited parts of two *ḥānūt*-s from her *agha* father in the Biqā' region sold them to a bey in the city.¹⁰ Military elites also were moneylenders to villagers in these more distant regions, as demonstrated by the *agha* who advanced a large sum to a group of Marḡ villagers.¹¹ Incidentally, in the latter cases (the Biqā' *ḥānūt*-s and the Marḡ moneylender), the *agha*-s and *bey* in question bore Arabic monikers or surnames, demonstrating that the military caste in Damascus was Ottoman (in a political sense) but not necessarily foreign (in a linguistic or ethnic sense). This documentary snapshot of 1828 underscores the pre-eminent role of Damascus-based military elites in asserting possession or ownership claims of relatively distant agricultural properties.

In addition to their interest in Damascus's dry-farming hinterlands, military elites also patronized merchants who plied the major trade routes. These included routes to the Mediterranean coast, to the Ḥiḡāz (via the annual pilgrimage caravan), to Palestine, to Baghdad, to Aleppo, and beyond Aleppo to Istanbul itself.¹² Merchant caravans needed security and armed protection, and Damascus's military elites benefited from the revenues that this trade generated. Two documents from 1828 highlight the military-merchant relationship. They show that a former governor of Damascus still residing in the city, Ṣāliḡ Bāšā, signed a lease for and obtained equity recognition in a caravanserai (*ḥān*) located in Qunayṭra, in the western Ḥawrān on the road to Palestine. Formal ownership of the caravanserai was vested in the aforementioned Lālā Muṣṭafā Pasha *waqf*.¹³

The overall economic health of Damascus was tied to its more distant rural hinterland, and military elites' domination of grain-producing regions gave them opportunities for enrichment and market speculation.¹⁴ Ownership or possession of grain storehouses (sing. *bāyka*) in and around Damascus demonstrates a degree of common interests in the grain trade shared among military elites, urban notables associated with the *ulama* and *ašrāf* (i.e., formally recognized descendants of the Prophet), and propertied commoners. Grain wholesaling represented one avenue by which the Ottoman-linked elites and locally rooted urban notables established ties to the propertied middle stratum of Damascus's society.¹⁵ Similar linkages also characterized milling, a pre-mechanical industry closely

10. LCR Damascus vol. 312, p. 83, docs. 240–241, 18 Ğumādā I 1244/26 Nov. 1828.

11. LCR Damascus, vol. 312, p. 101, doc. 287, 20 Ṣawwāl 1244/25 April 1829.

12. E.g., the reference to an overland shipment of cloth from Damascus to Istanbul in LCR Damascus vol. 312, p. 86, doc. 248, 4 Ğumādā II 1244/12 Dec. 1828.

13. LCR Damascus vol. 312, p. 33–34, doc. 102, 3 Rabī I 1244/3 Sept. 1828; p. 76, docs. 221, 11 Ğumādā I 1244/19 Nov. 1828. Ṣāliḡ Pasha was acting on behalf of his two minor sons.

14. GREHAN 2007, p. 70ff.

15. Examples of notable and commoner possession of grain warehouses include: LCR Damascus vol. 312, p. 30, doc. 93, 14 Ṣafar 1244 / 26 Aug. 1828; p. 40, doc. 120, 16 Muḥarram 1244/29 July 1828; p. 59, doc. 173, 9 Rabī II 1244/19 Oct. 1828; p. 85, doc. 246, 5 Ğumādā I 1244/13 Nov. 1828.

aligned with trade in grain. Members of military elite, urban notable and propertied commoner families possessed mills.¹⁶

Waqf endowments, as institutions, lay at the heart of much of Damascus's commercial and manufacturing life. The city's sharia courts (sing. *maḥkama šar'iyya*) oversaw *waqf*-s, and their judges and deputy judges appointed or authorized the endowments' custodians. High-ranking Damascene ulama ran the sharia courts that oversaw the pious foundations. Thus these notables — individuals and families whose status was often hereditary — were embedded into economic and institutional relationships that bound them to elite and to propertied business interests.

Most property and commercial relationships in Ottoman Damascus were subject (in principle at least) to the jurisdiction of and principles represented by the sharia courts. These relationships included ownership, use and possession of houses, shops, manufactories and other commercial buildings, as well as market-garden lands in the surrounding green belt, the Ġūṭa. The disposition and division of inheritances, supervision of the properties and welfare of orphaned children, and the provision of credit or loans were all potentially subject to court regulation. Given the prevalence (if not primacy) of oral contracts and the plethora of Damascus's socially mediating structures (family, quarter, guild, religious community), a great number of social and economic transactions took place without leaving a written sharia court record behind. But when disputes occurred or when people wished to clarify, confirm or document their agreements and transactions, the sharia court was their institutional recourse. Legitimate or legally enforceable oral agreements would need to conform with the same principles as those recognized in the sharia courts. These principles, which had developed over a long period of time, represented a blend of religious (or Islamic, in the narrow sense of the word) norms, customary law, and social convention. Jews and Christians, no less than the Muslim majority, related their issues to the sharia court with respect to property issues (apparently excluding inheritances).¹⁷ The whole bundle of *šar'ī* conventions and norms was a conservative yet supple force, whose logic was to preserve (or, if necessary, to restore) social order, and to protect established social hierarchies while at the same time meeting ideological requirements related to the administration of justice.¹⁸

Small property holders, no less than the larger merchants, the military elites and the religious notables, were bound up in these institutional and legal relationships. Even though outlying, predominantly grain-growing agricultural lands were the domain

16. LCR Damascus vol. 312, p. 36–37, doc. 107, 28 Šafar 1244/9 Sept. 1828; p. 53, doc. 161, 10 Dū al-Ḥiġġa 1243/23 June 1828; p. 182–183, doc. 472, 26 Šafar 1244/7 Sept. 1828. Typically the mills were ultimately or nominally the property of *waqf*-s. Because mills were expensive to run and they required ongoing maintenance and input, their operators usually acquired *muṣṣad* equity in these properties even though formal title remained with the endowment. For a detailed and typical example, see LCR Damascus vol. 312, p. 36–37, doc. 107, 28 Šafar 1244/9 Sept. 1828.

17. E.g., LCR Damascus vol. 312, p. 11, doc. 37, 20 Muḥarram 1244/2 Aug. 1828; p. 80, doc. 231, 4 Ġumādā I 1244/12 Nov. 1828.

18. See DOUWES 2008 and TUCKER 1998, *passim*.

of military elites and their partners or clients, the extensive garden lands immediately surrounding Damascus were integral features of quotidian commercial and economic life: commoners, elites and notables bought, sold, leased, registered, quarreled over, and relied upon the profusion of gardens and orchards within Damascus, the Ġūṭa, and the Ġūṭa's irrigated and intensively farmed extensions. And whilst long-distance trade was an activity identified with specialized merchants who established connections and partnerships with military elites, retail commerce in foods and wares were commonplace among the general population. These farming and retail properties were embedded in the urban fabric, among owners large and small, often institutionally tied to the *waqf* endowment system.

The court records offer numerous examples of these everyday properties and transactions, providing glimpses into people's subsistence strategies, and the family ties or social structures that sustained them. Weaving was the largest handicraft industry in Damascus, and individual ownership of weaving implements and facilities was a key element of family subsistence represented in the judicial records of the day.¹⁹ At other times, records of weaving tools and workplaces speak to the Damascus handicraft industry's inter-regional connections, including in one instance Egypt.²⁰ Weaving workshops were coveted investments²¹ that provided opportunities for rent collection. Leases were contracted between guild members and custodians of *waqf*-s that owned weaving shops.²² Cases like these demonstrate the varieties of people whose welfare was tied to weaving workshops. Moreover, the Cairo inheritance illustrates family and regional ties that linked people and properties in Damascus to those in other Ottoman cities. An instance where a merchant son's obtained the military title *agha* is one illustration of a commercial family moving into military rank and corresponding local elite status, a move that promised to strengthen those merchants' access to elite circles.²³ Bankruptcies also provided opportunities for purchasers when an officer of the sharia court sold deceased bankrupts' assets in order to generate some money for the estate's creditors.²⁴

Consolidation and transfer of properties through inheritance and sale were constantly underway in Damascus. Most urban commercial properties were designated as undifferentiated shops (sing. *dukkān*), and along with residential properties formed the greater proportion of property transactions in Damascus's built-up urban areas. Looking at cases in 1828 for commercial properties earmarked for specific uses, one finds (in addition to weaving workshops) a linen shop, dye works, an apothecary (*li-l-ʿitāra*), shops for producing clarified butter, a legumes-roasting shop (*maḥmaṣ*), a coffee house, butcher's

19. E.g., LCR Damascus vol. 312, p. 130–31, doc. 357, 7 Raġab 1244/13 January 1829.

20. LCR Damascus vol. 312, p. 112–113, doc. 311, 26 Ġumādā II 1244/3 January 1829.

21. LCR Damascus vol. 312, p. 113/114 (ambiguous pagination), doc. 312, 25 Ġumādā I 1244/3 December 1828.

22. E.g., LCR Damascus vol. 312, p. 18, doc. 56, 16 Dū al-Ḥiġġa 1243/29 June 1828.

23. LCR Damascus vol. 312, p. 112–113, doc. 311, 26 Ġumādā II 1244/3 January 1829.

24. E.g., LCR Damascus vol. 312, p. 18, doc. 57, 15 Dū al-Ḥiġġa 1243/28 June 1828.

shops, tanneries, a goldsmith's shop, and a shop for preparing sheep's heads and feet (*riwāsa*).²⁵

The transacting (or quarreling) parties associated with these commercial properties were not all personally active in these trades or manufactures. At times parties saw these properties as income opportunities — indeed, getting hold of rent income was the motivation behind a lawsuit regarding the sheep-shop.²⁶ The minor children's guardian who bought a butcher's shop with the minors' money saw the shop as a source of income for his wards.²⁷ The woman who bought the *alāḡa* weaving workshop, and the widow who bought what had once been her father's apothecary shop, may or may not have worked in these respective trades. As respectable propertied women (respectable as indicated by the salutations and honorifics attached to their names), they would likely have worked behind the scenes, through male agents or tenants, or through hired female peddlers.²⁸ The widowed *agha* who consolidated his ownership of coffeehouses, a legumes roasting shop, other shops in the turners' market, and agricultural properties is unlikely to have personally seen to all of these activities.²⁹ On the other hand, records identify the Muslim who bought the dye-shop from its Jewish owner as a dyer.³⁰ The tannery owner may have been active in the industry, though the records did not identify or name him as a tanner (*dabbāḡ*).³¹

A selective examination of residential transactions in 1828 reinforces and amplifies the above observations. A male spinner (*fattāl*) bought his late sister's share of their late father's house, adjoining the oil-sellers' *ḥān* and an *alāḡa* weaving shop in al-ʿUqayba quarter. He in turn sold it to another woman, apparently unrelated, and (like him) a commoner. So here was a routine consolidation of a family residence and its subsequent monetization.³² Elsewhere, near the Bādirā'iyya madrasa in the environs of the Umayyad Mosque, a male commoner consolidated his possession of a family house by buying his mother's share of it. She in turn had consolidated ownership of an adjoining house by buying shares owned

25. LCR Damascus vol. 312, p. 17, doc. 55, 28 Dū al-Ḥiḡḡa 1243/11 July 1828; LCR Damascus vol. 312, p. 21, doc. 66, *āḡir* Dū al-Ḥiḡḡa 1243/13 July 1828; LCR Damascus vol. 312, p. 108–109, doc. 302, 13 Ğumādā II 1244/21 December 1828; LCR Damascus vol. 312, p. 66, doc. 192, 1 Šafar 1244/13 August 1828; p. 120–121, doc. 330, 10 Ğumādā I 1244/18 November 1828; LCR Damascus, vol. 312, p. 48, doc. 146, 29 Šafar 1244/10 September 1828; LCR Damascus, vol. 312, p. 72, doc. 208, 25 Rabī II 1244/4 November 1828; LCR Damascus vol. 312, p. 7, doc. 20, 8 Dū al-Qa'da 1243/22 May 1828; LCR Damascus vol. 312, p. 99, doc. 282, 28 Ğumādā II 1244/5 January 1829.

26. LCR Damascus vol. 312, p. 99, doc. 282, 28 Ğumādā II 1244/5 January 1829.

27. LCR Damascus vol. 312, p. 66, doc. 192, 1 Šafar 1244/13 August 1828.

28. LCR Damascus vol. 312, p. 113/114 (ambiguous pagination), doc. 312, 25 Ğumādā I 1244/3 December 1828; LCR Damascus, vol. 312, p. 72, doc. 208, 25 Rabī II 1244/4 November 1828.

29. LCR Damascus vol. 312, p. 108–109, doc. 302, 13 Ğumādā II 1244/21 December 1828.

30. LCR Damascus vol. 312, p. 7, doc. 20, 8 Dū al-Qa'da 1243/22 May 1828.

31. LCR Damascus, vol. 312, p. 48, doc. 146, 29 Šafar 1244/10 September 1828.

32. LCR Damascus vol. 312, p. 19, doc. 61, 20 Dū al-Qa'da 1243/3 June 1828; p. 20, doc. 62, 15 Muḡarram 1244/28 July 1828.

by her husband's heirs, adding them to her own ownership shares.³³ Sometimes siblings bought a house jointly. A first example is when three brothers bought their mother's 50% share of the family house in al-Şāliḥiyya.³⁴ A second example is when a male commoner and his sister bought from their father 25% and 50% shares, respectively, in their common house located in extramural al-ʿAmāra.³⁵ Transfers could skip generations as well, such as when a female commoner sold a substantial house in extramural Sūq Şārūġā to her orphaned minor granddaughter. In this instance, the grandmother and seller, named Ḥadīġa bt. Ḍāhir al-Ḥimṣī, was the orphaned girl's legal guardian. And so while the house would go into the granddaughter's name, management of the property remained with the previous owner, viz., the young girl's guardian and maternal grandmother, Ḥadīġa.³⁶

Of course, property was not always kept within families, as demonstrated by instances such as when a man and his mother (commoners) sold shares of their inherited house in an extramural quarter to an unrelated woman, also a commoner.³⁷ An interesting intersection of family, regional and ethnic ties in a house transfer is demonstrated in a case from extramural Sūq Şārūġā. Here, a brother and a sister who had inherited shares of a house from a deceased brother sold these shares to two brothers from another family. A striking characteristic of the buyers and sellers is that all had family roots in Anatolia: Marʿaš and Harput, respectively.³⁸ (Sūq Şārūġā's population included a high proportion of people linked to the military elite.)³⁹ Occasionally, houses were purchased from bankrupted estates in the same manner as commercial properties such as the clothing shop in al-Şāliḥiyya mentioned earlier. Thus one finds a noblewoman (*şarīfa*), whose family origins were in Istanbul, buying a high-end house located near the citadel from the estate of a bankrupted merchant of Diyarbakır. As happened with the Şāliḥiyya clothing shop, an official of the sharia court acted as the seller or vendor of the bankrupted estate.⁴⁰

The *waqf* system had an impact on housing in Damascus. For instance, two sisters petitioned for recognition of their *muṣad* equity in a modest house in Qaymariyya quarter, whose ownership was vested in someone else's family *waqf*. The sisters had spent considerable sums to repair the house, which (by the sound of it) had been nearly derelict. The sisters had paid for builders, plasterers, and daily workers and had supplied them with

33. LCR Damascus vol. 312, p. 26, doc. 82, 10 Ḍū al-Qaʿda 1243/24 May 1828; doc. 83, 12 Ḍū al-Qaʿda 1243/26 May 1828.

34. LCR Damascus vol. 312, p. 3, doc. 5, 10 Ḍū al-Qaʿda 1243/24 May 1828.

35. LCR Damascus vol. 312, p. 10, doc. 32, 8 Ḍū al-Ḥiġġa 1243/21 June 1828.

36. LCR Damascus vol. 312, p. 60, doc. 63, 27 Muḥarram 1244/9 August 1828.

37. The extramural quarter is identified as al-Şuwayka. LCR Damascus vol. 312, p. 44, doc. 135, 18 Şafar 1244/30 August 1828.

38. LCR Damascus vol. 312, p. 17, doc. 53, 18 Muḥarram 1244/31 July 1828.

39. SCHILCHER 1985, p. 111.

40. LCR Damascus vol. 312, doc. 85, 23 Şafar 1244/4 September 1828.

food and drink, and had paid for materials including stone, wood, ironware and nails.⁴¹ The *waqf* would have to pay them their accumulated *muṣṣad* debt if the endowment's supervisor wished to transfer or let out the house to someone else. This type of itemization for *muṣṣad* expenses (including building supplies, artisans' and workers' wages, and their provisions) was well known if not routine.⁴² An instance of *muṣṣad* repayment is recorded for another house property, owned by a pious endowment that supported a Sufi lodge or *zāwiya* (called al-Aḡawān, identified as being within the Umayyad Mosque). The custodian wished to use the house to support of the "poor (*fuqarā'*) of the *zāwiya*," including letting it out to the designated poor in times of emergency (*'ind al-iḏtirār*). First, however, the custodian had to repay a *muṣṣad* sum owed to the owner of an adjoining house who had been renting the *waqf* property.⁴³ In other instances, a lessee would receive the *muṣṣad* owed in conjunction with renewal of the lease.⁴⁴

The examples cited also reveal some strategies for consolidating property or keeping it within the family. Within Damascus and its near hinterland, normative *šar'ī* prescriptions regarding property inheritance were generally honored. This is a testament to the deeply rooted influence of Muslim jurists in the social and economic life of the city. Accordingly, inheritance properties were distributed according to *šar'ī* requirements (*'alā al-farīda al-šar'iyya*) whether or not the sharia court subjected them to formal enumeration. The normative prestige of *al-farīda al-šar'iyya* was such that it was invoked as a model even in voluntary, non-inheritance distributions of jointly owned family property, as seen for example with respect to a shop and gardens in *Šālihiyya* held by the family of one the *šayḥ* 'Abd al-Ġanī Çelebi al-Saqṭī.⁴⁵ This distribution meant that family members including women obtained shares of inherited properties, shares that typically would subsequently be reconsolidated by one or another family member (or sold to a third party), who would buy out the heirs' shares. This process of property circulation saw the transfer of properties from younger generations to old; from a number of heirs to one who (by choice or agreement) acted as the re-consolidator; from heirs to an outside party; from women to men; from men to women; and from adults to orphaned minors.

Although typically (and especially in the case of intra-family transfers) property was transmitted among and between people of similar social standing or background (e.g., the house transfer between people from Mar'aš and Harput cited earlier), a degree of flexibility and mobility is in evidence. The merchant's son who became an *agha* is one example. Likewise, the tannery that passed from commoners' hands into those of a member of the notable Uṣṭuwānī family, or the butcher shop that passed from a Jewish owner to a Muslim

41. LCR Damascus vol. 312, p. 55–56, doc. 165, 6 Rabī I 1244/16 September 1828.

42. LCR Damascus vol. 312, p. 54–55, doc. 164, 19 Rabī I 1244/29 September 1828.

43. LCR Damascus vol. 312, p. 4, doc. 12, 16 Dū al-Ḥiḡḡa 1243/29 June 1828.

44. LCR Damascus vol. 312, p. 9, doc. 26, 25 Dū al-Qa'da 1243/8 June 1828.

45. LCR Damascus vol. 312, p. 109–110, doc. 305, 2 Dū al-Ḥiḡḡa 1243/15 June 1828.

commoner, offer evidence of a degree of transactional relationships among different groups in society. Family, kin and the operations of locally interpreted Islamic law were keys to material security, and enmeshed propertied commoners, urban notables, and military elites within hierarchical and all-encompassing networks of interdependent connections.

Ownership and transaction patterns similar to these were found in the food-producing market-garden properties in Damascus and its surrounding Ġūṭa. The sheer volume of market-garden property transactions is a striking feature of the 1828-era records. Damascus as an economic unit encompassed both the city and its surrounding garden lands, whose populations and properties were integrated into the city's legal, economic, and social networks. Propertied commoners, military elites and the notables of *ulama* and *ašrāf* all sought, bought, leased and sold market-garden properties in Damascus's extensive surrounding belt of irrigated agriculture. Both notables and military elites cut a wide swath. The single most expensive agricultural purchase recorded in 1828 was made by the *ʿālim* Aḥmad b. Sulaymān al-Ḥusaynī al-Mālikī, for properties bought in Sayyida Zaynab from a *bey* and the *bey*'s family.⁴⁶ The energetic Aḥmad b. Sulaymān made a further large market-garden purchase (orchards and gardens in Šāliḥiyya) in 1828 from the heirs of the *šayḥ* Ḥālīd al-Naqšbandī.⁴⁷ Notables' prominence in this domain was not merely a product of their wealth or social standing, but additionally was buttressed by the ubiquity of the *waqf* system in Damascus' agricultural hinterland.⁴⁸ Not only did people with *ulama* status and training typically administer charitable *waqf*-s, but the *ulama*-staffed courts oversaw *waqf* administration and adjudicated legal disputes regarding the status of *waqf* properties.⁴⁹

Certain points about Damascene society at the end of the 1820s emerge from this material. First is the dominant role of military elites — both from elsewhere in the Ottoman domains and locally based — in dry farming landownership and in regional, long-distance trade. Second, one observes a strong presence of urban notables — typically *ulama* and/or *ašrāf* — in the economic and institutional life of the city through their ownership of market gardens and commercial properties, and their administration of charitable *waqf*-s. Third, the source material emphasizes the significance of *šarʿī* principles represented by the court, administered by judges and deputy judges (themselves local *ulama*), as normative guidelines for many kinds of contracts and transactions. Fourth, these sources indicate the cardinal importance of kin and family for identifying one's social position, for ensuring subsistence, and as a mechanism for the management and circulation of wealth. Fifth, women and men were publicly recognized as decision-making agents and actors in this kin-based social structure. Sixth, differences and distinctions that existed between Jews

46. LCR Damascus vol. 312, p. 164–165, doc. 443, 22 Rabīʿ I 1244/2 October 1828.

47. LCR Damascus vol. 312, p. 165, doc. 444, 14 Dū al-Qaʿda 1244/18 May 1829.

48. E.g., LCR Damascus vol. 311, p. 326–327, doc. 251, 29 Šaʿbān 1243/16 March 1828; vol. 312, p. 49–50, doc. 152, 9 Muḥarram 1244/22 July 1828.

49. LCR Damascus vol. 312, p. 94–95, doc. 271, 14 Ġumādā I 1244/22 December 1828; p. 107, doc. 300, p. 107, 1 Raġab 1244/7 January 1829.

and Christians, on the one hand, and Muslims on the other hand were in some (but not all) senses structurally comparable to the varieties of social differences and markers that existed in this overtly hierarchical and status-aware society.

These characteristics marked Damascus at the end of a century (1720s–1820s) when the city had been operating within a particular regional and Ottoman context, an environment that was soon to change. Recalling Damascus of the 1820s aids historians’ task of tracing and understanding the ways in which Damascus and Damascenes responded to, resisted, or participated in new political and economic structures represented by the modern state and industrial capitalism from the 1830s onward. Developments in subsequent decades included:

- The consolidation of a new landholding and bureaucratic class centered around old and new military elements, plus some members of the old *ulama-ašrāf* notability;
- Systematized bureaucratic interventions in the social, economic and legal affairs of urban society;
- The visible rise of Christian European power and influence, and a reframing of local Christian and Jewish identities between the poles of “Ottoman” and “foreign”;
- Resilience of Damascus’s agricultural and handicraft manufacturing base, including efforts at reorganization when confronted with challenges and opportunities arising from 19th-century developments;
- The spread of tastes, fashions and ideas that were understood to be “modern,” with an accompanying reification of the idea of “traditional.”⁵⁰

Court records from later decades in the 19th century signal lived and formal continuity with the pre-reform period. New generations carried on the same kinds of quotidian encounters and transactions as had their pre-reform forebears, and the court documents recorded these encounters and transactions in much the same manner as earlier. Yet when read carefully in light of the wider changes experienced in Damascus, the court documents also offer evidence of changing times. They communicate the more assertive visibility of the bureaucratic state. The modernized Ottoman military now intervened formally and institutionally in property purchases.⁵¹ Orphans’ affairs had come under the authority of one person, a judge, who headed a new body, the “Orphans’ Fund” (*Şundūq*

50. Contemporary authors attest to this development. Qasāṭilī (1879) references new fashions in clothing and domestic architecture. Al-Qayātī (1882) discusses new residential houses, and Sāmī (1890) points to changes in domestic architecture and furnishings. QASĀṬILĪ, *Rawḍa*, p. 95–97, 126; AL-QAYĀTĪ, *Nafḥat*, p. 125, 137–138; SĀMĪ, *Qawl*, p. 81–83.

51. LCR Damascus vol. 597, p. 183–184, doc. 149, 27 Rabī I 1286/7 July 1869; p. 240, doc. 195, 5 Rabī II 1287/5 July 1870.

Māl al-Aytām).⁵² This development marked the bureaucratization of a responsibility that previously had been left in the hands of individual guardians who answered to a variety of local judges on an *ad hoc* basis. Villages and urban quarters were subject to surveys and record-keeping by new government bodies (identified by the loan-word *qumisiyūn*), that issued deeds of ownership (*tapū*) whose authority was equivalent to the *huḡḡa*-s that had historically been issued by the sharia courts.⁵³ In the later 19th century, Christians and Jews at the court would have their status established by their identification as Ottoman subjects or as foreign subjects. Their Ottoman affiliation sometimes was certified by recognized communal authorities.⁵⁴ Documentation now distinguished between different types of Christians, whether Orthodox or Catholic, in contrast to the pre-reform era's generic categorization of Naṣārī ("Nazarene") as a catch-all designator for Christians.⁵⁵ Consular dragomans and foreign subjects — indigenous to the city and region or not — were now identified as such as they bought, sold and completed transactions.⁵⁶ Likewise, the later 19th century court records indicate that administration of the city's major *waqf*-s had become bureaucratized or centralized in ways not seen previously, in the person of Damascus's Director of Endowments (*Mudīr al-Awqāf bi-Dimašq* [or: *Mudīr Awqāf al-Šām*]).⁵⁷ Moreover, social change is also in evidence: urban deeds from the reform period document the rise of commercial families like the Mardam Beys, who leveraged their newly won control of the Lālā Muṣṭafā Pasha *waqf*⁵⁸ into a prominent role in the city's business and manufacturing.⁵⁹

So Damascus in the 19th century was not a "traditional society" in the sense of a largely unchanging or static formation inherited from the Middle Ages. Rather, Damascus in the 1820s represented a particular political-economic formation that had been consolidated

52. LCR Damascus vol. 703, p. 147, doc. 317, 8 Rabī I 1296/2 March 1879; vol. 711, p. 160, doc. 121, 24 Ša'bān 1296/13 August 1879; p. 184, 17 Šawwāl 1296/4 October 1879; p. 211–212, doc. 234, 27 Dū al-Qa'da 1296/12 November 1879. The Director (*mudīr*) of the Orphans' Fund is identified as a judge in LCR Damascus vol. 711, p. 150–151, doc. 100, 22 Ša'bān 1296 / 11 August 1879.

53. E.g., LCR Damascus vol. 711, p. 211–212, doc. 234, 27 Dū al-Qa'da 1296/12 November 1879; vol. 862, unnumbered page, doc. 39, 17 Rabī II 1306/21 December 1888; doc. 93, 20 Ramaḡān 1306/20 May 1889; doc. 217, 10 Muḡarram 1306/16 September 1888; vol. 1121, unnumbered page, doc. 104, 9 Dū al-Qa'da 1317/11 March 1900.

54. E.g., LCR Damascus vol. 597, p. 197, doc. 159, 17 Ša'bān 1286/22 November 1869; vol. 606, p. 90–91, doc. 130, aḡir Raḡab 1286/5 November 1869.

55. E.g., LCR Damascus vol. 597, pp. 15–16, doc. 10, 19 Dū al-ḡiḡḡa 1286/22 March 1870; p. 55–56, doc. 44, 12 Rabī II 1286/22 July 1869.

56. E.g., LCR Damascus vol. 597, p. 99–100, doc. 78, n.d. 1286/1869–70; p. 120, doc. 97, 2 Ġumādā II 1286/9 September 1869; p. 155, doc. 124, 20 Dū al-Qa'da 1286/21 February 1870; vol. 603, p. 6, doc. 6, 16 Šafar 1286/28 May 1869; vol. 862, n.p., doc. 15, 7 Muḡarram 1306/13 September 1888.

57. E.g., LCR Damascus vol. 597, p. 105–106, doc. 84, 2 Raḡab 1286/8 October 1869; vol. 614, doc. 138, p. 77–78, 20 Ġumādā II 1286/27 September 1869.

58. SCHILCHER 1985, p. 213.

59. LCR Damascus vol. 597, p. 113–114, doc. 90, 11 Raḡab 1286/17 October 1869; p. 141–143, doc. 113, 17 Šawwāl 1286 /20 January 1870; p. 147–148, doc. 117, 9 Šawwāl 1286/12 January 1870; p. 165–166, doc. 133, 16 Ša'bān 1286/21 November 1869; p. 202–203, doc. 164, 15 Ramaḡān 1286/19 December 1869; p. 203, doc. 165, 17 Ša'bān 1286/22 November 1869; p. 204–205, doc. 166, 8 Ramaḡān 1286/12 December 1869; p. 186–188, doc. 151, 11 Dū al-Qa'da 1286/12 February 1870.

during the 1720s–1820s era that had been dominated by regional power brokers known as *a'yān*. The Ottoman centuries preceding the 18th and 19th had seen their share of changes and transformations linked to war, to new administrative or fiscal practices, or to trade. So while one may discard the epithet “traditional” as not particularly useful, apprising the pre-reform situation of 1820s Damascus does aid in understanding and analyzing the intersection of new global forces of the 19th century with established local/regional structures and norms that had grown up within an imperial Ottoman context. By the end of the 19th century, the city’s reconfigured elites and notables were asserting themselves within a new context, and had established a mostly profitable working relationship with the modernizing Ottoman state.⁶⁰ Yet even in this dynamic era, novel forms of building and presentation could be and were reified into an understanding of “traditional,” as understandings of the “modern” shifted with mercurial alacrity. In the present-day nostalgia of the early 21st century, people look backward to the transformative last decades of the Empire (1880s–1914) and memorialize them as Old Damascus.⁶¹

But whatever had been “Ottoman” about Damascus in the 1820s was quite different from what “Ottoman” had come to mean by the eve of the First World War. At the end of the 1820s, “Ottoman” represented a way of viewing society and authority through intermediary structures (family, status, quarter, guild, religious confession) tied to military elites, at the head of which was the provincial governor; and bound to *šar'ī* norms (with their connotations of justice and legitimacy) associated with local *ašrāf*, ulama, and *waqf* institutions. Ottoman-appointed judges and locally recruited deputy judges served as a legitimizing backstop to these structures. But by 1914, “Ottoman” meant affiliation with a modern state and its bureaucratic institutions, whose personnel consciously sought to mold normative (male) citizens imbued with self-consciously modernist and patriotic sentiments. Save perhaps for the symbolism of the sultanate, this later understanding would have been unrecognizable to Damascenes of the 1820s.

60. WEBER 2004, I, p. 51–56.

61. SALAMANDRA 2004, p. 105–118.

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