

ARTÍCULOS

The Crusader Kingdoms, an Archival Crossroads

Los reinos cruzados, una encrucijada de archivos

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Abstract

The retrieval of an Arabic notary deed produced in Cyprus in 1435 triggers this inquiry into the overlapping scribal systems under the Crusaders. Some actors and institutions, such as the Genoese and Venetian notaries operating on the island, conspired to form archival collections. Yet the article discusses the Crusaders’ reluctant attitudes toward writing and archiving their own laws and the myths around old archives and their destruction that arose in the literature. The practice of Frankish chanceries, populated mainly by Syrians, and that of Arabic scribes and their Islamic-like notarial system did not derive into the formation of archives. These actors, it is argued, followed an archival logic that had much in common with their Islamic counterparts. In light of the Crusader archival paradox, the article reconsiders recent literature dealing with chancery practices, the materiality of documents, and the lack of archives in Medieval Islam.

Keywords: Archives; Crusaders; Arabic documents; Cyprus.

Resumen

El hallazgo de un acta notarial árabe redactada en Chipre en 1435 motiva la presente investigación sobre las escribanías en los reinos cruzados. Algunos actores e instituciones, como los notarios genoveses y venecianos que trabajaban en la isla crearon fondos documentales y archivos. Sin embargo, el artículo se centra en el rechazo de los cruzados hacia la fijación por escrito y la custodia de sus propias leyes, y en los mitos que surgieron acerca de antiguos archivos y la destrucción de éstos. La escritura de documentos entre los cruzados fue a menudo confiada a cristianos sirios. Estos, junto con escribas de lengua árabe producían documentos con una lógica diferente, influida por la cultura musulmana. A la luz de esta paradoja, el artículo aborda ideas y trabajos recientes sobre la escritura de documentos, su faceta material y técnica, y sobre la ausencia de archivos en el islam medieval.

Palabras clave: archivos; cruzados; documentos árabes; Chipre.

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A Middle Eastern archive is born

In February 1251, the members of the Crusader Court of the Burgesses were called to council in the Hotel of the Lords of Beirut in the city of Acre, the main Crusader stronghold in Palestine. By that time, headed by John of Ibelin, lord of Arsuf, the Kingdom of Jerusalem was engaged in defending its southern frontier from the Ayyubid attacks. Louis IX of France had disembarked in Egypt in June 1249, in a failed enterprise known as the Seventh Crusade. The French Intervention triggered the rise to power of the Bahriyya Mamluks of Egypt, originally an Ayyubid elite corps. The Barons had been summoned not to decide on any war matters, but on whether a secular court, the *Cour des Bourgeois*, should employ scribes to keep written records of the proceedings and preserve them in an archive.

The initial suggestion by John of Arsuf was contested by Philip of Montfort, a Syrian, lord of Tyre and Toron, and, at least at a first instance, overthrown by the liegemen, over which the Court had jurisdiction. Under the pressure of both the Ibelin clan, in control of the Kingdom of Jerusalem and the dominant force in Cyprus, the assembly eventually accepted the proposal with reservations.¹ The narrative concludes with the council, or *parlement*, eventually agreeing to the adoption of scribes and archival procedures. Yet, it stresses the resistance presented by some Latins, who insisted that the Court should base its decisions primarily on memory and that registers should be consulted only as a lender of last resort.

The decision was enforced as it concerned the Burgesses' Court and found further resistance at the High Court, with jurisdiction over the Nobles. At the High Court, records started to be kept sometime after 1285, only six years before the fall of Acre, the last Crusader stronghold. In Cyprus, where Crusaders flocked after the kingdom's downfall, secular courts still took decisions based on collective memory as late as the fourteenth century.² The decision may have appeared as just

logic and taken for granted, but our informer — an anonymous jurist with firsthand knowledge of the Court — places much stress on the burgesses' reticence to rely on the written word.³

The discussion of the *parlement* at Acre in 1251 equally revolved around the archival practices the newly established scribes should adopt to keep the Court's records. The most profound distrust emerged about the way the proceedings were to be kept and by whom, and a procedure was established involving several key holders.⁴ In Palestine, where a 'feudal paradise' is supposed to have been settled to the benefit of a strong nobility, the archive emerges as a contentious place, where, for some of the Syrian feudal lords at least, the revered privileges and laws ran the risk of being altered.⁵ Indeed, the *parlement* vignette has been understood in a context where the Latin Syrian noblemen saw their supremacy challenged by the autocratic aspirations, first of the emperor Frederick II, then of the King of France and his 1250 Crusade. On the contrary, the aristocratic Ibelin house would have been interested in fixing the law before the knights arriving with the new crusading armies could introduce potential innovations. Of equal interest for our purposes, no one expected to place the locked chests containing the court's proceedings in any royal palace. They were kept instead by the King's delegates. For the High Court, when the procedure was applied, the chests were in the custody of the Court's attorneys, accompanied by a complex sealing procedure. A "proper" archive for the chests in the form of a vaulted building, we are told, only arrived under the aegis of Hugh IV of Cyprus, in 1325.⁶

In the same vein, invented narratives appeared towards 1250 to justify the establishment of an original body of laws immediately after the Kingdom's foundation, in 1099. At about the same time the *parlement* was being held, the myth of a lost Crusader archive emerged, since, as Peter Edbury has explained, the oldness of laws became the battlefield over which two factions struggled

¹ Entitled by A. Beugnot (1797-1865) as the *Abrégé du Livre des Assises de la Cour des Bourgeois*, it is generally referred to as *Livre Contrefais*. The text comprises a collection of laws as applied at the Court of the Burgesses in Nicosia, compiled in the early fourteenth century by an anonymous author, who served at the Court for over forty years, *Livre Contrefais*, pp. 227-352, 246-249.

² Several authors note the slow application of these provisions: Sombati, "Les Letres dou Sepulcre", p. 71, Edbury, "Law and custom", p. 75, Nader, *Burgesses and Burgess law*, pp. 47-48.

³ The problem is central to Michael T. Clanchy's works, which pay particular attention to the Norman society. Clanchy, "Remembering the past", pp. 165-176, Clanchy, *From memory to written record*, pp. 21-46.

⁴ Three for the author of the *Livre Contrefais*, *Livre Contrefais*, 248. Novara mentions instead at least nine custodians, Edbury, *Philip of Novara*, p. 119.

⁵ For the expression *feudal paradise*, Setton, Zacour, & Hazard, *A History of the Crusades*, vol. V, p. 144, Sombati, *Letres*, 81.

⁶ *Livre Contrefais*, pp. 250-251.

for supremacy.⁷ According to the account transmitted by Philip of Novara, another jurist close to the Ibelin faction, the original codes of law of the Kingdom of Jerusalem, the *assises*, had been promulgated shortly after the conquest (*au conquest de la terre*), then safeguarded in chests placed at the Holy Sepulcher (and hence were called *letres dou sepulcre*).⁸ Allegedly, these early privileges sanctioned the constitutional bases of the Syrian lords' *feudal paradise*, as against the centralizing claims of the kings. To be sure, the story is built upon some realistic materials: the use of chests entrusted to a variety of key holders is documented, and a vaulted hall might well have been built in Nicosia for archiving purposes. However, the story, as warned by Edbury, Jan Sombati, and others, conveys a good deal of anachronism in the details, and is believed to have been tailored by Novara, writing in the 1250s or early 1260s, to the benefit of his Ibelin patrons. As discussed below, and quite like some present-day historians, the Crusaders were looking in their own past for the legitimacy of a "proper" archive for their laws. Apart from a respectful locale, documents needed to be safeguarded by legitimate archival practices, no matter how impractical they might have seemed to us. For the *letres dou sepulcre*, it has to be noted, a refined security protocol was established involving no less than nine custodians, representing all social strata in the Kingdom, from the king's representatives to commoners and the archbishop of Jerusalem. Finally, episodic destruction helps explain why the charts were not available at Novara's time: his story closes, indeed, with Saladin's takeover of the city in 1187, during which, allegedly and against all evidence, the documents were lost.⁹ Destruction by Muslim conquerors figures as an important feature in many narratives about archives, even present-day ones. From then on, Crusaders, we are told, were compelled to rely on their good memory again.

Don't shoot the archivist! Nicosia 1426

A second vignette brings us to 1426 and depicts dramatic events for the last surviving Crusader dynasty, the Lusignan of Cyprus. In that year

the Mamluk sultan of Egypt, al-Ašraf Barsbāy launched a punitive attack on Cyprus, the third in barely twenty-four months, leading to the takeover of the Island.¹⁰ As a result, King Janus was made a prisoner and sent to Cairo. The Island, an offshoot of the Crusader kingdom of Jerusalem, hosted a Latin nobility transplanted from the Holy Land, and equally comprised burgesses, citizens of the Italian Republics as well as many Christian, Arabic-speaking refugees from Syria. In the turmoil following the fall of Nicosia, chroniclers mention an apparently unimportant episode related, again, to the Crusader archives, in which Arabic language and Arabic speakers take the brunt of the story. The two extant Cypriot narratives by Florio Boustron and by the contemporary Leontios Machairas notice the hesitation of the Mamluk contingent, probably limited in size, in entering what appeared to be a large city.¹¹ At the instances of the Venetian ambassador, a group of Syrian-origin, Arabic-speaking notables, knights Joseph, Behna, Abbud, and Hamis Audeth, together with Badin (i.e. Baudoin) Goneme welcomed the Egyptians at the gates and escorted them to the city, holding torches.

The Syrians, we are told, took advantage of the situation to request their own appointment at several offices from the Mamluks. One of the King's chancellors, Jean Flatre, offered his cooperation to guide the Mamluks through the 'revenues of the kingdom'. The sources present Cypriots and Mamluks as entangled in many ways. King Janus and other members of the Lusignan used Arabic to swear and for other low purposes (he is said to have shouted in Arabic *Ana al-Malik!*, or 'I am the King!' when captured). Likewise, one of Flatre's relatives converted and later became an emir in Cairo. If nothing else, the chroniclers confirm the well-known domination of a handful of Syrian-origin families, such as the Bibi, Salah, Urri, Goul, and Goneme over the administration.¹² The story goes on, with the Syrian clerks laboring to summon another Syrian, the former chancellor (*secretain*) Eustache Goul, to Nicosia. Goul came from his estate in the countryside and engaged in cooperation with the new masters, receiving the Mamluks' favor in exchange for

⁷ Edbury, *Law and custom*, pp. 76-9, Sombati, *Letres*, pp. 88-90.

⁸ Edbury, *Philip of Novara*, Ch. 47, pp. 118-121, pp. 259-260.

⁹ *Et tout ce fu perdu quant Salahadin prist Jerusalem*, Edbury, *Philip of Novara*, ch. 47, pp. 119, 259.

¹⁰ Ouerfelli, "Les relations", Moukarzel, "Les expéditions militaires".

¹¹ Those by Florio Boustron (ca 1500 - after 1568), written in Italian, and by Leontios Machairas (ca 1360/80 - after 1432), Machairas, *Chronicle*, 2 vols., pp. 670-671 and n. 693, Boustron, *Chronique*, pp. 367-368.

¹² Grivaud, "Les minorités orientales à Chypre".

his services.¹³ Goul's exact cooperation is defined in rather obscure terms, and both Boustron and Machairas mention Goul's personal knowledge of the country's finances as the main reason behind the Mamluk request.¹⁴

Then, one may ask, where were exactly these accounts? Why could the Syrian clerks not produce them? The registers kept by the *Secrète du Roy*, the department managing the King's finances, appear to have required the skill of a particular, discharged chancellor such as Eustache Goul. Had they been available, Flatre and the Syrian officials could have handed them over to the Mamluks. They do not seem to have been recorded according to standard chancery protocols, accessible to all clerks. The matter seems to have been of the utmost importance for the invaders. Indeed, for their third campaign, the Mamluks seem to have engaged in a hasty expedition targeting Nicosia, and to have spent vital time going over the Lusignan records and searching the Venetian Consulate before they departed in a hurry, fearing further resistance.¹⁵ The story raises doubts about the records' location, as it does not mention any recognizable repository, close to the center of power. Nowhere is it mentioned the vaulted archive, supposedly built in 1325, or any other storage facility. The narrative makes clear that the Mamluks required the services of a specific chancery scribe, most notably the head, or *bailie* (gr. *práktoras*) of the *Secrète*, the office in charge of registering the Kingdom's fiefs and their income.¹⁶ As a result of the Mamluk expedition, Cyprus became a vassal kingdom of the Mamluk sultans, a relation later transferred to the Ottomans. In the aftermath of the Mamluk conquest, these clerks' knowledge was crucial in determining the amount of annual tribute to be collected (the so-called 'Cyprus' tribute'). They equally ensured Mamluk intervention in the administration as well as in dynastic and diplomatic affairs.¹⁷ Goul was appointed *bailli*, or chancellor, of the *Secrète* by the Mamluks and was probably in charge in 1435, when we will hear more of him and the Audeth brothers.

¹³ Machairas, *Chronicle*, pp. 670-671, Boustron, *Chronique*, pp. 367-368.

¹⁴ Machairas uses the term *práktor*, referring to the head of the bureau (*sékretion*) while *praktika* designed cadastral registers, Richard, "The institutions of the kingdom of Cyprus", p. 162.

¹⁵ Moukarzel, *expéditions*, pp. 190-191.

¹⁶ Claude Cahen, *La Syrie du Nord*, pp. 465-466. The main attribution of the *Secrète* was the drafting of cadastral surveys for tax purposes, Grivaud, "Ordine della Secreta di Cipro", pp. 561-562, 567-568 and n. 199.

¹⁷ Nicholas Coureas, "The tribute".

The Mamluks knew the problem well since they governed a country whose administration was based on complex cadastral surveys—the *rawks*—governing the allotment of fiefs by the sultans and other forms of property.¹⁸ Families of civil secretaries involved in the administration of the land records passed down the registers of the Mamluk cadaster over generations. The *rawks* were subject to amendments and updates that only these clerks could decipher. The problem revealed itself with the occasion of the Ottoman conquest of Egypt (1517), and the challenges they faced in setting up a new administration. Decades after the conquest, in 1553, the Ottomans bitterly realized that their own cadastral survey and upon which the Ottoman taxation depended, was unreliable. They were compelled to call upon the old Mamluk clerks from the Ibn al-Jī'ān and al-Malakī families, traditionally in charge of those registers. Not only were their skills required; they had been hiding the extant records among other unimportant registers in the treasury and in their own houses, whence they were moved to the Citadel by the Ottomans.¹⁹ According to a similar logic, the *Secrète* relied on the oral, personal knowledge of secretarial dynasties such as the Gouls—who still held posts in 1468. When Cyprus passed under Venetian authority, the chancellor Florio Boustron was confronted with the lack of written instructions at the bureaus of the *Secrète* for the Lusignan period, and with the fact that available ones were in the hands of land tenants, written in Greek, and totally unreliable. Hence, in 1554 he engaged in a personal inquiry based not on the extant written records but on the reports of "old people and experienced in such matters."²⁰

Crusader archives between East and West

The vignette of the Mamluk entry to Nicosia comes in handy to illustrate the close relationship between Middle Eastern practices of writing and documentation and the scribal clerks, or rather, families, entrusted with the production of records. Narratives about lost archives in the Middle East, I argue in the following pages, are due to the fact that documents were regarded as the personal property of their producers, rather than as forms and manifestations of state power. Written records

¹⁸ Petry, *The Mamluk Sultanate*, pp. 158-165.

¹⁹ Michel, "Les Circassiens avaient brûlé les registres", Kumakura, "Who Handed over Mamluk Land Registers to the Ottomans?"

²⁰ Grivaud, "Ordine della Secreta di Cipro", pp. 547, 560.

were expected to be in the custody of the chancery clerks and not permitted to be ‘loose’ in the world. Descriptions provided by the *livre contrefais* and by Philip of Novara of the Crusader archives, be they at the Holy Sepulcher or, later, in Cyprus, mention chests entrusted to several key holders, rather than proper archives attached to courts and chanceries.²¹ The association between the record and its producer, on the one hand, and the lack of a locale for these collections in the Lusignan kingdom look indeed very similar to chancery practice in fifteenth-century Egypt and Syria, and seem to have played a role in the non-survival of archives in both lands.

There is a heated debate going on about whether or not Islamic societies relied on written records and archives to the same extent their ‘Western’ counterpart did. This discussion on the archival divide stems from the long-established idea that medieval Muslims, unlike their European contemporaries, have failed to transmit to us their archives, a phenomenon that took a significant turn with the Ottomans in the early modern era. Orality and lack of archives are two sides of the same medal because, in the Islamic legal system, most legal records were considered simple *aide-mémoires* and ceased to be valid once those who had a memory of the recorded facts died. Hence, there was no need to preserve them. Therefore, the preservation of judicial collections depended primarily on ideas of proof and evidence, and as a result, notarial and archival practices go hand-in-hand. This divide has been acknowledged by scholars since the nineteenth century, usually accompanied by explanations about the different institutional trajectories of both societies.²² Medieval Islamic practice stands therefore in stark contrast to the prevalent written culture of southern Europe and its *notaries public*, whose deeds were bound to be filed in protocols and preserved, since they remained valid without further oral support. As we will see in the closing section, to understand the behavior of chancellors and notaries in the Crusader kingdoms, it is necessary to consider the Islamic notions and ideas about literacy that

were prevalent in Syria and Palestine about the time the Franks left the Holy Land at the end of the thirteenth century. Syrian clerks took their literacy skills, notions and practices to Cyprus in 1291, followed by successive waves of migrants, up to the fifteenth century.

As against this background, in the last years, there has been growing number of works claiming that Islamic societies relied on writing and documentation in their daily lives as much as their ‘Western’ counterpart did and that Islamic archives cannot be found because they had been destroyed or recycled, or, as convincingly argued by Konrad Hirschler, because collections were produced, used and preserved according to different logics and priorities.²³ The issue with scholars who advocate for the existence of archival traditions equal in importance to those of ‘the West’ - in this case the Romanized cities of southern, or rather, southwest Europe - is that they often blur the distinction between the use and production of records and that of long-term preservation.²⁴ An influential work by Guy Burak, E. Natalie Rothman, and Heather Ferguson reviews the recent trove of cross-cultural research devoted to the issue of archives. Warning historians against the Leviathan of comparing European vs. Islamic ‘archival cultures’, they advocate for exploring the mobility of documentary notions, formats, and practices across divides. From many angles, the idea that Muslims had a different, and—allegedly—inferior consideration of written proof and did not prioritize record preservation is now being challenged and labeled as myopic and *Neo-Eurocentric*.²⁵ Instead of dwelling on clear-cut divisions, the Crusader archive emerges as a crossroads where different scribal traditions intertwined and cross-pollinated.

In the introduction to her monumental *The Lost Archive* Marina Rustow points an accusing finger at historians of Medieval Egypt and Syria for disregarding documents in favor of a view of history that mirrors that of the learned elites they study. Historians, Rustow argues, with their bias on ‘literary’ sources, are bearers of a nineteenth-century tradition of Eurocentric narratives

²¹ According to Nader, before the *parlement* at Acre the *escribein*, who accompanied the viscount when in court, was in possession of the chests (*huches*), containing the written registers, and drew up the charters of property transactions, Nader, *Burgesses and Burgess law*, p. 141.

²² For a comparative approach to notarial and archival practices, Francisco Apellániz, *Breaching the bronze wall*, pp. 138-143. A recent reappraisal is provided in Burak, Ferguson, & Rothman, “Towards Early Modern Archivality”. Another recent contribution is that of Jürgen Paul, “Archival Practices”.

²³ Hirschler, “From Archive to Archival Practices”, Aljoumani & Hirschler, *Owning Books and Preserving Documents*, pp. 78-110.

²⁴ I concur with the problematization advanced by A. Hespanha of the notion of a legal ‘West’, Hespanha, “Southern Europe”.

²⁵ Burak, Ferguson, & Rothman, *Towards early Modern Archivality*.

and concepts (mainly that of *oriental despotism*), underplay the importance of diplomatics and philology in writing history. They tend to neglect the materiality of the records left by lower-rank actors. Once again, Middle Eastern studies take center stage of debates on the inadequate categories adopted to face the East-West apparent divergence.²⁶ But, were these societies allegedly without archives necessarily ruled by Muslims? Against the background of an increasingly bitter debate, the attitude of the Barons in Acre towards writing and archiving and the mysterious whereabouts of their own documents stand as an uncomfortable parallel to their Islamic rivals. If not providing a definitive answer, this article aims to contribute to the discussion by taking advantage of evidence that appears to be somewhat out of place in the discussion. In the following pages, I will present and discuss an Arabic notarial deed drawn up in Cyprus in 1435, drafted by an Arab Christian clerk and involving several actors from the post-Crusade kaleidoscopic society. Of equal importance for our purposes, the document required the intervention of Syrian members of the chancery, who added a subscription in old French.

The 1435 record is *exceptional* since it does not seem to fit in the abovementioned East/West dichotomy. However, to use the label coined by Edoardo Grendi (1932-1999), the record constitutes a normal, or an *exceptionnel-normal* witness, since, despite its uniqueness, it is revealing of how social and individual life was documented and preserved.²⁷ The record seems to be out of place within the narrow limits in which the *archival divide* has been framed, since, while being an Arabic document, is not Islamic, although indebted, I will argue, to Islamic notions of record-keeping and proof. The record is a notarial deed, but far from representing the standard practice of the Latin elites, it was drawn up according to the scribal rules of a Syrian clerk. It saw the light in a Crusader kingdom, yet away from the Holy Land, in its offshoot society in Cyprus. To all appearances, it is the only extant Arabic document produced after the Crusaders departed from Palestine, hence the last documentary witness to these communities' use of Arabic in the fifteenth century. Its peculiar nature and the circumstances of its retrieval allow us to rethink the *archival divide* from a different angle. By bringing to the attention of scholars an exceptional Arabic deed, I wish to focus on

scribal traditions that depended on categories such as witnessing, memory, and ultimately, the authorship of documents by chancellors rather than on notarial artifacts and institutions such as the archive or the notarial guild.

Cyprus, a crossroads of scribal cultures

Looking for the historical context for our Arabic document in the literature is a demanding enterprise. Jean Richard has written with great sophistication on chancery practices in the Crusader kingdoms, but paid little interest to the Syrian, and eventually Islamic, influences. The few Latin notaries active in Cyprus whose records have been preserved in Genoa and Venice continue to gather all the attention.²⁸ In exchange, Crusader law and courts are particularly well-mapped. In the early sixteenth century, the new Venetian rulers of the Island set a commission to retrieve and translate the Crusader legal codes.²⁹ The dearth of local archives contrasts with the abundance of treaties of jurisprudence, or *assises*, at our disposal. Yet, all too often, interest in the scriptural and academic legal cultures has silenced vernacular actors, and their recourse to customary, often oral legal traditions.³⁰ This attitude has led to the invisibility of Syrian legal culture, although, as it has been noted, the use of the Arabic language and legal institutions in Cyprus became even more relevant than in the Holy Land.³¹

Although we know a lot about feudal law, we still lack knowledge about cross-confessional justice dispensed at the *Cour de la Fonde* (the Crusader 'marketplace'), or the community courts of the Syrians. One of the major paradoxes is that while we have a great deal of information about courts and codes of law, Crusaders, just like their Muslim neighbors, have not left judicial archives and therefore we do not know much about how justice and particularly cross-confessional legal relations worked in practice.³² It has to be noted that this has been just as much the case for medieval Islamic law. Despite the abundance

²⁸ Balard, Balletto & Otten-Froux, *Gènes et l'Outre-mer*.

²⁹ Edbury, *John of Ibelin : Le livre des assises*, pp. 3-4.

³⁰ Hespanha, *Southern Europe*, pp. 348-351.

³¹ Richard, "Le plurilinguisme", sect. 6 : "L'emploi de l'arabe par la chancellerie".

³² Cross-confessional justice has been neglected by scholars of the Crusades, Richard, "The institutions of the kingdom of Cyprus", More recently, Nader, "Urban Muslims", has brought the issue to light. Problems related to the murky status of Muslims are discussed in Mayer, "Latins, Muslims and Greeks".

²⁶ Marina Rustow, *The Lost Archive*, pp. 424-450.

²⁷ Grendi, "Micro-analyse et histoire sociale".

of works of jurisprudence (*fiqh*) the dearth of court records and proceedings made scholars think of actual justice as an eminent pragmatic system that had few things in common with the sophistication of Islamic legal theory.³³ Topics related to cross-confessional relations, the use of the Arabic language and Islamic influence are also poorly covered.

At least three different legal layers were present in medieval Cyprus. These systems overlapped and coexisted with each other. The first was influenced by the legal traditions imported from northern France—where validation of private documents derived from the royal or ecclesiastic gracious jurisdiction. The second system was based upon the customary law of the Syrians, which had their own courts and Arabic scribes. Lastly, there was the predominantly written legal culture of Southern European cities, inspired by the *Ius commune* and marked by the use of the *public*, notarial document. In this section, I will focus on these three overlapping legal systems and how the first two are equally responsible for the absence of archival collections. Then I will examine the whereabouts of the remaining Crusader documents—particularly those written in Arabic. These documents would allow us, in turn, to identify the major problem that concerned the Mamluk troopers in 1426: finding the Crusader archive and its custodians.

Defenders of Islamic archival practices have declared the inadequate character of history as a discipline to provide a non-Eurocentric approach to the societies under Muslim rule. Rather than those of *narrative*, or *archival* historians, the skills of palaeographers, papyrologists, and codicologists are needed to fully grasp the meaning conveyed by the document as an artifact.³⁴ Late medieval Cyprus was indeed a challenging field for medievalists, who were faced with a similar request for technical skills. Crusader history requires a good deal of legal knowledge, several languages ranging from Greek to Armenian, and expertise in fields such as sigillography or numismatics. As in the Islamic case, attention paid to diplomacy has been particularly compelling; one of the few surviving Arab charts produced by the Crusaders, now hosted in the archives of Palermo, was first edited in the nineteenth century, then in 1949, later by the eminent historian Claude Cahen, then by Jean Richard, Dominique

Sourdel and Janine Sourdel-Thomine, only to be the object of a thorough revision by Nadia Jamil & Jeremy Johns in 2003.³⁵ In a way, historians of the Crusades have anticipated the hardships described by Rustow, Hirschler, and others for Islamic studies, since they first faced the task of studying a highly literate society but without access to its archives. To be sure, if compared with its Islamic counterpart, Cyprus offers the advantage of having been permeated by citizens and subjects of the Italian communes and by hosting enclaves such as Genoese Famagusta, whose archival collections have been preserved in Italy. Genoa annexed Famagusta in 1373, imposing her communal institutions and administrative practices responsible for the production of archived collections, such as the impressive *Massaria* of Famagusta series.³⁶ By the same token, it comes as no surprise if the 1435 Arabic deed has come down to us as part of the Venetian collections. If the problems concerning writing and archiving span religious boundaries, the method and key concepts employed in the analysis of the 1435 deed will be shared with Islamic history.

Overlapping legal systems and jurisdictions made Cyprus a crossroads for scribal cultures, where different kinds of notaries crossed paths at the marketplace. The King ruled over his vassals and servile peasants according to feudal law. Yet other jurisdictions overlapped with that of the King. Famagusta hosted several Italian-style courts applying the *Ius Commune*, some commercial tribunals, and other forums like the *Cour des Syriens*.³⁷ The Genoese governor (the *Capitano*) heard cases whose proceedings have survived in Genoa. In that context of a *de facto* legal pluralism, one could be the King's vassal according to feudal law and at the same time enjoy Venetian citizenship.³⁸ Venetian and Genoese families settled after the conquest in cities such as Tyre, where they kept their original citizenship. Syrians such as the Audeth stemmed from this milieu, better known as *White Venetians* and *White Genoese*.³⁹ However significant the use of French and Arabic might have been in legal proceedings, the output of the Latin scribes attached to Latin courts and consulates, whose records have survived in Italian archives, overshadowed their

³⁵ Jamil and Johns, "An Original Arabic Document".

³⁶ Otten-Froux, "Famagouste", pp. 74-76.

³⁷ Richard, "La cour des Syriens", Otten-Froux, *Famagouste*, pp. 135-136.

³⁸ David Jacoby, "Citoyens, sujets et protégés".

³⁹ *Ibid.*, 168-170.

³³ Schacht, *An introduction to Islamic law*, pp. 199-211.

³⁴ Rustow, *The Lost Archive*, pp. 3-4, 8-12.

importance.⁴⁰ Endowed with public faith, the deeds drawn up by Latin notaries were filed in ledgers and preserved by the authorities of their Communes.

In Cyprus, entire communities of Syrian descent seem to have been Arabic speakers until the fifteenth century, and we have reason to suspect that many Cypriots were unable to express themselves in any other language. We have indirect proof of a vernacular, Cypriot variety of Arabic being widely used up to the Venetian domination.⁴¹ Cypriots had a consul in Alexandria and merchants engaged in business with Egypt based on contracts written in Arabic. A Venetian notary deed from Alexandria reports a case of a Cypriot who required the services of a dragoman to deal with Latin merchants in Egypt.⁴² Guillaume de Tyr states that, in Cyprus, fiefs were granted to dragomans and to Arabic scribes in the rural areas where the Syrian population had settled.⁴³ Specialists believe that the Syrian population had recourse to their community notaries, who were likely ecclesiastics who drafted contracts and deeds in their own language, which is confirmed by the 1435 document. A rare Arabic dowry deed mentioned by the Venetian notary Nicola de Boatieriis suggests that vernacular scribal traditions were required for issues of family law.⁴⁴ Cyprus is often described as home for Christian confessions and rites, such as the Jacobites, Maronites, Nestorians, and particularly Melkites. Adherents to these dioceses were mostly Syrian, and therefore Arabic-speaking Christians.⁴⁵

In the Lusignan Kingdom, with a nobility hailing in large measure from Northern France, the supremacy of feudal law and the right of noblemen to be judged at the High Court was never challenged. The Florentine agent of the Bardi company Francesco Pegolotti warns us of a subtle, yet important peculiarity in the functioning of the notarial system in Cyprus. In a passage of his *Pratica della mercatura*, written during the 1330s, he states: *In Cyprus... nowhere in the island notarial deeds have any probative value... unless validated by the king's grace.*⁴⁶ Unlike in Southern Europe, where Italian-style notaries

had been invested with public faith, to be valid notarial deeds needed to be certified by the royal or ecclesiastic gracious jurisdiction. According to Northern French legal traditions, it was an official seal and other forms of authentication, not the word of a *notary public*, to grant a document official validity.⁴⁷ To Pegolotti's surprise, when two parties concluded a transaction of any kind, it needed to be certified by royal officials, who transcribed it into a *livre des remembrances*, the favorite record-keeping format in Cyprus. Most commercial contracts, Pegolotti admits, were registered by the customs clerks, following the registering standards in Central and Northern Europe. According to this passage, Cyprus "was unfamiliar with notarial activities" that were amply diffused in Southern Europe. There were scarce notarial deeds in circulation and at least up to the fourteenth century most contracts were drawn up and registered at Cyprus' commercial courts.⁴⁸ This tendency started to change with the consolidation of Royal power: In 1311 an Auditor was created in charge of certifying notarial deeds; from then on, notaries of many kinds opened up shop in Cyprus, where they drafted contracts and deeds that were later certified by the Auditor and other royal officials. This appears to have been the case for our Arabic document drafted in 1435, which was certified by a chancellor through a subscription written in old French.

Thus, by 1300, Cyprus had become a hub for Latin scribes. Alongside clerks drawing up deeds in Greek and Arabic, the kingdom hosted many notaries hailing mainly from Italy, in whose legal schools the required scribal skills could be acquired. Hence, after an initial period of notarial autarchy, Cyprus became part of a vast notarial oecumene, that of the so-called *imperial* notaries.⁴⁹ These clerks reclaimed for themselves the investiture hailing from the Roman emperor, making their deeds allegedly valid throughout the whole Roman territory (including regions ruled in the late Middle Ages by Muslims). Venturing notaries found it interesting to offer notarial services in the commercial cities of Cyprus; in the same manner Venetian and Genoese notaries were dispatched to several commercial spots in the Black Sea, Syria, Egypt, or North Africa.

If Latin notaries acting under imperial jurisdiction were the most frequent, in Cyprus they

⁴⁰ For a description of the extant material, Nicholas Coureas, "The Structure and Content".

⁴¹ Balletto, "Ethnic Groups", Richard, "Culture franque".

⁴² Archivio di Stato di Venezia, Cancelleria Inferiore, Notai, B. 222, Notary A. Vactaciis, f. 80r, 3 Dec. 1404.

⁴³ Edbury, *The kingdom of Cyprus*, p. 16.

⁴⁴ Nicola de Boatieriis, pp. 73-74.

⁴⁵ In this respect, see the discussion by Jamil & Johns, *An Original Arabic Document*, p. 162.

⁴⁶ Pegolotti, *La pratica della mercatura*, p. 88.

⁴⁷ Bautier, "L'authentication des actes".

⁴⁸ The passage is discussed in Richard, "Aspects du Notariat public".

⁴⁹ *Ibid.*, pp. 210-213.

were accompanied by others, hailing from German and French dioceses and whose continental script was appreciated by the Latin elites. Pontifical notaries can be found too, and it was common among the Greek and the Syrian communities to have members of the clergy as scribes, as is very likely the case for the author of our document, Abū-l-Nazārī. Although not all documents did require royal registration, all these scribes handed, on occasion, their documents to the registering authorities for validation, upon the payment of a fee. Richard suggests that after 1300, Latin scribes from Italy were often employed as chancellors and therefore had access to their masters' seals and registers.⁵⁰

At the beginning of the fifteenth century Cyprus combined, among others, a feudal legal tradition of registration by royal officials, Christian-Arabic notary-witnesses, and, lastly, imperial notaries who drafted deeds endowed with public faith. Of course, the choice of a given notary did not depend only on the parties' ethnic origins. Jeremy Johns has pointed to the fact that Arabic documents were issued by the trilingual Sicilian chancery to recipients who were not Arabic-speakers.⁵¹ Deeds were drafted to secure rights, eventually before courts outside Cyprus, in the same manner deeds drawn up in other places such as Damascus were produced in hearings held in Famagusta.⁵² Whatever the motivations, needs, and background of the notary's clients, only the Latin documents produced by Italian notaries public found their way into protocols and communal archives. Syrian and Frankish scribal traditions and their respective notions about proof and validation, appear instead to be responsible for the dispersion of records. The exiguous number of documents produced by Cyprus' chanceries, some of them in Arabic, are to be found elsewhere.

Behind the whereabouts of the Crusaders' collections

Tracing the whereabouts of the Chancery's remnants is telling of the Frankish attitude toward storing and preserving records. The Vatican archive hosts the only significant collection of documents, most of which were produced and

archived as products of the regular functioning of the pontifical court. These records were either dispatched by pontifical legacies to Cyprus or regularly exchanged by the papal chancery of Avignon. As for the records produced in Cyprus, a group of ten documents from the royal Chancery was brought to Rome after the 1460 civil war by their owners, which never returned due to the Venetian takeover of the island in 1473.⁵³ Similarly, the Arabic document mentioned earlier, drawn up in Antioch in 1213 and today in Palermo, has survived thanks to the will of its recipients, the Benedictine monks. Once custodians of the shrine church of Josaphat in Palestine, the Abbot brought with him the deed when, after the fall of Acre, the monastery was established in Sicily. It may appear, therefore, that documents issued by the Crusaders have been almost invariably preserved by their recipients.

As mentioned in our second *vignette*, the Audeth clan, a *white Venetian* family, defected the French and opened the gates of Nicosia to the Mamluks, hoping to be spared by presenting themselves as Venetian citizens. Another brother, Antoine Audeth (d. 1453), started a charitable foundation and appointed the Venetian state as his heir. His estate was handled by a financial institution in Venice, which gathered a remarkable collection of notarial deeds and other documents pertaining to the family. Although the Audeths were generally considered an Arabic-speaking family, no Arabic records found their way into the collection. The Venetian executors had some Greek deeds and testaments translated into Italian.⁵⁴

This pattern is behind the survival of seven Arabic records related to the Hospitallers' estates, and now extant at the Archives départementales des Bouches-du-Rhône. They traveled from Palestine to the order's *commanderie* in Manosque, Provence, where they were cataloged by the archivist Jean Raybaud in the eighteenth century. Raybaud described the records as written *en babillonne sive caldée*, or even *en lettre caldée sive turquise*.⁵⁵ The remaining Arabic documents issued by the Crusader chancery have either been transmitted in summary by Ibn Buḥtur (active between 1425-37) in his family history *Tārīkh Bayrūt*—i.e., by the recipients' descendant, or kept in the Orthodox Patriarchate in Jerusalem. In this latter case, a sales deed dated

⁵⁰ Richard, "La diplomatie royale", pp. 78-79, Richard, *Le Livre des remembrances*, p. xiii, Richard, "Aspects du Notariat public", p. 212.

⁵¹ Johns, "Arabic Administration", p. 207.

⁵² Archivio di Stato di Genova, San Giorgio 590/ 1289, f.106v

⁵³ Richard, *Chypre sous les Lusignans*, p. 3.

⁵⁴ ASV, Procuratori San Marco, Citra, *Misti* 132. The *commissaria* Audeth has been studied by Jean Richard, "Une Famille de Vénitiens Blancs".

⁵⁵ Richard, *Le plurilinguisme*, p. 1.

1169 was received by a Greek priest.⁵⁶ This pattern, it has to be noted, dovetails with the apparent paradox of late medieval Islamic societies, whose chanceries and notarial stalls issued deeds and decrees that most often have survived in non-Islamic religious institutions, their recipients, such as Saint Catherine's Monastery or the Synagogue of Ben Ezra in Cairo. The 1435 Arabic notarial deed at the center of the present study owes its survival to a similar logic.

Standing as the most important witness of the Lusignan chancery, the extant *livre des remembrances de la Secrète* consists of a volume collecting court rulings, decrees, and private deeds issued during the 1468-9 timespan. This almost complete court record was found in a rural area of Cyprus and bought by a French vice-consul in 1627, then handed to the orientalist Peiresc (1580-1637) and ended up as an acquisition of the Vatican Library.⁵⁷ As mentioned earlier, the *livres de remembrances* became the standard record-keeping format in Cyprus. The Royal Chancery, the Secrète and the different courts of justice kept their decisions in these scribal artifacts. Original documents containing the signatures and seals were delivered to the right holders, while the contents of the deed were drafted in the *livre de remembrances*, featuring, if validated, the formula *confermé*.⁵⁸ A further parallel can be drawn between the *remembrances* format and the main chancery artifact in use in the Mamluk administration, the *daftar* kept by Arab clerks. As it has been pointed out for Islamic decrees, due to their physical features such as their dimensions, and monumental script, the originals had a symbolic, performative value and circulated widely, being often the object of reuse.⁵⁹

Unlike the visually impressive scrolls produced by the Fatimid chancery or the decrees imagined by the Crusader jurists, both the Islamic *daftar* and the *livre des remembrances* exhibited modest material features and were deprived of any symbolic capital. The mid-fifteenth-century secretary Šams al-Dīn Muḥammad al-Saḥmāwī (d. 868/1464), describes daily chancery practices revolving around the *daftar*, but these practices appear to have been more concerned with the drafting of documents than with their preservation.⁶⁰ The procedures described by al-Saḥmāwī

sought to secure the traceability of drafts to a single clerk, and to prevent blank or in-the-works decrees from being forged or manipulated. It has to be noted that during the 1251 *parlement* the party defending the keeping of written records insisted that the court's output ought to be filed in a single register.⁶¹ Both the *daftar* and the *livre des remembrances* were artifacts used by secretaries to keep track of the documents drafted by the chancery, reporting their contents but deprived of signatures and seals. Incidentally, in his description of how documents were deposited at the Sepulcher, Novara alludes to the solemn script, the gold and red ink employed by the scribes, the seals and other physical features providing the records with this performative function (a description reflecting later, thirteenth-century practice, hence betraying the anachronistic character of Novara's narrative).⁶²

At this point, the question emerges about why is it that no vernacular documentation appears to have survived that can be traced to its original repository. The only exception to the non-survival of records is the *livre de remembrances* found in 1627, which, as Peiresc seems to imply, was located in an unexpected place "in the mountains." It contains a single reference to the archiving procedures adopted in the *Secrète* that is in itself revealing. In 1469, Sire Jacques Stranbailli felt the need to ascertain the details of a sales contract. Nine years earlier, he purchased a garden from Sire Georges Mistahel, a Syrian, but now realized that he had forgotten the exact date. Both seller and buyer looked for the contract's registration at the *Secrète*, but the relevant *livre de remembrances* could not be found. To his horror, Stranbailli could not retrieve the original chart delivered to him by the notary either, and both parties amiably agreed to have the sale registered again.⁶³

Needless to say, the *secretains* would have been able to retrieve the documents they themselves had produced. This was the case in 1395, when the King requested evidence of some payments from 1365-1368. However, even in ordinary instances the procedure was more concerned with safekeeping than accessibility, since it involved not only the *Baillie* of the *Secrète* but the whole body of *secretains*. The records were placed *under the key and seal* of the *Baillie*, Thomas Mahé, who together with the *secretains*, issued the receipts, then certified them through the written

⁵⁶ Pahlitzsch, "Ein arabischer Kaufvertrag".

⁵⁷ Richard, *Le Livre des remembrances*, p. vii.

⁵⁸ Richard, "La diplomatie royale", p. 82.

⁵⁹ Rustow, *The Lost Archive*, pp. 381-391.

⁶⁰ Apellániz, *Breaching the Bronze Wall*, pp. 52-53.

⁶¹ *Livre Contrefais*, p. 248.

⁶² Edbury, *Philip of Novara*, pp. 119, 259. Edbury, *Law and custom*, p. 75, Sombati, *Letres*, pp. 72-73.

⁶³ Richard, *Le Livre des remembrances*, pp. 131-132.

subscription of each one of the chancellors. In the long term, instead, the collections in the Baillie's possession were no longer accessible. In 1556 the Venetian officials in Cyprus complained about the norms followed at the time of the Lusignan kings by the *Secrète*, which had resulted in the loss of originals, hence the need to resort to uncorroborated copies or to the originals in possession of the right holders.⁶⁴

Gilles Grivaud has pointed out that, in the 1530s, when the authorities gathered the body of Cyprus' customary law to retrieve copies of the *assises*, the commission was forced to have recourse to the manuscripts owned by private collectors.⁶⁵ In the sixteenth century Florio Boustron felt the need to have the regulations of the *Secrète* written down pursuant, he reported, to the many conflicts that arose concerning land property and taxation. According to Boustron, the bureau did not keep any manuscript containing its own regulations (*et tamen nella Secreta Real non si attrova alcuno ordine*).⁶⁶ These episodes raise a few eyebrows about whether the Crusaders had archives or not and parallel al-Saḥmawī's description of the Mamluk *daftars*, which did not leave the workshop to join larger state collections, serving only as a reference for ongoing work at the chancery. In Lusignan Cyprus, the drafting of the *praticchi*, or cadastral surveys, the attribution of fiefs and the handling of tax income constituted the *Secrète*'s main attribution. However, one is left with the impression that the conduct of these affairs was left in the hands of the personal knowledge of chancellors, and that the document had but a murky existence without the authoritativeness provided by a living author.

For Cyprus, we have evidence of two notarial contracts drafted in Arabic regarding the Mistahel and the Audeth families. In both cases they concerned issues of family and probate and were drafted by community notary-priests. They were certainly the same Jacobite and Syrian presbyters that were present at these Syrians' deathbeds.⁶⁷ The behavior of the Syrian Georges Mistahel in 1469, who does not seem to have had, at least

initially, much interest in having the sale of his garden properly registered, seems to suggest that there existed a milieu of social relations where the recourse to notarization, and particularly to records written in a dying language such as Arabic, instead of displacing orality, served the purposes of fixing the memory in the community.⁶⁸

In the case of Islamic studies, the explanation for the non-survival of archives has been, often unconvincingly, that archives existed, but they have not survived due to episodic destruction. As we have seen, Saladin is credited by Novara with the earliest destruction of the Crusader archives during the takeover of Jerusalem. Following Richard, Gilles Veinstein conjectured that Venetian archives—heirs of the Lusignan collections—were again destroyed during the Ottoman conquest of Nicosia.⁶⁹ The same has been often assumed for the Fatimid book collections. A similar fate has been suggested for the Fatimid chancery archives, supposed to be located somewhere in the vicinity of the Caliphal palaces and lost during the Fatimid-Ayyubid transition.⁷⁰ The Ottoman takeover of Egypt in 1517 is also believed to have resulted in the loss of the Mamluk collections. Available explanations for the fate of the Islamic collections appear, once again, surprisingly coincident with those assumed for the Crusader archives.

Recent research by Fauzia Bora on the Fatimids or by Nicolas Michel on the Ottomans has questioned the pervasive assumption that episodic destruction accompanied the downfall of ruling dynasties. Michel's reconsideration of the Ottoman takeover of Egypt's records supports the idea that first, collections were not necessarily kept within a state archive, since they were rather considered as personal collections of secretaries. Secondly, the archives did not perish but were gradually assimilated into the new administration, usually, but not always, becoming useless at the end of this process.⁷¹ In their discussion of the Sepulcher letters, Edbury, and more recently, Sombati, have offered ample evidence from Islamic chroniclers that Saladin did not sack the town, and that the clergy was allowed to take from the Sepulcher whatever they considered worth saving. Similarly, the *Discours de la prise de Nicosie* by Calépien

⁶⁴ Ibid., p. xi, n. 14-15, *I libri commemoriali*, vol. 6, pp. 285-286. [...] furent contrescrits les dytes payes en prezensse doudit bailly de la secrete et des secretens, et pour afermance ont confermé ce prezent escrit chascun de sa letre, De Mas Latrie, *Histoire de l'île de Chypre*, Vol. II, pp. 423-424.

⁶⁵ Grivaud, "Ordine della Secreta di Cipro", p. 547, n. 122.

⁶⁶ Ibid., pp. 560, 565-566.

⁶⁷ Richard, *Une famille de Vénitiens Blancs*, pp. 90, 117, 127.

⁶⁸ Smail, "Notaries, Courts and the legal Culture", p. 49.

⁶⁹ Arbel & Veinstein, "La fiscalité veneto-chypriote", pp. 7, 16.

⁷⁰ For a discussion, Apellániz, *Breaching the Bronze Wall*, pp. 71-72.

⁷¹ Bora, "Did Ṣalāḥ al-Dīn Destroy the Fatimids' Books?"; Michel, "Les Circassiens avaient brûlé les registres".

describes the skirmishes during the Ottoman takeover of the city in 1571, mentioning the role of the Chancery clerks in them. However, nothing is said about the collections' destruction.⁷² Be that as it may, the image of Muslims burning archives is a widespread, resilient one. While it has served the purpose of justifying the waning of invented archives, a close examination often proves that such claims are unsubstantiated. While we can hardly pin the dearth of the kingdom's records on alleged Islamic plunderers, in the concluding section I turn to the 1435 deed for answers about why judicial archives have not come down to us.

The 1435 Arabic deed

Our deed was drafted by a certain *Abū-l-Nazārī Ibn Yāk*, in all probability a notary-priest. He was certainly a Syrian-origin Arabic speaker, and his Franco-Arabic name (son of *Jacques*) suggests that his family was integrated into the Crusader society. A Melkite affiliation—a Greek church with Arabic-speaking ministers—may be inferred from the use of Greek characters in his monogram. The document is dated Friday 8 Nisān (April) 1435, while the year seems to have also been recorded in a different set of numerals, probably according to the Byzantine Era.⁷³ The deed is part of the personal archives of Alvise Correr, a Venetian merchant active in Cyprus and banker of the ruling family. It is accompanied by other Cypriot documents, such as a Latin deed drawn up by the imperial notary and chancellor Marcus de Signorio and a French deed from a *livre de remembrances*, dated 1433. While the two other documents refer to Correr's role as a banker of the Lusignan, the Arabic deed concerns three members of the Audeth. The family survived the Mamluk takeover and made significant loans to king Janus and the Cypriot nobles to ransom hostages.⁷⁴

As for its contents, the clerk reports that *Āmārī Dulfīn* (the Venetian Marin Dolfin), *Anṭūn 'Wdāt* (Antoine Audeth, d. 1453), and *Yuhannā 'Wdāt* (Jean Audeth) appeared before the notary as clients. The last two were serving as executors of their late brother's estate, the deceased

Ḥamīs 'Wdāt (Hamis Audeth).⁷⁵ They declared that “everything”, i.e. any debt contracted by *Lwīs Kurāl* (i.e. Alvise Correr) vis-à-vis *Ḥamīs 'Wdāt* would be extinguished from their pending affairs. Referring in all probability to the notary's clients, the scribe further states that they ‘cannot write’ and that they have summoned *Astās Ġūl* “to write and to make know through the present record.” This rather obscure wording may refer to the fact that *Abū-l-Nazārī*'s clients were able to speak Arabic but could not write it. The scribe's Arabic grammar and writing are defective, he does not lift the pen when drafting some words and generally lacks diacritics.

Acting at the priest's request, *Astās Ġūl* adds a subscription in old French to the document, to make the otherwise private deed legally binding according to Cypriot legislation. The reading of this subscription poses some difficulties, although the chancellor uses the expression *confermé la dite écrite*, a well-known validation formula in Cyprus' chanceries.⁷⁶ Unlike *Abū-l-Nazārī*, *Ġūl* can be identified with certainty in the sources: he is no other than the Eustache Goul, the “archivist” the Mamluks were looking for in the aftermath of the battle of Khirokitia on 7 July 1426.⁷⁷ Needless to say, *Ḥamīs 'Wdāt* is the same Hamis Audeth who led the group of Syrian notables that opened the gates of Nicosia to the Mamluks that very same day.

The deed has been preserved in the Venetian archives as it was part of the personal documents of its beneficiary. Correr lived for some time in Cyprus, and has left a long trail of references in the sources. Together with Antoine and Jean Audeth, Alvise Correr was also involved in the financing of King Janus' ransom.⁷⁸

Daide (*Dāwūd*), Salomon (*Salmūn*), and Nicola (*Nikūlā*) appear as witnesses to the deed. They use the formula *šahada bi-dalika* (*he bore witness to that*), typical of Islamic documents, although not in their own handwriting; their Arabic subscriptions are written by the scribe. The latter, acting in the same way as the Islamic notary, is

⁷² Calepien, “Discours de la prinse de Nicosia”.

⁷³ Bauden, “Handlist”, Pedani, “Historical survey”. The document was briefly addressed in two independent contributions, published in the same journal issue (*Quaderni di Studi Arabi*, 2002). Bauden published the deed's contents, without translation or transcription, while Pedani shortly elaborated on Alvise Correr and his archives.

⁷⁴ The family's background, composition, and finances are discussed in Richard, *Une famille de Vénitiens Blancs*, pp. 89-94.

⁷⁵ Together with *Ḥamīs*, the younger brothers, Antoine/*Anṭūn* and *Yuhannā*/*Jean* are also documented in the Audeth papers in ASV, Procuratori San Marco, Citra, *Misti* 132, Richard, *Une famille de Vénitiens Blancs*, pp. 89-91.

⁷⁶ Richard, “La diplomatie royale”, p. 82.

⁷⁷ Documented as *Estas Goul*, together with his nephew Pierre Goul, in Richard, *Le Livre des remembrances*, pp. 124, 130, Jacoby, *Citoyens*, pp. 168-169, 179.

⁷⁸ Coureas, *Tribute*, p. 363. Venice, Archivio di Stato, Procuratori di San Marco, *Misti*, busta 205, Fasc. I. The loan made by the Audeth dates from 1435, Richard, *Une famille de Vénitiens Blancs*, p. 92.

himself a witness to the deed he has just drafted, hence using the first person (*šahadtu ‘alayhim bi-dalika*, or *I bore witness of that on their behalf*).

The 1435 notarial deed does not seem to fit into the pattern of the Italian-style public document. Unlike deeds drawn up by imperial notaries, where witnesses are just mentioned as being present, Abū-l-Nazārī’s formulae refer to the oral testimony the witnesses may provide if summoned before the judge (lines 23-5: *established equally by witnesses, before any judge either ecclesiastic or secular*). The role of the witnesses strongly suggests that Abū-l-Nazārī’s craft resembles that of the Islamic notaries, whereby the document works as an *aide-mémoire* supplied to the parties by the scribe, who does not keep an original, or authentic, deed, in a protocol, as an Imperial notary would have. In the same manner as the Islamic notary-witnesses, Abū-l-Nazārī’s function seems to be that of giving oral testimony at court, flanking the witnesses to the deed. The witnesses do not sign with their own hands since their value lies in their capacity to testify orally at court and to attest to the deed’s contents. Abū-l-Nazārī seems to be delivering an *aide-mémoire*, bearing his *signum*, to the party, who may summon both notary and witnesses to appear at court. Instead, the Latin deeds produced by *imperial* notaries were public documents delivered to the parties, valid in southern European courts applying *Ius Comune*, and their originals were preserved in notarial protocols.

Not all external characteristics derive from an Islamic-like scribal tradition. The indiction and the notaries’ *signum* provide the record with supplementary, official authority, and the registration by a royal official suggests the need to use the record as a probative artifact in Cyprus. Lastly, the deed’s contents may have been registered in a *livre de remembrances*.⁷⁹ Except for the royal registration, the deed conforms to a notarial culture confining legal truth to the realm of orality and memory and, as stated by the lords of Acre at the beginning of this article, featuring a very limited trust in paper artifacts. As in the case of its Islamic counterparts, no Cristian-Arabic notarial protocol has survived, not necessarily due to catastrophic destruction or any bias against vernacular records, but simply because they never existed and, therefore, were not the object of any archival procedures.

⁷⁹ The surviving *livre* of 1468 contains a section for private deeds, Richard, *Le Livre des remembrances*, pp. 11-134.

A single extant register from the Lusignan courts stands in stark contrast to the c. 2.100 surviving deeds produced by Genoese notaries. Peter Edbury has found traces of the same phenomenon in his discussion of the historical work of archbishop William of Tyre (1130-1186). Despite his role as chancellor and his use of documents from his archiepiscopal archive, *he gives no indication that [...] he had access to any collection of royal records*.⁸⁰ The marginal, out-of-place 1435 Arabic deed, of very limited historical significance in itself, serves the purpose of illustrating that the lack of archives often associated with medieval Islam does not necessarily result from the biases of present-day historians. The same troubled absence of collections attests to the shared attitudes toward writing and documentation exhibited by Muslims and people embedded with Christian zeal.

At this point, a few final considerations can be added on how such attitudes may have crossed the boundaries between the Islamic principalities and the Crusader lands. Islamic societies’ distrust of the written word is mainly due to the attitudes of the legally learned against their secular rulers. As it is well known, this suspicion manifested during the early caliphate, when even the bearers of encyclopedic knowledge, such as *ḥadīth* collectors, restricted their own use of notes to simple *aide-mémoires*, entrusting actual knowledge to the realm of memory.⁸¹

On the contrary, royal powers were interested in promoting written documents to convey their own rulings and provisions. They were eager to sponsor new technologies, such as paper by the Abbasids. No wonder civil secretaries—the *kātibs* (ar. *kuttāb*)—populated the chanceries, and we have reason to believe that the Abbasid Caliphs and similar regimes, such as the Fatimids in Cairo, engaged in archival practices and procedures.⁸² The Caliphs in Baghdad had ample recourse to *ḍimmī* secretaries for their *dīwāns*, often hailing from a Persian scribal milieu or from Nestorian monasteries. The Fatimid caliphs were assisted by Jewish and Cristian chancellors and officials. It has been shown that scripts, documentary formats and the organization of the Fatimid chancery were, on occasion, adopted in Christian courts.⁸³

⁸⁰ Edbury, *Law and custom*, p. 75.

⁸¹ Melchert, *Ahmad ibn Hanbal*, pp. 28-31.

⁸² For a discussion, Apellániz, “Breaching the Bronze Wall”, pp. 71-71, 140-141.

⁸³ Yarbrough, *Friends of the Emir*; Johns, *Arabic Administration*, pp. 274-277.

The Crusader period coincided with a very different phase in Islamic history. The Franks' main contenders in Syria and Palestine were households of Turks and Turkicised nomads and their lieutenants, the so-called *atabegs*, such as the Ayyubid Kurds headed by Saladin. Unlike the Caliphs—often at odds with the ulama—these Turkic overlords needed the support of religious scholars. The ulama mediated between the military lords and the masses over which they ruled. Religious scholars provided the Turkish rulers with legal and political support through the schools of law and mystic confraternities. In exchange, from the tenth to the thirteenth centuries, the ulama took over chancery positions. A new kind of secretary, enjoying religious training, was now entrusted with chancery offices. The piety-minded became prevalent in ample areas of the religious and civil administration, which had previously been entrusted to a different kind of clerk, the more secular scribe or *kātib*.⁸⁴ Under the Turkish dynasties, in many administrative departments, the knowledge previously entrusted to archives was now deposited in the form of Islamic notarization, the ulama's favorite textual technology. To be sure, notarization conveyed a certain amount of paperwork, but ultimately these records were simple aide-mémoires, and oral witnessing by the notaries was needed. The Mamluks, who, as it has been mentioned, were Cyprus' overlords, epitomized this state of affairs, and notary witnesses proliferated in and out of the administrative bureaus in their realms.⁸⁵

I have been referring to the fact that, under the Crusaders, records were regarded as backed by their producers' memory and authorship, and that these attitudes closely resembled Islamic ones. For Muslims, legal truth was entrusted to the heart of upright believers, and not to the perishable matter of paper, which in practice meant that all transactions were vouched for by the ulama acting as notaries. If, on the one hand, Islamic notarization resided on orality, at the administrative level it made little sense to deprive records of the credibility provided by their author, the secretary. In Mamluk times, civil secretaries often acquired the external manifestations of the religious elites and were referred to as 'qadis'. Quite like the judge's papers, records needed to be securely kept in the secretary's possession and not permitted to be 'loose in the world'.⁸⁶

In Late Medieval Syria and Egypt, the notaries and clerks owned the records. Previously known archival procedures seem to have been abandoned in favor of this model in which provisions and administrative acts were indissolubly linked to the persons of these notary-witnesses. This was obviously the background not only for Muslims, but equally for the subjected Christians who had ample recourse to Islamic notaries.

We can only guess how notarial practices in Arabic reached Cyprus. Jeremy Johns has made a strong case for the Norman Royal *Dīwān* and its grafting of an Arabic chancery based on the Fatimid model. However, the evidence on the specific actors and circumstances of this transfer is only circumstantial.⁸⁷ We know that Syrians migrated in great numbers after 1291, settling in the countryside and coastal cities such as Limassol and Famagusta, where they might have outnumbered other populations. Privileges were extended by the Lusignan not just to Latin knights, but also "to shoemakers, masons and Arabic scribes".⁸⁸ Syrians were allowed to maintain their own courts, and a status superior to that of the Greeks, who were subject to a capitation tax. Migration waves continued until the fifteenth century, including entire families from Tripoli and Beirut, which are mentioned in the Genoese records. These Syrians bore Arabic names and made use of Arabic contracts, had recourse to their own jurors and courts, and kept their ties with the Arab lands.⁸⁹

No wonder the Arabic scribes who joined the Crusader chanceries brought with them their traditional ways of drafting and preserving records, which mirrored the Islamic notarial procedures. More interesting for our purposes, the Syrian families in charge of Crusader chanceries replicated Middle-Eastern patterns of social reproduction. Over generations, they monopolized the appointments to the leading posts. This was certainly the case for the Goul clan, and we find Eustache's descendants still in charge in Mamluk-dominated Cyprus in the late 1460s. It is in this context, where orality and authoritativeness acted as guardians of written records, that the apparently odd scene of the Mamluk invaders looking for a dismissed clerk starts to make sense.

⁸⁴ Escovitz, "Vocational Patterns of the Scribes", Rabbat, "My Life with Salah al-Din", p. 267.

⁸⁵ Apellániz, *Breaching the Bronze Wall*, p. 62.

⁸⁶ Johansen, *A Perfect Law in an Imperfect Society*, p. 269. Messick, *The Calligraphic State*, pp. 209-212.

⁸⁷ Johns, *Arabic Administration*, p. 280.

⁸⁸ Edbury, *The kingdom of Cyprus*, p. 16.

⁸⁹ Apellániz, "An Unknown Diaspora", Edbury, *The kingdom of Cyprus*, Richard, "Le peuplement latin et syrien".

Venice, *Archivio di Stato, Procuratori di San Marco, Misti, busta 205, Fasc. I.*

- 1- لما كان بتاريخ نهار الجمعة ثامن شهر نسان
 - 2- المبارك سنة الف و اربع مائة خمسة و ثلاثين
 - 3- XXX
 - 4- مسيحية دكتيون الثالث عشر حضر قدامي
 - 5- ابا النظاري مسار اماري دلفين و سيد انطون
 - 6- عودات و سيد يهنا عودات الاخوة وصاة
 - 7- المرحوم سيد حميس⁹⁰ و اقرو على نفوسهم بانهم
 - 8- يمحو لسيد لويس كورال من جميع شي كان
 - 9- لاقوهم معه من ساير المعاملات من الاول
 - 10- إلى نهار وفات المرحوم اخوهم سيد حميس
 - 11- و ابدوه من ذلك و لاجل ان الاخوة
 - 12- ا عرفو يكتبو سالو سيد استاس غول⁹¹
 - 13- بأنه يكتب و يعلم⁹² في هذا المكتوب
 - 14- و سالوني ابا النظاري بان أكتب عليهم
 - 15- و اشهد بذلك
- 16- stas [...] golus procureur du? dis⁹³
prela [...]
- 17- correr soit? confer me ladit es
- 18- crite
- 19- شهد بذلك سيد شلمون ابن المرحوم جرجس
 - 20- شهد بذلك سيد داوود ابن فنتين جرج
 - 21- شهد بذلك سيد نكولا ناريلي⁹⁴
 - 22- هدت عليهم بذلك أنا كاتبه
 - 23- نظاري ابن ياك و يليه و ثابت
 - 24- بالشهود ايضا عند كل حاكم
 - 25- يكون كنائسي و عالمانى

Venice, *Archivio di Stato, Procuratori di San Marco, Misti, busta 205, Fasc. I.*

- 1- On Friday the eighth of the month of *Nisān*
- 2- the blessed, in the year one thousand, four hundred and thirty-five
- 3- XXXX⁹⁵

⁹⁰ Machairas refers to this character as σὺρ Χίμηϛ, Machairas, *Chronicle*, pp. 670-671. As for Bauden's reading 'Uwaydāt instead of 'Wdāt (*Audeth*), it is based on a conjectural vocalization and the lack of diacritics, and the fact that the scribe does not lift the pen before the *dāl*, Bauden, "Handlist", p. 155.

⁹¹ The letter 'ayn is unpointed, and the only plausible reading is as a *ḡayn*, *Astās Ḡūl* (Eustache Goul).

⁹² My reading is a second form (مَلْعِي).

⁹³ Heavily written, possibly corrected for *de la*.

⁹⁴ Unpointed. The reading of this last word is conjectural.

⁹⁵ Four unidentified characters, probably numerals indicating the date in the Byzantine Era, reckoned from the creation of the world on 1 September 5509 B.C.

- 4- of the Christian [era], in the 13th Indiction⁹⁶, there came before me,
- 5- *Abā al-Nazārī* (i.e. father of Nazaire?),⁹⁷ *Masar Amārī Dulfīn* (i.e. Sir Aimery, or Marin, Dolf-in⁹⁸) and *sayyid Antūn*
- 6- 'Uwdāt and *sayyid Yuhannā 'Uwdāt*, the brothers, executors
- 7- of the late *sayyid HMYS* (i.e. Ḥamīs Audeth) have agreed themselves on
- 8- that they would cancel from *sayyid Lūīs Kūrāl* (i.e. Louis, or Alvis, Correr)⁹⁹ all debts
- 9- [owed] by him to their brother from the pending affairs, since the beginning¹⁰⁰
- 10- to the death of their late brother *HMYS* (Ḥamīs)
- 11- and acquitted him from this and because the brothers
- 12- cannot write they asked *sayyid Astās Ḡūl* (i.e. Eustache Goul)¹⁰¹
- 13- to write and [make] know through the present deed
- 14- and they asked to me, *Abā al-Nazārī* to write on their behalf
- 15- and to bear witness to that

(in old French)

- 16- *Stas [...]*¹⁰² *Golus* (i.e. Eustache Goul) of the abovementioned priest [...]
- 17- Correr be confirmed the present
- 18- document

(in Arabic)

- 19- bore witness to that *Salmūn*, son of the late *Ḡirḡis*
- 20- bore witness to that *Dawūd Ibn Fantīn Ḡurḡ* (i.e. Davide son of Fantin Zorzi)¹⁰³
- 21- bore witness to that *Nikūlā Narīlī* (?)
- 22- me the writer of it bore witness on their behalf
- 23- *Nazārī Ibn Yāk* (i.e. Nazaire? son of Jacques) and guarantees it, and it is established [as a legal fact]
- 24- $\left[\begin{array}{c} \Sigma | E \\ O \quad \Sigma I O \Sigma \quad P \end{array} \right]$ ¹⁰⁴ equally by witnesses before any judge
- 25- $\left[\begin{array}{c} \Sigma | E \\ O \quad \Sigma I O \Sigma \quad P \end{array} \right]$ either ecclesiastic or secular

⁹⁶ Cappelli, *Cronologia, cronografia e calendario perpetuo*, p. 330.

⁹⁷ *Nazarius, Nazariau, de Nazaria* are documented in Cyprus, Richard, *Le Livre des remembrances*, p. 202.

⁹⁸ Brother-in-law of Alvis Correr, Pedani, *Mamluk documents*, p. 145.

⁹⁹ *Ibid.*, p. 145

¹⁰⁰ Lit. *al-awal*.

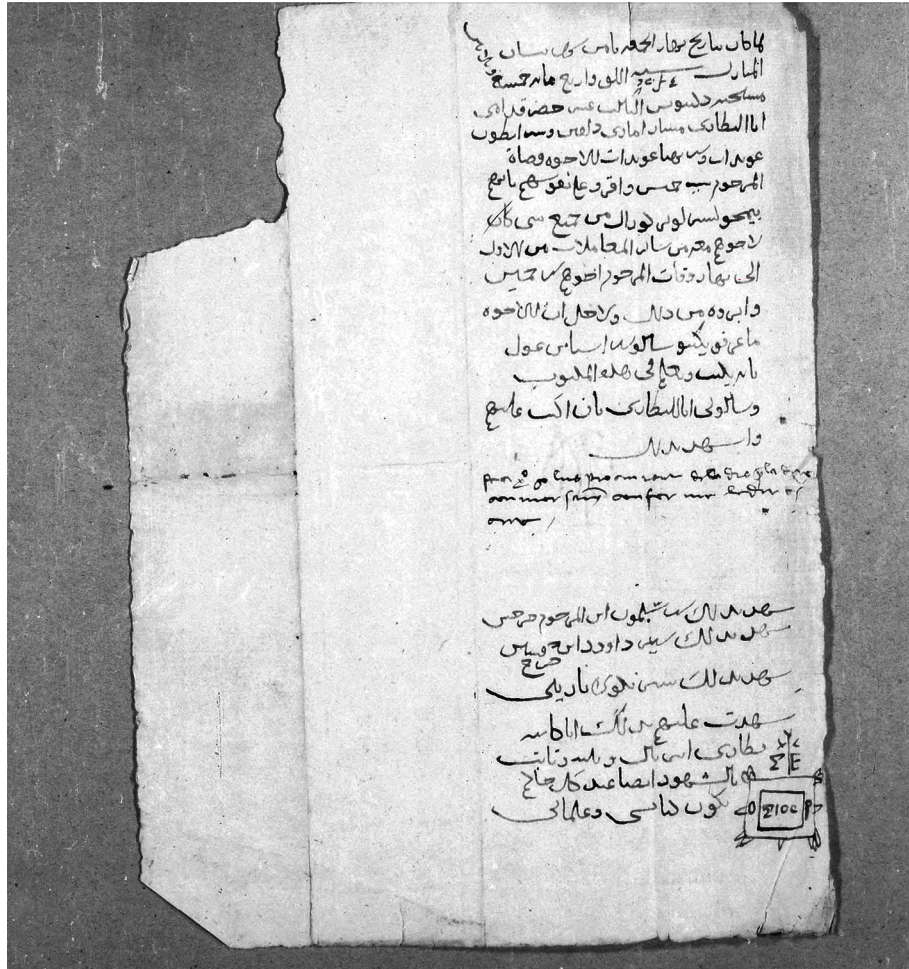
¹⁰¹ For the form *Estas*, Richard, *Le Livre des remembrances*, pp. 124, 130, Boustron, *Chronique*, p. 368, uses the spelling *Stassin Gulo*.

¹⁰² Bauden reads *quondam*.

¹⁰³ Christ, *Trading Conflicts*, p. 251.

¹⁰⁴ *Abū al-Nazārī 's signum tabellionis* in Greek script, or mark reproduced by the scribe to validate the deed.

Venice, Archivio di Stato, Procuratori di San Marco, Misti, busta 205, Fasc. I



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Francisco Apellániz: Conceptualization, Formal analysis, Investigation, Methodology, Project administration, Writing—original draft and Writing—review & editing.

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