

**JEWRY UNDER THE FATIMID RULE:
TRACING A MEDIEVAL MODEL OF
RELATIONSHIP BETWEEN CIVIL SOCIETY
AND STATE**

DR. HINA KHAN

Department of History, University of Karachi

Email: hinak@uok.edu.pk

DAWOOD MIRZA

Aljamea-tus-Saifyah, Karachi.

Email: d.mirza@jameasaiifyah.edu

Abstract

Though Jews were residents of the Mediterranean long before the advent of the Fatimids in the region, emergence of the Fatimid state particularly created a comparatively more tolerant atmosphere for the former. Consequently, North Africa and then Egypt, served as a favorable ground for Jewish diaspora to establish a well-knit society. The far-reaching degree of communal autonomy enjoyed by the Jews under the Fatimid rule culminated into a Jewish society that carried out numerous welfare activities within their community in Egypt and also served as a base and refuge for Jews living in other parts of the world. The success of the Jewish civil society was mainly attributed to a devised tolerant policy of the Fatimids that centered on furnishing extensive communal autonomy with intervention limited only to security and justice matters. In this context, this study aims to apply the modern concept of a ‘tolerant state policy as an imperative factor for a robust civil society’ to a medieval model of state-civil society relationship viz. the Fatimid state and the Jewish civil society within its jurisdiction. Exploring the design, nature and impacts of state-policy towards the Jewish civil society manifested in the extensive welfare activities of the Jewish community it infers that state-tolerance was the major causal factor in the vitality of Jewish civil society under the Fatimids; it further explores the context in regard to much criticized ‘intolerance’ of Caliph-Imam al-Hakim who, for a limited period of time, reversed this attitude towards the Jews under his reign. Expounding on the aspects of communal autonomy given to the Jewish

civil society, and the extent of state intervention and control, the study in conclusion will sketch-out a Medieval model of relationship between civil society and state based on a designed policy of state-tolerance in which the civil society can be seen functioning autonomously and the state monitoring its limits at the periphery without playing an adversarial interventionist role. This qualitative study is based on a number of primary and secondary sources. Particularly the medieval and contemporary Arabic sources of Fatimid history and the 'Geniza Documents' discovered from the basement of the Cairo Synagogue will be examined as major sources used for the purpose.

Keywords: *Jewry, Fatimids, Civil Society, Tolerance, Medieval state-society relations*

1. Introduction

Civil society is rather a modern concept with its roots usually traced to the 18th century Enlightenment Europe. Since the twentieth century civil society organizations have become a permanent part of international socio-political order playing a major role in welfare, service delivery and advocacy areas. According to a contemporary definition, a civil society organization is one that is private, organized, self-governed, voluntary and not-for-profit, working for various goals benefitting society at large or a section thereof.¹ However, it is interesting to note that glimpses of collectivises which more or less fit in the above definition also appear in ancient and medieval history in parts of Europe and Asia. Likewise, the modern concept of preconditions for the civil society to exist and thrive can also be traced in some historical cases. Hence, if it is acknowledged that civil society, at least in some forms, existed prior to eighteenth century, the nature of its relationship with the established states in a given period can also be gauged. For this purpose, some existing models put forward by contemporary scholars including the 'conflict', the 'coordination', and the 'autonomous' models can be used retrospectively.

In this context, this paper seeks to highlight the existence of a thriving civil society under the Fatimid rule in Egypt (909-1171CE). Contrary to the sweeping remarks of Ernest Gellner asserting Islam as a rival of civil society, there exists evidence of vibrant institutions in Egypt under Fatimid rule, which more or less fulfil the modern criteria of civil society organizations.² Most interesting feature of this period is the flourishing of civil society institutions witnessed not only among the Muslims but also within Jewish community which can be a testimony to

the state-tolerance towards peoples of other faiths – an essential requirement for the working of civil society according to modern criteria.

The expansion of Muslim rule in the early Middle Ages played a vital role in the consolidation of the Christian and Jewish minorities within Muslim empires. These minorities in turn, had notable influence on the fabric of Medieval Islamic civilization. The non-Muslim population, who lived under Muslim rule were known as *ahl al-dhimma* (People of the Pact) or *ahl al-kitab* (People of the Book).³ According to the Islamic law,⁴ *ahl al-dhimma* were supposed to acknowledge the authority of the Muslim rulers and pay a poll-tax called *jizyah*, against which they were exempted from military service and allowed to practice their own faith under certain conditions. At times, they were subjugated through restrictions elaborated in the so-called Pact of Umar(R.A)⁵ as a price for living under Muslim government without confessing Islam.⁶ The Jews adapted to the Muslim rule swiftly as compared to the Christians as they had been living as subject people before the Muslim conquest of the Middle East and hence, possessed a limited communal organization. Yet, throughout the Umayyad rule that ended in 750 CE, the Jewish community was adjusting to the Muslim state owing mainly to the absence of a defined policy on part of different state administrations. The establishment of the Abbasid rule (750-1258CE) and its capital in Iraq had profound effect on the Jewish community. The Exilarch (the leader of Jewish community, believed to be a descendent of King/Prophet David) in Baghdad, was officially recognized by the Abbasids as the leading representative of the Jews in their Empire. Travel restrictions that were in force earlier during the Umayyads were lifted by the Abbasids; due to which, the Jews advanced economically and their community attained a cosmopolitan nature. However, due to lack of official presence in the state administration, the communal autonomy exercised was not free of government supervision and, at times, subject to direct interference. Furthermore, the majority of the Jews resided in areas beyond the Abbasid control and were not allegiant to the Exilarch in Baghdad; as a result, the Jews were not able to take the shape of an organized society.⁷

The advent of the Fatimid rule in North Africa and Cairo in the tenth century was the time when the non-Muslim societies matured, especially, the Jewish communities living in the Mediterranean.⁸ Unlike Christians, the Jews did not possess any formal state like Byzantium and in view of conditions in Christian territories and the chaotic Baghdad at that time, the Fatimid Empire best suited the Jews as a base in the region. Moreover, a decline in Abbasid leadership in Baghdad and the integration

of North Africa, Egypt and Palestine under the single Shi'ite Fatimid rule resulted in steady migration of a vast number of Jewish intellectuals, artisans and other talented individuals to the Fatimid Empire in North Africa and later, to Cairo. The sixty-year Fatimid rule in North Africa, thus provided a conducive environment for the Jewish welfare services particularly in Qayrawan. As long as the Fatimid rule was limited to North Africa (i.e., not including Egypt), the Jewish community remained exempted from the payment of *jizyah*. Jews were also frequently integrated in the civil services.⁹ It was after the Fatimid takeover of Egypt in 969 CE that the Jewish communities living in the region crystalized into a well-organized society with its strongholds in Fustat and Cairo.

The Fatimid rulers excelled in exercising a *laissez-faire* and tolerant attitude towards the non-Muslims by which, the Jews benefitted most. In principle, like other Muslim governments, the Fatimid state was concerned mainly with maintaining peaceful conditions within their borders and only intervened in the matters of state security and justice. However, existence of a systematic and organized civil society in Cairo, the likes of which were not witnessed in other Muslim states, stresses the fact that Fatimid policy was of a different nature thanks to the high degree of tolerance and autonomy furnished by the Fatimid Caliph-Imams to the Jewish society. A vital element of their policy of tolerance was extensive participation of the Jews in the bureaucracy of the state. The influence of the Jewish officials at the Fatimid court can be understood from the verses of a contemporary poet al-Rida bin al-Bawwab, who states:

‘The Jews of this time have attained their uttermost hopes, and have come to rule. Glory is upon them, money is with them, and from among them come the counsellor and the ruler. O people of Egypt, I give you advice: Become Jews, for Heaven has become Jewish’.¹⁰

Although the Fatimid version of tolerance meant extensive communal autonomy and no state intervention in the internal affairs of the community, it was not absent of a design. The state made sure to exercise its writ in matters of national security in order to maintain peace and avoid unrest. In view of the above, in certain years under Caliph-Imam al-Hakim, Jews faced harsh regulations from the state as reprisal for their outlawry and misconduct. On the whole, as a result of a well-devised policy of tolerance by the Fatimids a coherent and organized Jewish civil society responsible to look after the welfare of their community came into existence and thrived under the Fatimid rule – also known to be a golden period for the Jewish people.¹¹

In this context, this medieval model of state-civil society relationship is being analysed in the present study with particular perspective of two relevant models developed in modern civil society (non-profit) discourse: the conflict model and the coordination or inter-dependence model. The 'Conflict Model' suggests the existence of an inherent conflict between the state and the civil society in a country. It points to a perpetual zero-sum game between the two in which the strength of one is essentially the weakness of the other. Hence the expansion of the state inevitably leads to the weakening of civil society organizations and philanthropy. On the other hand, the 'Coordination Model' emphasizes the presence of a cooperative mechanism between the state and the civil society. In this way a kind of inter-dependence exists between the two. In addition, another relevant model viz. the 'Autonomous Model' will also be analysed in this context.

2. Literature Review

Considerable amount of scholarship is available on Jewish societies living in the Mediterranean region during the High Middle Ages which is mainly based on the fortunate discovery of an enormous cache of documents in Fustat synagogue at the end of the nineteenth century generally called Geniza Documents. Shelomo Dov Goitein's magnum opus *A Mediterranean Society* bears an in-depth study of these documents and illustrates the Egyptian Jewish society, which formally originated and thrived under the Fatimids, in the greatest detail expanded over five volumes. Goitein has called the Jewish community operating in that period a 'state within a state'.¹² He has provided a detailed sketch of the Jewish civil society¹³ and its welfare activities; however, for someone who is concerned about the relationship of the Jewish society with the state, the narrative from the perspective of the state fails to appear thoroughly. Briefly referring to the policy of the Fatimid state towards the Jewish civil society, he writes that the tolerant attitude of the Fatimids was out of 'indolence', though this statement does not seem acceptable when viewed in the light of an obviously proactive Fatimid policy towards appointments and co-option of Jews in state apparatus.¹⁴ Drawing from Arabic sources such as Ibn Muyassar's *Tarikh -al-Misr* and al-Maqrizi's works on the Fatimids, Norman A. Stillman in *The Jews of Arab Lands* provides a vivid picture of the Jewish society under the Fatimids; yet, only a slight mention is made of its internal affairs and its relationship with the administration of the Fatimid state. Much like Goitein, Stillman acknowledges a degree of tolerance but does not recognize it as a part of Fatimid policy as he notes that 'there was always that uncertain possibility' of sudden persecution of the Jews.¹⁵ A survey

of the Jewish society from the beginning of the Fatimid rule in Cairo until the end of 12th century is provided by Jacob Mann in *The Jews in Egypt and Palestine under the Fatimid Caliphs* and important details are furnished by the author. However, mention of the Fatimid state and its policy is concise and fades off after the discussion of the reign of Caliph-Imam al-Hakim. Mann writes in detail about Caliph-Imam al-Hakim's strict laws imposed on the Jews yet, as is the common practice, he does not view the strictness as case-specific strategy but rather a generalized and unreasonable victimization. For instance, while quoting Stanley Lane-Poole, Mann notes that 'during the first ten years of (al-Hakim's) reign the Christian and the Jews enjoyed the immunity and even the privileges, which they had obtained under the tolerant rule of [Caliph-Imam] al-Aziz (father of Caliph-Imam al-Hakim), but as the time went on they came in for their share of *irrational persecution*' (author's emphasis).¹⁶ Notable effort is put in to study the tolerant conduct of the Fatimids toward non-Muslims to highlight its motivations and manifestations by Yaacov Lev in *State and Society in Fatimid Egypt*. He credits the Fatimid Caliph-Imams with tolerance and charges the viziers and high state officials with whatever little violent outbursts against the non-Muslims that were recorded. Yet, he excludes Caliph-Imam al-Hakim's reign from the discussion¹⁷ whose strict regulations can be observed as exceptional administrative elements of the overall tolerant policy of the Fatimids. In one of his articles titled 'The suppression of crime, the supervision of markets, and Urban society in the Egyptian capital during the tenth and eleventh centuries', Lev excludes Caliph-Imam al-Hakim's policies from the discussion on the design of Fatimid policies and states that 'they cannot serve as examples for standard Fatimid practice'.¹⁸ Moreover, discussion related to the Jewish community in his study is cursory. Facets of contact between the Fatimid state and Jewish community have been laid out in *Heresy and the Politics of the Community* by Marina Rustow. Her analysis is vital in tracing a pattern of the relationship between the two parties; however, she argues that the relationship did not bear a specific shape and was rather loose viz. 'formal-yet-informal'.¹⁹ Arabic scholarship possesses significant proportion of studies on the subject of non-Muslims in the Fatimid state. The most significant primary source related to the present study is Yahya al-Antaki's *Tarikh al-Antaki*.²⁰ The author was a Christian physician and also served as the Patriarch of Alexandria till 1015 CE. Although the source primarily centres on Christendom and puts the Christian community under the Fatimids in focus, details of crucial importance in regard to the Jews are also present. That said, impressions of bias cannot be ruled out considering the author's status as a non-Muslim and an eyewitness of the reign of Caliph-Imam al-Hakim. Recent Arabic works such

as Ayman Fu'ad Sayyid's *al-Dawlat al-Fatimiyyah fi Misr*²¹, Fatima Mustafa Amir's *Tarikh Ahl al-Dhimma*²² and Shafe'i Mahmud's *Ahl al-Dhimma fi Misr*²³ also deal with the relationship of the Fatimids with their non-Muslim subjects; yet, with major emphasis on the Christian community and only a passing reference to the Jews without any comprehensive insight into their communal activities.

In this backdrop, this paper finds its niche in attempting to fill the gap mentioned above literature survey. It firstly explores the design and nature of the tolerant attitude of the Fatimid Caliph-Imams towards the Jewish society focusing on their policy of appointing non-Muslims in the state administration; a strategy through which the Jews were able form a quasi-welfare state of their own. Secondly, it furnishes an outline of the Jewish civil society and welfare activities through systems that resembled charitable institutions highlighting the element of 'communal autonomy'. Lastly, it analyses the policies of Caliph-Imam al-Hakim, which are often described as 'irrationally harsh and antagonistic', as an exceptional feature of the overall tolerant policy taking into consideration the upsurge in corruption and lawlessness of the Jewish society which necessitated a temporary shift in the prevailing tolerant approach. Through examining primary sources on Fatimid history and tracing the structure and organization of Jewish faith-based charity system through the Geniza documents, this study attempts to unveil an organized pattern of relationship between the Fatimid state and the Jewish civil society based on tenets that can serve the scope of the interplay between the state and civil society in the present world.

3. The Relationship between Fatimids and the Jews

The question of interacting with the Jews dates back to the beginning of Islam. Prophet Muhammad (Peace be upon him, his Progeny and Companions) founded an Islamic state in oasis of Yathrib, later known as Medina around three powerful Jewish tribes. Prophet Muhammad (Peace be upon him, his Progeny and Companions) constituted an agreement between the Muslim state and the Jews which became known as the Charter of Medina.²⁴ The Constitution asserted that the tribes would each police themselves and administer justice to their own members. It also read that the Jews belonged to the overall community and were to retain their own religion; they and the Muslims were to render help to one another when needed. The Charter upheld peace until a fissure opened up between the Jewish tribes and the Muslim community when the terms of the Charter were breached. It should be pointed out that security and justice were left to the tribes to minister and

were not an obligation of the Muslim state. The security of the non-Muslims later became a concern of the Muslim state as is mentioned in the Pact of Umar (R.A.); mentioned above.²⁵ The tough conditions in the pact subjugated the non-Muslims and stressed on Muslim supremacy. This attitude cultivated a base for the Muslim states in the centuries to come in dealing with the non-Muslim subjects.

The Shi'i caliphate of the Fatimids founded on the coast of Tunisia in 909 CE and in Egypt in 969 CE clearly did not abide to the strict regulations laid out in the Covenant of Umar and rather exercised tolerant measures in keeping with the existent socio-political atmosphere at that time. The *Rasail al-Ikhwān al-Safā* (Brethren of Purity), an encyclopaedia containing fifty-two epistles, forms an eminent theological base for social and political studies related to the Fatimids. The forty-fifth epistle on *The Mode of Companionship of the brethren of Purity* reads the following which could be employed to review the attitude of the Fatimid Caliph-Imams towards non-Muslims:

‘In general, our brothers, may God help them, should not reject any branch of knowledge, nor turn their backs on any of the books of the Ancients, nor abhor any particular creed. This is because our belief systems and creed embrace all religions and branches of knowledge.²⁶

This type of injunction might have contributed the basis of relationship of the Fatimid Caliph-Imams with the Jewish subjects: tolerance; and autonomy bordered by intervention in the matters related to corruption and national security. The Fatimids possessed close ties with the Jewish community since the establishment of their state on the Tunisian coast (909CE). Many of the Jews during the medieval period were powerful traders who benefited economically from the tolerant attitude of the Fatimid rulers during their sixty years of presence in *Ifriqiya* (North Africa) which became the free-trade hub of the Mediterranean. No discriminatory tariffs were imposed on the non-Muslim subjects and the Fatimid Caliph-Imams were not resistant with regard to the appointment of skilful nonbelievers in the state offices. In the course of time, the Jews formed a vital and organized community in the Fatimid city of Qayrawan.²⁷ Qayrawan became known as the major spiritual and intellectual centre of the Jewry alongside their community in Iraq and Palestine. Furthermore, Jewish intellectual activities prospered through several institutions of learning founded by the Jews in Qayrawan. It is noteworthy that the Jewish community in North Africa mostly enjoyed unrestricted autonomy and tolerant attitude throughout

the sixty-year period as no records of restrictions or impositions from the state are found. Adherence of the Jews to their faith and other religious and intellectual activities never perturbed the state as far as it was without prejudice against the Muslims population or the state.

Ties between the Jewish community and the Fatimid state grew closest after the Fatimid general Jawhar took over Egypt in 969 CE. The Fatimid court officially moved to Cairo in 973 CE and the Jews reaped great advantages from the change of rule in Egypt. In time, the Egyptian Jewish community outstripped its North African counterpart in all social and religious aspects.²⁸ The Jewish diaspora living in North Africa, Palestine and other regions as far as Yemen became dependent on the flourishing Jewish civil society in Egypt. This in large part was due to their close relationship with the Fatimid state and favours they reaped from the state administration. A letter in Geniza contains a petition of the Jews of Tripoli to Abu Nasr al-Tustari, a powerful figure in the Fatimid court, to help them obtain the permission of the Caliph-Imam to rebuild their synagogue.²⁹ Jewish religious institutions were financially supported by the Fatimid authorities.³⁰ A decree issued by Caliph-Imam al-Zahir to the governor in Palestine concerning the Jewish community also makes a fine case in point. The Caliph-Imam orders his governor to make sure that tolerance is being exercised and that the Jews be not interfered in their communal activities in the synagogue.³¹

4. The Jews at the Fatimid Court

The primary factor behind the effective functionality of the Jewish civil society was the presence of powerful Jewish individuals in the Fatimid bureaucracy; as a vizier, a court-physician or an adviser to the Caliph-Imam, queen mother or the vizier not to mention several other roles in financial administration of the state. It is to be noted that these courtiers were formal employees of the state but were also informally recognized by the Caliph-Imams as points of contact between themselves and the leaders of the Jewish community.

The structure of the relationship between the state and the Jewish civil society was principally 'pyramidal'.³² The highest council of Judaism, known collectively as *Yeshiva*, was located in Palestine and Iraq. When Fatimids took Palestine shortly after taking Egypt, they recognized the Palestinian *yeshiva* as the highest Jewish authority for the Jewish community living under their realm. Although the *yeshiva* in Iraq was under their rivals; the Abbasids, the Fatimid Caliph-Imams in no way hindered Jews from expressing allegiance to the authorities in Iraq. From the influential court Jews, the Fatimid state appointed an administrator

for the local Jewish community to supervise their affairs. These court officials served as *political* heads of the community while the *religious* heads, who were appointed internally, looked after the religious and communal affairs. The Jewish community and the leadership in Palestine recognized the *political* heads appointed by the state and often resorted to them in matters where the state assistance was required. The *religious* heads of the community also received state recognition. The elders of the community nominated a *religious* leader and the state would officially recognize him by issuing a decree of appointment. Towards the end of the eleventh century, when the Palestinian *yeshiva* started to disintegrate, the Fatimid state formalized the post of the *political* head of the Jews by officially introducing the office of *Ra'is al-Yahud*. It stands to reason that the *political* heads of the Jewish community were distinguished citizens with notable reputation and also always served at the court in some official capacity. Owing to their influence at the court, the *political* heads often took precedence over the *religious* leaders even in the internal affairs of the community.³³ In addition, along with the *Ra'is al-Yahud*, all court Jews in civil services of the state played a vital part in the prosperity of their civil society.

The non-Muslims were not favoured for official posts in the state administration during the earlier Ikhshidid and Tulunid rulers of Egypt.³⁴ non-Muslim presence in the Fatimid state administration in Cairo was an integral element of their courteous diplomacy considering the political setting of the time: First, the majority in Cairo at the time of Fatimid takeover was orthodox Sunni Muslim not in line with the religious tenets of the Fatimids that were based on Shi'i Ismaili doctrines. Therefore, employing non-Muslims and developing close ties with their communities through them proved to be highly efficient in running the state affairs. The attitude of the non-Muslims towards the government service remained inconsistent with the prevailing negative attitude among the Sunni Muslims for that matter.³⁵ This policy of appointing Jews at the court effectively complemented the tolerant attitude of the Fatimid state as it instilled civic duty and activity into the Jewish officials to serve the state to the best of their abilities in response to the tolerance exercised by the state. Second, the Fatimid Caliph-Imams are considered infallible according to the Ismaili dogma and could act as they chose without any interference from the religious scholars; due to which, they could decide on appointing or removing anyone from their positions by their choice. This was not the case in previous regimes as they required legitimization of their actions by religious scholars. Ibn Tuwayr in his descriptions of the Fatimid offices notes that the clerks responsible for the army were usually Jews.³⁶ Third, the Jewish community at that time comprised a vast

range of well-educated persons that included merchants, skilled artisans or physicians and thence, it may be pointed out that their appointment at the court was based on merit.

The principal duty of the court Jews, apart from their services to the state, was to maintain good relationship with the Caliph-Imam and represent, defend and assist the community in affairs when the state intervention was required. Many documents in Geniza are petitions written by Jews to the Jewish authorities at the court praising them and seeking their intercession with the state.³⁷ In one letter, a poor fugitive from the poll-tax collector pleads to a Jewish official to use his influence and get him listed as a missing person.³⁸ Although the religious issues of the community were mainly left to the elders and *religious* leaders, *political* heads of Jews did have a voice in the internal matters owing to their positions of authority³⁹. Overall, it was largely through these court Jews that the Jewish society-maintained connection with the state.

Among the court Jews, who held government positions, some converted to Islam while some did not change their religion; however, all used their influence and good offices in the circles of power to aid and protect their co-religionists. A chronology of prominent figures can be formed through cross referencing the available sources. One leading figure was Ya'qub b. Killis who rose to a high position in the Ikhshidid court after his conversion to Islam three years prior to the Fatimid takeover of Egypt. After he was forced to leave Egypt, he proceeded to Caliph-Imam al Mu'izz in Ifriqiya where he joined the Jews at the latter's court. Ya'qub brought the deteriorating economic and social conditions of Cairo to Caliph-Imam's notice who then resolved to take the reins of Egypt. He served in the office of land administration during the rule of Caliph-Imam al-Mu'izz and was appointed as a vizier by the next ruler Caliph-Imam al-Aziz. Yaqub, although a converted Muslim, was very close to the Jewish community and many Jews were appointed in the state administration during his vizierate.⁴⁰ Another court Jew very close to Caliph-Imam al-Mu'izz was Musa b. al-Azar, probably the same person known as Paltiel Ibn Ahimaz, the Caliph-Imam's personal physician who was known to be the founder of court physician dynasty in the Fatimid court which lasted over a period of four generations. After his death, his sons Is'haq and Ismai'l also served in the court in the same capacity. They were known to favour the Jewish community in the matters where state authority and recognition was required.⁴¹ After the death of Ya'qub, Caliph-Imam al-Aziz appointed a Christian named Isa b. Nestorius as vizier who further nominated a wealthy Jewish merchant Manesah Ibn al-Qazaz as his deputy in Syria. Isa and Manesah took advantage of their

positions and illicitly started favouring their communities by reducing their taxes and appointing them as officials by tyrannizing Muslims. It began to seem that the followers of these two religions ruled the state.⁴² Caliph-Imam al-Aziz deposed both and handed the administration over to Muslim officials. It is claimed that the period of Caliph-Imam al-Hakim resulted in the decline in the status and influence of Jewish courtiers⁴³; however, a certain Saqr al-Yahudi served Caliph-Imam al-Hakim as his personal doctor and also received great favors.⁴⁴ Abu Nasr al-Fallahi, a Jewish proselyte, was appointed vizier during the reign of Caliph-Imam al-Mustansir. Around the same period emerged two brothers who scaled the pinnacles of power in the Fatimid administration: Abu Sa'id and Abu Nasr al-Tustari. By virtue of their trading capabilities, they gained entry into the Fatimid court. It is reported that they assisted Caliph-Imam al-Zahir in several financial transactions of the state.⁴⁵ Abu Sa'id was officially named as the adviser to the Queen Mother and gained enormous influence in the external and internal matters of the state. He used his position to appoint many Jewish figures to important government posts. After his assassination, his brother Abu Nasr replaced Abu Sa'id in the position. Through their strong financial standing and influence at the court, the Jewish society gained numerous benefits under the *political* headship. After the arrival of *Amir al-Juyush* Badr al-Jamali⁴⁶ to Cairo, majority of the power rested with him and the dominant Jewish influence at the court decreased. However, after the death of Abu Nasr, the role of *Ra'is al-Yahud*⁴⁷ was assumed by Dawood b. Isac, a powerful financier who was in proximity to the court due to his knowledge in finance. A well-known physician, Abu Ishaq filled the position after Dawood b. Isac until around the year 1062 CE. Through the final years of Caliph-Imam al-Mustansir and initial years of Caliph-Imam al-Musta'li, two notable brothers who were court physicians held the title; Yehuda b. Sa'adia and Mevorakh b. Sa'adia. Mevorakh was very close to al-Malik al-Afdal, the son of Amir al-Juyush Badr al-Jamali, and used to regularly counsel him in the affairs of the government. He also obtained favours from the state through al-Malik al-Afdal.⁴⁸ After Mevorakh's death in 1111 CE, his son Moshe served the rank until 1126 CE, shortly before the demise of Caliph-Imam al-Amir. It is worth pointing out that after Moshe's death in 1026 CE, an internal struggle for power crippled the office of *Ra'is al-Yahud* as no one was able to assume the rank until the end of the twelfth century. These courtiers, especially the Tustaris and Mevorakh, are frequently praised in the Geniza documents for their efforts and favours towards the Jewish community. It becomes evident that Jews at the Fatimid court frequently extended patronage in several ways to the members of their confession and formed a robust relationship with the state which was a crucial element for the sustenance of their civil society

and internal welfare activities. The assistance was largely concerned with matters of law, security and most importantly, finance. Their powerful financial standing was fundamental for the sustenance of the Jewish charity which predominantly relied on voluntary contributions by the pious individuals of the community who took care of the less fortunate among them through well-formed network of social services.

5. Jewish Civil Society and the Attitude of the Fatimid State

Philanthropy and charity are principally deemed religious responsibilities and obligations upon all humans in Islam, Judaism and Christianity: three major religions that existed under the Fatimids. The terms *zakat* and *sadaqa* that denotes charity in Islam are analogous to the Hebrew term *tsedaqa* (justice) which assumes similar meaning of charity in Judaism.⁴⁹ Philanthropy in the Fatimid rule was largely based on individual and personal initiative of the Caliph-Imams and the ruling elite instead of a formal obligation of state. Whenever the Fatimid Caliph-Imams performed charity, they did so mainly consider it as their religious duty than a political liability. This individualistic nature of charity, although absent of a visible structure, extraordinarily widened the scope of welfare as the religious stimulus that propelled charity bounded the elite as well as the ordinary people regardless of their communal or economic standing in the society. Al-Musabbihi, the famous contemporary Fatimid chronicler, reports that Caliph-Imam al-Zahir visited a hospital in 1025 CE and during his visit bestowed 50 *dirhams* on each of the mentally ill patients and gave 500 *dirhams* to the person in charge of the hospital. It can be inferred from the account that this kind of charitable donations must be happening from time to time, especially during the periods of famine.⁵⁰ The contemporary Christian chronicler al-Antaki notes that he had never seen more just and benevolent ruler than Caliph-Imam al-Hakim. He further writes that his charity to the poor exceeded all limits. In the events of the year 1014 CE, he reports that Caliph-Imam al-Hakim emancipated all his servants and slaves as part of charity.⁵¹ Likewise, Nasir Khusraw, a Persian poet who visited Cairo during the reign of Caliph-Imam al-Mustansir, records that in a year during his stay, water levels in the Nile considerably went down and signs of famine emerged. The vizier wrote to a wealthy Christian and sought help on behalf of the Caliph-Imam that 'he was gravely concerned about the condition of the people and that he asks for monetary help, either in form of charity or loans'. The Christian merchant responded that he would voluntarily feed the entire population of Cairo for six years in honour of the Caliph-Imam.⁵² So powerful was the sentiment for charity prevalent under the Fatimids as a whole that writing around 985 CE, the

renowned Muslim geographer al-Muqaddasi praises the people of Fustat (Old Cairo), which was the heart of the Jewish community, for their spirit of charity and liberality.⁵³

The key source of income for the Jewish society was voluntary contribution to the charitable foundations and it was considered a religious obligation on all Jews. The Jewish leadership had no communal powers to impose contribution and there is no evidence of penalties on the non-contributors. The contributions, however, earned respect for the wealthy Jews as mentions are found in Geniza of 'men styled 'The Pious' and a woman called 'The Ascetic' prominent as donors'.⁵⁴ The mechanism of income generation and welfare expenditure was quasi-intuitional. Sources of income were dedicated to specific communal requirements; however, the overall nature of welfare was flexible. There was no central treasury that accumulated all revenue and from which all expenses were drawn. Nevertheless, the idea of a community chest existed which implied that each type relief had its specific source of revenue. While certain types of charitable expenditure were rather straightforward, such as the distribution of bread through weekly collections, many other types were not.

Since the Jewish civil society primarily relied on communal contributions, participation of the whole community was defined as religious duty. The large-scale charity work with intense "vigour, scope and continuity" could not have been done without a voluntary zeal. On the other hand, the community had the means to express its satisfaction, or dissatisfaction of the community officers, in a highly 'democratic' manner. The details of social welfare activities in the Jewish community of the said period, including records of charitable foundations, lists of contributors and beneficiaries etc. are present in scores of Geniza documents of which at least some are duly dated.⁵⁵ It is interesting to note that among the beneficiaries, not only the local poor but also education institutes, individual scholars and needy foreigners from European countries such as Spain were also included.⁵⁶ Routine contributions were obtained through a system of weekly collection which was the backbone of the Jewish charity. The collectors would make rounds every day except Saturday. The main purpose of this weekly collection, also called *mezonot*, was distribution of bread to the poor that took place on Tuesdays and Fridays. The surplus, usually in form of loaves of bread and sometimes coins was used to supplement the salaries of the collectors which, otherwise, were settled through other sources of income from the *community chest*.⁵⁷

Rent from the communal properties and assets, viz. *qodesh*, was an important source of revenue for the overall Jewish treasury. Upkeep of synagogues and other charitable works including administration of learning institutes were carried out by the income from houses and other immovable property donated for the purpose.⁵⁸ Provisions for the community officers were also given through *qodesh*. Other sources consisted of revenue from the slaughterhouses, special appeals and less substantial and uncertain sources such as fines imposed by the courts, and willed donations.

Besides the routine charity, those in urgent need were required to file an appeal underlining the requirements to the local congregation and the elders along with the consent of all members of community would verify the appeal before the judges would scrutinize the situation and sanction the amount in presence of witnesses. An interesting aspect of this system to note is that no one, not even the *Nagid* viz. *religious* head of the community, bore authority to sanction an amount from the public fund with the consent of the community in cases of special appeals. Records and receipts were also displayed in the synagogue for the community members to scrutinize, and inform the congregation of inaccuracies if found.⁵⁹

Success of the Jewish civil society can be determined on basis of services it offered to the community members, those engaged in service delivery, as represented by the Geniza documents.⁶⁰ Officials who served the community led the list of beneficiaries of the communal charity. In addition to the salary, all the officials of the community, regardless of their positions, were exempted from the *jizyah* which was paid by the community on their behalf to the government. They were recipients to the semi-weekly distribution of bread in quantities greater than that of the poor. At instances, clothing was also provided to the officials. Senior officials were given free lodging in community houses. An important benefit was the payment of school fees of their children by the community. Orphans and widows of officials were paid more attention and received greater care than families of the deceased from the general community. Apart from this, the officials had a wide variety of other sources of income at their disposal, a state of affairs that speaks of 'free enterprise characteristic of the Jewish society of that period'.⁶¹ Besides the administrative expenditure, the Jewish civil society took responsibility of number of aspects of the needy and poor members within the community.⁶² Distribution of bread, and wheat on special occasions was considered extremely vital. Residents of Cairo and Fustat received their portions at their houses while new migrants, the influx of which

swelled in the wake of Crusades, were to pick their shares from storerooms in the synagogue. Officers responsible to supervise the distribution used to make rounds and distributed bread on days other than Tuesdays and Fridays to make sure no poor was without food. Clothing of modest quality different from that which was distributed to the officials was provided to the poor, mainly women in view of the social notion that female decency required proper clothing. Other services included lodging with reduced rents in community houses; clearance of the poll-tax; free medical care; and free education in which the fee of students was directly paid to the teachers. Surprisingly little or no evidence of Jewish Hospitals has been found, though many Jewish physicians of the period were known well as mentioned in Geniza and other sources. Occasionally, the sick, disabled and poor were given sums of money usually prior to religious festivals for preparations. The blinds seem to be better organized in the form of groups which were collectively supported through community donations.⁶³ Similarly, schools and teachers were always supported by the community chest. Special classes were conducted for the orphans and poor children where they were also provided food etc. Girls also were provided a minimum education.⁶⁴ A fixed amount was dedicated for the support of elders of the community. Skilful indigents were provided with necessary tools as part of financial aid. Burial expenses, pretty heavy in those times, were borne by the community for the needy. Local communities also considered assisting needy Jewish travellers their responsibility. Food, lodging, clothing and medical aid of travellers, particularly of pilgrims who stopped at Cairo on their way to Jerusalem, was managed by the Jewish civil society of Cairo. Finally, the most costly element of charity was ransoming of captives.⁶⁵ Owing to such an extensive and organized charity program, the Jewish civil society of Cairo that burgeoned under the Fatimid rule served as a refuge for Jewish Diaspora through upcoming centuries.

6. The Relationship of the Fatimid State with the Jewish Civil Society

Appears to be founded on a set of norms and codes that resemble a modern combination of the *Coordination Model* and the *Autonomous Model* of state and civil society relationship. The Jewish civil society operated as a state within a state. On part of the Fatimid administration, complete autonomy was given to the Jewish society with no interference in the internal operations and activities. State recognition was provided mainly through appointments of Jews at the court in prominent positions, which could be compared to financial subsidies a civil society seeks from the state in modern times, as the Jewish courtiers were chief sources of

finance. Based on the investiture of al-Quran, the state received poll-tax from the non-Muslim subjects and took responsibility of providing them two precious commodities: security and justice. Petitions of Jews to the Fatimid court concerning matters related to security have survived. In regard to jurisdiction, matters of the non-Muslims were favourably left to be addressed by the communal courts. The state intervened occasionally: in the event of involvement of Muslims in the case; in matters of appropriation of properties of the deceased Jews with no heirs; and mostly, when applications were filed to the Muslim courts by Jews themselves. On part of the Jewish community, the Jewish courtiers were the points of contact between the community leadership and the state. Communal issues and requests were addressed to the Caliph-Imams through them. Officially, the only contact between the Caliph-Imams and the Jewish society existed through the community official who was responsible to collect poll-tax from the Jews⁶⁶. However, the state and the Jewish society had several other points of contact. The Jewish leadership deemed obtaining investiture from the state regarding their internal appointments as an important factor in maintaining good relationship with the state. It is worth mentioning that seeking state confirmation on internal matters was not a requirement of the state and the practice was carried out on basis of their own initiation. A document in the Geniza records a letter of the *religious* head of the Jewish community in Jerusalem requesting his supporters, probably the elders of the community, to procure a rescript of investiture for him from the Caliph-Imam al-Zahir with help of *political* head and other Jewish officials at the court.⁶⁷ Thereby, a tripartite contact existed between the Jewish community and the Fatimid state through the Jewish officials who held twofold responsibility: performing their duties for the state and watching over the Jewish community in position of *Ra'is al-Yahud*.

Jewish society thrived under such tolerant and loose-yet-organized policy practiced by the Fatimids. Goitien's study of the Geniza trove is invaluable in the context of the present study; however, while mentioning the *laissez-faire* attitude of the Fatimids towards the non-Muslim communities under their rule he remarks:

“The Almohads of North Africa coerced Christians and Jews to accept Islam and put to death Muslims who refused to conform with their particular creed. The Fatimids of Egypt were of the opposite type. They excelled in *laissez-faire*, out of indolence, (authors' emphasis) it seems, rather than conviction”.⁶⁸

The remark alludes to one of the limitations of Goitein's study being largely represented through the lens of Jewish society

and absent of the Fatimid perspective. Not only does it blot out the significance of the tolerant approach of the Fatimids but also puts their exercises of charity and public welfare into obscurity. It is true to say that principally, civil society did not institutionalize during the rule of the Fatimids and the notion of public welfare and charity remained loose; however, the reason for it cannot be found in mere *indolence* but in a number of factors:

- A religious percept that every Muslim was under the obligation of charity and welfare;
- Loyalty of the minorities – as evident from above study, the tolerant state policy kept the minority communities, particularly the Jewry loyal to the Fatimid state. Seemingly, such an approach was meant to generalize the act of charity and obligate everyone in their realm to partake in public good instead of confining it to a group of people and institutions.
- Economic considerations – The Fatimids took maximum advantage of the business acumen, trade-links and the capital brought in by the increasing influx of the Jewish community. The age-old Jewish skills in trade, financial administration and revenue generation were required and proved markedly beneficial for the stability of the Fatimid state.
- Skills of learned Jews were also required in the fields of health and medicine.

Owing to the loose nature of charity and inability to quantify it, the feature of public welfare in the Fatimid rule has been considerably neglected in academic space. Accounts have survived, as discussed earlier, that allude to the benevolent character of the Fatimid Caliph-Imams and the wellbeing of their subjects. Mention must be made of Dar al-Ilm (house of knowledge) founded by Caliph-Imam al-Hakim which was a free institution for learning. Similarly, the wife of the Caliph-Imam al-Amir, Jiha Maknun, is said to have built two mosques and a lodge for aged women and widows under her patronage.⁶⁹ With regard to the context of this study, it is reasonable to believe that Jewish civil society largely benefitted monetarily and ideologically from the tolerant policy of the Fatimid state. Jacob Mann believed that Jewish institutions, even in Jerusalem, were financially supported by the Fatimid authorities.⁷⁰ Elhanan, a principal of the Jewish school of Fustat, used to receive grants from the government officials. The authorities mainly included the Jewish officials at the court. The Jewish presence at the Fatimid court, parallels of which are unknown among other Muslim regimes

contemporary with the Fatimids⁷¹, is a fine case in point with regard to the current argument. This practice was rather part of a designed approach of the Fatimids towards the Jewish society whose appreciation of the Fatimid state can be gleaned from the Geniza letters. It should be noted that majority of the letters extracted from the Geniza were inter-community correspondence of the Jews in which they should not have been bounded to praise the state in view of the protocol. Yet, no signs of criticism or words of disapproval can be found in the letters; instead, the Caliph-Imams are mentioned in connection with acts of justice and favours granted by them.⁷² It is apparent that the tolerant attitude of the Fatimids was intentional and part of their planned policy towards the Jewish civil society which was customarily *laissez-faire* but also had its limits. Interest of the Fatimid Caliph-Imams in issues concerning their relationship with the Jewish civil society becomes particularly manifest by reassessing the events that took place during the reign of Caliph-Imam al-Hakim.

7. Reconstruction of context for Caliph-Imam al-Hakim's relationship with the Jews

Caliph-Imam al-Hakim's period (996-1021CE) has generally been subject to criticism owing much to his too strict, often irrational measures which brought him the title, 'the mad caliph'.⁷³ The majority of presentations about Caliph-Imam al-Hakim seem to have been put forth without a genuine investigation of religious and political environment at that time.⁷⁴ A political study of his period furnishes a rational base for examining events that unfolded during his time. Towards the mid of his rule of more than two decades, he introduced and imposed number of unorthodox social reforms in his realm. The present study concerning the relationship of Jewish civil society with the Fatimid state renders an opportunity to reconstruct a context for his shifted attitude towards the non-Muslim subjects of his Empire which seems to be contrary to the general policies of his predecessors. The study will allow us to support the notion that the Fatimid state maintained a systematic and carefully designed relationship with the Jewish community and civil society which was tolerant for most of the time but revealed limitations when matters of security and welfare of the people at large were compromised.

The Fatimid rulers seem to follow at least in the political sense, Prophet Muhammad's (Peace be upon him ,his Progeny and Companions)principle as given in his Ordinance for Medina setting out

certain principles for the Jewish communities living around Medina. One of the clauses read:

“The Jews of Banu Awf are a community with the Believers (i.e., Muslims). The Jews have their religion and the Muslims have theirs. This applies to their clients and themselves, except those who act wrongfully and sin, for they bring destruction upon themselves and their households”.

The Fatimid state, since its arrival in Egypt, had employed the Jews who were skilful and efficient in the fields of medicine, banking and financial administration, in important offices of the state. In return for the services, their community enjoyed great tolerance by the state. However, as their influence increased, so did the hostility of the Jewish society towards others mainly the Muslims.

A civil society is meant to function for the betterment and welfare of people; yet, when provided limitless autonomy without any accountability, it may become damaging for the overall fabric of the society. At that point, it becomes a responsibility of the state to deal with it often by curbing the autonomy or imposing sanctions so as to ensure that the civil society is more benefitting than damaging. This rift often culminates into a long-term rivalry between the state and its civil society resulting in collapse of the latter. The Fatimid policy towards the Jewish civil society in Cairo provides an ideal model for the issue at hand. Fatimids granted complete autonomy and maintained a non-intervening stance with the Jewish civil society but made sure that the purpose was not compromised by practicing strict measures when required: the shift in approach of Caliph-Imam al-Hakim towards the non-Muslims for a particular period is a fine case in point.

Caliph-Imam al-Aziz, as was the policy of the Fatimids, had appointed a Christian Isa b. Nestorius as vizier and a Jew named Manasse b. Ibrahim as chief secretary of Damascus. Due to the corrupt acts of these two officials and their hostility towards Muslims a change in policy on part of the Fatimid state became unavoidable. The two officials severed their attitude towards the Muslims and increased unmerited appointments of their community members in the administration by removing the existing Muslim officials.⁷⁵ The Muslims filed a complaint against the two and Caliph-Imam al-Aziz got both of them arrested and imprisoned. Since that time, the increasing influence of non-Muslims at the court had started rousing indignation among the Muslim population.

The antagonism, towards the end of Caliph-Imam al-Aziz's reign, had reached hysterical proportions among the Muslims. It was expressed in the riots which occurred in the early years of Caliph-Imam al-Hakim's reign and resulted in the destruction of a Church in Cairo in the year 392 AH/1002 CE.⁷⁶ To deal with the situation and maintain peace, sources record mentions from the decrees issued by the state administration imposing restrictions on the non-Muslims around 395 AH/1004 CE after about ten years of the beginning of Caliph-Imam al-Hakim's rule during which they enjoyed the privileges which were in place as is since the reign of earlier rulers. The first measure was imposed in 395 AH/1004 CE which obligated all Christians and Jews not to appear in public unless they wore a certain garment (*ghiyar*) with black belts.⁷⁷ The orders were repeated each year and became more severe with time which indicates that they were not properly being obeyed.⁷⁸ Later, around 399 AH/1008 CE, the state decreed that in addition to *ghiyar*, a cross for Christians and a piece of wood for Jews should be carried on their persons all the time.⁷⁹ In 403 AH/1012 CE, the administration intensified the existing decrees and added to it by forbidding Jews and Christians to ride on the back of the horses and restricted them to mules and donkeys only with undecorated saddles.⁸⁰ They were restricted from having Muslim servants and buying Muslim slaves. It was also announced that the Jews and Christians including those serving at the court should obey the decrees or they would be replaced by Muslim officials. The Muslims were instructed to look out for any non-Muslim disobeying the decrees. Owing to such strict measures, a large number of Christians converted to Islam while many applied for permission to leave Cairo. Majority of the Jews, on the other hand, held on to their religion. In 404 AH/1013 CE Caliph-Imam al-Hakim issued a decree permitting any non-Muslim to leave the country under state security and with his properties and belongings.⁸¹ Al-Maqrizi reports that Caliph-Imam al-Hakim came to know that Jews of al-Jaudariyya quarter were defaming him and Islam. After multiple warnings, the place was set on fire; however, no one was hurt and the Jews were relocated near al-Zuwaila gate. In the later years from around 410 AH/1019 CE until his demise, the severity of the measures was lifted. Even those who wished to return to their previous faith were permitted to do so without fear.

Before an analysis of these decrees and their effects, it must be pointed out that during these years of strict measures imposed by the Fatimid state, the Christian community faced more severe regulations than the Jews; a fact which can be further understood by larger Christian conversion to Islam while Jews did not feel the urge to do so. For instance, revenue of churches was confiscated and a few were even destructed.

Synagogues and Jewish congregations did not encounter such orders. The reason for this was widespread corruption of Christian community and more hostile attitude of Muslim population towards them as compared to the Jews.⁸² It is safe to conclude, therefore, that the strict measures of the state during the reign of Caliph-Imam al-Hakim were imposed by a specific design with reasons and were not aimed at non-Muslims as a whole.

Caliph-Imam al-Hakim's shift in attitude towards the Jews appears to have been an attempt to diplomatically solve two major issues that he faced at that time: hostile attitude of the Jews towards Muslim due to their increased influence at the court which had to be addressed; and Muslim anger towards their rising influential status which also had to be quieted. A close examination of the decrees issued alludes to his wise diplomacy in the circumstances. Jews were exploiting the tolerant attitude while the Muslim population was antagonized by their domination in the state administration which made them feel undermined and weakened.

Therefore, a change from the traditional Fatimid policy of tolerance and enactment of strict social regulations served the purpose effectively. It also must not be overlooked that the social subjugation of the Jews was carried out through laws that already existed and were presumably known to them. In addition to the Pact of Medina which the Fatimids adhered to, the decrees imposed by the Caliph-Imam al-Hakim were also in line with the conditions set for the non-Muslims living under Islamic rule in the Pact of Umar which were most likely known to the Sunni Muslims of Cairo. Hence, the measures aforementioned, which precisely concern social segregation of the Jews must have enforced the notion that non-Muslim do not share equal status with Muslims under a Muslim rule and would have also curbed the growing influence of the Jews - sorting out the problem on both sides.

Furthermore, the regulations did not seem to be motivated by sectarian bigotry towards the Jews; instead, they seem to have rather protected them from the Muslim hostility. In the year 403 AH/1011 CE, the Caliph-Imam al-Hakim is reported to have protected the Jews from the wrath of the Muslim populace by acquitting them of charges leveled up against them. Following the event, the acquitted Jews gathered around the gates of his palace and invoked blessings upon him for a long life.⁸³ Notably, this event took place during the time when regulations imposed by the Caliph on the Jews were active. By flattening the social status of the Jews, the regulations quieted the Muslim anger. At the same time, they served as a means to restrain Jewish dominance placing their

activities within limits by reminding them about the state control and that their tolerant attitude shall not be taken for granted. The argument is further consolidated by the fact that while regulations were being imposed on the Jews, the Jewish courtiers still held their positions and were also receiving favours from the Caliph-Imam al-Hakim. Al-Maqrizi records that in the year 398 AH/1007 CE the Jewish physician of Caliph-Imam al-Hakim received from him heavy presents including several mules, ornamented saddles and a furnished house. Again, this was the period when Jews, in general, were under restrictions. The regulations imposed by Caliph-Imam al-Hakim, hence, were part of a deigned policy of the Fatimids towards the Jews and were meant to control the corrupt actions of the miscreants in Jewish civil society in a way that would not harm its existence but rather put it back on a rather pacified track. Jacob Mann notes that 'it is evident that the [Jewish] congregation kept up its organization [during the period of restrictions], though under difficulties'.⁸⁴ The reconstruction of the context for the measures of Caliph-Imam al-Hakim establishes that the tolerant attitude of the Fatimids towards the Jewish society was not 'out of indolence', as noted by Goetien, but rather it was a component of a carefully planned and systematically executed policy of granting substantial autonomy to a civil society in regard to its functioning and administration while controlling its ambitions in matters related to social security.

8. Conclusion

It may sound anachronistic to trace the elements of a rather modern concept of civil society in a medieval state. Nevertheless, the dynamic nature of history as a discipline never precludes reappraisals of a period in history with fresh perspectives. It is true that the discourse on civil society as an element of human civilization emerged around the 18th century; however, its manifestation of welfare as a fundamental right of all human beings exists since the beginning of human history. The study of state-civil society relationship gained importance and its scope enhanced as the latter cultivated the nature of a sovereign domain of the society. Yet, the state never ceased to exist as an overseer and a patron of such private manoeuvres. In a world where we see either a totalitarian state with a subjugated civil society or a dominant civil society and a weak state control, it is hard to envision a system that could exist outside the parameters of the two aforementioned structures. One such system existed under the pluralistic Fatimid rule during the 10th and 11th centuries as minority Jewish community formed a civil society of their own within a majority Muslim populace and in alliance with the ruling Muslim state

which considered public welfare and charity as a religious obligation upon all human beings.

For the most part, the relationship of the Fatimid state and the Jewish civil society apparently prevailed in balance between the modern Autonomous and Coordination Models of the relationship between a civil society and state. As revealed by the primary sources of the concerned period, much of the Jewish social activity under the Fatimid rule revolved around the goals of philanthropy, social welfare, religious service, education and social security of the community, and their relationship with the state remained cordial and supportive. While the Jewry organized its efforts to deliver basic services to its members, and thus sharing some of the state's responsibilities, the state provided recognition and support to such efforts through rewards and co-option of the Jewish personnel in its apparatus. This led to a win-win situation for a considerable time period wherein the thriving of Jewish civil society depended upon the state's tolerance and coordination and vice-versa. However, under the reign of Caliph-Imam Al-Hakim, the obvious shift in the state-civil society relationship apparently resembles the 'Conflict Model'. However, the reasons behind that shift as discussed above, point to its inevitability. Ernest Gellner identifies civil society as "a set of diverse non-governmental institutions, which counter-balance the state but do not prevent the state from fulfilling its role of keeper of the peace and arbitrator between major interests" In this case the state simply seems to fulfil its fundamental duty of maintaining order and peace while playing a balancing act between the major and diverse group interests existing in the Fatimid State.

From another perspective, the 'Autonomous Model' also seems relevant to this case. The Jewish civil society was given extensive autonomy - a notion difficult to imagine in consideration of an imperial rule. The model asserts the autonomous position of civil society and voluntary welfare or service delivery organizations rather than that of direct confrontation or docile submission to the state. Owing to the autonomy provided by the state, the Jewish civil society institutionalized its efforts for charity, welfare, education and religious services in an extremely organized and autonomous manner so much so that it appeared to its critics to have functioned as a state within a state. However, coordination and contact with the state was maintained by the community as an utmost priority. On part of the Fatimid state, it devised a policy of appointing skilled Jews as officials at court and installed them as points of contacts between the state and the Jewish community. The employment of Jews in the state administration further protected the

communal autonomy of the Jewish civil society as they stood as representatives of the entire Jewish community at the court and contact between the state and the Jewry was mostly limited to them. This tripartite contact enabled the Jewish civil society to operate autonomously yet, with state coordination. However, the tolerant approach that was in the practice throughout the Fatimid rule was not absent of limits. While it may be true that civil society is able to function with high efficiency if provided with complete autonomy and a tolerant environment, it is considered vital for the state to set certain boundaries and parameters to keep its activities in check and prevent it from becoming corrupt: a tendency present in all human social institutions. The Fatimid state, especially during the reign of Caliph-Imam al-Hakim, displayed its concern regarding the growing malignant influence of the Jewish society and its corrupt activities by implementing regulations and restrictions, and temporarily shifted its position from the traditional tolerance that prevailed throughout the Fatimid rule. Yet, the autonomy of the civil society remained intact as the measures imposed by Caliph-Imam al-Hakim were not intended to halt the philanthropic and welfare activities of the Jewish civil society which continued during his reign. The impositions appear to be harsh and bigoted if seen without the context; however, a contextual study alludes to wise diplomacy. The decrees diminishing social status of the Jews served multiple purposes: the Jewish society was reminded of the power of the state; their corruption was put under significant control; and the growing Muslim rage against the Jewry was quieted. Taking everything in account, this study concerning the Jewish civil society under the Fatimid state furnishes a fine Medieval model for the scope of studies regarding nature and types of relationships maintained by civil societies and states; a model in which the civil society can be seen functioning autonomously at the centre and state monitoring its limits at the periphery without intervention into the working of the former.

Notes and References:

¹ These five defining criteria for a civil society organization (CSO) are a part of the functional operational definition furnished by scholars associated with Johns Hopkins Comparative Non-profit Sector Project. See Lester M. Salomon and Helmut K. Anheier, *Social Origins of Civil Society: Explaining the Non-profit Sector Cross-Nationally*, (The Johns Hopkins University Institute for Policy Studies 1996) 3-4

² See Ernest Gellner, *Conditions of Liberty: Civil Society and its Rivals*, (London: Hamish Hamilton, 1994)

³ For a detailed study on the relationship of the Jews, Christians and the Muslims see Zachary Karabell, *People of the Book*, (London: John Murray Publishers, 2007)

⁴ Al-Quran, Sura 9:29 which enjoins Muslim state to make unbelievers into humble tribute bearers.

⁵ The Pact of Umar produced somewhat in 637 after Caliph Umar's conquest of Syria and Palestine, highlighted the limitations and privileges assigned to 'conquering Muslims and conquered non-Muslims' including the Jews. It was amended and expanded in later periods and as widely understood its present form originated somewhere in the 9th century CE. See Jacob Marcus, *The Jew in the Medieval World: A Sourcebook, 315-1791*, (New York: JPS, 1938), 13-15; also see the Arabic source, Abu Bakr al-Turtushi, *Siraj al-Muluk*, (Cairo: al-Matbu'at al-Arabiyya, 1872), pp. 229-230.

⁶ For more information on the restrictions imposed on the non-Muslims see A. S. Tritton, *The Caliphs and their Non-Muslim subjects*, (Mysore: The Wesleyan Mission Press, 1930).

⁷ For a survey of Jews during the first three centuries of Islam see Norman A. Stillman, *The Jews of Arab Lands: A History and Source Book*, (Philadelphia: The Jewish Publication Society, 1979), pp. 22-40.

⁸ For more details on the non-Muslim population of the Fatimid Empire see Johannes den Heijer et al., 'The Fatimid Empire and its population', *Medieval Encounters*, Vol. 21, Issue 4-5, (2015), pp. 323-344.

⁹ Stillman, *Jews in Arab Lands*, p. 43.

¹⁰ Ibn al-Muyassar, *al-Muntaqa min Akhbar Misr*, ed. A. F. Sayyid, (Cairo: l'Institut Francais d'Archeologie, 1981), p. 5.

¹¹ Jacob Mann, *The Jews in Egypt and in Palestine under the Fatimid Caliphs*, Vol. 1, (Humphrey Milford: Oxford University Press, 1920), p. 220.

¹² S. D. Goitein, *A Mediterranean Society*, vol. 2, (California: University of California Press, 1999), p. 3.

¹³ It must be noted that Goitein has not used the term "civil society" in his work. However, the various types of Jewish welfare and service delivery initiatives mentioned by him definitely fulfill the criteria of a modern day 'civil society organization' or CSO, as they were private, organized, self-managed, voluntary and not-for-profit.

¹⁴ Goitein's analysis seems to be rather sweeping which highlights the need of further research. Goitein, *Mediterranean Society*, p. 404

¹⁵ Stillman, *Jews in Arab Lands*, p. 63.

¹⁶ Stanley Lane-Poole, *A History of Egypt in the Middle Ages*, London: Methuen & Co. (second edition), 1914, p.127.

¹⁷ Yaacov Lev, *State and Society in Fatimid Egypt*, (Netherlands: Brill, 1991), pp. 194-196.

¹⁸ Yaacov Lev, 'The suppression of crime, the supervision of markets, and Urban society in the Egyptian capital during the tenth and eleventh centuries', *Mediterranean Historical Review*, Vol. 3, Issue 2, (1988), pp. 71-95.

¹⁹ Marina Rustow, *Heresy and the Politics of the Community: The Jews of the Fatimid Caliphate*, (UK: Cornell University Press, 2008), pp. 67-108.

²⁰ Yahya al-Antaki, *Tarikh al-Antaki*, ed. Umar Abd al-Salam, (Lebanon: Jurus Press, 1990)

²¹ Ayman F. Sayyid, *al-Dawlat al-Fatimiyya fi Misr*, (Cairo: Dar al-Misr al-Lebnaniya, 1992).

²² Fatima Mustafa Amir, *Tarikh ahl al-dhimma*, (Cairo: al-Hay'at al-Misriyya, 2000).

²³ Salam Shafe'i Mahmud, *Ahl al-Dhimma fi Misr*, (Cairo: al-Hay'at al-Misriyya, 1995)

²⁴ Ibn al-Hisham, *al-Sirat al-Nabawiyyah*, Vol. 1, (Cairo: Dar al-Kutub al-Arabi, 1955), pp. 501-504

²⁵ Al-Turtushi, *op.cit.* 229-230

²⁶ Samer F. Traboulsi, (ed.) 'On Companionship and Belief' in *Epistles of the Brethren of Purity (Rasâ'il Ikhwân al-Safâ')*, trans. Toby Mayer and Ian Richard Netton, (US: Oxford University Press, 2016), p. 115.

²⁷ For more information on the Jewish community in North Africa see Haim Zeev Hirschberg, *A History of the Jews in North Africa*, Vol. 1, (US: Brill, 1974).

²⁸ Jacob Mann, *Jews in Egypt*, p. 16.

²⁹ Stillman, *Jews in Arab Lands*, p. 204.

³⁰ Yaacov Lev, *State and Society*, p. 189.

³¹ For the text and translation of the decree see S. M Stern, *Fatimid Decrees: Original Documents from the Fatimid Chancery*, (London: Faber and Faber Ltd, 1964), pp. 23-35; for more information on importance of synagogues as a center of all social services and institutions within Jewish societies see Joshua Holo, 'Synagogues under Islam in the Middle Ages' in *Jewish Religious Architecture*, ed. Steven Fine, (Boston: Brill, 2020).

³² Marina Rustow, *Heresy and the Politics*, p. 67.

³³ For more information on the headship of the Jews see Mark R. Cohen, *Jewish Self-Government in Medieval Egypt: The Origins of the Office of the Heads of the Jews ca. 1065-1126*, (New Jersey: Princeton University Press, 1980), pp. 79-177; Elinoar Bareket, 'The Head of the Jews (Ra'is al-Yahud) in Fatimid Egypt: A re-Evaluation', *Bulletin of the School of Oriental and African Studies, University of London*, Vol. 67, No. 2, (2004), pp. 185-197.

³⁴ Fatima, *Tarikh*, vol. 1, p. 160.

³⁵ Stillman, *The Jews of Arab Lands*, p. 50.

³⁶ Ibn Tuwayr, *Nuzhat al-Muqlatayn fi Akhbar al-Dawlatayn*, ed. A.F. Sayyid, (Berlin: Shututgarat, 1992), p. 97.

³⁷ For more on internal correspondence of the Jewish community see Elinoar Bareket, 'Jewish Inter-Communication in the Mediterranean Basin in the Eleventh Century as documented in the correspondence of Eli Bin 'Amram', *European Journal of Jewish Studies*, Vol. 2, Issue 1, (2008), pp. 1-19. Such a letter in original Hebrew can be accessed at <https://cudl.lib.cam.ac.uk/view/MS-TS-00013-J-00026-00013/1>.

³⁸ Stillman, *The Jews of Arab Lands*, p. 194.

³⁹ Jewish community was internally divided into two parts on basis of their religious beliefs: Rabbanites and Qaraites. The Jewish courtiers, on many instances, intervened in religious affairs of the community in order to favor their own denomination. See Marina Rustow, *Heresy and the Politics*, p. 96.

⁴⁰ Fatima, *Tarikh*, vol. 1, p. 177.

⁴¹ Salam, *Ahl al-Dhimma fi Misr*, p. 82.

⁴² Jacob Mann, *Jews in Egypt*, p. 19.

⁴³ Elinoar, 'The Head of the Jews', p. 195.

⁴⁴ Ibn al-Qalansi, *Zail Tarikh Damishq*, Beirut: Matba'at al-a'ba al-yasu'iyyin, 1908), p. 33.

⁴⁵ Al-Maqrizi, *Kitab al-mawaiz wal-i tebar bi zikr al-khitat wal-athar*, vol. 2, (Cairo: Bawlaq), p. 423.

⁴⁶ Badr al-Jamali was one of the most influential characters in the latter half of Caliph-Imam al-Mustansir's rule. He was posted in Syria as the governor of Acre. Caliph-Imam al-Mustansir directed him to come to Cairo in an attempt to restore the deteriorating political and economic situation of the state. Badr al-Jamali entered Cairo in the year 466 AH/1074 AD and was immediately designated complete authority over all the state institutions, namely; vizierate - Chief *qadi* and Chief *da'i* which meant that both political and religious administration were under his direct supervision, see Farhad Daftary, *The Ismailis: Their history and doctrines*, 2nd edition, (Cambridge University Press, 2007), pp. 194-195.

⁴⁷ It is debated whether the post of *Ra'is al-Yahud* i.e. official rank of the *political* heads existed since the beginning of the Fatimid rule in Egypt or was a later addition after the seat of Jerusalem *Yeshiva* shifted to Cairo. For more information see note 28.

⁴⁸ Goitein, *Mediterranean Society*, p. 394.

⁴⁹ For more information on Charity during Medieval Islam see Yaacov Lev, *Charity, Endowments, and Charitable Institutions in Medieval Islam*, (US: University Press of Florida, 2005)

⁵⁰ Musabbihi, *Akhbar Misr*, ed. A.F. Sayyid & Th. Bianquis, (Cairo: al-Ma'hCE al-Ilmi al-Franci, 1978), p. 29-30.

⁵¹ Al-Antaki, *Tarikh*, pp. 302-304; Caliph-Imam al-Hakim is known to fight against profiteering from high prices during the famine crisis. For more on his legislation for the public welfare see Panaviotis J. Vatikiotis, *The Fatimid Theory of State*, (Lahore: Institute of Islamic Culture, 1981), pp. 148-150; Yaacov Lev, 'The suppression of crime', p. 86.

⁵² Nasir Khusraw, *Safarnameh*, ed. Muhammad Siyaqi, (Tehran: Zuwwar Publications, 1387), p.96.

⁵³ A;-Muqaddasi, *Ahsan al-Taqaqim fi Ma'refat al-Aqalim*, (Cairo: Maktabat Madbuli, 1991), p. 197. 1. 18.

⁵⁴ Goitein, *Mediterranean Society*, vol. II p.97

⁵⁵ Goitein has sorted out elaborate details of the charitable foundations, list of beneficiaries and list of contributors from Cairo Geniza documents in Appendices A, B and C in the second volume of his work *A Mediterranean Society*, pp. 413-510

⁵⁶ Goitein, *Mediterranean Society*, vol. II, p. 95

⁵⁷ Goitein, *Mediterranean Society*, vol. II, p. 108.

⁵⁸ For more information on *qodesh* see Moshe Gil, 'Maintenance, Building Operations, and Repairs in the Houses of the Qodesh in Fustat: A Geniza Study', *Journal of the Economic and Social History of the Orient*, Vol. 14, No. 2, (1971), pp. 136-195.

⁵⁹ Goitein, *Mediterranean Society*, *ibid*, 99

⁶⁰ For a detailed survey on the services provided see *Ibid*, pp. 121-138.

⁶¹ Goitein, *Mediterranean Society*, *ibid*, 126

⁶² For more information see Mark R. Cohen, 'Feeding the Poor and Clothing the Naked: The Cairo Geniza', *The Journal of Interdisciplinary History*, Vol. 35, No. 3, (2005), pp. 407-421.

⁶³ Gotein, *op.cit.*, 133

⁶⁴ *Ibid*, 133-134

⁶⁵ Goitien notes that during such times, entire inflow of income of the community chest was diverted to free the captives p. 137.

⁶⁶ Marina Rustow, *Heresy and the Politics*, 71.

⁶⁷ *Ibid*, 90.

⁶⁸ Goitein, *Mediterranean Society*, *op.cit.*, p. 404

⁶⁹ Yaacov Lev, *Charity, Endowments, and Charitable Institutions in Medieval Islam*, (US: University Press of Florida, 2005), p. 31.

⁷⁰ Jacob Mann, *Jews in Egypt*, p. 38-39; 71-72.

⁷¹ Yaacov Lev, *State and Society*, p. 190.

⁷² Goitein, *op.cit.*, p. 348.

⁷³ Stillman, 'The Non-Muslim Communities: The Jewish Community', in Carl F. Petry (ed.), *Cambridge History of Egypt* (vol. 1), Cambridge: Cambridge University Press, 1998, p. 201

⁷⁴ Panaviotis J. Vatikiotis, *The Fatimid Theory of State*, Lahore,,1957, p. 148.

⁷⁵ Salam, *Ahl al-Dhimma fi Misr*, p. 60.

⁷⁶ Al-Antaki, *Tarikh*, p. 252.

⁷⁷ Al-Maqrizi, *Itte'az al-Hunafa bi-akhbar al-a'imma al-Fatimiyyin al-khulafa*, Vol. 2, ed. Jamal al-din Shayyal, (Cairo: al-Majlis al-A'ala, 1996), p. 53; Al-Antaki, *Tarikh*, p. 255

⁷⁸ For an overall review of the measures imposed and possible motivations behind them see Paul Walker, 'Al-Hakim and the *Dhimmis*', *Medieval Encounter*, Issue 21, (2015), pp. 345-363.

⁷⁹ Ibid, p. 278.

⁸⁰ Ibid, p. 295; Al-Maqrizi, *Itte'az*, p. 94.

⁸¹ Al-Antaki, *Tarikh*, 305.

⁸² This idea is further proven by a Geniza document containing a testimony of Muslims in favor of Jews' claim that a synagogue in al-Zuwaila quarter existed before the mosque. Yaacov Lev argues that this instance can be employed to understand the nature of Jewish-Muslim relationship and to conclude that the Jewish communities attracted less Muslim hostility than the Copts. Yaacov Lev, *State and Society*, p. 187.

⁸³ Stillman, *Jews in Arab Lands*, p. 203.

⁸⁴ Jacob Mann, *Jews in Egypt*, p 36.