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D. S. Richards

The Qasāma in Mamlūk Society: Some Documents from the Ḥaram Collection in Jerusalem.

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D.S. RICHARDS

THE QASĀMA IN MAMLŪK SOCIETY: SOME DOCUMENTS FROM THE ḤARAM COLLECTION IN JERUSALEM

The term *qasāma* suggests above all the pre-Islamic practice of compurgation, the fifty-fold oath, which survived (somewhat fossilised) in the later manuals of Sharia law in two opposed forms. It was either an accusatory accumulation of fifty oaths against an individual or a group where there existed a presumption of guilt in a homicide case, or it was a similar number of oaths to establish an individual's or a group's innocence of such a deed [1]. However, for some time I have been aware that there was a different use of the word in some Mamlūk chronicles and in published documents, also mostly from the Mamlūk period. There seemed to be no explanation of this usage in any legal source. Qalqašandī, quoting a certain Abū'l-Faḍl al-Ṣūrī [2] for an earlier period, includes among the tasks of one category of clerks of the *Dīwān al-Inšā'* " the drawing up of oaths and *qasāmāt* ", but with no further clarification. This article is an attempt to throw light on the *qasāma* of this further variety with the help of some unpublished documents in the possession of Sta Catherine's Monastery in Sinai and of others (eleven in number, all from the fourteenth century) preserved in the Islamic Museum of the Ḥaram in Jerusalem [3]. Texts and translations of these latter documents will be given after a general discussion.

First let us consider such chronicle evidence as has been so far noted. Maqrīzī records [4] that in Ramaḍān 811/ January 1409 there was a proclamation that gold coins were not to be used in Cairo and that the traders and merchants had to accept written

1. For a discussion of the *qasāma* in this sense and the forms of documents in pleas connected with it, see al-Asyūṭī, *Ǧawāhir al-ʿUqūd* (hereafter *Ǧawāhir*), Cairo, 1955,II, 280-307.

2. *Ṣubḥ al-Aʿšā* I, 131. Al-Ṣūrī is an otherwise unknown source, through whom Qalqašandī sometimes quotes Ibn al-Ṣayrafī's, *Qānūn Dīwān al-Rasā'il* (see W. Björkmann, *Beiträge zur Geschichte der Staatskanzlei im islamischen Ägypten*, Hamburg, 1928, 76).

3. The Sinai documents will be referred to by the numbering found in A.S. Atiya, *The Arabic Manuscripts of Mount Sinai : a hand-list of the Arabic manuscripts and scrolls etc.*, Baltimore, 1955. For the background to the Ḥaram collection and its scope, consult D. Little, *A Catalogue of the Islamic Documents from al-Ḥaram al-Šarīf in Jerusalem*, Beirut, 1984 (hereafter Little, *Catalogue*).

4. *Kitāb al-Sulūk*, ed. Ašūr, Cairo, 1972, IV, 82.

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qasā'im [plural of *qasāma*] to that effect (.. *wa-kataba ʿalayhim qasā'im bi-ḏālika*). Under the year 814/1412, al-Ṣairafī records [5] something similar for the establishment of a maximum exchange rate between gold and silver coinage (.. *wa-kataba al-qasā'im ʿalā'l-ṣayārif*). All other references apart from these two are found in Ibn Iyās. Moritz recognized the prevalence of this term in Ibn Iyās when he discussed its use in the documents from St. Catherine's Monastery in Sinai (see below), although I think he misunderstood the term. He wrote that the *qasāma* « ist ursprünglich der Reinigungseid von einer Anklage ... Im Mittelalter verblasste diese Bedeutung zu einfachem ' Befehl ', so haufig bei Ibn Iyâs ... » [6] The texts in Ibn Iyās concern, for example, sumptuary laws in Cairo in Rajab 876/ December 1471-January 1472, when *qasā'im* were applied to dealers in women's clothing, and a celebrated woman singer who was forbidden to appear and perform in public (in Shaʿbān 886/September-October 1481). In the case of the attempt in Rabīʿ 11 891/March-April 1486 to limit the fees that subordinate officials could expect from litigants coming to the Qadi's court, it is clear that the Sultan had already issued a separate order to that effect, before the officials were brought together and *qasā'im* applied to them (.. *wa-kataba ʿalayhim qasā'im bi-ḏālika*) [7]. Consider also the following cases. An individual in Shawwāl 889/ October-November 1484 undertook never again to seek the office of Inspector of Waqfs on pain of being treated as an " outlaw " (.. *wa-matā saʿā fī ḏālika yakūn damuhu hadar*). Four copies of his *qasāma* were sent to the four Qadis. Lastly, a Hanafi deputy Qadi, excused banishment, had to undertake (*kutiba ʿalayhi qasāma*) not to seek re-employment nor act as witness in any legal business (in Ḏū-l-Qaʿda 893/ October-November 1488) [8].

Dozy came closer to the truth, I think, when he defined the *qasāma*, having first given the earlier sense, as « Acte par lequel quelqu'un déclare devant le wālī ou le juge qu'il s'abstiendra d'une mauvaise habitude qu'il a contractée, p.e. de l'ivresse. » [9] The source for this was Bustānī's *Muḥīṭ*, where no references are given. When dealing with oaths (*aymān*) in his large legal formulary al-Asyūṭī gives as an example of those dealing with future actions a sworn undertaking not to drink wine [10]. On the basis of the use of the word in Mamluk documents from the archives of the Franciscans in Jerusalem, Risciani gave the following definition : « La parola araba [*qasā'im*] significa proprio le carte d'obbligazione giurato, scritti di garanzia con giuramento, che le autorità esigerano da chi era da loro considerato responsabile .. », but offered no further discussion of the term [11].

5. *Nuzhat al-Nufūs*, ed. H. Ḥabašī, Cairo, 1971, II, 294.

6. B. Moritz, " Beiträge zur Geschichte des Sinaiklosters etc. ", in *Abhandlungen der königlich preussischen Akademie der Wissenschaften*, Phil.-Hist. Klasse, no. 4, 1918, 44, note 17.

7. *Die Chronik des Ibn Ijās*, ed. M. Mostafa, Wiesbaden, 1963 (*Bibliotheca Islamica* 5 *c*), III, 67, 186 & 228 respectively.

8. *Op. cit.*, III, 212 & 258.

9. *Supplément aux Dictionnaires Arabes*, Leiden, 1881, *s.v. qasāma*.

10. *Ǧawāhir* II, 318.

11. *Documenti i Firmani*, Jerusalem, *n.d.*, 159, note 3.

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Similar uses of the term will be found in eight of the Sinai documents issued by the Mamluk Sultans which have been published by H. Ernst [12], although he follows Moritz in his translation of the term. Its earliest occurrence amongst the Sinai material is in a late Fatimid document, in which the monks of Sta Catherine's monastery petition the government that a certain emir and specified Bedouin should put their names to a *qasāma šarīfa*, to the effect that they will not interfere with the monastery, etc [13]. Once again, the context clearly shows that no ' simple command ' is implied, but rather a personal undertaking, although entered into, of course, at the insistence of the authorities. The clearest example amongst the published Mamluk material from Sinai is in a decree of the Sultan Qānṣūh (dated 918/1512) in which it was ordered that *qasā'im* were to be drawn up " against " an individual, with a penalty for non-fulfilment of 2000 dirhams [14].

Such undertakings as those mentioned so far could be, and clearly often were, backed up by an oath. The Ḥaram documents and the new parallel material from Sinai will demonstrate this sufficiently. That oaths were involved in the production of *qasā'im* could be inferred from the likely derivation of the term and the earlier sense of *qasāma*, but how the meaning developed from that of the fifty-fold oath in homicide cases is not at all obvious. In the treatment accorded to oaths in Islamic law books, it is recognized that they can be used to affirm past or present circumstances and to support an intention either to do or not to do something. Normally a person's oath (*qasam* or *yamīn*) was in law a matter between that individual and God, and was not juridically enforceable. The performance of suitable religious expiation (*kaffāra*) for not complying with an oath was also left to the individual. However, in the case when one made a conditional vow either to divorce one's wife or to free one's slaves, if something was or was not done, this was considered binding. The oath to perform certain actions and avoid others, undertaken at the instance of the authorities, the *qasāma* in the sense studied here, was, it seems, applied in a variety of circumstances, and the penalty for non-fulfilment, which was often payment of a sum of money to the Treasury, may be looked upon as a development of the obligation incurred in the case of conditional vows of divorce or manumission.

The evidence reviewed above, from chronicles and published documents, clearly envisages the *qasā'im* to be written documents, so that the monks of Sta Catherine's monastery could claim to have them in their possession alongside royal decrees and such like. The new documentary material, however, treats the term as signifying a form of oath which is sworn, part of the process of swearing which constituted the essential

12. *Die mamlukischen Sultansurkunden des Sinai-Klosters*, Wiesbaden, 1960, see index, p. 313, *s.v. qasāma*.

13. D.S. Richards, " A Fāṭimid petition and ' small decree ' from Sinai ", *Israel Oriental Studies* III, 1973, 142, lines 17-20.

14. H. Ernst, *op. cit.*, no. LXXI.

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basis of a particular undertaking. Typically, the individual or individuals making an undertaking are said to have sworn by God and by the *qasāma* of the Lord Sultan. The characteristic procedure of Islamic law as opposed to European models applied and thus the formulation of the Ḥaram documents in question is not that of a written undertaking signed by the parties, but rather an attestation that the parties had duly sworn before their witnesses that they would do, or not do, certain things. All except one begin with the statement that one or more persons have appeared (*ḥaḍara*) before his or their witnesses " on the date given below " (*fī yawm ta'rīḫihi*) and made such and such an attestation. Text no. II follows the pattern of a formal declaration (beginning with the verb *aqarra*).

However, I do not rule out the possibility that the swearing of the *qasāma* and the penalty that followed it, being central to the undertaking, led to the application of the term to the witnessed record itself. It is true that none of the documents in the Ḥaram or the Sinai collections are actually referred to in their own texts as *qasā'im*, but such would be a convenient way of making a cross-reference to them. Granted the nature of Islamic legal procedure it is probably false to imagine a more direct written form in which the obligations could be made. It is highly suggestive that in the archives of Sta Catherine's Monastery are documents that allude to *qasā'im* in the hands of the monks, which they bring forward in addition to other material as supporting evidence in their search for local security, and that alongside them, so to speak, the archives contain attestations of the local Bedouins that they have sworn by God and by the *qasāma* to keep peace and avoid just those things that the monks so constantly complained of. It is very tempting to equate these attestations with the *qasā'im*, and then logically to hold that the similar documents from the Ḥaram collection, although dealing with different cases, are also examples of *qasā'im*.

If that is accepted as a possibility, it is still necessary to consider what the *qasāma*, in the sense of the oath involved, might have been. The wording referred to above presents a difficulty, for how can one swear by God and by the *qasāma*, if the latter is itself an oath? One of the Ḥaram documents (see no. VII below) gives an indication of what that " noble royal oath " (*al-qasāma al-šarīfa al-sulṭāniyya*) might have been, when it records that " they swore by God ... and then by His blessings upon the Lord the Sultan ... ". A very similar form of words is found in some Sinai documents from the Ottoman period (nos 190-194), which range in date from 924/1518 to 1008/1599. One may easily accept this as continuity of practice from the Mamlūk period. For example, in no. 191 a group of Bedouins belonging to the Awlād ʿAlī are attested to have sworn " by God Almighty ...., then by the blessings God Almighty bestowed on our Lord, ... the Sulṭān al-Muẓaffar Selīm Šāh " that they would protect the monastery etc. In an annexe to this same document some other Bedouins are recorded to have accepted similar undertakings " after having sworn the *qasāma* mentioned above. " It is likely that the actual swearing of the *qasāma* involved a more extended form of words, one that recognised the special favour of God to the ruling Sultan, so that the non-fulfilment

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of such an oath was looked upon as a denial of the Sultan's position and as a sort of disloyalty [15]. Perhaps an extended formula for the *qasāma* could also specify a penalty (often financial), so that non-fulfilment brought into force " the penalty of the *qasāma* (*ḥadd* or *darak al-qasāma*). " At all events, " to swear by the *qasāma* (*aqsama bi'l-qasāma al-šarīfa*) I understand to mean " to swear using the formula called the *qasāma* ", which invoked God's favour shown to the ruler.

All but one of our Ḥaram documents concern individuals or groups who were residents or indeed, headmen, of villages which were waqf land of the Dome of the Rock or of the Sanctuary (*Ḥaram*) in Medina. These villages were situated in an area mostly around Jerusalem and Hebron (Ḫalīl) but also as far away as the Sidon district. The isolated document is no. VII which deals with a group of Jews in Jerusalem who undertook not to sell slaughtered animals to Muslims. In the rest one finds on the whole attestations of sworn undertaking to cultivate the land for the benefit of the waqf concerned and generally to guarantee good behaviour — as one might say, to keep the peace. No. VI is slightly different in subject matter. The text is dubious in several places, but it seems to contain an attestation by six village " headmen " (*ru'asā'*) that for a period of four years they had not received all their revenues. They swear (by the *qasāma*) that if this were proved otherwise (or if they were to be paid (?)), they would give the waqf concerned its due. It is worthy of note that this document shows, as do others, that a single village could have more than one " headman ", but I would be hesitant to speculate on the meaning of the term in these contexts or the extent of their authority. The villagers appear to have had a decided tribal character, and several tribal groups are named. Perhaps this in some way accounts for the obvious care to ensure that they will remain to cultivate the land satisfactorily. I tend to believe that the undertakings are made as a result of previous misdemeanours (note, for example, in no. III the point about not letting animals into the crops of a waqf village), rather than that they represent a fresh recruitment of labour. No precise hiring terms and no time-limits are mentioned. It is not clear what is the nature of the groupings in no. IX, in which five " headmen ", each with a group of from three to six men, said to be " under his leadership " (*ǧamā'atuh al-dāḫilīn fī za'āmatihi*), undertake to cultivate the proportion of their village that is waqf land. They are described as fellaḥīn of the village. All the headmen stand surety for one another and for their men. In other cases too, those concerned individually or severally undertake their obligations and guarantee to produce the person of any malefactor (themselves or others) before the appropriate authorities. The undertaking to produce a certain person could be separately classified as a *ḍamān* or *kafāla* (the terms are synonymous). The appropriate verbs appear singly or together in the documents,

15. Oaths of loyalty taken from emirs and senior officials specified, as penalties for breaking them, divorce, manumission of slaves, disposal of all property to the poor, performance of thirty pilgrimages and the ransoming of a thousand captives. See *Ǧawāhir* II, 334-336.

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frequently with the listing of a further group of guarantors. The process is called *ḍamān wağh wa-badan fulān* and model forms of word for it are set out by al-Asyūṭī [16].

The content of the last four Ḥaram documents is very similar to that of the others. However, they lack the element of the oath to reinforce the obligations. I have set them aside as an appendix, but it is far from clear why some matters were deemed to require an oath while others, not basically different, were not. Those Sinai documents with which comparisons can be made are rather more homogeneous in subject matter. In them local Bedouins undertake to protect the property and persons of the monks and to deliver up any wrongdoer, but here too the backing of an oath can be lacking, as in no. 188 (dated 874/1470), which contains a commitment (*iltizām*) to protect the monastery. In Sinai no. 189 (dated 901/1496) several Bedouins swear by God (but not expressly by the *qasāma*) that they accept certain conditions governing their relations with the monastery. If they transgress, however, they will be subject to the *ḥadd al-qasāma al-šarīfa*.

When, as is frequently the case, it is stated that the oath was and the undertaking were entered into freely and willingly, this must be viewed with a certain reservation. It was in fact the appropriate authorities that demanded the undertaking and in some circumstances its strengthening by an oath-taking. From the point of view of authority there was a hope that an oath, or at least the social pressure exerted on a public oath-taker, would be useful in ensuring the performance of obligations, especially when there was mutual or third-party responsibility for making good shortcomings. In the case of the Sinai documents it is the Emir, the *šayḫ al-ʿurbān* or the *šayḫ al-ʿĀ'iḏ* who acts for the state and before whom the lesser chiefs appear. In Sinai no. 188 the initiative comes from royal decrees, the contents of which were made known via the Bedouin Emir and one of the *ūğāqiyya* of the royal stables, probably specially commissioned. According to no. 190 (dated 929/1523) the chiefs were summoned to hear the Bedouin Emir and the Qadi of Ṭūr read decrees of the Ottoman governor, Ḫayr Bey, before they made their sworn undertakings. On the other hand, in our Ḥaram documents, given the waqf properties involved, the immediate authorities were the office of the Twin Sanctuaries (Jerusalem and Hebron), headed by the Inspector, and the Qadi of Jerusalem.

Al-Asyūṭī, who provides models for the form followed by this group of documents [17], says that, if the attestation takes place before a Qadi, the court or the judge before whom those involved appeared, must be specified. Among the Ḥaram documents this is done unambiguously in only one case. No. VI has " in the Šāfiʿī court at Jerusalem ". A court is mentioned at second hand in no. V, in that one finds as part of the

16. *Ğawāhir* I, 24-27, where the guarantee for a financial obligation, payment of a debt, for example, (called *al-ḍamān fī'l-ḏimma*) is also dealt with.
17. *Ğawāhir* II, 374 (see Little, *Catalogue*, 242).

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attestation before witnesses the phrase " that he appeared before .... the Šāfiʿī Qadi in the city of Nāblus ". Whether this means that the others were not attested before any Qadi's court remains unclear. There seems to be no obvious difference in subject matter to explain why some attestations should be made before a judge and others not. However, at the end of text no. I it is expressly said that the separate guarantee given by a number of persons was attested in the Ḥaram al-Šarīf. The village in question was Nūbā, part of the waqf land of the Dome of the Rock, so it was the authorities of the Awqāf that were interested (including the Inspector of the Two Sanctuaries). Likewise, no. XI, which I have put in the appendix, states that two persons " presented themselves at the court of the Inspectorate of Waqfs ". Document no. III is signed, if the reading is accurate, by a Balbān b. ʿAbd Allāh, who may well have been a mamluk acting for the Inspector or the Qadi.

The evidence for the *qasāma* in the Ḥaram documents and those from Sinai, when set alongside the evidence adduced at the beginning of this article, suggests that its use as a means of social control could have been widespread. The instances found in the Ḥaram documents, the texts of which follow, supply examples for the beginning and end of the fourteenth century. All the others I have met with belong to the fifteenth century or later, apart from the lone Fatimid occurrence. It is, however, odd that no reference is made, as far as I am aware, to this variety of *qasāma* in the secretarial literature, such as the compendium of Qalqašandī, or in *šurūṭ* or *adab al-qāḍī* works.

TEXTS AND TRANSLATIONS.

The versos of the documents are either blank or have just a brief note identifying the contents, which was probably added at the « filing » stage. The script in all of them is extremely cursive and difficult. It is no comfort to find that al-Asyūṭī [18] strongly recommended that clerks, especially the clerk of the court, should write well and not curtail letter shapes nor run them one into another, all of which produces error. He recalls that a certain Qadi in Egypt chastised careless clerks, with the result that legal documents of all sorts in his time were written accurately and clearly. What a pity that there were not more like him!

18. *Ǧawāhir* I, 12.

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I. Ḥaram no. 712, dated 18 Ḏū'l-Ḥiǧǧa, 705/1 June, 1306
(Little, *Catalogue*, 245)

TEXT.

Recto.

1 بسم الله الرحمن الرحيم

2 حضر الى شهوده يوم تاريخه شمس بن خالد بن رواع وعمر بن أبى بكر بن طرخان وسنجر بن عياش بن مظفر ونشوان بن غالى بن محمد الجميع روسا

3 نوبا الوقف ومشايخها واشهدوا على أنفسهم أنهم أقسموا بالله جل ذكره وعلا وبالقسامة الشريفة المولوية السلطانية الملكية الناصرية

4 شرفها الله تعالى انهم يسلكون الطريق الحميدة والمناهج السديدة ولا يخالف احد منهم على الآخرين ولا يقيم احد منهم

5 فتنة ولا فساد [كذا] ولا خلف ولا هوى ولا يوذى احد منهم الآخرين ويعمرون الوقف اثمر عمارة تكون ولا يشهر احد منهم سلاحا

6 على آخرين ومتى فعلوا شيا مما نهوا عنه كان على من يفعل ذلك منهم حنث اليمين ودرك القسامة وجملته خمسمائة درهم فضة لمستحقى

7 بيت المال المعمور وانهم متى طلبهم الجناب الكريم العالى الاميرى الكبيرى الغازى العضدى المويدى الاسبهسلارى السيفى سيف الدين بلغاق الناصرى

8 اعزه الله تعالى فى ليل او فى نهار حضروا وكذلك اذا طلبهم الجناب الكريم العالى الشرفى العمرى [؟] متولى الحرم المعمور [؟] بخليل الله عليه السلام

9 حضروا او طلبهم احد من نواب المذكورين حضروا ومتى تعدوا كانوا تحت الدرك . . . [؟] وحضر وكفلهم كفالة وجه وبدن . . .

10 ابراهيم بن . . . . بن شهاب الغازى من بيت عينون وناصر بن نصار بن . . . . . و. . . بن ابراهيم بن خضر بن . . . . . الغازى من بيت عينون و. . . . بن

11 يوسف بن . . . . . وعبيد بن على بن سيف من بيت عينون وبشير بن على [؟] بن خليل الغازى من ترقوميه وحمد بن مصعب بن . . .

12 الغازى من حلحول و . . . . بن . . . . بن مبارك من بيت عينون ايضا وعمر بن . . . . بن عوض من بيت عينون وعثمان بن سبع بن حماد من بيت احلا

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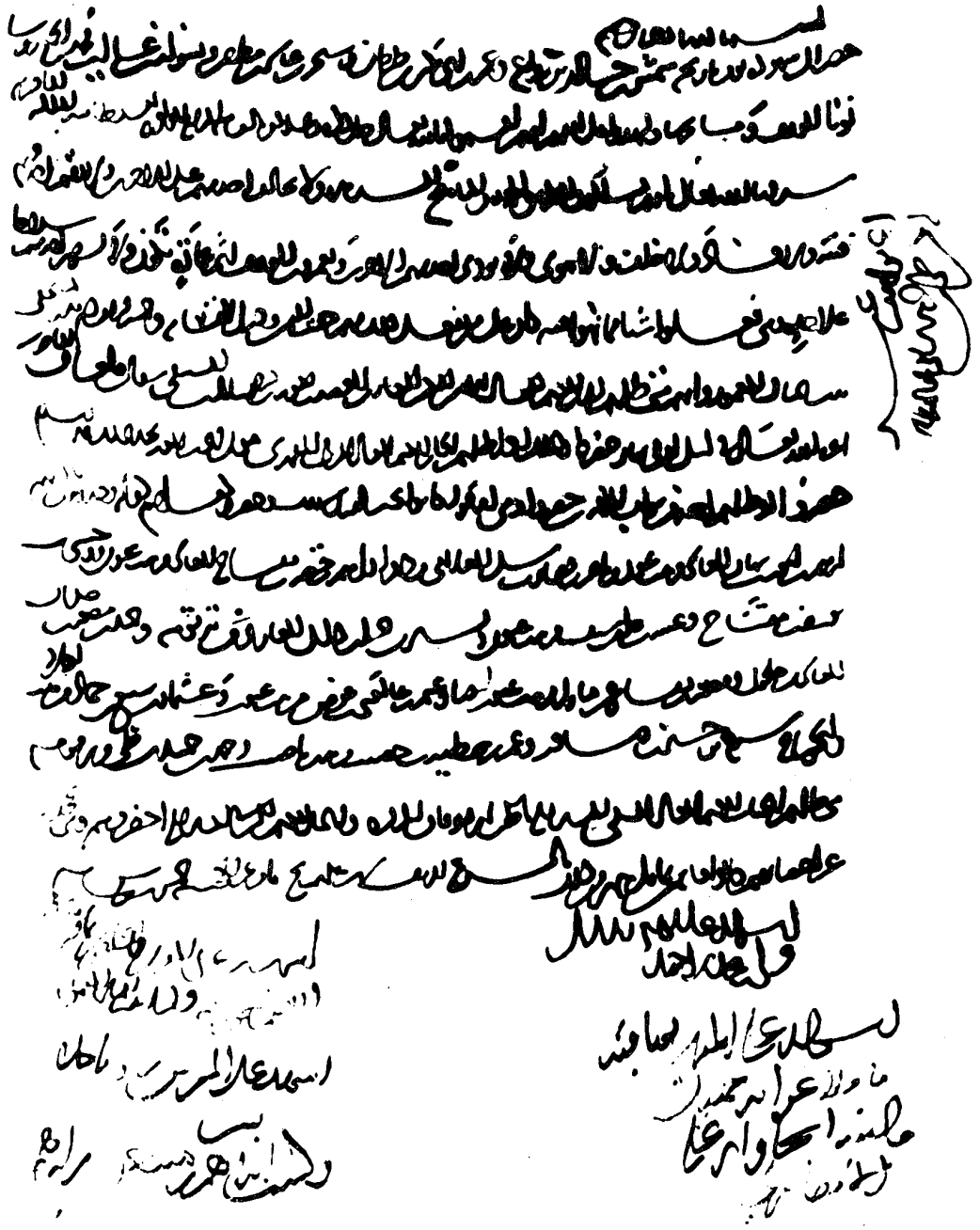

Document I : *Ḥaram* no. 712. **Recto.**

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13 و . . . . . بن حسين بن صابر وعمر بن عطية بن حصيب من بيت فاسين وحمد بن حمد بن طى من ترقومية

14 متى طلبهم الجناب الكريم العالى السيفى الناصرى ناظر الاوقاف الشريفة والجناب الكريم الشرفى الشافعى اخصروهم ومتى عجزوا

15 عن احضارهم كانوا قائمين بما يلزمهم وبذلك بالحرم الشريف شهد عليهم بتاريخ ثامن عشر ذى الحجة سنة خمس وسبعمائة

Right.

اشهد عليهم بذلك || وكتبه محمد بن احمد

اشهد على . . . . . بما فيه || . . . . . || وكتبه اسحاق بن على || الانصارى

Left.

اشهد على . . . . . واقرارهم بما فيه . . . . || وكتبه . . . . . المعمورى [؟]

اشهد على . . . . . || وكتبه ابرهيم بن مسعود بن ابرهيم

Opposite ll. 5-8 in right margin :

اعترفوا بذلك عندى || كتبه . . . . . طى . . . . الشافعى عفا الله عنه

Verso.

1 حجة على روسا قرية نوبا الوقف للقدس الشريف

2 بان لا يقيموا فتنة ولا يخالفوا على بعضهم بعض وضمانهم

TRANSLATION.

Recto.

In the name of God the Merciful, the Compassionate.

On the date given below there appeared before their witnesses : Šams b. Ḫālid b. Rawwāʿ and ʿUmar b. Abī Bakr b. Ṭarḫān and Sanǧar b. ʿAyyāš b. Muẓaffar and Nišwān b. Ġālī b. Muḥammad [19], all headmen (*ru'asā'*) and šayḫs of Nūbā, the waqf [20], and

19. Little gives some of these names differently, but the present readings correspond with the names in Ḥaram no. 202, the date of which is 25 Ḏū'l-Ḥiǧǧa 705 (although it is erroneously given as 795 in Little, *Catalogue*, 203).

20. *i.e.* the waqf of the Ḥaram in Jerusalem, cf. the *verso* note and no. IV below, and also Ḥaram no. 202. Also see W.-D. Hutteroth & K. Abdulfattah, *Historical Geography of Palestine, Transjordan and Southern Syria in the late 16th Century*, Erlangen, 1977 (hereafter *Historical Geography*), 124.

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they attested that they swore by God (glorious and mighty is His name) and by the noble *qasāma* of the Lord Sulṭān al-Malik al-Nāṣir [21] (may God Almighty ennoble it) that they would follow the praiseworthy path and righteous ways and that no one of them would dispute with the others, that none of them would cause any disturbance or wickedness, disagreement or dissent, and none of them would injure the others, that they would cultivate the waqf in the most productive manner possible, and that none of them would draw arms against another. If they do any of these forbidden things, the perpetrators are perjurers and liable for the penalty of the *qasāma*, the sum of which is five hundred silver dirhams [22] to the lawful receivers of the Treasury. If his noble exalted Honour the great Emir [epithets follow] Sayf al-Dīn Bulġāq al-Nāṣirī [23] (may God Almighty exalt him) requires them by night or by day, they will attend, and likewise, if his noble exalted Honour Šaraf al-Dīn al-ʿUmarī (?), comptroller of the blessed Ḥaram in the city of Ḫalīl, the Friend of God (peace be upon him [24]) requires them, they will attend, or if any of the deputies of the aforementioned requires them, they will attend. If they transgress, they will be subject to the penalty ....

Also present, undertaking to act as guarantors of their appearance in person ....., were Ibrāhīm b. ..... b. Šihāb al-Ġāzī from Bayt ʿAynūn, and Nāṣir b. Naṣṣār b. .... and .... b. Ibrāhīm b. Ḫiḍr b. .... al-Ġāzī from Bayt ʿAynūn, and .... b. Yūsuf b. .... and ʿUbayd b. ʿAlī b. Sayf from Bayt ʿAynūn, and Bašīr b. ʿAlī (?) b. Ḫalīl al-Ġāzī from Tarqumīya, and Ḥamd b. Musʿab b. .... al-Ġāzī from Ḫalḥūl, and .... b. .... b. Mubārak from Bayt ʿAynūn also, and ʿUmar b. .... b. ʿAwad from Bayt ʿAynūn, and ʿUṯmān b. Sabʿ b. Ḥammād from Bayt Ahlā (?), and .... b. Ḥusayn b. Ṣābir and ʿUmar b. ʿAṭiyya b. Ḥaṣīb from Bayt Fāsīn, and Ḥamd b. Ḥamd b. Ṭayy from Tarqumiya [25]. Whenever his noble exalted Honour, Sayf al-Dīn al-Nāṣirī, the Inspector of the noble Waqfs, or his noble Honour Šaraf al-Dīn al-Šāfiʿī require them, they will produce them. If they are unable to produce them, they will be responsible for fulfilling their obligation. They were sworn to this in the Noble Ḥaram on the 18th Ḏū'l-Ḥiǧǧa in the year 705.

21. This is the Sulṭān al-Nāṣir Muḥammad b. Qalāwūn in his second reign (698-708/1299-1309).

22. I believe this is written in *siyāqa* script, as is the sum in no. II. Al-Asyūṭī urges notaries to write figures legibly and surely, and to avoid *al-qalam al-qibṭī wa'l-dīwānī wa'l-rūmī* (*Ǧawāhir* I, 12-13). By *al-dīwānī* he presumably means this *siyāqa* abbreviated style.

23. *Durar* II, 28. He was the *nā'ib* of Jerusalem and the Inspector of the Two Sanctuaries, cf. Ḥaram no. 332 (Little, *Catalogue*, 251), the only document which describes him as *nā'ib*. Little, *Catalogue*, 244, incorrectly adds the title to his summary of Ḥaram no. 596.

24. There is a faint chance that the person whose *nisba* I have tentatively read as al-ʿUmarī is the same as Little's "al-ʿAḏrī (?)" in Ḥaram no. 22 (*Catalogue*, 328). Nūbā was in the *ʿamal* of Ḫalīl (Hebron), cf. no. IV below.

25. See *Historical Geography*, 124 (ʿAynūn, N.E. of Hebron), 123 (Ḫalḥūl, Tarqumiyya, N.W. of Hebron, and Bayt Fāsīn). Should "Bayt Ahlā" be read as Bayt Ǧālā (*op. cit.*, 121)?

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Right.

(i) I bear witness to that for them; written by Muḥammad b. Aḥmad.
(ii) I bear witness to the contents for ....; written by Isḥāq b. ʿAlī al-Anṣārī.

Left.

(i) I bear witness for .... and to their declaration of the contents ....; written by ..... al-Maʿmūrī (?).
(ii) I bear witness to .....; written by Ibrāhīm b. Masʿūd b. Ibrāhīm.

In right margin opposite ll. 5-8.

They acknowledged that in my presence; written by ... Tayy (?) .. al-Šāfiʿī (may God forgive him).

Verso.

A document binding on the headmen of the village of Nūbā, waqf of Jerusalem the Noble, that they will not cause any disturbance nor dispute one with another, and their guarantee.

II. Ḥaram no. 691, dated 3 Ṣafar, 706/14 August, 1306 (Little, *Catalogue*, 219)

TEXT.

Recto.

1 بسم الله الرحمن الرحيم
2 اقر كل واحد من سليمان بن يوسف بن غزوان وعلى بن حمد بن حماد وعلى بن مناع بن سلطان
3 الصباحيين الروسا بقرية اونية من عمل القدس الشريف الجارى وقفها للمسجد الاقصى والصخرة الشريفة
4 وهم معروفون واشهدوا على انفسهم فى صحة منهم وسلامة وجواز أمر انهم اقسموا بالله تعالى
5 وبالقسامة الشريفة شرفها الله تعالى انهم لا يسيروا الى قرية يالو ولا الى غيرها ولا يعاونوا
6 اهل الفساد ولا السعى اليهم وان لا يخرجوا عن الواجب ولا يتطرقوا لاحدا [كذا] من خلق الله
7 تعالى بفساد وان يسلكوا الواجب ومتى والعياذ بالله تعالى تحقق عنهم فساد

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8 او سير الى احدا من القريتين او اعانتهم على فساد كان عليهم حنث اليمين
9 ودرك القسامة الشريفة شرفها الله تعالى وكان عليهم على سبيل النذر لبيت المال المعمور
10 الفا درهم تاديبا عن فسادهم وموافقة اهل الفساد وبه شهد عليهم فى
11 ثالث شهر صفر سنة ست وسبعمائة الحمد لله وحده وصلواته على سيدنا محمد وآله وسلامه

Document II : *Ḥaram* no. 691. **Recto.**

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Right.

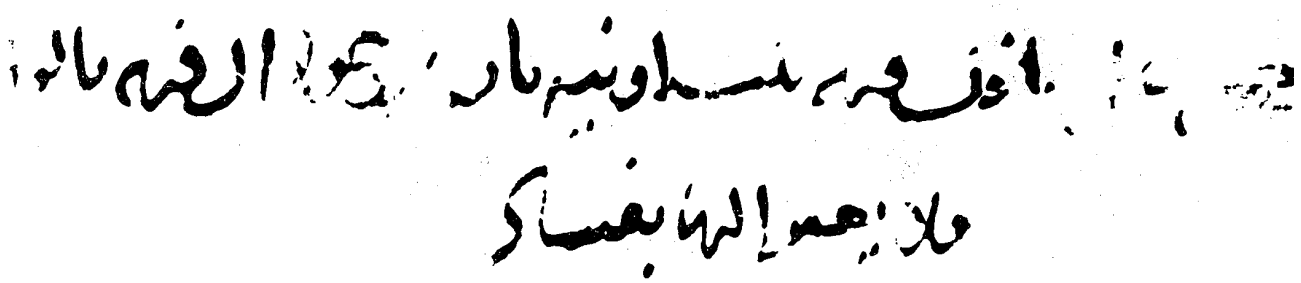
شهدت على المقرين بما فيه || كتبه عبد الله بن . . . . .

Left.

اشهد عليهم بذلك || كتبه احمد [؟] بن يحيي بن اسحاق

Verso.

1 حجة على اهل قرية بيت اونية بان لا يروحوا الى قرية يالوا [كذا]
2 ولا يسعوا [؟] لها بفساد



TRANSLATION.

Recto.

In the Name of God the Merciful, the Compassionate.

Each of the following : Sulaymān b. Yūsuf b. Ġazwān and ʿAlī b. Ḥamd b. Ḥammād and ʿAlī b. Mannāʿ b. Sulṭān, Ṣabāḥīs (?), headmen in the village of Unya [26] in the district of Jerusalem the Noble, currently waqf of the Aqsa Mosque and the Dome of the Rock, persons known [to their witnesses], declared and attested, sound in mind and body and in full legal competence, that they swore by God Almighty and by the noble *qasāma* (may God Almighty ennoble it) that they would not go to the village of Yālū [27] nor any other and not aid the doers of wickedness nor support them, that

26. The first two persons are named as headmen of Bayt Ūnya (*Historical Geography*, 121) in Ḥaram no. 19, dated 708/1308 (Little, *Catalogue*, 190). All three, plus one other, appear in Ḥaram no. 320 (Little, *Catalogue*, 283) dating from a little later in the same year. For this present document, however, Little reads "b. ʿAbd Allāh (?)" instead of the correct "b. Ġazwān". There is a problem with the word that I have tentatively read as *Ṣabāḥiyyūn*, probably a tribal group; Little ignores it in the present case, and in no. 320 leaves a blank followed by "headmen", which word does not appear in the Arabic text, and in no. 19 reads *aṣ-ṣāḥibūn ar-ru'asā'*, translating as "headmen".

27. N.E. of Latrun : clearly written thus, but in Little, Illū (cf. *Historical Geography*, 114).

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they would not trangress what was proper and that they would not mischievously assault any of God's servants, and that they would perform their duty. If, God forbid, they were proved to have caused any disturbance or to have gone to any of the two villages (*sic*) or to have abetted any disturbance, they are perjurers and will be liable to the penalty of the noble *qasāma* (may God Almighty ennoble it). They will be liable to pay to the Treasury according to their vow 2000 dirhams, as a punishment for their wickedness and for conspiring with wrongdoers. They were sworn to that on the 3rd of the month of Ṣafar in the year 706. Praise be to God alone and His blessings and His peace be upon our Lord, Muḥammad, and his family.

Right :

I bear witness to the contents for those who made the declaration :
written by ʿAbd Allāh b. .....

Left :

I bear witness to that for them : written by Aḥmad (?) b. Yaḥyā b. Isḥāq.

Verso.

A document binding on the people of the village of Ūnya, that they will not go to the village of Yālū, nor perpetrate any disturbance against it.

III. Ḥaram no. 293, dated 15 Rabīʿ, II, 707/14 October, 1307 (Little, *Catalogue*, 243)

TEXT. *Recto.*

1 جرى ذلك بحضورى
2 بسم الله الرحمن الرحيم
3 حضر عند شهوده يوم تاريخه كل واحد من الرئيس
4 مسعود بن سبع بن ابى العسب [؟] وولده لصلبه سليمان
5 واشهدا عليهما طوعا انهما اقسما بالله تعالى
6 والقسامة الشريفة السلطانية شرفها الله تعالى انهما
7 يسلكان الطريق الحميدة والمناهج السديدة وانهم [كذا]
8 لا يخالفان نياب الوقف ولا يخرجون [كذا] عما يامرهما
9 به ولا يتعدون على احد ولا يدعون دوابهم فى
10 الزرع ومتى اعتمدوا خلاف ذلك كان عليهم درك
11 القسامة الشريفة السلطانية شرفها الله تعالى وكان
12 عليهم لبيت المال على وجه النذر الف درهم وبذلك

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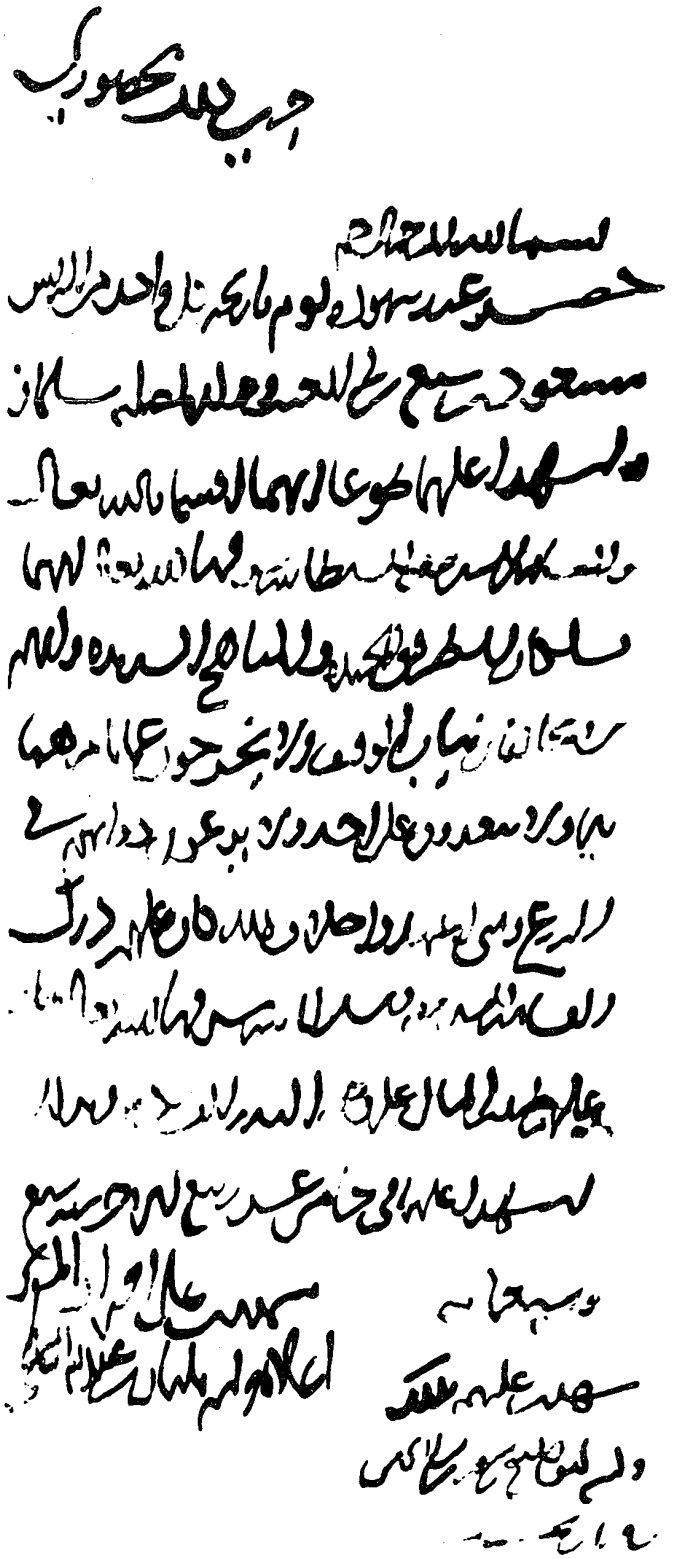

Document III : *Ḥaram* no. 293. **Recto.**

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13 اشهدا عليهما فى خامس عشر ربيع الآخر سنة سبع
14 وسبعمائة وشهدت على اقرار المقرين
15 اعلاه وكتب بلبان بن عبد الله الـ . . . .

Left :

شهدت عليهما بذلك || وكتبه ابو الـ . . . . بن سعد بن [الرحى] || فى تاريخه

Verso. حجة على مسعود وولده فى قرية الغازية

TRANSLATION.

Recto.

In the name of God the Merciful, the Compassionate.

On the date given below there came before his witnesses each of the following: the headman Masʿūd b. Sabʿ b. Abī'l-.... (?) and the son of his own loins, Sulaymān, and they testified, willingly, that they swore by God Almighty and the noble *qasāma* of the Sulṭān (may God Almighty ennoble it) that they would follow the praiseworthy path and righteous ways, that they would not dispute with the deputies [28] of the waqf nor stray from what they were ordered to do, that they would not trangress against anyone, nor allow their animals in the crops. Whenever they proceeded to do the contrary, they would be subject to the penalty of the Sulṭān's noble *qasāma* (may God Almighty ennoble it) and they would have to pay to the Treasury according to their vow one thousand dirhams. They swore to that on the 15th of Rabīʿ II in the year 707.

Line 1 above : This took place in my presence.

Left :

I bore witness to the declaration made by both of them above; written by Balbān b. ʿAbd Allāh al-.....

Right :

I bore witness for them to that; written by Abū'l-.... b. Saʿd b. .... on the same date.

Verso.

A document binding on Masʿūd and his son in the village of al-Ġāziya [29].

28. The consonantal outline could be read as *nuyyāb*, plural of *nā'ib*, see Dozy, *Supplément etc.*, *s.v.* However, the singular verb that follows (*ya'mur*) suggest that there could be a scribal error for *nāyib*.

29. Situated in the *ʿamal* of Sidon, a waqf of *al-Ḥaram al-Šarīf al-Nabawī*, see Ḥaram no. 332 (Little, *Catalogue*, 251, where a different reading of the name is given). There is a report on the storage in al-Ġāziya of products for the waqf of Medina (called Yaṯrib) in Ḥaram no. 763, dated 18 Šawwāl, 750 (Little, *Catalogue*, 376). In that document and the present one Little reads the village name as al-Ġāriba.

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IV. Ḥaram no. 703, dated 27 Rağab, 707/22 January, 1307
(Little, *Catalogue*, 245)

TEXT.

Recto.

1 بسم الله الرحمن الرحيم
2 حضر الى شهوده يوم تاريخه كل واحد من عبد الله بن خالد بن رواع
3 وراجب [؟] بن سعيد بن مظفر بن طى بن رزق الله بن طى العامريين
4 من اهل نوبا من عمل مدينة الخليل عليه السلام وهم معرفون واشهدوا
5 على انفسهم فى صحة منهم وسلامة وجواز امر انهم اقسموا بالله تعالى وبالقسامة
6 الشريفة شرفها الله تعالى انهم لا يقيموا فسادا فى القرية
7 الجارية فى وقف الصخرة الشريفة ولا فى غيرها وانهم لا
8 يمشوا فى فساد وان يسلكوا الطرائق الحميدة والمناهج
9 السديدة ومتى جرى منهم فساد او سعى احدا [كذا]
10 منهم فى فساد كان عليهم بطريق النذر لبيت
11 المال المعمور الف درهم وبه وقع الاشهاد
12 عليهم فى سبع [و]عشرين رجب الفرد سنة سبع وسبعمائة
13 الحمد لله وحده وصلواته على سيدنا محمد وسلامه

Right.

اشهد بمضمونه || وكتبه عمر بن . . . . بن يحيي

Left.

اشهد عليهم بذلك || كتبه ابرهيم بن عثمان بن محمد

Verso.

1 حجة
2 اهل نوبا وقف الحرم الشريف شرفه الله تعالى

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Document IV : *Ḥaram* no. 703. **Recto.**

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TRANSLATION.

Recto.

In the name of God the Merciful, the Compassionate.

On the date given below there came before his witnesses each of the following: ʿAbd Allāh b. Ḫālid b. Rawwāʿ and Rāǧib (?) b. Saʿīd b. Muẓaffar and Ḫalaf b. Ṭayy b. Rizq Allāh b. Ṭayy, all ʿĀmirīs, inhabitants of Nūbā in the district of the city of Ḫalīl (peace be upon him), all known [to their witnesses[30]], and they attested, sound in mind and body and in full legal competence, that they swore by God Almighty and by the noble *qasāma* (may God Almighty ennoble it) that they would not cause any disturbance in the village which is currently a waqf of the Dome of the Rock, nor in any other, and that they would not walk in wickedness, but that they would follow praiseworthy paths and righteous ways. If they occasioned any disturbance or if any one of them perpetrated any wickedness, they would owe the Treasury through their vow one thousand dirhams. Their attestation was recorded on the 27th of Raǧab in the year 707. Praise be to God alone and His blessings and peace be upon our Lord Muḥammad.

Right :

I bear witness to its contents; written by : ʿUmar b..... b. Yaḥyā.

Left :

I bear witness to that for them; written by Ibrāhīm b. ʿUṯmān b. Muḥammad.

Verso.

The document of the inhabitants of Nūbā, waqf of the Dome of the Rock (may God Almighty ennoble it).

30. For the phraseology to express degrees of "knowledge" of *al-mašhūd ʿalayhi*, see *Ǧawāhir* I, 16.

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V. Ḥaram no. 488, dated 16 Rağab, 785/14 September, 1383 (Little, *Catalogue*, 243).

TEXT.

1 بسم الله الرحمن الرحيم
2 حضر الى شهوده يوم تاريخه محمد بن محمد بن احمد عرف بابن المحا. . . النابلسى
3 وشهوده به عارفون واشهد عليه طوعا فى صحة منه وسلامة وجواز امر انه حضر الى
4 بين يدى سيدنا ومولانا العبد الفقير الى الله تعالى الشيخ الامام العالم العلامة مفتى
5 المسلمين مفيد الطالبين شيخ الشيوخ العارفين ولى أمير المؤمنين اقضى القضاة شرف الدين ابى
6 الروح عيسى الشافعى الحاكم بمدينة نابلس المحروسة واعمالها ادام الله تعالى شرفه ورحم سلفه وانفذ احكامه
7 واقسم بالله تعالى جلت عظمته ثم بالقسامة الشريفة السلطانية شرفها الله تعالى وعظمها انه ضمن
8 وجه وبدن اخيه لأبويه شعيب على انه كلما طلبه سيدنا الحاكم المشار اليه اعلاه اتم الله تعالى
9 نعمه عليه احضره وان عجز عن احضاره كان قائما بما يطلب منه به شهد عليه فى
10 سادس عشر شهر رجب الفرد من شهور سنة خمس وثمانين وسبعمائة

Right.

شهدت على الحاضرين بذلك فى تاريخه كتبه عبد الرحمن . . . . . .

Left.

شهدت على الحاضرين بذلك كتبه عمر . . . . . .

TRANSLATION.

In the name of God the Merciful, the Compassionate.

On the date given below there came before his witnesses : Muḥammad b. Muḥammad b. Aḥmad, known as Ibn al-M..... al-Nābulsī, whom his witnesses knew well[31], and attested, voluntarily, sound in mind and body and in full legal competence, that he appeared before our lord and master, the humble servant of God Almighty, the šayḫ, the Imām [epithets] Šaraf al-Dīn Abū'l-Rūḥ ʿĪsā al-Šāfiʿī[32], the judge in the city of

31. In Arabic this is the form of words for one "known by his *nisba*", see above note.

32. Later Qadi in Jerusalem and *šayḫ* of the Ṣalāḥiyya *ḫānqāh*, and mentioned ubiquitously in the Ḥaram documents, see Little, *Catalogue*, 9 & index, 438. He died in Šawwāl 797 / July-August 1395, see Muğīr al-Dīn al-ʿUlaymī, *al-Uns al-Ğalīl*, Amman, 1973, II, 127. The waqf lands at al-Ġāziya were under the supervision of the Qadi Šaraf al-Dīn, see Ḥaram no. 769 *a*, dated 791/1388.

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Document V : *Ḥaram* no. 488.

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Nāblus the Protected and its districts (may God Almighty perpetuate his honour, have mercy on his ancestors and make his decisions effective) and that he swore by God Almighty (glorious is His might), then by the noble *qasāma* of the Sulṭān (may God Almighty ennoble it) that he was surety for the face and body of his full brother, Šuʿaib, that whenever our lord the judge aforementioned (may God Almighty fulfil His blessings upon him) required him, he would produce him. If he was incapable of producing him, he would be responsible for what is demanded of him. He swore to this on the 16th of the month of Rağab in the year 785.

Right. I witnessed to that for those present on the same date; written by ʿAbd al-Raḥmān (?) .....

Left. I witnessed to that for those present; written by ʿUmar .....

VI. Ḥaram no. 847, dated 7 Rajab, 795/19 May, 1393 (Little, *Catalogue*, 270 [33])

TEXT.

1 بسم الله الرحمن الرحيم

2 حضر الى شهوده يوم تاريخه بمجلس الحكم العزيز الشافعى بالقدس الشريف معروف بن سالم بن سعيد

3 وابراهيم بن على ابن ابى الفرج وعليم بن على ابن ابى الفرج وحسن بن حسين بن حسن وموسى بن زيادة بن موسى

4 واحمد بن عيسى بن حسن بن بدر عرف بابن دبه روسا قرية القصور وقف النبى عليه افضل الصلاة وشهد

5 عليهم طائعين مختارين ان مدة اربع سنين اخرها مغل سنة ثلث وتسعين وسبعمائة لا يعطون مغل السنين المذكورة

6 سوى زكاته [؟] مبلغه مائتى درهم وخمسين درهما . . . . . وانه لم يصرف لهم من مغل السنين المذكورة . . . . .

33. Little reads the date as 2 Rağab, 795. My reading of several of the personal names also differs from his.

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7 ولا مطلق سوى ما عين اعلاه واقسموا بالله جلت قدرته انه لم يصرف لهم سوى ذلك من الضرائب الديوانية

8 المذكورة واقسموا ايضا بالقسامة الشريفة السلطانية على ذلك وانه متى ظهر عليهم الامر بخلاف ذلك بالطريق الشرعى

9 كانوا قائمين بما يجب عليهم فى ذلك لجهة الوقف الشريف المذكور وكانوا تحت عفو الله تعالى وعفو ولاة

10 امور المسلمين وبه شهد عليهم ثانى شهر رجب الفرد سنة خمس وتسعين وسبعمائة [. . . . . .]

11 وان ظهر الامر عليهم بما كتب عليهم من الضرائب الديوانية عن السنين المذكورة كانوا قائمين به لجهة الوقف

12 المذكور وكانوا قد قبضوه بغير طريق شرعى لا يستحقون منه شيئا وحسبنا الله ونعم الوكيل

Witness notes (from right to left) :

(a) شهد على الحاضرين [. . . . .] || المذكورين . . . . . الحنفى

(b) اشهد عليهم بذلك || كتبه عبد الرحمن بن احمد فى تاريخه [؟]

(c) شهد عليهم بذلك || كتبه محمد بن عبد الـ . . . . . .

(d) اشهد عليهم بذلك || عبد الله بن ابرهيم المالكى .

TRANSLATION.

In the name of God the Merciful, the Compassionate.

On the date given below there came before their witnesses at the Šāfiʿī Court in Jerusalem the Noble : Maʿrūf b. Sālim b. Saʿīd and Ibrāhīm b. ʿAlī ibn Abī'l-Faraǧ and ʿUlaym b. ʿAlī ibn Abī'l-Faraǧ and Ḥasan b. Ḥusayn b. Ḥasan and Mūsā b. Ziyāda b. Mūsā and Aḥmad b. ʿĪsā b. Ḥasan b. Badr, known as Ibn Dabba (?), headmen of the village of al-Quṣūr [34], a waqf of the Prophet (the best of blessings be upon him) and they attested willingly and of their own free will that for a period of four years, the last of which was the financial year 793 [1390-1391] they had not been given the agricultural income for the aforementioned years, apart from its zakāt (?), totalling 250 dirhams, ... and that had not been paid to them from the income of the aforementioned years ... nor any *muṭlaq* (?), apart from what has been specified above. They swore by God Almighty (glorious is His power) that they had not been paid anything else of the above-mentioned taxes of the diwan, and they swore to that also by the noble *qasāma* of the Sulṭān, and that whenever the situation proved to be otherwise by due process of law,

34. See *Historical Geography*, 121.

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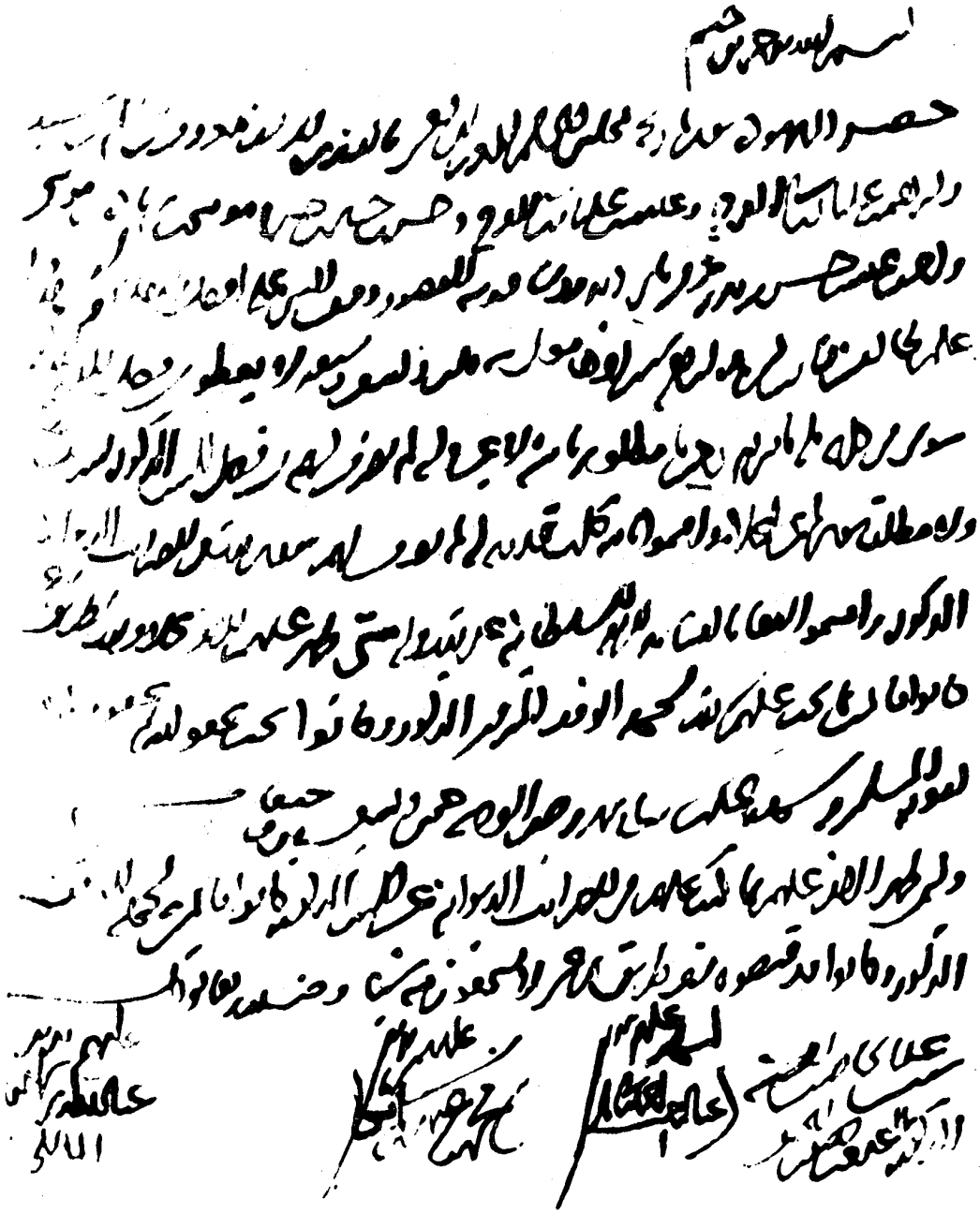

Document VI : *Ḥaram* no. 847.

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they would fulfil their obligations towards the above-mentioned noble waqf and be subject to the mercy of God Almighty and the mercy of the authorities set over the Muslims. They swore to this on the 7th of the month of Rağab in the year 795 ..... If it transpired that they owed the diwan taxes that are set against their names for the aforementioned years they will produce them for the above-mentioned waqf. They would have received them illegally, with no right to any of them. Praise be to God and an excellent guarantor He is !

Right. (a)

I bore witness to those present ... mentioned above on the same date; written by ..... al-Ḥanafī.

Centre right. (b)

I bear witness to that for them; written by ʿAbd al-Raḥmān b. Aḥmad on the same date (?).

Centre left. (c)

I bore witness to that for them; written by Muḥammad b. ʿAbd al-....

Left. (d)

I bore witness to that for them; written by ʿAbd Allāh b. Ibrāhīm al-Mālikī.

VII. Ḥaram no. 636, dated 26 Ğumādā I, 796/29 March, 1394 (Little, *Catalogue*, 244)

TEXT.

Recto.

1 بسم الله الرحمن الرحيم
2 حضر الى شهوده يوم تاريخه كل واحد من هلال بن موسى بن سعيد وزكرى بن باروخ
3 ابن سليمان وداود بن اشموعيل بن موسى اليهود بمدينة القدس الشريف واشهدوا
4 على انفسهم فى صحة منهم وسلامة وجواز أمر من غير اكراه ولا اجبار انهم اقسموا
5 بالله تعالى جلت قدرته ثم بنعمته على مولانا السلطان خلد الله ملكه وادام اقتداره
6 انهم من يوم تاريخه وما بعده انما يذبحوا الذبايح لانفسهم ولا يذبحوا لمسلم ولا يبيعوا شى من ذبايحهم

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Document VII : *Ḥaram* no. 636.

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7 من الضان والمواعز والبقر والجمال وغير ذلك على حكم ما افتت به علما
8 الاسلام وايمة الاعلام اعاد الله تعالى على المسلمين من بركاتهم وذلك لما راوه
9 من المصلحة لانفسهم وللمسلمين ومتى والعياذ بالله تعالى اعتمدوا خلاف
10 ذلك كانوا تحت الدرك والقسامة الشريفة السلطانية خلد الله تعالى
11 ملك مالكها وكانوا تحت عفو الله تعالى وعفو ولات [كذا] الامور وكان
12 عندهم بطريق النذر الشرعى عشرة آلاف درهم لعمارة قناة المسلمين
13 الجارى الى الحرم الشريف وبه شهد عليهم فى سادس عشرين شهر
14 جمادى الاولى من شهور سنة ست وتسعين وسبعمائة

Right.

شهد عليهم بذلك || احمد بن عبد الله الـ . . . .

Left.

شهد عليهم بذلك || وكتبه . . . . . .

Centre.

والقشط فيه صحيح من . . . . . ||
كتبه احمد بن عبد الله القائم

Verso.

محضر دبايح اليهود

TRANSLATION.

Recto.

In the name of God the Merciful, the Compassionate.

On the date given below there came before his witnesses each of the following: Hilāl b. Mūsā b. Saʿīd and Zakarī b. Bārūḫ b. Sulaymān and Dāūd b. Išmūʿīl (Samuel) b. Mūsā, Jews of the city of Jerusalem the Noble, and attested, sound in mind and body and in full legal competence without compulsion or duress, that they swore by God Almighty (glorious is His power), then by His blessings upon our Lord the Sulṭān (may God perpetuate his rule and continue his power) that from the date of this [document] onwards they would slaughter beasts for themselves and not for any Muslim, nor sell any of their slaughtered beasts, sheep, goats, cattle, camels and any other, according to the legal pronouncements of the learned men of Islam and their leading scholars [35] (may God Almighty renew His blessings to the Muslims). This is

35. The reason for this ban is not immediately clear, since both Ḥanafī and Šāfiʿī law allowed Muslims to consume meat slaughtered by People of the Book, see *al-Fatāwā al-ʿAlamğīriyya*,

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because they have seen this to be the best course for themselves and for the Muslims [36]. Whenever, which God Almighty forbids, they act contrary to this, they will be subject to the penalty and (*sic*) the noble *qasāma* of the Sulṭān (may God Almighty perpetuate the rule of its source) and they will be subject to the mercy of God Almighty and the mercy of the authorities, and they will owe through their legally valid vow ten thousand dirhams, for the repair of the Muslims' conduit which runs into the Noble Sanctuary. They swore to this on the 16th of Ǧumādā I, one of the months of the year 796.

Right.

I bore witness to this for them; written by Aḥmad b. ʿAbd Allāh al-....

Left.

I bore witness to this for them; written by .....

Centre.

The erasure contained in it is correct .....; written by Aḥmad b. ʿAbd Allāh al-Qā'im.

Verso.

Report on the Jews' animals for slaughter.

APPENDIX.

There are four documents, the subject matter of which is similar to that of those given above, in that they are personal undertakings. However, they have no explicit reference to any oath-taking or the *qasāma* in their process. I give them here for comparative purposes.

Calcutta, 1829, II, 72 ff (provided that the slaughtering was not done publicly and no unacceptable formulae of prayer were employed), and al-Šāfiʿī, *Kitāb al-Umm*, Bulaq, 1325 A.H., VII, 331, and al-Manūfī, *Nihāyat al-Muḥtāǧ ilā Šarḥ al-Minhāǧ*, Cairo, 1938, VIII, 106. Note that the oaths of non-Muslims were not accepted by Ḥanafīs according to *Ǧawāhir* II, 324.

36. This phrase is echoed in some of the Sinai documents, *e.g.*, no. 188, 189 & 191.

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VIII. Ḥaram no. 265, dated 22 Rağab, 706/27 January, 1307 (Little, *Catalogue*, 243)

TEXT.

Recto.

1 بسم الله الرحمن الرحيم
2 حضر الى شهوده يوم تاريخه كامل بن حمد
3 بن منصور من قرية بيت اونية وقف الحرم الشريف واشهد
4 على نفسه انه يقيم بالقرية المذكورة ويعلق جميع
5 اراضيه بالفلاحة والزرع صيفى وشتوى وعمارة
6 كرومه ومتا [كذا] بار منها شيا كان تحت دركه
7 وحضر بحضوره الرئيس سليمان بن يوسف وعلى
8 بن حمد وعلى بن مناع وموسى بن سعيد الجميع روسا
9 بيت اونية وضمنوا وكفلوا المذكور على
10 الاقامة والعمارة ومتا طلبه الأمير الكبير
11 المرتضى سيف الدين ناظر الحرمين الشريفين ادام الله عزه
12 احضروه وان عجزوا عن احضاره كان قائم
13 بما يطلب منه وبذلك شهد عليهم فى ثانى
14 عشرين رجب الفرد سنة ست وسبعمائة

Right.

اشهد عليهما [كذا] بذلك || وكتبه قاسم بن سليمان بن قاسم

Left.

اشهد عليهم بذلك || كتبه موسى بن مسلم بن سالم

Verso.

1 حجة
2 على كامل بن حمد من بيت اونية

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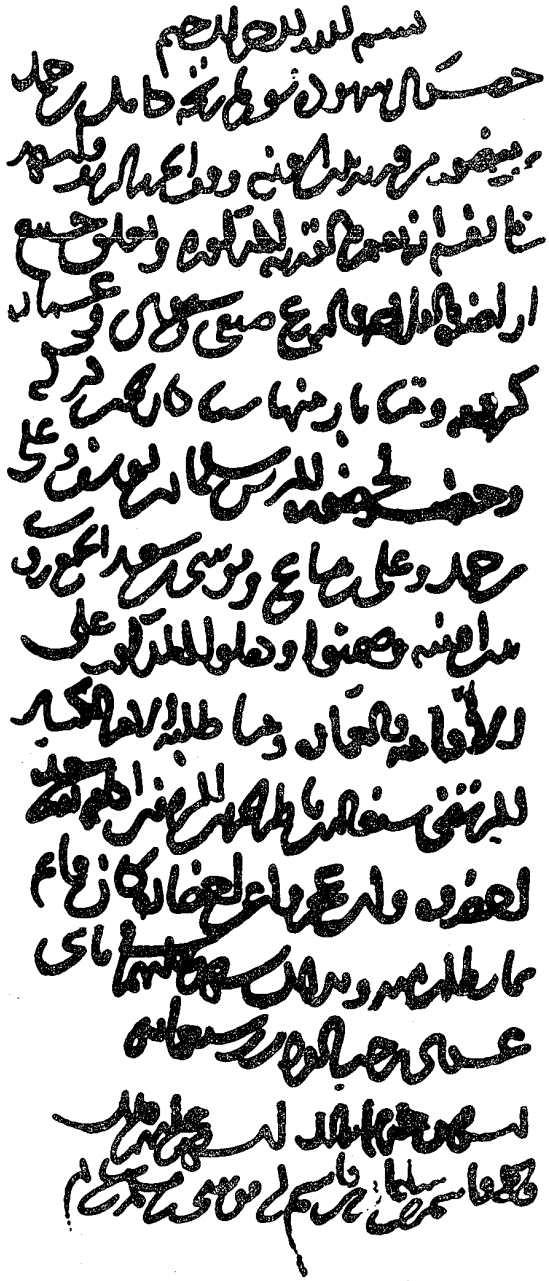

Document VIII : *Ḥaram* no. 365. **Recto.**

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TRANSLATION.

Recto.

In the name of God the Merciful, the Compassionate.

On the date given below there appeared before his witnesses : Kāmil b. Ḥamd b. Manṣūr from the village of Bayt Ūnya, waqf of the Noble Ḥaram, and attested that he would reside in the aforementioned village and cultivate all his lands with good husbandry and by planting summer and winter crops and tending his vines. If any are left fallow, he would be responsible.

There attended at the same time the headman, Sulaymān b. Yūsuf and ʿAlī b. Ḥamd and ʿAlī b. Mannāʿ and Mūsā b. Saʿīd, all headmen of Bayt Ūnya. They guaranteed and went surety that the aforementioned would reside and cultivate. Whenever the great Emir [epithets] Sayf al-Dīn, Inspector of the two Noble Sanctuaries (may God perpetuate his glory) requires him, they will produce him. If they are incapable of producing him, they will perform[37] what is asked of him. They swore to that on the 22nd of Rağab in the year 706.

Right. I bear witness to this for them; written by Qāsim b. Sulaymān b. Qāsim.

Left. I bear witness to this for them; written by Mūsā b. Muslim b. Sālim.

Verso.

A document binding on Kāmil b. Ḥamd from Bayt Ūnya.

IX. Ḥaram no. 697, dated 11 Rabīʿ I, 707/10 September, 1307 (Little, *Catalogue*, 244-245)

TEXT.

Recto.

1 بسم الله الرحمن الرحيم

2 حضر الى شهوده يوم تاريخه كل واحد من فارس بن جرير [؟] بن فارس وجماعته الداخلين

3 فى زعامته وهم عباس بن نهار وزيد بن زيد وشفيع بن سليمان بن محمد

4 وابو الحسن بن ابى العلا وجماعته وهم سعيد بن اسحق واخيه يعقوب ورماح بن صخر وصالح

37. The Arabic *kān qā'im* is surely a scribal error; cf. the text in no. VI, line 9 and no. X, line 18.

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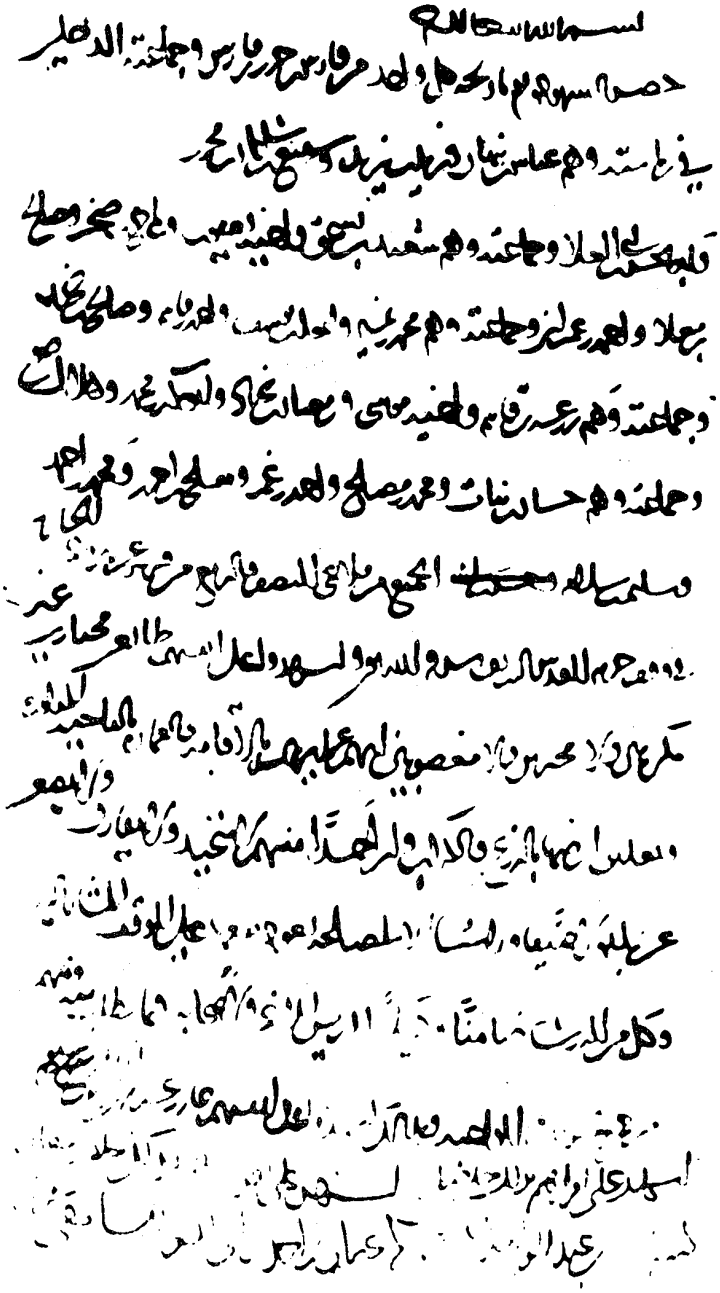

Document IX : *Ḥaram* no. 697. **Recto.**

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5 بن معلا واحمد بن عمران وجماعته وهم محمد بن نمير واسماعيل بن يوسف واحمد بن قاسم وصالح بن . . . .

6 وجماعته وهم زرعة بن قاسم واخيه موسى ورمضان بن نجار وابو بكر بن محمد وهلال بن ضو [؟]

7 وجماعته وهم حسان بن نبات [؟] ومحمد بن مصالح واحمد بن عمر ومفلح بن احمد ومحمد بن احمد

8 وسليم بن سلامة الجميع من فلاحى النصف والربع من قرية عين برود الجارية

9 فى وقف حرم القدس الشريف شرفه الله تعالى واشهدوا على انفسهم طائعين مختارين غير

10 مكرهين ولا مجبرين ولا مغصوبين انهم عليهم . . . بالاقامة والعمارة بالناحية المذكورة

11 وتعليق ارضها بالزرع والكراب وان احداً منهم لا يتحيد ولا يفارق ولا يصغى [؟]

12 عن بلده لا صيفا وشتا الا لمصلحة يعود نفعها على الوقف المشار اليه

13 وكل من الروسا ضامناً وكفيلاً [كذا] للرئيس الاخر ولاصحابه فيما يطلب منه ومنهم

14 فى جميع الحقوقات الواجبة وبذلك اشهدوا على انفسهم حادى عشر شهر ربيع الاول سنة سبع وسبع مائة

Right.

اشهد على اقرارهم بذلك خلا رمضان || كتبه محمد بن عبد الواحد الشافعى || فى تاريخه

Left.

اشهد على اقرارهم بذلك خلا رمضان || كتبه عباس [؟] بن احمد بن ابى الـ . . . . الشافعى فى تاريخه

Verso.

1 حجة الروسا والفلاحين

2 بعين برود

TRANSLATION.

Recto.

In the name of God the Merciful, the Compassionate.

On the date given below there appeared before their witnesses each of the following: Fāris b. Ǧarīr (?) b. Fāris and the group under his leadership, namely ʿAbbās b. Nahār, Zayd b. Zayd, Šāfiʿ b. Sulaymān b. Muḥammad, and Abū'l-Ḥasan b. Abī'l-ʿAlā and his group, namely Saʿīd b. Isḥāq and his brother Yaʿqūb, Rammāḥ b. Ṣaḫr, Ṣāliḥ b. Muʿallā, and Aḥmad b. ʿImrān and his group, namely Muḥammad b. Numayr, Ismāʿīl b. Yūsuf, Aḥmad b. Qāsim, and Ṣāliḥ b. .... and his group, namely Zarʿa b. Qāsim and his

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brother Mūsā, Ramaḍān b. Naǧǧār, Abū Bakr b. Muḥammad, and Hilāl b. Ḍaw (?) and his group, namely Ḥassān b. . . . ., Muḥammad b. Muṣāliḥ, Aḥmad b. ʿUmar, Mufliḥ b. Aḥmad, Muḥammad b. Aḥmad, Sulaym b. Salāma, all peasants of three-quarters of ʿAyn Barūd [38], currently a waqf of the Noble Sanctuary of Jerusalem (may God Almighty ennoble it), and they attested, voluntarily and of their own free will, neither forced nor obliged nor constrained, that they undertake to reside in, and cultivate, the aforementioned area, to tend its land by sowing and turning [the soil], and that none of them will withdraw or leave or [desert] his village, either in summer or in winter, except for some good cause that is to the advantage of the waqf referred to above. Each headman is guarantor and surety for every other headman, and for his men, for what is demanded of him and them in all valid dues. They attested to that on the 11th of the month of Rabīʿ I in the year 707.

Right.

I bear witness to their declaration of that, apart from Ramaḍān's; written by Muḥammad b. ʿAbd al-Wāḥid al-Šāfiʿī on the same date.

Left.

I bear witness to their declaration of that, apart from Ramadan's; written by ʿAbbās (?) b. Aḥmad b. Abī'l-. . . al-Šāfiʿī on the same date.

Verso.

Document of the headmen and peasants of ʿAyn Barūd.

X. Ḥaram no. 596, dated 15 Šawwāl, 707/18 April, 1308 (Little, *Catalogue*, 244)

TEXT.

Recto.

1 بسم الله الرحمن الرحيم
2 حضر الى شهوده يوم تاريخه كل واحد من عبد القادر بن محمد بن مشير [؟]
3 السعدى من خان الافرنج وجعفر بن سنجر بن جعفر من قرية معصرتا [؟]
4 من شيوخ بنى سالم وسليمان بن على بن كساب [؟] من قرية رمون [؟]
5 من شيوخ بنى سالم ومفرج بن ابو بكر [كذا] بن رفاعة الحارى من كفر
6 رعيل [؟] وعبد الله بن مجاهد بن ابى المكرم السعدى من خان

38. Little leaves a blank after ʿAyn, but elsewhere reads ʿAyn Ibrūd (see *Catalogue*, index), as does *Historical Geography*, 121. See *Atlas of Israel*, ʿAyn Yabrud, N. of Jerusalem, E. of Jifna.

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7 الافرنج ظاهر القدس الشريف وشجاع بن يعقوب بن شجاع
8 الحارى المقدسى وقيصر بن الشيخ موسى بن عبد الظاهر الحارى
9 واسمعيل بن فرج بن غالى السعدى من خان الافرنج
10 ومعتوق بن محمد بن عمر [؟] الحارى المقدسى وعثمان بن عبد الغالى
11 بن عيسى [؟] السعدى من خان الافرنج وجمعة . . . . . من قرية
12 كفر رعيل واحمد بن حمد بن حميد من قرية دخانية واشهدوا على
13 انفسهم طائعين مختارين انهم ضمنوا وكفلوا وجه وبدن
14 احمد بن موسى بن علم من طيبة الاسم من عمل قاقون على انه
15 يقيم بمدينة القدس الشريف ولا يدخل طيبة الاسم ومتا
16 طلبه الجناب العالى المولوى الاميرى الأجلى الكبيرى المؤيدى
17 السيفى بلغاق ناظر الحرمين الشريفين احضروه للضمان المذكور
18 اليه وان عجزوا عن احضاره كانوا قائمين بما يطلب منه
19 وبذلك شهد عليهم فى خامس عشر شوال سنة سبع وسبعمائة

Right.

اشهد على اقرار المذكورين || بذلك كتبه يزيد بن احمد . . . .

Left.

اشهد على المذكورين || بذلك كتبه موسى بن مسلم

Verso.

1 حجة
2 بضمان احمد بن علم من طيبة الاسم
3 على انه يقيم بالقدس الشريف ولا يدخل
4 الى طيبة الاسم

TRANSLATION.

Recto.

In the name of God the Merciful, the Compassionate.

On the date given below there came before his witnesses each one of : ʿAbd al-Qādir b. Muḥammad b. Mušīr (?) al-Saʿdī from Ḫān al-Ifranǧ and Ǧaʿfar b. Sanǧar b. Ǧaʿfar from the village of Maʿsaratā (?), from the šayḫs of the Banī Sālim, and Sulaymān b. ʿAlī b. Kassāb (?) from the village of Ramūn, from the šayḫs of the Banī Sālim, and Mufarriǧ b. Abī Bakr b. Rifāʿa al-Ḥārī [39] from Kafr Raʿīl (?) and ʿAbd Allāh b. Muǧāhid

39. Thus throughout, but perhaps to be read as al-Ǧārī, see al-Samʿānī, *Kitāb al-Ansāb*, *s.v.*

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Document X : *Ḥaram* no. 596. **Recto.**

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b. Abī'l-Mukarram al-Saʿdī from Ḫān al-Ifranǧ outside Jerusalem the Noble, and Šuǧāʿ b. Yaʿqūb b. Šuǧāʿ al-Ḥārī al-Muqaddisī, and Qayṣar b. al-Šayḫ Mūsā b. ʿAbd al-Ẓāhir al-Ḥārī, and Ismāʿīl b. Faraǧ b. Ġālī al-Saʿdī from Ḫān al-Ifranǧ and Maʿtūq b. Muḥammad b. ʿUmar (?) al-Ḥārī al-Muqaddisī and ʿUṯmān b. ʿAbd al-Ġālī b. ʿĪsā (?) al-Saʿdī from Ḫān al-Ifranǧ, and Ǧumʿa (?) ..... from the village of Kafr Raʿīl, and Aḥmad b. Ḥamd b. Ḥamīd from the village of Duḫāniyya [40], and they attested, willingly and of their own free will that they guaranteed and went surety for the person of Aḥmad b. Mūsā b. ʿAlam from Ṭayyibat al-Ism in the district of Qāqūn, that he would reside in the city of Jerusalem the Noble and not enter Ṭayyibat al-Ism. If his exalted Honour the Emir [epithets] Sayf al-Dīn Bulġāq, Inspector of the Two Noble Sanctuaries, requires him, they will produce him because of the aforementioned guarantee. If they are incapable of producing him, they will perform what is demanded of him. They swore to that on the 15th of Šawwāl in the year 707.

Right.

I bear witness to the above declaration of the aforementioned [41]; written by Yazīd b. Aḥmad .....

Left.

I bear witness to that for the aforementioned; written by Mūsā b. Muslim.

Verso.

A document guaranteeing that Aḥmad b. ʿAlam form Ṭayyibat al-Isms', will reside in Jerusalem the Noble and not enter Ṭayyibat al-Ism.

XI. Ḥaram no. 223, dated 16 Ḏū'l-Qaʿda, 708/27 April, 1309 (Little, *Catalogue*, 264)

TEXT.

1 بسم الله الرحمن الرحيم
2 حضر الى مجلس النظر السعيد على الاوقاف الشريفة اعلا الله تعالى شانه
3 وضاعف احسانه كل واحد من المشايخ بقرية زكريا البطيخ وهما
4 فراج بن سعد [؟] بن فريج ونصار بن عمارة بن سعيد العامريان واشهدا
5 على انفسهما طائعين مختارين انهما التزما بالاقامة والعمارة وتعليق
6 الاراضى جميعها بالزرع والكراب واقامة المصلحة ومساعدة النائب والوكلا

40. *Historical Geography*, 121.

41. This style of witness note, bearing witness to the contents or the declaration rather than being witness to those that make the declaration, is criticised by Ibn Abī'l-Dam, *Adab al-Qāḍī*, 385-386, although it was evidently widespread, cf. nos I, IV, IX.

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Document XI : *Ḥaram* no. 223.

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7 بالجهة المذكورة على جميع ما يفضى الى المصلحة للوقف المشار اليه ولا يقيموا
8 فتنة ولا فسادا ولا هوشة ولا خلفا ولا خلفا [كذا] ولا مجاهرة
9 العد[وان] للوكلا ولا [يرباوا] عليهم [سحبه] فى مصلحة الوقف ومن اقام
10 عندهم فتنة او تعرض الى فساد يمسكونه يحضرونه الى مجلس النظر
11 السعيد ومتى لم يحضروه كان عليهم الدرك والتاديب وبه شهد عليهما
12 سادس عشر ذى القعدة سنة ثمانية وسبع مائة
الحمد لله وحده ونعم الوكيل

Right. شهد عليهما بذلك || . . عمر . . || فى تاريخه

Left. سمعت كلامهما بما التزما به || فى تاريخه
كتبه موسى بن عيسى بن عمر

TRANSLATION.

In the name of God the Merciful, the Compassionate.

There came before the court of the Inspectorate of Noble Waqfs (may God Almighty magnify it and increase its beneficence) both of the šayḫs of the village of Zakariyya al-Biṭṭiḫ [42], namely Farrāǧ b. Saʿd (?) b. Furayǧ and Naṣṣār b. ʿUmāra b. Saʿīd, both ʿĀmirīs, and attested, willingly and of their own free will, that they undertook to reside and to cultivate and to tend all the lands, planting crops and turning [the soil], to work for the good [of the waqf] and to cooperate with the deputy and his agents in the aforementioned village in all that leads to the advantage of the waqf referred to, and not to cause discord, nor wrongdoing, nor any fracas, nor dispute, nor ... and not to display any enmity to the agents, nor to .... against them .... for the good of the waqf. If anyone causes discord or turns to wrongdoing amongst them they will arrest him and bring him before the court of the Inspectorate. If they do not bring such a one, they will be subject to the penalty and punishment. They swore to this on the 16th of Ḏū'l-Qaʿda in the year 708. Praise be to God alone and a good guarantor He is !

Right.

I bore witness to this for them; written by ..... ʿUmar b. .... on the same date.

Left.

I heard them declare what they undertook on the same date; written by Mūsā b. ʿĪsā b. ʿUmar.

42. *Historical Geography*, 120; N.W. of Jerusalem.

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