



ANNALES ISLAMOLOGIQUES

en ligne en ligne en ligne en ligne en ligne en ligne en ligne en ligne en ligne en ligne en ligne

AnIsl 25 (1991), p. 245-284

D. S. Richards

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

Conditions d'utilisation

L'utilisation du contenu de ce site est limitée à un usage personnel et non commercial. Toute autre utilisation du site et de son contenu est soumise à une autorisation préalable de l'éditeur (contact AT ifao.egnet.net). Le copyright est conservé par l'éditeur (Ifao).

Conditions of Use

You may use content in this website only for your personal, noncommercial use. Any further use of this website and its content is forbidden, unless you have obtained prior permission from the publisher (contact AT ifao.egnet.net). The copyright is retained by the publisher (Ifao).

Dernières publications

9782724711523	<i>Bulletin de liaison de la céramique égyptienne 34</i>	Sylvie Marchand (éd.)
9782724711707	????? ?????????? ??????? ???? ?? ????????	Omar Jamal Mohamed Ali, Ali al-Sayyid Abdelatif
??? ???? ?? ??????? ??????? ?? ????????? ?????????? ??????????????		
???????????? ?????????? ??????? ???? ???? ??????? ??????:		
9782724711400	<i>Islam and Fraternity: Impact and Prospects of the Abu Dhabi Declaration</i>	Emmanuel Pisani (éd.), Michel Younès (éd.), Alessandro Ferrari (éd.)
9782724710922	<i>Athribis X</i>	Sandra Lippert
9782724710939	<i>Bagawat</i>	Gérard Roquet, Victor Ghica
9782724710960	<i>Le décret de Saïs</i>	Anne-Sophie von Bomhard
9782724710915	<i>Tebtynis VII</i>	Nikos Litinas
9782724711257	<i>Médecine et environnement dans l'Alexandrie médiévale</i>	Jean-Charles Ducène

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-Šūrī 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, *Ġawāhir al-'Uqūd* (hereafter *Ġawāhir*), Cairo, 1955, II, 280-307.

2. *Ṣubḥ al-A'šā* I, 131. Al-Šūrī is an otherwise unknown source, through whom Qalqašandī sometimes quotes Ibn al-Šayrafī'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.

qasā'im [plural of *qasāma*] to that effect (.. *wa-kataba 'alayhim qasā'im bi-dālika*). Under the year 814/1412, al-Ṣairafī records⁵ something similar for the establishment of a maximum exchange rate between gold and silver coinage (.. *wa-kataba al-qasā'im 'alā'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 häufig bei Ibn Iyās ... »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 Sha'bān 886/September-October 1481). In the case of the attempt in Rabī' 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 'alayhim qasā'im bi-dālika*)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 sa'ā fī dālika 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 'alayhi qasāma*) not to seek re-employment nor act as witness in any legal business (in Dū-l-Qa'da 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 wine¹⁰. 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 term¹¹.

5. *Nuzhat al-Nufūs*, ed. H. Ḥabaṣī, 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. *Ġawāhir* II, 318.

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

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. Ernst¹², 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, etc¹³. 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 dirhams¹⁴.

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.

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’rīḥihi*) 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 ‘Alī 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

of such an oath was looked upon as a denial of the Sultan's position and as a sort of disloyalty¹⁵. 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-ṣarīfa*) 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 (*Ḥalīl*) 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" (*ḡamā'atuh al-dāḥilīn fī za'āmatihī*), 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 *Ġawāhir* II, 334-336.

frequently with the listing of a further group of guarantors. The process is called *ḍamān waḡh wa-badan fulān* and model forms of word for it are set out by al-Asyūṭī¹⁶.

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 *hadd al-qasāma al-šarifa*.

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 *šayḥ al-urbān* or the *šayḥ al-Ā'id* 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 *ūḡāqiyya* 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, Ḥayr 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 documents¹⁷, 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 Šāfi'i court at Jerusalem”. A court is mentioned at second hand in no. V, in that one finds as part of the

16. *Ġawāhir* I, 24-27, where the guarantee for a financial obligation, payment of a debt, for example, (called *al-ḍamān fi'l-ḍimma*) is also dealt with.

17. *Ġawāhir* II, 374 (see Little, *Catalogue*, 242).

attestation before witnesses the phrase “ that he appeared before the Šāfi‘ī 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. ‘Abd 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-Asyūṭī¹⁸ 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. *Ġawāhir* I, 12.

I. Ḥaram no. 712, dated 18 Dū'l-Ḥiġġa, 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 أبي بكر بن طرخان وسنجر
- 3 بن عياش بن مظفر ونشوان بن غالى بن محمد الجميع روسا
- 4 نوبا الوقف ومشايخها واشهدوا على أنفسهم أنهم أقسموا بالله جل ذكره وعلا وبالقسامة
- 5 الشريفة المولوية السلطانية الملكية الناصرية
- 6 شرفها الله تعالى أنهم يسلكون الطريق الحميدة والمناهج السديدة ولا يخالف احد منهم على
- 7 الآخرين ولا يقيم احد منهم
- 8 فتنة ولا فساد [كذا] ولا خلف ولا هوى ولا يوذى احد منهم الآخرين ويعمرون الوقف
- 9 اثمر عمارة تكون ولا يشهر احد منهم سلاحا
- 10 على آخرين ومتى فعلوا شيئا مما نهوا عنه كان على من يفعل ذلك منهم حنث اليمين ودرك
- 11 القسامة وجملته خمسمائة درهم فضة لمستحقى
- 12 بيت المال المعمور وانهم متى طلبهم الجنب الكريم العالى الاميرى الكبيرى الغازى العضدى
- 13 المويدي الاسهبسلارى السيفى سيف الدين بلغاق الناصرى
- 14 اعزه الله تعالى فى ليل او فى نهار حضروا وكذلك اذا طلبهم الجنب الكريم العالى الشرفى
- 15 العمرى [؟] متولى الحرم المعمور [؟] بخليل الله عليه السلام
- 16 حضروا او طلبهم احد من نواب المذكورين حضروا ومتى تعدوا كانوا تحت الدرك . . . [؟]
- 17 وحضر وكفلهم كفالة وجه وبدن . . .
- 18 ابراهيم بن . . . بن شهاب الغازى من بيت عينون وناصر بن نصار بن . . .
- 19 و . . . بن ابراهيم بن خضر بن . . . الغازى من بيت عينون و . . . بن
- 20 يوسف بن . . . وعبيد بن على بن سيف من بيت عينون وبشير بن على [؟] بن
- 21 خليل الغازى من ترقوميه وحمد بن مصعب بن . . .
- 22 الغازى من حلحول و . . . بن . . . بن مبارك من بيت عينون ايضا وعمر بن . . .
- 23 بن عوض من بيت عينون وعثمان بن سبع بن حماد من بيت احلا

[illegible]

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

- 13 و بن حسين بن صابر وعمر بن عطية بن حصيب من بيت فاسين وحمد بن حمد بن طي من ترقومية
- 14 متى طلبهم الجناح الكريم العالى السيفى الناصرى ناظر الاوقاف الشريفة والجناح 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 وسبعائة

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 ابراهيم بن مسعود بن ابراهيم

Opposite ll. 5-8 in right margin :

اعترفوا بذلك عندى || كتبه طي 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. Ḥālīd b. Rawwā' and 'Umar b. Abī Bakr b. Ṭarḥān and Saṅḡar b. 'Ayyāš b. Muẓaffar and Nišwān b. Ġālī b. Muḥammad ¹⁹, all headmen (*ru'asā'*) and šayḥs 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 Dū'l-Ḥiġga 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.

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-Nāṣir²¹ (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 dirhams²² to the lawful receivers of the Treasury. If his noble exalted Honour the great Emir [epithets follow] Sayf al-Dīn Bulḡāq al-Nāṣirī²³ (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-‘Umārī (?), comptroller of the blessed Ḥaram in the city of Ḥalīl, the Friend of God (peace be upon him²⁴) 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 ‘Aynūn, and Nāṣir b. Naṣṣār b. and b. Ibrāhīm b. Ḥiḍr b. al-Ġāzī from Bayt ‘Aynūn, and b. Yūsuf b. and ‘Ubayd b. ‘Alī b. Sayf from Bayt ‘Aynūn, and Bašīr b. ‘Alī (?) b. Ḥalīl al-Ġāzī from Tarqumiya, and Ḥamd b. Mus‘ab b. al-Ġāzī from Ḥalḥūl, and b. b. Mubārak from Bayt ‘Aynūn also, and ‘Umar b. b. ‘Awad from Bayt ‘Aynūn, and ‘Utmān b. Sab‘ b. Ḥammād from Bayt Ahlā (?), and b. Ḥusayn b. Šābir and ‘Umar b. ‘Aṭīyya b. Ḥašīb from Bayt Fāsīn, and Ḥamd b. Ḥamd b. Ṭayy from Tarqumiya²⁵. Whenever his noble exalted Honour, Sayf al-Dīn al-Nāṣirī, the Inspector of the noble Waqfs, or his noble Honour Šaraf al-Dīn al-Šāfi‘i 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 Dū‘l-Ḥiġġa 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* (Ġawāhir 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-‘Umārī is the same as Little’s “al-‘Adri (?)” in Ḥaram no. 22 (*Catalogue*, 328). Nūbā was in the *‘amal* of Ḥalīl (Hebron), cf. no. IV below.

25. See *Historical Geography*, 124 (‘Aynūn, N.E. of Hebron), 123 (Ḥalḥūl, Tarqumiyya, N.W. of Hebron, and Bayt Fāsīn). Should “Bayt Ahlā” be read as Bayt Ġālā (*op. cit.*, 121)?

Right.

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

Left.

- (i) I bear witness for and to their declaration of the contents; written by al-Ma'mūrī (?).
- (ii) I bear witness to; written by Ibrāhīm b. Mas'ūd b. Ibrāhīm.

In right margin opposite ll. 5-8.

They acknowledged that in my presence; written by ... Tayy (?) .. al-Šāfi'ī (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 الصباحين الروسا بقرية اونية من عمل القدس الشريف الجارى وقفها للمسجد الاقصى والصخرة الشريفة
- 4 وهم معروفون واشهدوا على انفسهم فى صحة منهم وسلامة وجواز امر 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

- 8 او سير الى احدا من القريتين او اعانتمهم 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 في
11 ثالث شهر صفر سنة ست وسبعائة الحمد لله وحده وصلواته على سيدنا محمد وآله وسلامه

[illegible]

لکھنؤ

الحمد لله رب العالمين
والصلاة والسلام على
سيدنا محمد وآله الطيبين الطاهرين

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

Right.

شهدت على المقرين بما فيه || كتبه عبد الله بن

Left.

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

Verso.

1 حجة على اهل قرية بيت اونية بان لا يروحوا الى قرية يالوا [كذا]

2 ولا يسعوا [؟] لها بفساد

بسم الله الرحمن الرحيم
 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 'Alī b. Ḥamd b. Ḥammād and 'Alī b. Mannā' b. Sulṭān, Ṣabāḥīs (?), headmen in the village of Unya²⁶ 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 Yālū²⁷ 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 Unya (*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. 'Abd 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).

they would not transgress 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 'Abd Allāh b.

Left :

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

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 Rabī', 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 العتب [؟] 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 في
- 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

- 13 اشهدا عليهما في خامس عشر ربيع الآخر سنة سبع
 14 وشهدت على اقرار المقرين وسبعائة
 15 اعلاه وكتب بلبان بن عبد الله الـ

Left :

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

Verso.

حجة على مسعود وولده في 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 Mas'ūd b. Sab' 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 deputies²⁸ of the waqf nor stray from what they were ordered to do, that they would not transgress 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 Rabī' 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. 'Abd Allāh al-.....

Right :

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

Verso.

A document binding on Mas'ūd and his son in the village of al-Ġāziya²⁹.

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 'amal 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 Yaṭrib) 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.

IV. Haram no. 703, dated 27 Raḡab, 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 العامرين
- 4 من اهل نوبا من عمل مدينة الخليل عليه السلام وهم معروفون 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 السليمة 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 وسبعائة
- 13 الحمد لله وحده وصلواته على سيدنا محمد وسلامه

Right.

اشهد بمضمونه || وكتبه عمر بن بن يحيى

Left.

اشهد عليهم بذلك || كتبته ابراهيم بن عثمان بن محمد

Verso.

- 1 حجة
- 2 اهل نوبا وقف الحرم الشريف شرفه الله تعالى

بسم الله الرحمن الرحيم
 الحمد لله الذي هدانا لهذا
 ما كنا لنهتدي لولا أن هدانا الله
 والحمد لله رب العالمين
 والصلوة والسلام على سيدنا محمد
 وآله الطيبين الطاهرين
 الذين هم خير البرية
 أما بعد
 فقد بلغنا من فساد
 هذا الزمان ما لم نكن نعلم
 من قبل
 وقد انتشر الفساد
 في كل مكان
 وفساد في الدين
 وفساد في العلم
 وفساد في الأخلاق
 وفساد في العادات
 وفساد في كل شيء
 وقد بلغنا من فساد
 هذا الزمان ما لم نكن نعلم
 من قبل
 وقد انتشر الفساد
 في كل مكان
 وفساد في الدين
 وفساد في العلم
 وفساد في الأخلاق
 وفساد في العادات
 وفساد في كل شيء

Document IV : *Ḥaram* no. 703. Recto.

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 : 'Abd Allāh b. Ḥālīd b. Rawwā' and Rāḡīb (?) b. Sa'īd b. Muẓaffar and Ḥalaf b. Ṭayy b. Rizq Allāh b. Ṭayy, all 'Āmirīs, inhabitants of Nūbā in the district of the city of Ḥalīl (peace be upon him), all known [to their witnesses³⁰], 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 Raḡab 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 : 'Umar b. b. Yaḥyā.

Left :

I bear witness to that for them; written by Ibrāhīm b. 'Uṭmān 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-maṣhūd 'alayhi*, see *Ġawāhir* I, 16.

V. Ḥaram no. 488, dated 16 Raġab, 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... النابلسي
- 3 وشهوده به عارفون واشهد عليه طوعا في صحة منه وسلامة وجواز امر انه حضر الى
- 4 بين يدي سيدنا ومولانا العبد الفقير الى الله تعالى الشيخ الامام العالم العلامة مفتي
- 5 المسلمين مفيد الطالبين شيخ الشيوخ العارفين ولي أمير المؤمنين اقضى القضاة شرف الدين ابى
- 6 الروح عيسى الشافعي الحاكم بمدينة نابلس المحروسة واعمالها ادام الله تعالى شرفه ورحم سلفه
- 7 وانفذ احكامه
- 8 واقسم بالله تعالى جلت عظمته ثم بالقسامة الشريفة السلطانية شرفها الله تعالى وعظمها انه ضمن
- 9 وجه وبدن اخيه لأبويه شعيب على انه كلما طلبه سيدنا الحاكم المشار اليه اعلاه اتم الله تعالى
- 10 سادس عشر شهر رجب الفرد من شهور سنة خمس وثمانين وسبعائة

Right.

شهدت على الحاضرين بذلك في 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-Nābulṣī, whom his witnesses knew well³¹, 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 ṣayḥ, the Imām [epithets] Šaraf al-Dīn Abū'l-Rūḥ 'Isā al-Šāfi'ī³², 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 ṣayḥ of the Šalāḥiyya *ḥanqāh*, and mentioned ubiquitously in the Ḥaram documents, see Little, *Catalogue*, 9 & index, 438. He died in Šawwāl 797 / July-August

1395, see Muġir al-Dīn al-'Ulaymī, *al-Uns al-Ġalīl*, 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.

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, Šu'aib, 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 'Abd al-Raḥmān (?)

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

VI. Ḥaram no. 847, dated 7 Rajab, 795/19 May, 1393
(Little, *Catalogue*, 270³³)

TEXT.

- 1 بسم الله الرحمن الرحيم
- 2 حضر الى شهوده يوم تاريخه بمجلس الحكم العزيز الشافعي بالقدس الشريف معروف بن سالم بن سعيد
- 3 وابراهيم بن علي ابن ابى الفرج وعليم بن علي 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 النبي عليه افضل الصلاة وشهد
- 5 عليهم طائعين مختارين ان مدة اربع سنين اخرها مغل سنة ثلث وتسعين وسبعائة لا يعطون مغل السنين المذكورة
- 6 سوى زكاته [؟] مبلغه مائتي 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.

- 7 ولا مطلق سوى ما عين اعلاه واقسموا بالله جلّت 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 ولالة
- 10 امور المسلمين وبه شهد عليهم ثانى شهر رجب الفرد سنة خمس وتسعين وسبعائة [.]
- 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 الله
- (d) اشهد عليهم بذلك || عبد الله بن ابراهيم المالكى .

TRANSLATION.

In the name of God the Merciful, the Compassionate.

On the date given below there came before their witnesses at the Šāfi'ī Court in Jerusalem the Noble : Ma'rūf b. Sālim b. Sa'id and Ibrāhīm b. 'Alī ibn Abī'l-Faraġ and 'Ulaym b. 'Alī ibn Abī'l-Faraġ and Ḥasan b. Ḥusayn b. Ḥasan and Mūsā b. Ziyāda b. Mūsā and Aḥmad b. 'Īsā 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.

اسم الله العظيم
 حصر اليهود عن داره فخلص لهم الدين من غير ما يفترون له من قسوسه
 وانه يفتنهم بالاسماء اللوحيه وعلمت على الناس اللوحه وحسن حجتهم بها من انهم
 والذين عشتهم في ذلك زمانهم قدوة لهم في الصدوقه والبر والحق والعدل
 على ما ينبغي ان يكون في كل زمان ومكان ولا يعطون حجة ولا دليل
 سوى ذلك بل انهم يريدون ما لا يحل لهم ان يفعلوه في حق الله والرسول
 ولا مطلق من اهل البيت الا ما هو عليه في كل زمان ومكان ولا يعطون حجة ولا دليل
 الا انهم راعوا العباد في كل زمان ومكان ولا يعطون حجة ولا دليل
 كانوا في كل زمان ومكان ولا يعطون حجة ولا دليل
 لعلهم يسمعون من الله تعالى في كل زمان ومكان ولا يعطون حجة ولا دليل
 ولهم اجر الله في كل زمان ومكان ولا يعطون حجة ولا دليل
 الا انهم كانوا قد قصوه في كل زمان ومكان ولا يعطون حجة ولا دليل
 على ما ينبغي ان يكون في كل زمان ومكان ولا يعطون حجة ولا دليل
 على ما ينبغي ان يكون في كل زمان ومكان ولا يعطون حجة ولا دليل
 على ما ينبغي ان يكون في كل زمان ومكان ولا يعطون حجة ولا دليل

Document VI : *Haram* no. 847.

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 ‘Abd al-Raḥmān b. Aḥmad on the same date (?).

Centre left. (c)

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

Left. (d)

I bore witness to that for them; written by ‘Abd Allāh b. Ibrāhīm al-Mālīkī.

**VII. Ḥaram no. 636, dated 26 Ġumādā 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 وزكري بن باروخ
3 ابن سليمان وداود بن اشموغيل بن موسى اليهود بمدينة القدس الشريف واشهدوا
4 على انفسهم في 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 شي
من ذبايحهم

بِسْمِ اللَّهِ الرَّحْمَنِ الرَّحِيمِ
 حضر الى شهود يوم تاريخه كل واحد من هلال رموش رتبعه وركى باروخ
 ابو شلمان وداود وراشيد ورموش البين وهدفا القدس الشريف وانشدوا
 على انفسهم في عهد مني و سلامه وجواز امور من غير اكراه ولا اجبار انتم اقتسموا
 بالله تعالى جلست قدرته بم نعمته على مولانا اناك الطان خلد الله ملكه وادام الله
 انتم من يوم تاريخه وما بعده ان يجدجدوا الدايخ انفسهم ولا يدعوا ولا يدعوا
 من الفناء والعاز والبنو والبلبل وغير ذلك على علم ما اقتسم به علما
 الاسلام واية الاعلام اعاد الله تعالى على المسلمين من موكانه وذلك لما رآه
 من المحرم لانفسه وللمسلمين ومنى والعباد بالله تعالى اعندوا خلاف
 ذلك كانوا تحت الدار والقائمة الشريكة الخافيه خلد الله تعالى
 ملكها بالكمال كانوا تحت عفو الله تعالى وعفو ولائ الامور وكان
 عندهم بطريق الفدر الشري عشر الف درهم لعمارة قناه السيد
 الحان افلام الشري وراشيد عليه السلام في سادس عشر ربيع
 جمادى الاولى من هـ ...
 ...
 ...

Document VII : Haram no. 636.

- 7 من الضبان والموايز والبقر والجمال وغير ذلك على حكم ما افنت به علما
 8 الاسلام وايمه 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 مالكمها 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 وسبعائة

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. Bārūḥ b. Sulaymān and Dāūd b. Iṣmūʿīl (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 scholars³⁵ (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-ʿAlamgiriyya*,

because they have seen this to be the best course for themselves and for the Muslims³⁶. 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 Ġumādā I, one of the months of the year 796.

Right.

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

Left.

I bore witness to this for them; written by

Centre.

The erasure contained in it is correct; written by Aḥmad b. 'Abd 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-Šāfi'i, *Kitāb al-Umm*, Bulaq, 1325 A.H., VII, 331, and al-Manūfi, *Nihāyat al-Muḥtāḡ ilā*

Šarḥ al-Minhāḡ, Cairo, 1938, VIII, 106. Note that the oaths of non-Muslims were not accepted by Ḥanafis according to *Ġawāhir* II, 324.

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

VIII. Ḥaram no. 265, dated 22 Raḡab, 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 اراضيهِ 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 وسبعائة

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

بسم الله الرحمن الرحيم
 حصصا لثلاثين نوبتة طالع عد
 ويصعد من بين يدي وواع كما روي
 في القسم ان يصعد كقوله الحمد وواع جمع
 اراضة والاعوام مع صبي على في عسار
 كرهه وقتا بار منها س كان كرهه
 وحفظ الحفظ للرسالة العرف على
 عد وعلى صاع وروى سعد الحفوف
 ماعنه وصنوا وعلو المذكرة على
 لا فاعه والاعوان وما طلبة الاعمال
 للبرقني سفار طالع المرفق المرفق
 لعدد وارع المرفق المرفق
 ما طالع وروى سعد الحفوف
 عدي وروى سعد الحفوف
 لعدد وروى سعد الحفوف
 لعدد وروى سعد الحفوف

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

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. Maṣṣūr 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 'Alī b. Ḥamd and 'Alī b. Mannā' and Mūsā b. Sa'īd, 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 perform³⁷ what is asked of him. They swore to that on the 22nd of Raḡab 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. Sālīm.

Verso.

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

IX. Ḥaram no. 697, dated 11 Rabī' 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 في زعامته وهم عباس بن نهار وزيد بن زيد وشفيع بن سليمان بن محمد
- 4 وابو الحسن بن ابي 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.

- 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 مكروهين 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 وكفياً [كذا] للرئيس الاخر ولاصحابه فيما يطلب منه ومنهم
- 14 فى جميع الحقوق 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. Ġarīr (?) b. Fāris and the group under his leadership, namely 'Abbās b. Nahār, Zayd b. Zayd, Šāfi' b. Sulaymān b. Muḥammad, and Abū'l-Ḥasan b. Abī'l-'Alā and his group, namely Sa'id b. Ishāq and his brother Ya'qūb, Rammāh b. Šaḥr, Šāliḥ b. Mu'allā, and Aḥmad b. 'Imrān and his group, namely Muḥammad b. Numayr, Ismā'il b. Yūsuf, Aḥmad b. Qāsim, and Šāliḥ b. . . . and his group, namely Zar'a b. Qāsim and his

brother Mūsā, Ramaḍān b. Nağğār, Abū Bakr b. Muḥammad, and Hilāl b. Ḍaw (?) and his group, namely Ḥassān b. . . . , Muḥammad b. Muṣāliḥ, Aḥmad b. ‘Umar, Muḥliḥ b. Aḥmad, Muḥammad b. Aḥmad, Sulaym b. Salāma, all peasants of three-quarters of ‘Ayn 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 Rabī‘ I in the year 707.

Right.

I bear witness to their declaration of that, apart from Ramaḍān’s; written by Muḥammad b. ‘Abd al-Wāḥid al-Šāfi‘ī on the same date.

Left.

I bear witness to their declaration of that, apart from Ramadan’s; written by ‘Abbās (?) b. Aḥmad b. Abī’l-... al-Šāfi‘ī on the same date.

Verso.

Document of the headmen and peasants of ‘Ayn 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 رفاعه الحارثى من كفر |
| 6 | رعيل [؟] وعبد الله بن مجاهد بن ابى المكرم السعدى من خان |

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

- 7 الافرنج ظاهر القدس الشريف وشجاع بن يعقوب بن شجاع
- 8 الحارى المقدسى وقىصر بن الشيخ موسى بن عبد الظاهر الحارى
- 9 واسماعيل 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 رغيل 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 ومنا
- 16 طلبه الجناح العالى المولوى الاميرى الأجل الكبيرى المؤيدى
- 17 السيفى بلغاق ناظر الحرمين الشريفين احضره للضمان المذكور
- 18 اليه وان عجزوا عن احضاره كانوا قائمين بما يطلب منه
- 19 وبذلك شهد عليهم فى خامس عشر شوال سنة سبع وسبعائة

Right.

اشهد على اقرار المذكورين || بذلك كتبه يزيد بن احمد

Left.

اشهد على المذكورين || بذلك كتبه موسى بن مسلم

Verso.

- 1 حجة
- 2 بضمن 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 : 'Abd al-Qādir b. Muḥammad b. Mušīr (?) al-Sa'dī from Ḥān al-Ifrāṅṅ and Ġa'far b. Saṅṅar b. Ġa'far from the village of Ma'saratā (?), from the šayḥs of the Banī Sālīm, and Sulaymān b. 'Alī b. Kassāb (?) from the village of Ramūn, from the šayḥs of the Banī Sālīm, and Mufarriḡ b. Abī Bakr b. Rifā'a al-Ḥārī³⁹ from Kafr Ra'il (?) and 'Abd Allāh b. Muḡāhid

39. Thus throughout, but perhaps to be read as al-Ġārī, see al-Sam'āni, *Kitāb al-Ansāb*, s.v.

b. Abī'l-Mukarram al-Sa'dī from Ḥān al-Ifranġ outside Jerusalem the Noble, and Šuġā' b. Ya'qūb b. Šuġā' al-Ḥārī al-Muqaddisī, and Qayṣar b. al-Šayḥ Mūsā b. 'Abd al-Zāhir al-Ḥārī, and Ismā'il b. Faraġ b. Ġālī al-Sa'dī from Ḥān al-Ifranġ and Ma'tūq b. Muḥammad b. 'Umar (?) al-Ḥārī al-Muqaddisī and 'Uṭmān b. 'Abd al-Ġālī b. 'Īsā (?) al-Sa'dī from Ḥān al-Ifranġ, and Ġum'a (?) from the village of Kafr Ra'il, and Aḥmad b. Ḥamd b. Ḥamīd from the village of Duḥāniyya 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. 'Alam 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. 'Alam form Ṭayyibat al-Ism, will reside in Jerusalem the Noble and not enter Ṭayyibat al-Ism.

XI. Ḥaram no. 223, dated 16 Dū'l-Qa'da, 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 شأنه
- 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 الاراضي 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.

Document XI : *Haram* no. 223.

- 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 [برباوا] 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 والتاذيب 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 šayḥs of the village of Zakariyya al-Biṭṭīḥ⁴², namely Farrāğ b. Sa'd (?) b. Furayğ and Naṣṣār b. 'Umāra b. Sa'id, both 'Āmirīs, 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 Dū'l-Qa'da 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 'Umar b. . . . on the same date.

Left.

I heard them declare what they undertook on the same date; written by Mūsā b. 'Isā b. 'Umar.

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