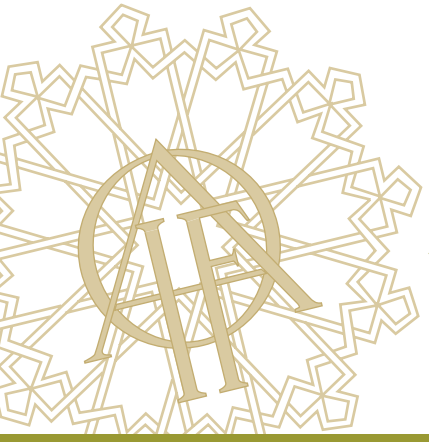
MINISTÈRE DE L'ÉDUCATION NATIONALE, DE L'ENSEIGNEMENT SUPÉRIEUR ET DE LA RECHERCHE



ANNALES ISLAMOLOGIQUES

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

AnIsl 34 (2001), p. 1-7

Ibrahim ʿAbdel-Raḥman

Deed of lease from Fusṭāṭ. Rajab the 11th 567AH / Feb. the 16th 1172 AD.

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

9782724711264	*La chapelle d'Osiris Ounnefer Neb-djefaou*	Laurent Coulon
9782724711752	*Guide du Caire Islamique*	Hadrien Collet
9782724711660	*Mélanges de l'Institut dominicain d'études orientales 41*	Adrien Candiard (éd.)
9782724711745	*Bulletin archéologique des Écoles françaises à l'étranger (BAEFE)*	
9782724711271	*Du côté de chez Zeus*	Emmanuel Botte (éd.), Hélène Cuvigny (éd.), Michel Reddé (éd.)
9782724711677	*La Description de l'Égypte*	Paul-Marie Grinevald
9782724711714	*La pensée et la pratique pharmacologiques d'Avicenne*	Sylvie Ayari
9782724711899	*BCAI 40*	

© Institut français d'archéologie orientale - Le Caire

Ibrahim ABDEL RAHMAN

Deed of lease from Fusṭāṭ

Rajab the 11th 567AH / Feb. the 16th 1172AD

APPROXIMATELY 16.5 × 24.5 cm yellow paper contains 19 lines. Blank verso. Shrinkage on the right and left sides. Found during the excavation of a mound a few meters outside the wall of Saladin south east of the site excavated by Bahgat and Gabriel at Fusṭāṭ. It was found on 27th of Dec., 1988.

Text (fig. 1)

١ بسم الله الرحمن الرحيم
٢ هذا ما استأجر أسد بن منصو [ر] الصواف و هو يومئذٍ رجل شاب معتدل القامة
٣ [وجهه مشو] ب بحمرة واضح الجبهة بها غضون مقرون الحاجبين خفي كحل العينين
٤ [...] الأنف خفيف شعر العارضين بأعلا حاجبه الأيمن أثر من محارب بن جعفر
٥ استاجر منه صفقة واحدة و عقداً واحداً جميع الطبقة الوسطا التى
٦ من حقوق الدار التى بفسطاط مصر بدرب مجد الملك بمصره داخلة في الزقاق
٧ الغير (*sic*) نافذ مجاورة لدار القاضي المؤتمن دام ... بعد
٨ والقاعة السفلى برسم الفوارة و السلم المتوصل عليه إلى علوة بأول حق
٩ طبقتان متطابقتان و وضعت الاجارة على المنزل الأوسط الذي
١٠ من حقوق الطبقة الثالثة و فراغ الشاغل لها بعدة ستة شهور
١١ ... إليهم اولها الحادي عشر من رجب سنة سبع وستين وخمس مائه و آخرها
١٢ انقضاء العاشر من محرم من سنة ثمان وستين وخمس مائة بأجرة مبلغها في كل شهر «ستة» دراهم [؟]
١٣ وَرِقاً جياداً إجارة نافذة ماضية يقوم بها قسط كل شهر سلخه دون
١٤ مدافعة ولا ممانعة وتسلم ما استأجره ووجب الإنتفاع به طول هذه المدة بها

AnIsl 34 (2001), p. 1-7 Ibrahim ʿAbdel-Raḥman

١٥ وإلى انقضائها بعد النظر والرضى والافتراق بالابدان وضمان الدرك
١٦ شهد على إقرار المستأجر بما فيه بالحادى عشر من رجب سنة
١٧ سبع وستين وخمس مائة فيه مصلّح وبأعلا حاجبه وهو صحيح
١٨ أشهدني بتصليحه ذلك
١٩ وكتب القيم بن الأمين [؟]

Literal Translation

1 In the name of God the Merciful the Compassionate
2 this is what Asad Ibn Manṣū[r] the wool weaver, has rented and he is a man, at that day, a young man of straight stature
3 [his face is slight]ly reddish, his forehead is clear with wrinkles by the end of the two eyebrows, his two eyes' kohl is slight
4 the nose is… (and) above his right eyebrow (there is) a scar, from Muḥārib Ibn Ǧaʿfar
5 he has rented from him in one deal and one contract all the middle storey which is
6 from the contents of the house which is in Fusṭāṭ Miṣr at the alley of Mağd El-Mulk at its passageway, it is inside
7 the blocked alley located beside the house of the judge Al-Mu'taman may he stay long… after
8 and the lower hall which is dedicated for the fountain and the staircase which someone can reach through it to a roof, first to be related to (the house)
9 they are two storeys, one over the other, and the rental value was implemented on the middle apartment which is
10 from the contents of the third floor, the renter's period exceeds six month
11 … to them [?] its beginning is on the eleventh of Rağab in the year five hundred sixty seven (February 16th, [1172 A.D.] and its end (will be)
12 the departure of the tenth of Muḥarram in the year five hundred sixty eight [August 13th, 1172 A.D.] the rental value, its amount in each month is "six" dirhams [?] of
13 good silver, [it should be] a forward executed rent the installment [is to be] paid every month, its last day with no
14 quarrel or forbearance, and he received what he has rented, and the benefit of it is a must during this period in it
15 and to its end, [that happened] after examination, satisfaction, separation of persons' bodies and guarantee of the indemnity
16 [the scribe ?] has testified the acknowledgment of the renter including what it contains, on the eleventh of Rağab, year
17 five hundred sixty seven, there is a corrected [phrase which is] "and above his eyebrow" and it is correct
18 he made me [I the scribe] witnessed on it that correction
19 and Al-Qayyim Ibn al-Amīn [?] wrote [this deed]

Comments

Lease contracts are few among the finds of the excavations. There are many reasons, one of them is the fragile nature of the papyri or papers and the Arab tribes' traditions of living in an independent house for each family and tending not to share with strangers. According to Yūsuf Rāġib, very few rent contracts among papyri collections have already been published.[1] The quality of the calligraphy of this text, compared with the others, shows that it was executed by a professional hand which did not care about details such as letters' shapes, dots, and separation of certain Arabic letters which ought to be separated. These reflect this type of daily life text. The clerks who were used to work for Royal dynasties had to be chosen from the very elite and their calligraphic texts ought to be very elegant "in order to prevent any critic and not to find anything to criticize".[2]

This contract had been issued on the eleventh of Rağab, year 567 A.H. (1172 A.D.) seven months after the death of al-ʿĀḍid, the last Caliph of the Fatimid dynasty, on the tenth of Al-Muḥarram, 567 A.H.[3] In the Arabic language, there are two verbs to express "rent", "أكرى - akra" and "أجَّر - ağğara". Here, the scribe has chosen the second one, for it was also favoured in the Holy Coran,[4] although the first term was widely used in the early Islamic era.[5] The names of the lease-holder and the renter were mentioned at the forehead of the deed, with very wide description of the lease-holder which seems to be according to the Coranic longest verse which insists on an explanation of all details, especially regarding the debt contracts.[6]

No surname concerning certain tribe was mentioned. From the huge majority of the tombstones' names, we can see how important that is to mention tribes' names.[7] Fusṭāṭ itself was divided among the tribes which came from the Arab peninsula while a certain quarter was dedicated to the Egyptians of various factions to live in,[8] being allowed also to build religious buildings such as churches and a synagogue. This tradition has been respected but not for ever. Through the excavation of Gayraud, we are sure that both the Arab tribes and the Egyptians had been interlaced and mixed at very early periods. We have found papyri written in Arabic and Coptic obviously made by people who are eager to learn Arabic.[9] Here the surname of one of them expresses the young man's profession not tribe.[10]

Mentioning the "middle storey" means that the house contained at least three storeys. This supports what the travellers had said about the houses of Fustat, although Bahgat rejected the idea of the presence of more than one storey,[11] but he accepted that some houses may have had two storeys.[12] Here we can be sure that this house had at least three storeys as it

[1] Yūsuf Rāġib, p. 119.
[2] Al-Sayrāfī, p. 19, 30.
[3] Al-Maqrīzī, vol. 2, p. 107, 232.
[4] Al-Qasās, verse 26, 27.
[5] Adolf Grohmann, vol. 2, p. 35, 39, 42, 44, 48, 75, 80, 83, 87; for the second term «أجّر», see p. 91, 94, 104, see also Yūsuf Rāġib, p. 123.
[6] Al-Baqara, verse 282.
[7] Gaston Wiet.
[8] Wladyslav Kubiak.
[9] Roland-Pierre Gayraud, p. 57-87.
[10] Also, Yūsuf Rāġib, p. 123.
[11] Aly Bahgat, p. 94.
[12] Aly Bahgat, p. 53, 54.

was clearly mentioned in line 10 "the third storey". I am convinced that some houses had four storeys because we found in our excavations since 1988 rough pieces of plasters retaining the impression of palm branches which I think were used then as upper walls for the ultimate storey beside using them for roofs.[13]

At line 6 he mentioned "Fusṭāṭ-Miṣr", "Miṣr" is the Arabic – even the Semitic – name of Egypt. The two terms' roots are different. The Arabic term "Miṣr" means "boundary" or "frontier" or "limit".[14] This came from the Arabian point of view about Egypt and its presence at the western limit of the Arabian peninsula. By the way, there are many theories about the word "Egypt". The more widely accepted one is that the word "Egypt" came from the ancient Egyptian term "*ḥt-kɜ-Ptaḥ*" which means "the temple of God Ptaḥ in Memphis".

Prof. Saleh advocates the ancient Egyptian word "*agby*"  which means the "floodplain".[15] I humbly suggest that the term "Egypt" is coming directly from the ancient Egyptian two words: "*Geb-ta*". *Geb* is the name of the god of earth in the ancient Egyptian mythology. "*Ta*" means "land" or "earth". So, Egypt is the land of God *Geb*. I confess that this conjunctive term is upside down for the ancient Egyptian used to say "*ta-Geb*" not "*Geb-ta*" to express the "land of *Geb*", beside the simple conversion of  *kmt* (the ancient name of Egypt) into *gpt* and then Egypt.

At line 7 and the end of 6, it was mentioned that the house is located at the "blocked alley" lit. the "unpassable alley". The recent excavations of the very early houses of Fusṭāṭ near Isṭabl ʿAntar,[16] prove the nature of the houses of Fusṭāṭ reflected by this contract. Streets were narrow and curved, some of them were blocked. The city of "Al-Qaṣr" in the Dakhla Oasis is very similar to Fusṭāṭ of the Middle Ages.[17]

At the same line word "Al-Qāḍī" means the judge was mentioned. At the end of the Fatimid, the Ayyubid, and the Mamluk eras, this title did not necessarily mean the profession, but it was also used as an honorary title for religious scholars, State employees and the important scribes.[18]

At line 8, phrase "dedicated to the fountain" reflects the fact that most of the houses of Fusṭāṭ excavated by Bahgat or Gayraud had a fountain or more each. Some of those fountains were for water to refresh the air of the court, some to breed fishes,[19] and others to be used as an open bath "ḥammām".

From line 9 to 13, the period and the rent of the lease were mentioned. The period was six months from Rağab the eleventh, 567 A.H. to Al-Muḥarram the tenth, 568 A.H. (February 16th, 1172 A.D. to August the 13th, 1172 A.D.). This seems to be done according to the Islamic law which insists on describing in certain words both the period and the rent.[20]

[13] Al-ʿUmarī, p. 84.

[14] ʿAbd al ʿAzīz Ṣāliḥ, p. 5-10.

[15] Abd al ʿAzīz Ṣāliḥ, p.11.

[16] This excavation has taken place by the Ifao since 1985 till now, directed by Roland-Pierre Gayraud. During most of its seasons since then I was honoured to be the archaeologist inspector representing the Egyptian Antiquities Organization.

[17] Roland-Pierre Gayraud.

[18] Ḥasan al-Bāšā, p. 424. Al-Qalqašandī, vol. 5, p. 451; vol. 6, p. 23, 1957.

[19] Aly Bahgat, Roland-Pierre Gayraud.

[20] Al-Sanʿānī, vol. 3, p. 168, 1987.
–Al-Hayṭamī, vol. 4, p. 111.
–Ibn Qudāma, vol. 6, p. 258.

According to Islamic law market's prices must not be fixed, but it must be left to supply and demand.[21] During the era of Al-Mustansir,–the Fatimid Caliph who ruled from 427 A.H.-1036 A.D. to 487 A.H.-1094 A.D., Nāṣir Ḫusraw–a Persian traveller–said that the Caliph owned no less than twenty thousand shops for rent in the capital, most of them rented for ten dinars each per month. He had also eight thousand rooms for rent in Cairo and Fusṭāṭ. Those were beside baths and other buildings.[22] We should not forget the exaggeration of this saying because both the traveller and the Caliph relate to the same *šīʿā* faction of Islam. In this text, the rent fee is not clear because words are unclear at that part. Maybe it was six (or sixty) dirhams. The stability of coins at that period was not sure and even chaotic after a very long period of famine. In the year 1199 A.D., according to Fusṭāṭ's documents of Geniza,[23] the daily wage of the laborer (a mason) was 5 dirhams plus a lunch meal worth 1,25 dirham.

In the year 1183 A.D., a laborer with two other workers received 10 dirhams, the laborer's wage was 5 of that amount. According to a long account from Abū-Ṣīr (Būṣīr), written around 1045 A.D., the daily wage of a skilled worker was six dirhams. The value of coins during the era of Saladin was thirteen dirhams and one third of dirham for each dinar.[24] A teacher was employed for forty dinars per month, which means 534 dirhams per month. Because of the above mentioned facts, and concerning the reading, I can advocate neither "six" nor "sixty" for the value of the rent.[25]

The first word of line 13 means silver (lit. ورق *wariq*). It was mentioned once in the Holy Coran.[26] More widely used to express silver in Arabic is "فضة *fiḍḍa*". The scribe had described the silver which ought to be paid, as of good quality which means that there was silver of bad quality at the market. That looks normal at that time with the collapse of the Fatimid dynasty. The contract insists that the rent value is to be paid at the end of the Arabian month not at the beginning.

Line 14 insists that this agreement must be executed, which means no one has the right to violate it and the renter has received what he has rented and he had the right to use it during the whole period of the contract.

Line 15 mentions that this agreement had been done after examination, satisfaction, and parting of the two persons. Something else was mentioned, that was the "guarantee of indemnity". An indemnity system was common during various Islamic eras. Policemen were used to wander around streets to protect houses and shops.[27] They were called "عسس *ʿasas*", lit. "the secret police wandering at night". Sometimes they had to inform about the wine makers and chase them following the grapes' carriers.[28]

[21] Al-Tirmīzī, vol. 3, p. 596–597.
also: Al-Hayṭamī, vol. 4, p. 99, 1988.
[22] Nāṣir Ḫusraw, p. 48.
[23] S.D. Goitein, A, v. 1, p. 95.
[24] Al-Maqrīzī, vol. 2, p. 400.
[25] See the last word of line 12 at the plate.
[26] Al-Kahf (18): verse 19.
[27] Al-Maqrīzī, vol. 2 p. 107.
[28] Al-Maqrīzī, vol. 2, p. 149.

The witnesses of the scribe come at line 16. The following line includes the date and registers that a pen mistake has happened and was corrected. At the following line (18), another witness was mentioned concerning the correction of the pen mistake.

The name of the scribe comes at the final line.

Bibliography

The Holy Qur'ān

Al-Bāšā (Ḥasan) : *Al-alqāb al-islāmiyya fī l-tā'rīḫ wa l-waṯā'iq wa l-āṯār*, Al-Naḥḍa Press, Cairo, 1957.

Al-Hayṯāmī (Nūr al-Dīn ʿAlī b. Abī Bakr) : *Maǧmaʿ al-zawāyyid wa manbaʿ al-fawāyyid*, 10 vol., Dār al-Kutub al-ʿilmiyya, Beirut, 1988 .

Al-Maqrīzī (Taqī al-Dīn Aḥmad) : *Al-mawāʿiz wa l-iʿtibār fī ḏikr al-ḫiṭaṭ wa l-āṯār*, 2 vol., Dār Sādir, Beirut.

Al-ʿUmarī (Šihab al-Dīn Aḥmad) : *Masālik al-abṣār fī mamālik al-amṣār*, edited by Ayman Fu'ād Sayyid, IFAO, 1985.

Al-Qalqašandī (Abū l-ʿAbbās Aḥmad) : *Subḥ al-aʿšā fī ṣināʿat al-inšā*, 14 volumes, Ministry of Culture, Cairo, 1913-1919.

Al-Sanʿānī (Muḥammad ben Ismāʿīl) : *Subul al-salām*, 4 volumes, Dār al-Rayyān wa Dār al-Kitāb al-ʿarabī, 4th. ed., Beirut, 1987.

Al-Tirmīzī (Abū ʿĪsā Muḥammad) : *Al-ǧāmiʿ al-ṣaḥīḥ*, 5 volumes, Dār al-Hadiṯ, Cairo.

Bahgat (Aly) and Gabriel (Albert) : Les fouilles d'al-Fusṭāṭ, Arabic version translated by Aly Bahgat, Cairo, 1928.

Gayraud (Roland-Pierre) : « Isṭabl ʿAntar (Fostat). Rapport de fouilles », *AnIsl* XXII, 1986, p. 1-26 ; XXIII, 1987, p 55-71 ; XXV, 1991, p 57-87 ; XXVII, 1993, p 225-232 ; XXVIII, 1994, p 1-27 ; XXIX, 1995, p 1-24.

Goiten (S. D.) : *A Mediterranean Society*, volume I, University of California Press, 1967.

Grohman (Adolf) : *Arabic Papyri in the Egyptian Library*, 2 volumes, Cairo, 1934-1936.

Ibn al-Sayrafī (Abū l-Qāsim ʿAlī) : *Al-qānūn fī dīwān al-rasā'il*, presented by Ayman Fu'ād Sayyid, Ifao, Cairo.

Ibn Qudāma (ʿAbd Allāh b. Aḥmad) : *Al-muġnī*, 11 volumes, Dār al-Ġadd al-ʿarabī, Cairo.

Kubiak (Wladyslaw B.) : *Al-Fusṭāṭ. Its Foundation and Early Urban Development*, AUC Press, Cairo, 1987.

Nāṣir Ḫusraw ʿAlawī, *Safarnāmeh*, Arabic version, Cairo, 1993.

Rāġib (Yūsuf) : « Deux baux de maisons d'Égypte médiévales », *AnIsl* XXV, Cairo, 1991.

Sāliḥ (ʿAbd al-ʿAzīz) : *Ḥadārat Miṣr al-qadīma wa āṯāruha*, vol. I, 1980.

Wiet (Gaston), Hawwary (Hasan) et Rached (Husain), *Catalogue général du musée arabe du Caire : I. Stèles funéraires*, IFAO, Cairo, 1932.

