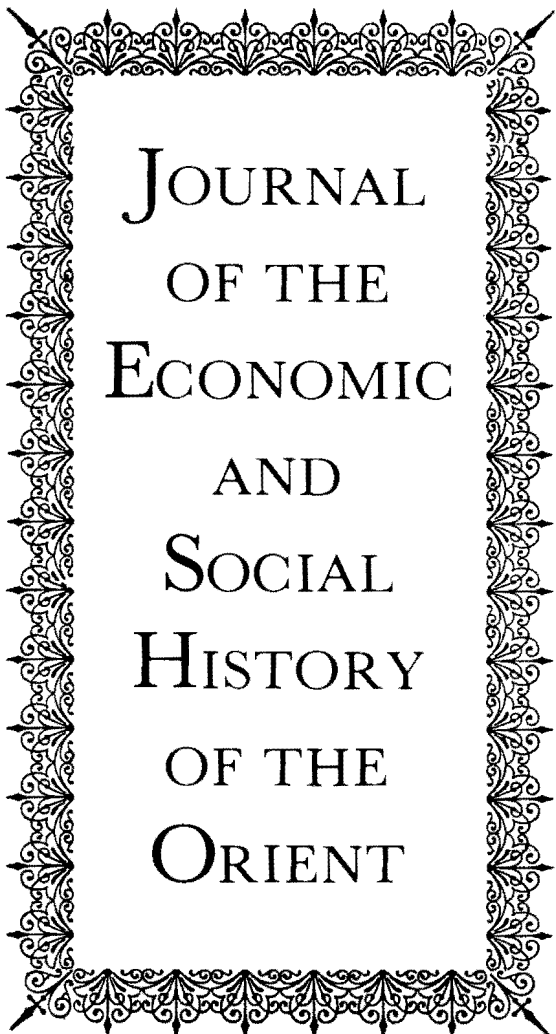


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MISCELLANEA

“IQRĀRS FROM AL-QUDS”: EMENDATIONS

During the interval between submission and publication of ‘A Study of Six Fourteenth Century Iqrārs from al-Quds Relating to Muslim Women’,¹⁾ considerable progress has been made in deciphering and interpreting the documents discovered at al-Ḥaram al-Sharīf in Jerusalem. An analytical, fully indexed catalogue has been prepared,²⁾ and a study of the structure of Mamlūk Jerusalem based on 452 estate inventories has been completed in the form of a Ph. D. dissertation.³⁾ Several articles have been published, and others are in press.⁴⁾ Needless to say, the experience gained from this research has made it easier to decipher the scripts and has made available much knowledge that was inaccessible when study of the Ḥaram collection began. It is with the benefit of this experience that emendations to the texts and commentaries presented in the ‘Iqrārs’ article are offered now. Some of these emendations are corrections of typographical errors; others are more significant, affecting as they do inferences drawn in the article regarding Muslim institutions. In order to correct these erroneous inferences and, also, to demonstrate anew the difficulties involved in working with medieval Islamic documents, we offer these emendations.

Ḥaram 289

P. 258, line 7. For “sanat ithnayn wa-sab^c mi’a” read “sanat ithnayn wathamānīn wa-sab^c mi’a.” The English translation (p. 259) is correct.

Ḥaram 184

P. 263, line 4 For “al-Raḍī Shams al-Dīn” read “al-Raḍī al-Rāḍī Shams al-Dīn.” The English translation (p. 264) is correct.

Line 5 For “al-Rāḍī” read “ibn Yaḥyā.” This reading is suggested by other Ḥaram documents in which Shams al-Dīn’s name appears. More important are other titles attached to his name. In document no. 342, for example, an *iqrār* made by the same Fāṭima, this person is more fully identified as “al-Ṣadr al-Ajall Shams al-Dīn Muḥammad b. al-Marḥūm Jamāl al-Dīn ‘Abd Allāh b. Sharaf al-Dīn Yaḥyā al-Adhraḥī, Amīn al-Ḥukm al-‘Azīz bil-Quds al-Sharīf wal-Waṣī ‘alā Tarikat al-Marḥūm Nāṣir al-Dīn al-Madhkūr [Muḥammad b. ‘Alī al-Ḥamawī al-Tājir bil-Quds al-Sharīf].” And, in document no. 187, another *iqrār* made by Fāṭima, al-Adhraḥī is entitled “al-mutakallim ‘alā tarikat zawjihā.” Thus it becomes clear that in addition to being (Shāfi‘ī) Trustee of the Orphans of Jerusalem⁵⁾ and Collector for al-Madrassa al-Ṣalāhiyya, al-Adhraḥī was also executor of the estate of Nāṣir al-Dīn al-Ḥamawī, Fāṭima’s husband and father of her orphaned children. As far as we know, al-Adhraḥī was acting in the capacity of executor in document no. 184 when he paid Fāṭima the maintenance due to her children. In all probability this maintenance came from her husband’s estate in accordance with a Muslim father’s obligation to provide for his family. That al-Adhraḥī did make payments to Fāṭima from the proceeds gained from her husband’s estate is stated explicitly in no. 187: “Qabaḍat wa-tasallamat wa-ṣāra ilayhā min yad al-Ṣadr al-Ajall al-Kabīr (?) al-Muḥtaram Shams al-Dīn Muḥammad b. al-Shaykh Jamāl al-Dīn ‘Abd Allāh b. Yaḥyā al-Adhraḥī al-mutakallim ‘alā tarikat zawjihā al-madhkūr a‘lāhu min al-

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darāhim mu‘āmalat Dimashq al-Maḥrūs mi’a dirham wa khamsa ‘ashar dirham, wa-dhālik tammāt mā ḥaqquhā bi-ḥaqq al-thumn min tarikat zawjihā al-madhkūr a‘lāhu min al-wujūd al-mukhallaf ‘anhu bi-madīnat al-Quds al-Sharīf khāṣṣatan... (Fāṭima received from the hand of ...al-Adhra‘ī, spokesman for her husband’s estate, 115 Damascus dirhams, as the final payment of her right to one eighth of her husband’s estate from the possessions left by him in Jerusalem exclusively...).’⁶) There is no indication in either no. 184 or no. 187 that al-Adhra‘ī allocated any funds collected for al-Madrassa al-Ṣalāhiyya waqf for the benefit of Fāṭima and her children. Nevertheless, the fact that he was *jābī* for this waqf is significant, inasmuch as still another document (no. 662), a voucher dated Muḥarram 790/January 1388, shows al-Adhra‘ī handling a sum of money for Nāṣir al-Dīn al-Ḥamawī’s heirs, derived from “their *ḥikr* (lease revenue)⁷ included in the waqf of al-Madrassa al-Ṣalāhiyya”. This probably means that Nāṣir al-Dīn al-Ḥamawī held a lease of waqf property, included in his estate, from which maintenance to his orphans was paid by al-Adhra‘ī, who happened to be Collector for the Waqf, Trustee of Jerusalem Orphans, and executor of Nāṣir al-Dīn al-Ḥamawī’s estate. Thus, the orphans would not be receiving “charitable funds” from the waqf, but income from their father’s property held in *ḥikr*. In any event, there is no evidence in the published *iqrār* no. 184 that waqf revenues were involved. Therefore, the speculations at the bottom of page 266, beginning with “However when the husband died, it seems that Fāṭima had no sufficient income to fall back on and so she and her orphaned children were receiving allowances from the waqf revenues...” should be suspended. In view of evidence from other documents it is likely that *iqrār* no. 184 deals with the use of a man’s estate for the benefit of his survivors rather than with the use of waqf revenues for a widow and her children.

Line 6 For “wa-dirham khamsa” read “dirham wa-khamsa.” The English translation (p. 264) is correct.

Line 7 For “Aḥmad” read “Abū Bakr.” Thus the children of Fāṭima and Nāṣir al-Dīn (p. 264) were ‘Umar, Abū Bakr, Salmā, and Sāra.

Line 8 The previously illegible passage indicated by the ellipsis points in parentheses can now be read “thumma māta Abū Bakr wa-qurrira.” Later in the same line, “alā Aḥmad” should be read as “li-‘Umar.” The English translation (p. 264) thus becomes “Then Abū Bakr died, and the share of maintenance was settled on ‘Umar, Salmā, and Sāra.” What was hitherto confusing, almost unintelligible, now becomes clear. The maintenance owed to Nāṣir al-Dīn’s four surviving children (by Fāṭima) from his estate was reassigned to three when one of them died.

Page 264, line 12 For “al-Muwwa‘ānī” read “al-Mu‘ānī”, which means that this witness was associated with the famous town Mu‘ān/Ma‘ān, located on the edge of the Syrian desert.⁸)

P. 266 “from Ḥaram 287 (to be dealt with later), we know that two years earlier Fāṭima was married to a merchant.” The Nāṣir al-Dīn al-Ḥamawī named in both documents was the same man, that is to say the same merchant. This fact does not emerge clearly from the discussions of documents 184 and 287.

Ḥaram 108

P. 267, line 4 For “al-Shaykh al-Dīn” read “al-Shaykh Shams al-Dīn.” The English translation (p. 268) is correct. For “al-Jabā‘ī” read “al-Ḥusbānī”, a

rendering confirmed by other Ḥaram documents.⁹) Thus the English translation (p. 268) "the rent collector" should read "al-Ḥusbānī", i.e. from Ḥusbān, a small town and capital of Balkā province.¹⁰) This reading removes any grounds for asserting (p. 269) that al-Ḥusbānī was acting on behalf of "charitable institutions", i.e. *waqf* institutions, especially since there is no indication in any other document that he was a *jābī*. Instead, al-Ḥusbānī may well have been acting in his capacity of Amīn al-Ḥukm to provide maintenance for orphans from funds left in the father's estate. Although there is no evidence that al-Ḥusbānī, like al-Adhra^{ci}, had been appointed executor of a specific estate, such functions could have fallen within his general competence as Amīn al-Ḥukm, as, indeed, is indicated by documents no. 52 and 111. These two documents, drafted in the same year as was no. 108 (790/1388), authorize the Amīn al-Ḥukm [al-Ḥusbānī?] to pay maintenance to the same Shīrīn's children from property "left by their father (al-mukhallaf 'an wālidihim)", "in the keeping of the Trustee of Orphans (al-mustaqirr taḥta yad Amīn al-Ḥukm)." There is no evidence that Shīrīn received an allowance "from *waqf* revenues administered by the Islamic judiciary."¹¹) Therefore, the statements on p. 269 that "The important historical aspect of this document is that it is another example of how charitable institutions were functioning..."; on p. 288 that "It is interesting to observe that the same woman after her husband's death is seen as receiving an allowance from the *waqf* administered by the judiciary in al-Quds..."; and on p. 289 that "Because two out of the five women mentioned in the documents received allowances from *waqf* revenues, we learn something about *waqf* administration in the city of al-Quds..." should all be suspended. More probably, the documents in question reveal something about the way in which private funds from estates were used for the maintenance of orphans and widows.

Line 5 For "al-muta^cāmala" read "al-mu^cāmala." The English (p. 268) is correct.
 Line 7 For "min ta'rīkhihi" read "sanat ta'rīkhihi." The English (p. 268) is correct.

Page 268

*note. Abū Bakr can now be positively identified as a *qādī* on the basis of data appearing in other Ḥaram documents. His full name (doc. 717 *verso*, dated 4 Shawwāl 788/29 October 1386) is Aqdā al-Qudāt Taqī al-Dīn Abū al-Hādī Abū Bakr b. al-Marḥūm al-Shaykh Burhān al-Dīn Abī Ishāq Ibrāhīm al-Baṣrawī al-Shāfi^{ci}, al-Ḥākim bil-Quds al-Sharīf wa-A^cmālihā. From the title "Aqdā al-Qudāt" we know that he was a deputy *qādī*,¹²) and the documents bearing his name show that he served in this position from Dhū al-Qa^cda 789 through Rajab 790/November 1387-July 1388 at least. The space in which his names appears in document no. 108 is called *bayt al-^calāma*—the space for the authorizing judge's motto-signature. In this space it is not unusual to find a clause characterizing the nature of the transaction heard by the judge, without further indications of judicial attention or action.¹³)

Page 269, paragraph 2 For "Ibrāhīm al-Dīn al-Nāṣirī" read "Burhān al-Dīn Ibrāhīm al-Nāṣirī."

Ḥaram 205

P. 270, line 5 For "al-muta^cāmala" read "mu^cāmala (?)." The English translation is correct.

Line 9 For “(...) min (al-ḥawā’ij)” read “ustujliya (?) min al-ḥujaj.” Accordingly, the English translation of lines 8-10 should read “Of this (amount) two hundred sixty-two dirhams appeared as the value of sales from the estate of the aforementioned Mūsā, according to the *makhzūma* containing the signatures of the witnesses, and the remainder emerged from the documents left by the aforementioned Mūsā.” As was often the case, Mūsā must have made loans recorded in documents, sometimes called *ḥujja*, sometimes *masṭūr*. These loans were collectible by the executor of the estate for the benefit of the heirs.

Line 10 For “bi-shaqīqihā” read “min shaqīqihā.” The English translation (p. 271) is correct.

Line 12 For “ilā muḍī qarārihā” read “li-mā maḍā min al-zamān” (the same phrase as appears in document no. 289, line 5). Accordingly, the translation (p. 271, lines 10-12) should read, “The aforementioned acknowledger acknowledged that she has continuously received from her aforementioned brother her share in the house... in the past and to the date of its (the document’s) date...”

Ḥaram 287

P. 273, line 11 For “al-ḥamd lillāh” read “al-ḥamd lillāh ta‘ālā.” The English translation (p. 275) is correct.

Line 12 For “Aḥmad?” read “Aḥmad al-Zura‘ī.” The translation (p. 275) should be changed accordingly.

P. 277, line 1 For “ṭā’i‘īn mukhtārīn” read “ṭā’i‘ayn mukhtārayn.”

Ḥaram 315, *recto*

P. 278, line 3 For “Yīrūwā” read “Bīruwwā”. The translation (p. 279) and note (p. 280, line 3) should be changed accordingly. From Ibn Ḥajar al-‘Asqalānī we learn that Bīruwwa b. Ḥāmid b. Ḥusayn al-Muqri’ was a scholar, specialized in recitations and *fiqh*, who earned his living from commerce. “After 770/1368-69 he moved [from Aleppo] to Jerusalem, where he lived until his death. It is said that his name was Ḥusayn, and Bīruwwa was a *laqab*.”¹⁴ The *zāwiya* in question (p. 280, note 3) is called al-Zāwiya al-Muḥammadiyya by Mujīr al-Dīn al-‘Ulaymī. It was endowed by Muḥammad Bak Zakariyyā in 751/1350.¹⁵

Verso

P. 283, line 3 For “Abū (...)” read “Abū al-Mawāhib.” The English translation (same page) should be changed accordingly. This is the man appointed Hanafī judge of Jerusalem by Sultan Barqūq in 784/1382-83; he died in 801/1398.¹⁶

Line 10 For “tis‘ūn” read “tis‘īn.”

In summary it should be said that the main thrust of the article and most of the details remain unchanged. The main modification imposed by the emendations is the suspension of all references to *awqāf* as a source of maintenance for orphans and widows. While evidence may yet emerge from the Ḥaram documents that *awqāf* were used for such a purpose in late fourteenth century Jerusalem, the *iqrārs* in question do not provide it. Instead, these documents set forth measures taken by husbands, under Islamic law, to provide maintenance for their wives and children in the event of divorce or death. The weight of evidence indicates that this maintenance came from the husbands’ own resources rather than from charitable institutions.

- 1) By Huda Lutfi, in *Journal of the Economic and Social History of the Orient*, XXVI (1983), 246-94.
- 2) By Donald P. Little, *A Catalogue of the Islamic Documents from al-Haram aš-Šarīf in Jerusalem*, "Beiruter Texte und Studien", Band 29 (Beirut: Orient-Institut der DMG, forthcoming).
- 3) By Huda Lutfi, *A Study of al-Quds (Jerusalem) during the Late Fourteenth Century Based Primarily on the Haram Estate Inventories and Related Documents*, McGill University, 1983.
- 4) Lutfi, "A Documentary Source for the Study of Material Life: A Specimen of the Haram Estate Inventories from al-Quds in 1393 A.D.", *Zeitschrift der Deutschen Morgenländischen Gesellschaft*, forthcoming. Ulrich Haarmann, "The Library of a Fourteenth Century Jerusalem Scholar", *Der Islam*, LXI (1984), 327-333. Little, "The Significance of the Haram Documents for the Study of Medieval Islamic History", *Der Islam*, LVII (1980), 189-219 (unauthorized Arabic translation, "Wathā'iq al-Haram al-Qudsī al-Jadīda", *al-Thaqāfa al-Ālamīyya*, I (1982), 7-28); "Six Purchase Deeds for Slaves from al-Haram al-Sharīf", ZDMG, CXXXI (1981), 297-337; "Two Fourteenth Century Court Records from Jerusalem Concerning the Disposition of Slaves by Minors", *Arabica*, XXIX (1982), 16-49; "Relations between Palestine and Egypt under the Mamlūks according to Literary and Documentary Sources", in *Relations between Egypt and Palestine*, ed. Amon Cohen, forthcoming; "The Haram Documents as Sources for the Arts and Architecture of the Mamlūk Period", *Muqarnas*, II (1984), 61-72; "Data from the Haram Documents on Rugs in Late Fourteenth Century Jerusalem", *Carpets of the Mediterranean Countries, 1450-1500*, forthcoming; "Haram Documents related to the Jews of Late Fourteenth Century Jerusalem", *Journal of Semitic Studies*, forthcoming.
- 5) "Amīn al-Ḥukm" is wrongly defined on p. 265, line 5, of "Iqrār" as "an administrative religious position in the administration of the *waqf* run by the Muslim judiciary." The reference to Popper is erroneous. The term is correctly defined by Cl. Cahen in "Amīn", E1-2, I, 437. Cf. Emile Tyan, *Histoire de l'organisation judiciaire en pays d'islam*, I (Paris: Librairie du Recueil Sirey, 1938), 384. In the Mamlūk period the Amīn al-Ḥukm was a judicial officer, under the jurisdiction of a *qādī*, responsible for the welfare of minor orphans. A full study of his competence and functions has yet to be made.
- 6) One-eighth is the portion of a wife in the presence of descendants. N. J. Coulson, *Succession in the Muslim Family* (Cambridge: The University Press, 1971), p. 41.
- 7) For *ḥikr* see G. Baer, "Ḥikr", E1-2, Supplement 5-6, pp. 369-70.
- 8) See Guy Le Strange, *Palestine under the Moslems*, reprint (Beirut: Khayats, 1965), pp. 508-9.
- 9) Nos. 115, 118, and 183. In document 118, an *iqrār* dated 790, his name appears as "al-Faqīr ilā Allāh ta'ālā Shams al-Dīn Muḥammad b. al-Marḥūm Shihāb al-Dīn Aḥmad b. Muḥammad al-Ḥusbānī al-Shāfi'i, Amīn al-Ḥukm al-ʿAziz bil-Quds al-Sharīf."
- 10) Le Strange, *Palestine*, p. 456.
- 11) "Iqrār", p. 289.
- 12) Shams al-Dīn Muḥammad al-Asyūṭī, *Jawāhir al-ʿUqūd wa-Muʿīn al-Qudāt wal-Muwāqqiʿīn wal-Shuhūd*, II (Cairo: Maṭbaʿat al-Sunna al-Muḥammadiyya, 1955), 594.
- 13) *Ibid.*, pp. 369-77.
- 14) *Al-Durar al-Kāmina fī Aʿyān al-Mi'a al-Thāmina*, II (Cairo: Dār al-Kutub al-Ḥadītha, 1966), 47-48.
- 15) *Al-Uns al-Jalīl bi-Ta'rīkh al-Quds wal-Khalīl*, II (ʿAmmān: Maktab al-Muḥtasib, 1973), 44.
- 17) *Ibid.*, p. 219.

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