

ISLAMIC HISTORY
AND CIVILIZATION

STUDIES AND TEXTS

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COMMERCE, CULTURE,
AND COMMUNITY
IN A RED SEA PORT IN
THE THIRTEENTH CENTURY

The Arabic Documents from Quseir

BY

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LEIDEN · BOSTON
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verso

١. [] وحانوتين في السوق المشـ <يد؟>
 ٢. وغيره بالساحل المذكور وحلف قسـ <ما> []
 ٣. ذلك لمحضرته الشهود المعدلين الورق []
 ٤. اجره بمبلغ من الورق الـ []

٣. ذلك = ذلك. محصرت = محضرة. ٤. اجره.

Translation

recto

1. [.] Abū al-Riḍā ibn Ṭāhir ibn Sayyidihim [.]
2. [.] in the presence of the *qāḍī*, the jurist Zayn al-Dīn, the municipal judge,
3. [.] of the aforesaid port, by means of transfer from the most notable *qāḍī* and jurist
4. [.] the ‘*ulamā*’, the municipal judge [.]] .

verso

1. [.] and the two stores at the roofed (?) marketplace [.]
2. and others at the aforesaid port. He swore that [.] .
3. Hereby is the court report [signed by] the legal witnesses [.] .
4. His fees [will be paid] in sum, in *warāq* silver coins [.] .

Commentary

recto

2. The unpointed word ‘*inda*’ could be ‘*abd*’, “the servant of. . . .” The identity of this *qāḍī* and *faqīh* Zay al-Dīn needs further verification.
4. The rarely seen *al-‘ulamā*’ is intriguing in the present context, insofar as the involvement of the ‘*ulamā*’ in this mercantile dispute is evident.

verso

1. *Al-musha[yyad]*, literally “built, constructed”; the reading could be *al-mash[hūr]*, “famous,” or *al-mush[ār ilayhi]*, “aforesaid,” and the like.
2. “The aforesaid port” should refer to the same “port” mentioned in line 3, recto.
4. For the *warāq* “black” silver coin, see chapter 2.

TEXT NO. 71: A LEGAL ACKNOWLEDGMENT WITH WITNESS CLAUSES

RN 1079

Description: Yellow paper scroll, torn at the upper left side, 8.3 × 24.5 cm, recto twenty-eight lines, black ink, verso blank.

Introduction: This is a so-called *iqrār*, or “formal acknowledgments.” According to Little’s description of the same type of documents found in the Ḥaram al-Sharīf: “The text of an *iqrār* always begins with the word *aqarra/aqarrat*; . . . The name of the *muqirr* follows, complete with two *nasabs* and distinguishing *laqabs*, *nisbas*, and *shuras*. At this point a statement is made in a stereotyped phrase to the effect that the *muqirr* is qualified to make an *iqrār*, that is to say that he is sound of mind and body and legally competent: ‘fī ṣiḥḥa minhu wa-salāma wa-jawāz amr,’ or a variant thereof. Then the main body of the acknowledgment appears, in which it is stated that the *muqirr* received such-and-such an amount from the *muqarr lahu* or that the former owes the latter a certain amount, and so forth. The text closes with the date on which the document was written, and the witnessing clauses of the witnesses appear at the end. Such is the form of a simple, non-judicial *iqrār*, . . . an acknowledgment that is not accompanied by ancillary documents and that was not signed or certified by a judge” (*CHSH*, 60, 188–89; the quote is from 189). Although the main content of the document, which touches upon the selling of rice and flour, has yet to be fully deciphered, several elements make it clear that it fits the above description; among these are: the beginning clause introduced by the *aqarra* (line 2), the “stereotyped phrase” for the qualification of the *muqirr*, or “declarant” (line 3), the mention of *al-muqarra lahu*, or “the beneficiary” of the document (line 14), and the witness clauses (lines 16–26). The only difference is that a variant of the “stereotyped phrase” for the qualification of the *muqirr* is reiterated, in line 15, after the main body of the acknowledgment

(lines 5-14). A total of nine witness clauses are to be found. Appearing in two columns, the statements are written in various hands, apparently either by the witnesses themselves, or by others who wrote on their behalf. To facilitate comprehension, in the translation below each witness clause is separated from the others by quotation marks.

Text

recto

١. بسم الله الرحمن الرحيم <
٢. اقر الاستاذ ماهر
٣. يكتب عليهم في صحته
٤. <منه وسلامه وجواز أمره>
٥. المعظم ذكره شهور اربع
٦. لى غله و عليه سلم و
٧. الباقي الدقيق الى
٨. لى بيعه
٩.
١٠. عليه مني ما طالب
١١. للدكان او نهارا صباحا
١٢. باول الله سبحانه
١٣. والحاكم وهو الرز المذكور
١٤. وهو المقر له لذلك ببيع
١٥. واقر على نفسه طوعا في السلم وشهد على هذا
١٦. شهدت بذلك كتب والزيان موسى وحجاج شهد
١٧. شهدت وكتب بذلك وكتب عنه بامرہ وبحقه
١٨. في تاريخه في تاريخه
١٩. شهد بذلك كرام شهدت بذلك
٢٠. بن سعد وكتب عنه وكتب قاسم بن خدمه
٢١. بامرہ وبحقه في تاريخه في تاريخه
٢٢. شهدت بذلك شهد بذلك ويل
٢٣. وكتب حسن بن ابى الحسن بن محمود وكتب

٢٤. شهدت بذلك عنه بامرہ وبحقه
٢٥. في تاريخه
٢٦. وكتب ابو الكرم بن شهد بذلك ساور
٢٧. يوسف في تاريخه بن حيله وكتب عنه
٢٨. بامرہ وبحقه >

٦. عله. ١٦. الريان. حجاج. ٢٧. حيله.

Translation

1. In the name of God, the Merciful, the Compassionate.
2. Master Māhir [...] acknowledges [the following]
3. in writing. [This is done while] he is sound of body
4. [and mind, and legally competent.]
5. [...] whose mention is to be glorified, for four months
6. [he has provided?] me with grains, and upon him be peace!
7. [...] the remaining flour to [...].
8. [...] sell it on my behalf [...].
9. [...].
10. [...] upon him from me whatever he has demanded
11. [...] the store, day and night
12. [...] gradually [...], God is praised!
13. The judge [...] regarding] the rice in question.
14. This is the beneficiary of this document, by the authority of which he would sell [...].
15. And he is issuing the acknowledgment on his own, voluntarily, and sound [of body and mind]. To serve as witnesses to that [are]:
16. "I witness that in writing." "The customers Mūsā and Ḥajjāj witness
17. "I witness that in writing, and write it at his order and in his right,
18. on the document's date." on the document's date."
19. "Karām ibn Sa'd "I witness that, and
20. witnesses that and writes, Qāsim ibn Khadamīhi writes,
21. at his order and in his right, on the document's date."

22. "I witness that, and
23. Ḥasan ibn Abū al-Ḥasan
writes."
24. "I witness that, and
25.
26. Abū al-Karam ibn Yūsuf
27. writes, on the document's
date."
28.
- "Wā'il ibn Maḥmūd witnesses that
and writes
at his order and in his right,
on the document's date."
"Sāwir ibn Ḥīla witnesses that
and writes,
at his order and in his right."

Commentary

16. *Shahidtu dhālika wa-kutiba* (or *kataba?*), literally "I witnessed that and it (i.e., my testimony) was written down." This implies that perhaps the testimony was not necessarily written down by the witness himself; cf. lines 19–21 (left column), "I witness that and *Qāsim ibn Khadamihi* writes it down . . ."; lines 22–23 (right column), "I witnessed that and *Ḥasan ibn Abī al-Ḥasan* writes it down"; and lines 24–27 (right column), "I witness that and *Abū al-Karam* writes it down. . . ." For the *shahādāt*, or "testimony clauses," in medieval Arabic legal documents in general, see *CHSH*, 248–59; for the *ish-hādāt*, or "attestation clauses," associated with the *iqrār* documents, see *CHSH*, 224–42; *MS*, 1: 250–51; *Wakin*, 44–45, 55, 66–67, 92–93.
17. *Wa-kataba 'anhu*, literally "he wrote about it," that is, the witness wrote the testimony himself. Similar pattern is found in lines 19–21 (right column), lines 22–25 (left column), and lines 26–28 (left column).

TEXT NO. 72: NOTE CONTAINING INSTRUCTIONS OF LEGAL PROCEDURES

RN 1017b

Description: Thick brown paper, 8 × 2.5 cm, recto two lines in black ink, verso blank.

Text

recto

١. وعلى حامل كتاب يوقف القاضى عليه ويختمه
٢. وسلمه لصاحب الرهن بيدك

Translation

- [A]nd the carrier of the letter ought see to that the judge looks at it and seals it off with a stamp.
- And [then] deliver it, by hand, to the person who owes the *rahn*-security deposit.

Commentary

- The reference to "it," in *'alayhi* and *yakhṭimuhu*, is unclear due to the incompleteness of the text. It is likely referring to the "letter" in question, which in turn must have to do with *al-rahn*, "pledged *commenda* property as security for a debt," or "safe deposit," mentioned in the text.

Official and Semi-Official Correspondence

TEXT NO. 73: PETITION TO A HIGH-RANKING OFFICIAL

RN 1049

Description: Light brown paper, soiled, with profuse worm-eaten holes, 7.7 × 7.3 cm, recto five lines, verso six faded illegible lines, black ink.

Introduction: The fragment bears the beginning of a petition addressed to an apparently high-ranking official, a certain Rashīd al-Dīn whose honorific titles occupy all of the four extant lines. The *tarjama* of the author of the petition, of which only the title *al-mamlūk* has survived, is written in the right margin.