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# Contents

ROMAN SŁAWIŃSKI, Social Functions of Contemporary Confucianism; A Comparative Analysis of Philosophical Concepts in Taiwan, Hong Kong and the Mainland China .....	7
MAGDALENA CZECHOŃSKA, Body Linguistic “visibility” and “retrieved bodies” of the 20 <sup>th</sup> and 21 <sup>st</sup> Century in Chinese Women’s Literature and Art .....	21
IZABELLA ŁABĘDZKA, “Taiwanese Trilogy” of Cloud Gate Dance Theatre of Taiwan: in Search of Taiwanese Identity .....	33
BOGDAN ZEMANEK, War on the Empire’s Periphery: Asymmetric Conflict in South-West China .....	57
KARIN TOMALA, China: Neuer Machtfaktor in der Welt. Innenpolitische und außenpolitische Implikationen .....	71
TERUJI SUZUKI, Some Characteristics of Corporate Culture and Governance in Japan .....	89
BEATA KOWALCZYK, ‘Travelling’ between <i>Sakaribas</i> in Contemporary Tokyo .....	107
MICHAŁ MOCH, Memories and Identities of the Lebanese Maronites: The Interdisciplinary Research .....	119
BILAL GÖKKIR, The Role of State Policies in Modern Qur’anic Exegesis in Turkey: Case of Elmalılı Muhammed Hamdi Yazır (1878–1942) and His Exegesis .....	133
AGNIESZKA AYŞENKAİM, <i>Sema</i> Ceremony – between Ritual and Performance .....	147
HAIFA ALANGARI, British Policy Towards King Hussein of Hijaz after the Arab Revolt .....	157
DOROTA RUDNICKA-KASSEM, The H̄aram Collection and It’s Importance for Studying the History of Jerusalem during the Mamlūk’s Days. <i>H̄aram 102: Study of the Document</i> .....	169
Notes on Contributors .....	183



DOROTA RUDNICKA-KASSEM

## The Ḥaram Collection and It's Importance for Studying the History of Jerusalem during the Mamlūk's Days.

### *Ḥaram 102: Study of the Document*

#### Abstract

In an article published in December 1978 by two young scholars, Amal A. Abul-Hajj (Palestinian) and Linda L. Northrup (American) there was announced an archeological discovery of great importance for the study of medieval Islamic history. On August 19, 1974 there had been found in the Islamic Museum in Jerusalem, a group of 354 complete documents and many other small fragments. The photographs of the documents are kept at the Museum and the McGill Institute of Islamic Studies. Up until today a number of articles and books on the Ḥaram documents have been published. The Ḥaram collection consists of 883 separately cataloged documents, majority of which come fourteenth (Christian) century and relates to transactions or records of events from Jerusalem under the Burji Mamlūks. The article exposes an overview of the collection with an emphasis on the various types of documents and the issue of the Ḥaram documents' significance for studies on Islamic diplomatic, Islamic law and the history of Jerusalem under the Mamlūks. The special focus is on the detailed analysis of one document, i.e., the *Ḥaram 102* which together with presented comparison of the documents discussed by Huda Lutfi in her article "A Study of the Fourteenth Century *Iqrārs* from al-Quds Relating to Muslim Women" gives a unique opportunity to acquire some knowledge about the common life of the medieval Muslim woman.

#### **The Ḥaram documents: an overview of the collection**

As it was reported in 1978 by Linda L. Northrup and Amal A. Abul-Hajj in their article, there had been found (a few years earlier) in the Islamic Museum located in the precincts of the Dome of the Rock in Jerusalem a group of documents dating from the thirteen to the fifteen centuries estimated to contain "approximately 354 complete documents as well as many other small fragments".<sup>1</sup> Apart from giving some important details about the collection as a whole, the authors also presented the summary description of fifty sample documents. These fifty documents include examples ranging from royal Mamlūk decrees to deeds for the sale of land in Jerusalem under Mamlūk regime. In their article Linda L. Northrup and Amal A. Abul-Hajj also added that "the existence of still other documents has become known", and pointed out that what had

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<sup>1</sup> Linda L. Northrup and Amal A. Abul-Hajj, "A Collection of Medieval Arabic Documents in the Islamic Museum at the Ḥaram al-Sharīf", *Arabica*, Vol. XXV, 1978, p. 283.

been found was one from the largest and potentially “most important caches of medieval Islamic documents as far discovered”.<sup>2</sup>

As for the story of the discovery of the Ḥaram documents, it began in September 1973 with the appointment of Amal A. Abul-Hajj as assistant director of the Islamic Museum in Jerusalem. While exploring the Museum’s collection, her attention focused on the locked drawers which, according to the official statements, contained rather “unimportant pieces of papers”. However, Amal A. Abul-Hajj insisted on inspecting the content of these drawers and finally she succeeded. On August 19, 1974, in the presence of high officials of the Jerusalem Council of Awqāf, who were visiting the museum to check on repairs in progress, some drawers and cupboards were unlocked. In one of the cupboards Amal A. Abul-Hajj found 354 documents already mentioned. She was alone “at her excitement at the discovery of what were obviously medieval Islamic documents”. Therefore, she attempted to evoke interest of both the scholars and officials. Unfortunately, her efforts were fruitless and, as Donald P. Little underlined in his article, “it was not until she persuaded Linda Northrup, a young Mamlūk scholar who was passing through Jerusalem from a year’s study in Cairo, to help her examine the documents that work began in earnest”.<sup>3</sup>

Abul-Hajj and Northrup began their hard work. They were able to decipher fifty of the documents before Northrup had to return to the McGill Institute of Islamic Studies in Montreal in the summer of 1975. When Professor Donald P. Little, who was at that time Northrup’s Ph. D. thesis supervisor, saw the results of Abul-Hajj’s and Northrup’s work he became guardedly interested in the documents. Furthermore, he spared no effort to encourage his student to pursue her endeavors of working with the documents. In 1976, a larger group of papers had been discovered at the Museum in Jerusalem. Finally, a year and half later, it became known that Abul-Hajj would have to resign her post at the Islamic Museum because of her approaching marriage to an official in the American Consular Corps and that the disposition of the documents would be in doubt after her departure.

At that point, Little decided that an effort should be made to have the documents photographed, so as to insure their preservation. His plan was to arrange a considerable financial backing needed to send a team of three, namely Donald P. Little, Linda Northrup and the photographer Martin Lyons, to Jerusalem. So, eventually the financial assistance was provided with remarkable imagination, generosity, and speed by the Institute of Islamic Studies and the Graduate Faculty of McGill University,<sup>4</sup> and the team was ready to pursue the task.

The things in Jerusalem were working well and within the period of two weeks a permission to photograph the collection was granted by the responsible authorities and the result of the research team’s work, namely the photographs of the documents are kept at the Museum and the McGill Institute of Islamic Studies. Some time later Little wrote an

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<sup>2</sup> Ibid., p. 284.

<sup>3</sup> See: D. P. Little, “The Significance of the Ḥaram Documents for the Study of Medieval Islamic History”, *Der Islam*, Vol. 57, 1980, p. 189–219.

<sup>4</sup> Charles J. Adams, Director Islamic Studies; Walter F. Hitaschfeld, Dean and Vice Principal, Faculty of Graduate Studies and Research.

important article, in which he gave the preliminary report-survey on the entire collection as a supplement to the first report given by Northrup and Abul-Hajj. In addition, the scholar drew tentative conclusions regarding the nature and significance of the Ḥaram documents. Here are the main points of Little's findings.<sup>5</sup>

The Ḥaram collection consists of 883 separately cataloged documents, and, it is worth noting that almost all of them are complete and intact. Majority of these papers contain only a single document which is written on one side of the sheet; sometimes the text is continued, or a brief note is written, on the back. However, as Little underlines, in the collection one may notice a substantial number of papers containing more than one document. In fact, the papers may include from two to even nine interrelated documents. While taking into consideration this fact, one may say that the total number of documents in the collection is well over one thousand. It is also important to note that almost all of documents which bear dates (approximately 80%) come from the eight Islamic, fourteenth Christian century.

Furthermore, with only a few exceptions all of the Arabic documents are related to transactions or records of events which took place in Jerusalem under the administration of the Burjī Mamlūks.<sup>6</sup>

As Little points out, in order to give the idea of the nature of the documents from the collection and characterize the type of information which can be extracted from them, one could divide them into certain types. In addition, he proposes that they could be classified in several ways. The suggested categorization looks as follows: (1) in terms of the source of issue that we would have deal with the royal documents, issued by the sultan or officers of state; judicial documents, issued by a *qāḍī*; notarial documents, by notaries; and private documents, or petitions submitted by private citizens, and (2) according to subject matter, such as real estate transactions, questions of civil status, legacies, power of attorney, homicide, assault and battery, etc.

However, as underlined by the scholar the Ḥaram collection could be presented according to the form of the documents, and, in such a case one should "study Ḥaram documents in their own right".<sup>7</sup>

While taking into primarily consideration the form of the documents, one may divide the Ḥaram documents into several types.

The most important are the decrees, namely (1) the royal Mamlūk decrees (about 55) issued to the monks of St. Catherine's signed by the sultans from the Burjī period (about 10),<sup>8</sup> (2) the decrees issued by *amīrs* or officials from Mamlūk bureaucracy; all of them

<sup>5</sup> See: Little, "The Significance of the Ḥaram Documents...", p. 189–219.

<sup>6</sup> Ibid., p. 195.

<sup>7</sup> Ibid., p. 197.

<sup>8</sup> The Mamlūks (1250–1517) were a local Muslim dynasty of slave origin that ruled in Egypt and Syria. They successfully challenged the Mongol threat. As defenders of Islamic orthodoxy, the Mamlūks sponsored numerous religious buildings, including mosques, madrasas and khānqāhs. The Bahrī dynasty (Bahriyya Mamlūks) was of Kipchak Turkish origin and ruled Egypt from 1250 to 1382. Their name means "of the sea," referring to the location of their original residence on Al-Rodah Island in the Nile in Cairo at the castle of Al-Rodah. They were succeeded by the Burjī dynasty (Burjī Mamlūks) that ruled Egypt from 1382 until 1517. Their name means "of the tower", referring to them ruling from the Citadel east of Cairo. During their times the political power-plays often

are the letters of appointment to the religious services and they usually specify the salary for these services and (3) the decrees written at the bottom or the side or on the back of petitions.

There is a small but significant number of documents written in the form of petitions. However, as Little says, they “are actually reports” and range from a report to an official in Jerusalem by an official in Gaza on the movements of the sultan in Egypt to “what seem to be reports on the price of crops submitted by agents to their employers”.<sup>9</sup>

In the Ḥaram collection there is a large group of 378 documents called “dead inventories”.<sup>10</sup> It consists of (1) the 333 documents containing in the first line of the text the clause “*haṣala l-wuqūf ‘alā*,” which means in the context that the objects listed in the document were seen or viewed by the witnesses who signed it;<sup>11</sup> (2) the thirty-four documents which contain the phrase “*waqaḡa ‘alā*” instead of “*haṣala l-wuqūf ‘alā*,” both of which mean the same thing; and (3) eleven documents which begin with the phrase “*ḡubiṭat ḡawā’ij fulān* (the possessions of Fulan were recorded).” According to Little the dead inventories constitute a valuable source of information with regard to social and economic history. However, they “are the dullest to work with” because they consist largely of carelessly written lists of clothing and household articles.<sup>12</sup>

Within the Ḥaram collection one may also find another large and diversified group of documents which can be loosely classified as accounts. These 124 documents are easily recognizable by their format, which is called *daftar* in the Ottoman archives.<sup>13</sup> All these documents are written on a standard-sized sheet of paper (approximately 19 by 28 cms.), folded vertically in the middle, so as to form a folio which could be sewed into account book (*daftar*).<sup>14</sup>

The largest category of documents from the Ḥaram collection after the dead inventories consists of ninety-four *iqrār*s<sup>15</sup> which cover almost the whole of the eighth century, from 705 to 799 with more than half from the year 795 (forty-eight) and 796 (seventeen). One should mention here that the *iqrār* is known from books of jurisprudence and from papyri specimens.<sup>16</sup>

As mentioned by Little, in the Ḥaram collection there are ten documents which have a slightly different form from the *iqrār* but which seem to have much the same purpose. These documents begin with the word *yaqūl/taqūl* rather than *iqarra/iqarrat*, which means he or she says or declares rather than he or she acknowledges. Therefore, these documents might be called declarations.

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became important in designating a new sultan. See: D. P. Little, *History and Historiography of the Mamluks*, London: Variorum Reprints, 1986.

<sup>9</sup> The petitions and reports are among the most difficult documents to decipher.

<sup>10</sup> Professor Little says: “Because the Arabic phrase (“*haṣala l-wuqūf ‘alā*”) is awkward to handle as a title and because the objects listed in the documents belonged to a dead or dying person, I have decided to call this genre dead inventories, even though this term does not give a full notion of their content.” See: D. P. Little, “The Significance of the Ḥaram Documents...”, p. 203.

<sup>11</sup> Nothing is known about them, prior to the Ottoman period. They are mentioned in neither the chancery nor the *shurūṭ* manuals.

<sup>12</sup> See: D. P. Little, “The Significance of the Ḥaram Documents...”, p. 203.

<sup>13</sup> *Ibid.*, p. 205.

<sup>14</sup> *Ibidem*.

There is also in the collection a group of documents which are similar to the *iqrārs* in both form and content. They begin with the formula “*ashhada 'alayhi fulān*” or “*hadara ilā shuhūdihi wa-ashhada 'alā...*”, both of which mean that a person appeared before legal witnesses (*shuhūd*) whom he called upon to witness a deposition which he made in the document.

As for the next two types of documents in the Ḥaram collection, they include (1) deeds of purchase and (2) leases which are closely related in terms of both content and form. It is worth noting that these kinds of documents are also known from earlier examples, i.e., from papyri and parchment specimens.<sup>17</sup>

In the Ḥaram collection there are also documents referring to the personal affairs of an individual or individuals, such as (1) nine marriage contracts (*'aqd nikāh*), dated 770–795; (2) four *wakalās*, dated 743–781, by which an individual assigned his power of attorney to another for certain transactions and (3) twelve *waṣīyyas*, testamentary bequeath, dated 764–795.

With regard to the other types of documents, the collection includes (1) four documents containing an *istiftā'* and *futuyā*, that is so to say a request for a legal opinion in a given case, such as the possibility of evading the stipulations of a *waqf*, along with the response of a person entitled to give such an opinion – a *mufṭī*; all four documents are standard in form, short, and right to the point; and (2) sixteen documents classified as miscellaneous.<sup>18</sup>

It is worth noting that apart from documents in Arabic there are also in the Ḥaram collection twenty-seven documents in Persian. According to Little the Persian documents are important for a few reasons. First, they are similar in form to certain of the Arabic types, such as bills of sale, *iqrārs* and decrees. Second, some Arabic legal terminology seems to have been translated into Persian equivalents. Finally, parts of the Persian documents are written in Arabic, most notably the headings, which designate the content of some of the documents, and the dates, which invariably occur at the end.

Why is the discovery in the Islamic Museum located in the precincts of the Dome of the Rock in Jerusalem that important? What are the benefits from studying these documents?

Studies on the Ḥaram documents, as underlined by Little in his article “The Significance of the Ḥaram Documents for the Study of Medieval Islamic History”, would prove beneficial especially for the three fields, namely Islamic diplomatic, Islamic law and the history of Jerusalem under the Mamlūks.

With regard to Islamic diplomatic, the Ḥaram collection may enrich the known history of the Mamlūk period and together with the Sinai and Franciscan collections, and European archives would provide the largest and most varied set of Islamic documents for any medieval state before the Ottomans. In addition, taking into account the fact that contemporary available literary sources for the study of such documents are rich, one may agree with Little that:

<sup>15</sup> *Iqrār* – it is an acknowledgement recorded in writing and witnessed by competent witnesses, which is thus legally binding on the person who makes the acknowledgement.

<sup>16</sup> D. P. Little, “The Significance of the Ḥaram Documents...”, p. 208.

<sup>17</sup> *Ibid.*, p. 211.

<sup>18</sup> *Ibid.*, p. 214.

Given the rudimentary state of prior research it is no exaggeration to say that these new materials make it possible to advance our knowledge of this branch of historiography to a higher level. This is true both for those types of documents about which we already have some knowledge, such as petitions and decrees, and even more so for those specimens in the Ḥaram about which we know little or nothing.<sup>19</sup>

The importance of the discussed collection for the studies related to Islamic diplomatic also lies in the fact that their analysis, would allow comparisons with similar documents from earlier periods, for example those from the papyri collection and those from the later period, mainly the Ottoman. All in all, such studies would definitely shed more light on the history of the development of Muslim diplomatic and thus contribute to the increasing awareness within the field.

As for the Islamic law, the analysis of the Ḥaram collection would prove beneficial because the documents contain a wealth of information on the duties and practices of judges, notaries and legal witnesses. All this may increase our knowledge of the operation of Muslim judicial institutions.<sup>20</sup> Furthermore, as Little states:

Formerly dependent for such information on chronicles and biographical dictionaries, *fiqh*, and chancery manuals, and *adab* books, we can now correlate these literary works with documentary evidence of how these officials functioned in fourteenth century Jerusalem.<sup>21</sup>

Finally, the last main field for which the studies of the Ḥaram collection would prove particularly important is the history of Jerusalem under the Mamlūks.<sup>22</sup> As Little pointed out, because the city was not central to Mamlūk concerns, the period of Palestinian history between the Crusades and the Ottoman occupation seems to be rather dim. The references to Jerusalem in Mamlūk chronicles are few and they mostly relate to religious matters. It is worth noting that the most important history of Mamlūk Jerusalem is the *Kitāb al-Uns al-Jalīl bi-Ta'rīkh al-Quds wal-Khalīl* by Mujīr al-Dīn al-'Ulaymī al-Ḥanbalī (died in 928). This two-volume work contains an outline of the reigns of the Mamlūk viceroys in Jerusalem, short biographies of the '*ulamā'* who lived there and valuable information concerning public building. As Little points out, the work "furnishes only a skeleton for the history of Jerusalem".<sup>23</sup> It could be filled and completed step by step with the results of the thorough analysis of the Ḥaram collection.

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<sup>19</sup> Ibid., p. 216.

<sup>20</sup> See: D. P. Little, "Two Fourteenth-Century Court Records from Jerusalem Concerning the Disposition of Slaves by Minors," *Arabica*, Vol. XXIX, 1982, p. 16–49; "The Judicial Documents from al-Ḥaram al Sharīf as Sources for the History of Palestine Under the Mamlūks," *The Third International Conference on Bilād al-Shām: Palestine (19–24 April, 1980)*, Vol. I Jerusalem, University of Jordan-Yarmouk University, 1983, p.117–125; idem., "Ḥaram Documents Related to the Jews of the Late Fourteenth-Century," *Journal of Semitic Studies*, Vol. XXX, 1985, p. 227–269.

<sup>21</sup> D. P. Little, "The Significance of the Ḥaram Documents...", p. 217.

<sup>22</sup> For example the history of art and architecture; see: D. P. Little, "The Ḥaram Documents as Sources for the Arts and Architecture of the Mamlūk Period," *Muqarnas*, Vol. II, 1984, p. 62–71.

<sup>23</sup> D. P. Little, "The Significance of the Ḥaram Documents...", p. 218.

One may say that the book by Huda Lutfi, *Al-Quds al-Mamlūkiyya: A History of Mamlūk Jerusalem Based on the Ḥaram Documents*<sup>24</sup> is a valuable attempt at undertaking this important task.

There is no doubt that the Ḥaram documents are important for study of Islamic institutions, both specific one, such as the Khānqāh, Madrasa, and Māristān known as al-Ṣalāhiyya (there is about twenty documents about it), as well as institutions such as endowments in general (there are dozens documents about it).<sup>25</sup> However, it is also worth noting that the Ḥaram collection gives a rare opportunity to study the lives of individuals. As Little mentions in his article “The Significance of the Ḥaram Documents for the Study of Medieval Islamic History”, there are for example about forty documents concerning the Ṣūfī and ‘*ālim* Burhān al-Dīn Ibrāhīm al-Nāṣirī and his family:

Including data on his means of livelihood, his salaries from various jobs his wife and his children, his house, even a list of his books and the prices that were paid for them after his death, as well as the allowance paid to his wife and surviving children. From these documents emerges a clear portrait of an enterprising, hard-working scholar-Ṣūfī who managed, apparently, to make a decent if undistinguished life for himself by his learning and piety.<sup>26</sup>

Furthermore, the studies on the Ḥaram documents give an extraordinary and unique opportunity to learn about life of the medieval common Muslim man and, and what is of great importance, the medieval Muslim woman. It is a fact, as Little underlines, that individual women “do not recur with the same frequency in the documents as men”.<sup>27</sup> However, from the available documents related to women, we are able to learn a great deal about their situation in general concerning a number of matters, such as their material status, their relationship to men and their legal rights and duties.

The following is my analysis of the document from the Ḥaram collection, namely the *Ḥaram 102*<sup>28</sup> concerning Fāṭima bint Fakhr al-Dīn. This analysis together with presented comparison of the documents analyzed and discussed by Huda Lutfi in her article “A Study of the Fourteenth Century *Iqrārs* from al-Quds Relating to Muslim Women”<sup>29</sup> may shed a better light on the related issues.

<sup>24</sup> H. Lutfi, *Al-Quds al-Mamlūkiyya : A History of Mamlūk Jerusalem Based on the Ḥaram Documents*<sup>24</sup>, Berlin: Klaus Schwarz Verlag, 1985.

<sup>25</sup> D. P. Little, “The Significance of the Ḥaram Documents...”, p. 219.

<sup>26</sup> *Ibid.*, p. 218.

<sup>27</sup> *Ibid.*, p. 219.

<sup>28</sup> In the 1980s while pursuing my Ph.D. program at The Institute of Islamic Studies at McGill University in Montreal, I passed a graduate Seminar “Arabic Historiography” with an A mark, conducted by Professor Donald P. Little (1985–1986 Fall Session). During this Seminar I learned a great deal about the Ḥaram collection.

<sup>29</sup> H. Lutfi, “A Study of the Fourteenth Century *Iqrārs* from al-Quds Relating to Muslim Women,” *Journal of the Economic and Social History of the Orient*, Vol. XXVI, 1983, p. 246–294.



**Haram 102: content**

- (1) بسم الله الرحمن الرحيم
- (2) أقرت المرأة الكامل فاطمة بنت فخر الدين عثمان المرحوم ناصر الدين محمد الحموي كان
- (3) إقرارا صحيحا شرعيا في صحة منها وسلامة وجواز أمر انها قبضت وتسلمت وصار إليها
- (4) من الصدر الاجل المحترم شمس الدين محمد بن المرحوم جمال الدين عبد الله بن شرف الدين يحيى الادريجي جابر
- (5) اوقاف المدرسة الصلاحية بالقدس الشريف والوصى على تركة المرحوم ناصر الدين الحموي زوج
- (6) القابضة كان من الدراهم الفضة الجيدة الوازنة معاملة الشام المحروس ثمانمائة درهم
- (7) وخمسة وثمانين درهما نصف ذلك اربعمائة درهم واثنان واربعين درهما ونصف درهم
- (8) قبضت ذلك فرض اولادها من ناصر الدين محمد المذكور وهم عمر وابو بكر وسلما وسارة وخادمهم
- (9) من حين وفات والدهم والى سلخ شهر تاريخه وهو شهر ربيع الاخرة من شهور سنة تاريخه
- (10) ذلك بمقتضى فروض مكتبة بيد نالوصي المذكور قبضت ذلك قبضا تاما وافيا بما في ذلك من
- (11) ثمن اعيان طعم زيت وملح وصابون ابتاعته من تركة زوجها المذكور وبه شهد عليما
- (12) في مستهل شهر ربيع الاخرة سنة تسع وثمانين وسبعمائة (?) وصدقها الدافع على ذلك التصديق الشرعي به (... بتاريخه
- (13) شهدت عليما بتاريخ  
كتبه  
على بن محمد بن حامد  
الحنفي
- شهدت عليهما بذلك  
كتبه  
جمال الدين عبد الرحمان

**Haram 102: translation****Haram 102 – Recto only**

Date: 1 Rabī ‘ II 789 (or 787)/ 21 April 1389 (or 1387)

- 1) In the name of God, the compassionate, the Merciful
- 2) She acknowledged – the adult woman Fāṭima the daughter of Fakhr al-Dīn ‘Uthmān, the wife of the late Nāṣir al-Dīn Muḥammad al-Ḥamawī, who is dead,
- 3) in a valid and legal iqrār manner, while she was in a state of sound body and mind and legally capable of conducting her affairs that she received and obtained possession
- 4) from the most Eminent and respected Chief Shams al-Dīn Muḥammad the son of the late Jamāl al-Dīn ‘Abd Allah the son of Sharaf al-Dīn Yahyā al-Adra ‘ī, the rent collector

- 5) of the *waqf* of the *madrasa al-Ṣalāḥiyya* in Jerusalem the Noble and the executor of the estate of the late Nāṣir al-Dīn Muḥammad al-Ḥamawī, the husband
- 6) of the recipient. Eight hundred and eighty was of full-weight good silver dirhams in current use in Damascus the Protected,
- 7) half of which is four hundred and forty two and half dirhams.
- 8) She received this lawful share allotted to her children from the mentioned Nāṣir al-Dīn Muḥammad, namely ‘Umar, Abū Bakr, Salmā, Sāra and their servant
- 9) from the time of the death of their father until the end of the month of its (document’s) date, i.e., the end of the month of Rabī ‘ the Second from months of the year of its document’s date,
- 10) This is in accordance with the lawful shares written by the hand of the executor mentioned above. She received this in its entirety and completely including
- 11) the price of food, oil, salt and soap which she bought from estate of her husband mentioned above. In regard to this they were borne witness to
- 12) on the first of the month of Rabī ‘ the Second of the year seven hundred eighty nine (or seven). The payer corroborated her in conformity with the law (...) on its (document’s) date.
- 13) It was witness to them in regard to this

It was witness to them on its (document’s) date

Written by  
‘Abd al-Raḥmān  
Al-Ḥanaḥī

Written by  
‘Alī Ibn Muḥammad  
Ibn Ḥāmid

### Notes to *Ḥaram 102* – Recto only

Line 1: This is commonly used formula of the *basmala* in arabic documents. In the chapter of legal acknowledgements Al-Asyūṭī states that all documents should begin with pietistic formulas of *al-basmala*, *al-ḥamdala* and *al-taṣliyya* for the Prophet and his family; see: Al-Asyūṭī, *Jawāhir*, I, 25. In spite of the difficult handwriting the *basmala* is the simplest to decipher in a document. Al-Asyūṭī describes in detail how this formula should be written; the notary should write each word separately, the writing of the *basmala* in the document should be similar to the writing of this formula in the Holy Book. For more details see: Al-Asyūṭī, *Jawāhir*, I, 14.

Line 2: The text begins with the verb *aqarrat* which expresses the written intention of the person initiating the legal obligation. In the *Ḥaram* documents *aqarra/aqarrat* is the standard with the exception of one document (no 53) is the word *i’ tarafa* is used. For the discussion of the *iqrār*’s (legal acknowledgement’s) form see: D.P. Little, *A Catalogue*, 189; Al-Asyūṭī, *Jawāhir*, I, 17–53. Following the verb expressing the intention (*al-niyya*) comes the identification clause (*al-tarjama*) which identifies the woman (*al-muqirra*) who makes the legal acknowledgement. Here the name of the woman is specified by the name of her husband. The identification clause is missing the name of grandfather. The name of the husband is followed by the verb *kāna* (he was) which refers to the fact that he is dead. For the identification clause see: Al-Asyūṭī, *Jawāhir*, I, 24.

Line 3: The line begins with the phrase *iqrāran shar 'iyyan* which is a standard in legal documents (see: Al-Asyūṭī, *Jawāhir*, I, 25) and refers to the fact that the woman is legally permitted to make such acknowledgement and that this has been testified by two qualified witnesses. The phrase *iqrāran shar 'iyyan* occurs in all six documents from *Haram* collection discussed by Hoda Lutfi in her article: "A Study of Six Fourteen Century *Iqrārs* from Al-Quds Relating to Muslim Woman". For the conditions required to make an *iqrār* see: Al-Asyūṭī, *Jawāhir*, I, 18; for the qualifications of witnesses and validity of document see: E. Tyan, *Le notariat*, 72–93. The following clause: *fī ṣiḥḥa minhā wa salāma wa jawāz 'amr* indicates the legal competence of the woman (see: Al-Asyūṭī, *Jawāhir*, I, 25). This clause is also standard in the legal acknowledgements. The rest of the line indicates that the woman (*al-muqirra*) received and obtained certain possession: *qabaḍat wa tasallamat wa ṣāra ilayhā*. This clause occurs in the following documents from the *Haram* collection: 108, 184, 205, 287 discussed by Lutfi in her article mentioned previously.

Line 4–5: These line specify the identification clause of the executor of the estate of the dead husband (*al-muqarr lahu*). The person identified by the name of his father and grandfather. The honorific titles *al-Ṣadr al-Ajall al-Muḥtaram* indicate that person is of little, if any distinction. Al-Asyūṭī gives a detailed discussion on the honorific titles. According to him the notary should give these titles based on his knowledge of the person and concerning the profession, activity, morality, etc. For more details see: Al-Asyūṭī, *Jawāhir*, I, 14–16, II, 582–599. The identification clause is completed by the explanation of the profession. *Jābī al-awqāf* refers to the office of the rent collector and accountant of the *waqf* (see: Al-Asyūṭī, *Jawāhir*, I, 337). *Waqf al-madrasa al-Ṣalāḥiyya* was instituted by Ṣalāḥ al-Dīn al-Ayyubī in 588 A.H. The building of the school-church was transformed by Ṣalāḥ al-Dīn into a *waqf* and Shāfi 'ī school. For more information about the location of *al-madrasa* and its activity until the twentieth century see: 'Ārif al-'Ārif, *al-Mufaṣṣal*, 179–160, 237–238.

Line 6: This line begins with the word *al-qābiḍa* (the recipient) which belongs to the previous clause.

Line 6–7: Here the payment clause is indicated. The phrase *al-darāhim al-fiḍḍa* refers to the currency used in the document. The added attributes *al-jayyīda al-wāzina* may indicate that the coins were carefully and precisely examined by the notary and he accepted the currency. According to Al-Asyūṭī the currency should be clearly specified; whether it is gold or silver, the weight of it, the thickness and the province in which it was in use, should be mentioned. For more details see: Al-Asyūṭī, *Jawāhir*, I, 25. The phrase *mu'āmalat al-shām* refers to the province (Damascus) in which the coin specified in our document was in use. In all the *Haram* documents almost without exception the currency of Damascus is mentioned. See: D. P. Little "Purchase Deeds for Slaves," p. 307–308.

Line 8: Here the object of the acknowledgement *al-muqarr bihi* is indicated, *farḍ al-awlādiḥā* (the lawful share allotted to her children). As Al-Asyūṭī points out in his *Kitāb al-nafaqāt* in the case of divorce or the death of the husband the child is protected by *farḍ al-walad*. According to the scholar this *farḍ* should secure all the necessities of the child, that is: flat, food, clothes, etc. For more details see Al-Asyūṭī, *Jawāhir*, II, 222. Usually the executor of the estate of the husband, requests from the

widow to make a legal acknowledgement in order to use it as a record that he paid her the fixed lawful share for keeping custody of the children. The names of the children are indicated.

Line 9–10: In the case of object of acknowledgement, it should be detailed in full and in a clear manner. The term of payment (*al-ajal*) is the very important element (see: Al-Asyūṭī, *Jawāhir*, I, 28). In our document the payment term is specified clearly, that is from the death of the husband until the end of the month of the document's date. Then it is indicated that the widow received the lawful shares (for her children), written by the hand of the executor of her husband in its entirety and completely: *qabaḍat dhālika farḍ tāmmān wāfiyan*. The phrase *tāmmān wāfiyan* is standard in the *Ḥaram* documents (see: *Ḥaram 184* and *205* in H. Lutfi article mentioned previously).

Line 11: This line contains the list of the things which the widow Fāṭima received for her children from the estate of her dead husband, that is: *thaman a 'yān ṭa 'am* price of the item of food which she bought, *zayt* (oil), *malaḥ* (salt) and *ṣābūn* (soap) and from his estate: which refers to the dead Nāṣir al-Dīn. The formula *bihi shuhida* refers to an important legal element in any written document, that is to the testimony of witnesses to the content of the document.

Line 12: Here the date of the document is mentioned. The dating formula contains: the day, month and year. In our document it is the first of Rabī ' the second 789 (or 787). For more details about the dating formula see: J. A. Wakin, *The Function of Documents*, 47–49. The clause *ṣaddaqaḥā (...) al-taṣḍīq al-shar'ī* refers to the fact that the executor of the estate of the dead husband authenticated what the widow acknowledged in legal manner, that is before two qualified witnesses and on the date of this document (*bi-ta'rīkhihi*). For more detail see: Al-Asyūṭī, *Jawāhir*, I, 28.

Line 13: The conclusion of the legal acknowledgement (*iqrār*) is followed by the deposition of the cause of the testimony (*rasm shahāda*). Here the witness testify not only what the widow Fāṭima bint Fakhr al-Dīn acknowledged but also to the fact that the executor of the estate of her dead husband authenticated what she acknowledged. In our document clauses of testimony are not identical. The first testimony from right to left is: *shahidtu 'alayhimā fī ta'rīkhihi*, the second one: *shahidtu 'alayhimā bi-dhālik*. The signatures of the witnesses are difficult to decipher. In spite of the fact that the *shurūḥ* scholars recommended the clear and good handwriting, from the study of this particular document and other Arabic documents (Arabic papyrus, other documents from the *Ḥaram* collection) we can see that the notaries did not follow this advice. Concerning the signature of witnesses the situation is even worse. In many cases the signature cannot be deciphered because of the cursiveness and carelessness of the script. In the case of our document the signature of the second witness (from right to left) is not deciphered completely. For details about the importance of clearly written signatures see: Al-Asyūṭī, *Jawāhir*, I, 28.

### Commentary on *Ḥaram 102* – Recto only

The document *Ḥaram 102* transcribed, translated and analyzed within this paper generally follows the rules of the wording of the legal acknowledgements stated by Al-Asyūṭī in the chapter “Kitāb al-iqrār” from his book *Jawāhir al-'uqūd wa mu'in al-quḍāt wa l'shuhūd*.

The analysis of each particular line indicates that the document contains all the necessary formulas and phrases. However, it should be pointed out that certain elements are not clearly enough specified and written. The identification clause of the woman Fāṭima (*al-muqirra*) is missing an important element, which is the name of her grandfather. The date of the document is not written clearly: the year can be deciphered as 889 or 887. Furthermore, the last words of line 12 as well as the signature of the second witness (from right to left) are difficult to decipher.

The study of our document (*Haram 102*) and its comparison with two others (*Haram 184*, 287) discussed by Huda Lutfi in her article: "A Study of the Fourteenth Century *Iqrārs* from al-Quds Relating to Muslim Women" suggests that *Haram 102* refers to the same person Fāṭima as *Haram 184* and 287. The comparison of the names of the woman, her husband and their children and the dates of the documents (see table 1) supports this thesis. However, there are certain elements which might weaken our statement, first, the name of Fāṭima in *Haram 102* is not fully specified (by the name of her grandfather) and secondly, the names of the children are identical within *Haram 102* and 184 in three cases, that is 'Umar, Salmā and Sāra'.

Concerning the fourth name in *Haram 102* it is clearly written as Abū Bakr and in *Haram 184* it was deciphered by Lutfi as Aḥmad. However, the writing of the fourth name in *Haram 184* looks different. In the line 7 the name may be deciphered as Abū Bakr but in the line 8 could be deciphered as Aḥmad. Unclear script concerning the fourth name in *Haram 184*, might suggest the possibility of an error made by the notary.<sup>30</sup>

The dates of these three documents may also support our thesis.<sup>31</sup> These documents can be placed in the following chronological order: (1) *Haram 287*: 22 Safar 787 (content: bride, price and the loan from the husband), (2) *Haram 102*: 1 Rabī ' II 789 or 787 (content: 885 dirhams and other specified things for maintenance of the four children from the estate of the dead husband), (3) *Haram 184*: 2 Ramaḍān 789 (content: family allowance for three months for four children from *waqf* revenues).

As Lutfi stated in her article mentioned previously<sup>32</sup> Fāṭima bint Fakhr al-Dīn came from the middle-class income group. From *Haram 287* we know that she was married to a merchant. When her husband died it seems (from the content of *Haram 184*) that she did not have enough income. What happened to Fāṭima during these two years? Perhaps *Haram 102* can be considered as a part of the answer.

Haram	Date	Woman	Husband	Children
287	22 Safar 787	Fāṭima bint Fakhr al-Dīn ibn Zayn al-Dīn 'Umar al-Ḥamawīyya	Nāṣir al-Dīn ibn Muḥammad 'Ala' al-Dīn ibn Nāṣir al-Dīn Muḥammad al-Ḥamawī	

<sup>30</sup> According to Professor Little it is *li 'Umar* and he corrected H. Lutfi in the following article: H. Lutfi, and D. P. Little, "Iqrars from Al-Quds: *Emendations*", *Journal of the Economic and Social History of the Orient*, Vol. 28 (1985), p. 326–330.

<sup>31</sup> I consulted Professor Little concerning the problem and he also confirmed my assumption that the Fāṭimas in *Haram 102* and in 184 and 287 are the same.

<sup>32</sup> See: Commentary on *Haram 184*.

<b>Ḥaram</b>	<b>Date</b>	<b>Woman</b>	<b>Husband</b>	<b>Children</b>
102	1 Rabī ‘ II 789 or 787	Fāṭima bint Fakhr al-Dīn ‘Uthmān (nisba is not mentioned)	Nāṣir al-Dīn Muḥammad al-Ḥamawī	‘Umar Abū Bakr Salmā Sāra
184	2 Ramaḍān 789	Fāṭima bint Fakhr al-Dīn ‘Uthmān ibn Zayn al-Dīn ‘Umar al-Ḥamawiyya	Nāṣir al-Dīn Muḥammad al-Ḥamawī	‘Umar Abū Bakr Salmā Sāra

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