Five Petitions and Consequential Decrees from Late Fourteenth Century Jerusalem

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ABSTRACT

In this article ten documents from the Jerusalem Haram collection are analyzed as records of the history of Jerusalem under the Mamluks toward the end of the eighth/fourteenth century. These documents consist of five petitions addressed by Muslims of Jerusalem to officials in the Mamluk government along with decrees issued in response to the petitions. Two of the petitions are addressed to judges, probably Shafi‘is, requesting their intervention in legal matters. The three remaining petitions are addressed to Mamluk officers by a scholar named Burhan al-Din Ibrahim al-Nasiri, requesting remuneration for his services as a reciter and teacher in various pious institutions in Jerusalem. These documents are invaluable not only for their content regarding the operation of religious institutions in Mamluk Jerusalem but also for their form as specimens of Mamluk petitions and decrees written in a tradition which can be traced back to the Fatimids and Ayyubids.
In this article I shall present five petitions with consequential decrees from the Haram collection\(^1\) as an addition to the considerable body of scholarship already published on Arabic petitions and decrees.\(^2\) These Haram documents are interesting for at least two reasons. (1) Since so many of the surviving medieval Arabic documents originate either in a monastery or a synagogue,\(^3\) they concern transactions between minority Christians and Jews with the majority Muslim state. In all probability, however, the Haram documents originate from the archive of a Shafi'i judge in Jerusalem, one Sharaf al-Din 'Isa b. Ghanni al-Ansari al-Khazrajii (d. 797/1395),\(^4\) so that they are almost all concerned with Muslims alone. (2) Until recently, most of the published petitions and decrees concerned mazalim—the redress by the ruler of the state or his deputies of injustices alleged to have been committed against his subjects. Geoffrey Khan's publication of several petitions addressed to judges, amirs, and other dignitaries, has rectified that situation somewhat, as do the Haram petitions and decrees published by K.J. Asali.\(^5\) The five documents published here will increase the number available addressed to judges and amirs as opposed to the highest-ranking officers of state. One of the issues to be addressed is the extent to which royal chancery procedure affected the drafting of petitions and decrees of subjects and officials in a provincial city of the Mamluk empire.

In format all five of our petitions, whether addressed to a judge or to a Mamluk officer, are the same and follow the pattern described by Stern and Richards for Mamluk chancery petitions, which, in turn, represent a continuation and adaptation of the Fatimid and Ayyubid traditions. Thus, the distinctive features of our petitions are the following.\(^6\)

1 (Tarjama) The name of the petitioner, preceded by al-Mamluk, is written in the wide right-hand margin, roughly opposite the first line of the text. Usually, not always, additional space is left between the latter and the heading.

2 (Basmala) is written as a heading over the text.

3 (Expression of obeisance) The text invariably begins with the clause "yuqabbil al-ard".
4 (Exposition) The context of the grievance or the request is set forth, introduced by "yunhī."

5 (Request) The specific request is introduced by the clause "su‘āl al-Mamlūk min al-ṣadaqāt al-ʿamīma," or the equivalent. The request itself is for a decree (marsūm), order (amr), or assignment (ta‘yīn) to be issued and usually closes with "ṣadaqatān ‘an/alā."

6 (Closing formulae) Introduced by "wa-anhā dhālika." these consist of a ḥamdallāh, tašliya, and inshallāh. These are omitted in #9.

Since, then, the format of the petitions is uniform, we are led to classify them according to their content. As it happens, two contain requests to a judge, asking his formal intervention in the legal affairs of the petitions; the remaining three, addressed to Mamlūk officers rather than judges, contain requests for appointment to, or confirmation of, positions in Jerusalem under their official or private jurisdiction. As we shall see the responses to these requests show considerably more variation in format than do the petitions, so that our commentary on this aspect of the responses can be more appropriately given in the analysis of each document, along with some general observations about decrees at the end of the article. We begin with the petitions addressed to a judge regarding legal matters, since they are similar to the mazālim petitions familiar from the previously published Fātimid, Ayyūbid, and Mamlūk samples.

Haram document #25

Recto In this petition addressed to a chief judge, the petitioners claim that they have been receiving income for an extended period of time from a pious endowment made in their favor by an ancestor. Although their practice of excluding female members of the family from the income of the endowment is supported, they claim, by documents in their possession, an unidentified person has been circulating the unsupported claim that both women and men were supposed to be beneficiaries. The petitioners request the judge, presumably of Jerusalem, to issue an order to the district magistrate (of Nablus?) to look into and clarify the case.

Arabic transcription (plate 1):
ملحق البكير للعلوم الإنسانية

1- المماليك

2- بتو السلم (؟) من نابلس

1- بسم الله الرحمن الرحيم

2- يقبلون الأرض ويئرون أن على المماليك وقفا

3- من سلفهم شرط الوقف في أن يكون على ذكور ذريته

4- دون اناثهم وللمماليك مدة طويلة يتناولوا ريعه

5- الذكور منهم دون الاناث وبايديهم اجبار (؟) متوافرة

6- ومحضر شرعي مثبت على الحكام يشهد لهم بصحة ذلك

7- ثم أن شخصا في هذا الوقت نازع المماليك

8- ودعى أن الوقف على الذكور واناث وليس معه ما

9- يدل على صحة دعوته ولكن أتشابه ذلك فين لا يثبت

10- بقوله شن وسأل المماليك من الصدقات العميقة مولانا

11- وسيدنا فاضي القضاة رحمة الله عليه منحهم الله بقائه

12- مرسوما كريما إلى الحاكم بالناحية بالترشيد في ذلك

13- وتحرير قضيتهم صفة عليهم وإحسانا إليهم

14- انها المماليك والحمد لله وحده

15- وصلى الله على سيدنا محمد وآله وسلم

16- تتم

#25 Translation (recto)

Margin

1. The slaves
2. the Banū al-S-īm from Nablus

Text

1. In the name of God the Compassionate the Merciful
2. kiss the ground and report that they have an endowment
3. in their favor from their ancestors, in which the endower stipulated that it be
   in favor of his male progeny,
4. excluding their females. For a long time the slaves have received the income,
5. the males among them, excluding the females. In their possession are also
6. cumulative authorizations (?) and a legal court record binding on magistrates, attesting to them the validity of that.
7. Subsequently a person has currently been disputing (the claim of) the slaves, claiming that the endowment is in favor of the males and the females, but he has nothing 
8. to prove the validity of his claim. Rather he has circulated that among people who cannot corroborate
9. his word in any way. The slaves request from the all-embracing bounties of Our Lord
10. and Master, Chief Judge and Chief Preacher of the Muslims, may God grant them his preservation,
11. a gracious decree to the magistrate in the district, to reflect on that
12. and to clarify this case as an act of charity and kindness to them.
13. The slaves reported (that). Praise be to God alone.
14. May God bless our Master Muḥammad and his family and give them peace.
15. The End.

#25 Commentary (recto)

Margin

2 al-S-l-m (?) I am uncertain as to how to vowel this word. It does not seem to be a tribe associated with fourteenth-century Nablus; I have found reference to an Āl Silm, but this is a small tribal group of Arabia. Moreover, there was a village in Ottoman Hawrân (Syria) called Salam, which "included a settled group of beduins."

Text

3 dhukūr dhurriyyatihim The use of the latter term may indicate that the original waqʿf was a family endowment (waqʿf dhurriʿ/ahli), "being primarily destined for the benefit of the settiors descendants... thus distinguishing it from the waqʿ khayri or charitable waqʿ in which the income is from the beginning devoted to a charitable purpose." In any case the endower was free to designate any beneficiaries he chose, so that he would have been within his legal rights to restrict them to male descendants, provided that this limitation was spelled out in the waqʿ instrument (waqfiyya). 

4 yatanāwalū The use of this form rather than the grammatically correct yatanāwalūna reflects the influence of colloquial usage on the language of this document.

5 ajāʾir/ajāʾlx Both these readings are based on the conjecture of a colloquial broken plural for either ijāra (compensation) or ijāza (certificate). In either case the context makes it clear that the petitioners had some sort of cumulative documents—rental receipts, perhaps, or other certificates—that served to corroborate their claim.
mathbūt `alā l-ḥukkām This phrase means that the court record had been legally certified or registered, probably in the form of an isḥād. Since the petitioners make no mention of the waqfiyya itself, it was probably not in their possession.

min al-ṣadaqāt al-‘amīma mawlānā... Although this phrase seems to violate the rules of muḍāf/muḍāf ilayhi, it occurs in a standard fifteenth century formulary for petitions addressed to a court. Perhaps, as a colleague, Professor Issa Bouilata, has suggested to me, the notaries were using al-ṣadaqāt and mawlānā as appositives in this stereotyped phrase.

qāḍī l-quḍāt wa-khaṭīb khutābā’ al-muslimīn Although the fifteenth-century historian of Mamlūk Jerusalem, Mujir al-Dīn al-‘Ulaymī, records biographical data about several prominent religious figures who served both as judges and khaṭībs, there is insufficient information to identify this specific person if I read the date on verso correctly. If, like most of the Haram documents, this petition is related to records of the Shāfi‘ī judge Sharaf al-Dīn mentioned above, this qāḍī l-quḍāt was probably a Shāfi‘ī. From his other title, khaṭīb al-khuṭābā’, we might infer that he was also preacher at al-Masjid al-Aqṣā, since Mujir al-Dīn associates that title with the main congregational mosque in Jerusalem.

marsūman The use of this term seems odd in this context if only because we are accustomed to seeing marsūm in the sense of "decreed" as a document issued by administrative, rather than judicial, officers. Be that as it may, it is difficult to define this term in distinction from taqīd, mithāl, manshūr, tawqī, and even mukātaba, which often seem to be used interchangeably in the published collections of Mamlūk decrees and no less an authority on diplomatic than Stem declined to try to clarify the matter. Odd, too, is the lack of discussion of administrative decrees by al-Qalqashandī in Ṣubḥ al-āshā. To quote Stern:

"Indeed, if I am not mistaken, he does not speak at all of administrative decrees such as ours in his enormous summa of chancery practice: a curious omission in that comprehensive work. On the other hand, the smaller decrees quoted by al-Qalqashandī, and the various rules he gives for them, clearly show that their form, though not their content, was similar, we may say identical, to the administrative decrees of lesser importance such as the decrees with which we are dealing in this study". In any event the use of marsūm as a decree in response to a petition addressed to a Mamlūk official is well attested in the published Mamlūk decrees. It is quite possible, then, that judges or notaries borrowed this usage from the chancery scribes to designate a judge’s response to a petition.
karīm In chancery practice this term was used for documents issued by high-ranking Mamlūk dignitaries below the rank of the sultan, for whom shārīf was reserved.19

12 al-ḥākim Monika Gronke has discussed the difference between the titles "ḥākim" and "qāḍī" as used in medieval documents from Chinese Turkestan, without, however, reaching a definitive conclusion except to refer to the distinction in Islamic law (citing E. Tyan):

At any rate the different value of the two titles qāḍī and ḥākim concerning rank and area of competence would be similar to the official terminology of Islamic law which reserved the title qāḍī to the judges of this capital whereas the judges in the provinces were called ḥākim.20

Probably here al-ḥākim bil-nāḥiyya refers to the provincial judge or magistrate in Nablus. But, as I have pointed out elsewhere, in the Haram documents al-ḥākim seems to have been used for a presiding judge, whether he was a chief or a deputy judge, in Jerusalem or elsewhere, irrespective of the capital or the provinces.21

Nāḥiya The use of this term is well known from the Ottoman period for an administrative unit in Palestine and Syria (and elsewhere) smaller than a liwā'. During the late sixteenth century Nablus was classified as a liwā'22 Writing in the fourteenth century, al-Qalqashandī characterizes Nablus in one place as one of three 'amāls, along with Jerusalem and Hebron, in the Jabaliyya jiha of Syria.23 Elsewhere, however, he refers to it as a wilāya, headed sometimes by a jundī, sometimes by an amīr of ten, or as a mamālaka with a'māl of its own.24 From the point of view of Palestinian judicial administration, Nablus and Jerusalem seem to have been closely related. Thus, in the mid-thirteenth century we know of a Shāfi' judge who was appointed chief judge of both cities25 Later, in 693/1294, the Shāfi' Qāḍī al-Quḍāt, "al-Ḥākim bi-Dimashq al-Mahrūsā," appointed a Shāfi' as judge in "Jerusalem, Nablus, Fāqūn, Jenīn, and their districts."26 This, incidentally, is in line with Mujīr al-Dīn's claim that "the old days judges in Jerusalem, Hebron, Ramla, and Nablus were appointed by the Qāḍī of Damascus,... but that after 800 they were made from Egypt."27

Still another Shāfi', who died in 786/1384, served as judge of Jerusalem, Hebron, and Nablus.28 Most importantly, we know that the Jerusalem judge from whose court the Haram documents originate served from 781-785/1380-83 as deputy judge in Nablus.29 He may well have been, then, the ḥākim referred to as "al-ḥākim bil-nāḥiya" in the present document. In any event this document seems to indicate that the judge of Jerusalem had jurisdiction over the judge in Nablus.

14. anhaw al-mamālīk Another example of colloquial influence on notarial Arabic.

Haram document #25
**Verso** In format this "marsūm" is obviously what Stern calls "an informal decision written on the back of petitions... in which case it was informal both in its contents, showing a short and factual text, and in its form, being written without large spacing." Such decisions Stern contrasts "with full and formal decrees written on long scrolls... with a more elaborate text and with large spacing between the lines." As we shall see, all of the decrees examined in this article are written on the back of petitions, with considerable variation in the "formality" of format. The present example is almost a scrawl, written presumably by the chief judge to whom the petition was addressed, though there does seem to have been an attempt to leave space between the lines. Note, however, that the convention of leaving a small, or no, left-hand margin has not been followed. In content, the decree merely instructs the magistrate in Nablus to look into the matter and to settle it in an appropriate legal manner.

**Arabic transcription (Plate 2)**

1 - الخاكم بنبالس أيده الله تعالى  
2 - يجر القضاي الذكورة ويجري الأمر فيها  
3 - على ما يقضيه شرط الواقف الشرع الشريف  
4 - كتب في ربيع الأول سنة ثلاث وثمانين  
5 - وسبع ماية

**#25 Translation (verso)**

1. The Magistrate in Nablus, may God the Exalted support him,  
2. should clarify the aforementioned case and settle the matter  
3. in accordance with the dictates of the stipulation of the endower (and) the noble law.  
4-5. Written in Rabī al-Awwal 783/26 May - 24 June 1381.

**#25 Commentary (verso).**

1. ayyadahu Llāh taʿālā is a duʿāʿ found frequently in Mamlūk documents and is recommended by al-Asyūṭī in his shurūṭ handbook as befitting a deputy judge.  
2. yuḥarrī This reading I have deduced from "taḥrī ṣaqīyyaṭihi" on recto, 1.13.  
3. wa-yuṣrī ḵal-amr This clause has its counterpart in Mamlūk, Ayyubīd, and Fāṭimid chancery petitions and decrees.  
3. ‘alā mā qaṭaḍīhi... This clause and variants appear frequently in Mamlūk decrees, as well as other documents. The line would read more smoothly by the insertion of a waw between "ṣharṭ al-wāqif" and "al-shaʿ", but the meaning is clear.  
4-5 The reading of the date is somewhat conjectural. The omission of the day of the month is curious.
Haram document #215

Recto This document is a petition from a woman to an unidentified chief judge requesting him to issue a decree (marsūm) to a judge in Jerusalem regarding the maintenance due to her from her absent husband. It is interesting, of course, that women could submit formal petitions to a judge in their own right and that the format for such petitions was identical to that used for men.

Arabic transcription (Plate 3):

1 - المملوكه
2 - ستينة زوجة موسى
3 - القدسي
1 - بسم الله الرحمن الرحيم
2 - تقبل الأرض وتهي انا مزوجة بموسى القدسي المذكور
3 - وللمملوكه منه ولد ذكر يدعى أحمد ونبت تدعى ست البنين ولله مدة
4 - ثلاثة عشر سنة مستأرةً ببلاد اليمين وله ملك بالقدس الشريف والمملوكه
5 - عليه فرض تلك المدة ثابت على مولانا وسيدنا أقضى القضاة شهاب
6 - الدين البادسي المالكي أيده الله تعالى وجعله الفرض مبلغ ثلاثة عشر ألف درهم
7 - والمملوكه قد عجزت عن نفسها وعن ولديها وسول المالكة من الصدقات
8 - العمizational والعادات الرحيمة العالية الوافية من مولانا وسيدنا قضائي القضاة
9 - شيخ شيوخ العارفين أصب الله تعالى ظلاله وحتم بالصالحات
10 - أعماله مرسوم كريم إلى الحاكم بالقدس الشريف أيده الله تعالى بالتمكن ببع
8 - ملك
11 - زوج المملوكه المذكورة على حكم الفرض الثابت بين المملوكه لتجل
12 - المملوكه بذلك العائته على فقرها وضعف حالها وأولادها
13 - صدقى عن مولانا وسيدنا قضائي القضاة وعن سلفه أنهن المملوكه
14 - ذلك إنشاء الله تعالى.
15 - الحمد لله وحده وصلى الله على سيدنا محمد وآلله وصحبه وسلم.
16 - تم
لا يمكنني قراءة النص العربي في الصورة المقدمة. إذا كنت بحاجة إلى أي مساعدة أخرى، فرجاء استخدام النص العربي الصحيح.
#215 Translation (recto)

Margin
1. The slave
2. Sutayta, wife of Mūsā
3. al-Qudsī

Text
1. In the name of God the Compassionate the Merciful
2. kisses the ground and reports that she is married to the aforementioned Mūsā al-Qudsī
3. and has a son by him called Aḥmad and a daughter called Sitt al-Banīn. For a period
4. of thirteen years he has been travelling in Yemen and (still) owns property in Jerusalem the Noble. The slave
5. has an entitlement to maintenance from him for that period, certified by Our Lord and Master, Aqḍā l-Quḍāt Shihāb
6. al-Dīn al-Bādisī l-Mālikī, may God the Exalted support him. The total of the maintenance is thirteen thousand dirhams.
7. Having become incapable of supporting herself and her two children, the slave petitions from the all-embracing
8. bounties and merciful benevolences, exalted and copious, of Our Lord and Master, Qāḍī l-Quḍāt,
9. Shaykh al-Shuyūkh of the Knowers, may God the Exalted lengthen his shadow and seal with good deeds
10. his acts, a gracious decree to the magistrate in Jerusalem the Noble, may God the Exalted support him, authorizing the sale of the property of
11. the aforementioned husband of the slave by virtue of the certified maintenance in the slave's possession, so that she can find
12. thereby assistance against her poverty and the weak circumstances of her children and herself
13. as a bounty from Our Lord and Master, Qāḍī l-Quḍāt, and his progeny. The slave reported
14. that. God be willing.
15. Praise be to God alone. May God bless Our Lord Muḥammad, his family, and companions and grant them peace.
16. The end.

#215 Commentary (recto)

5 farḍ This term, meaning a legal duty, is used in a more technical sense in legal documents and refers to the payment of maintenance, usually by a husband to his widow and his children or to a divorced wife during her period of ‘idda. But as is clear from al-Asyūṭī’s chapter on nafaqa
documents, a person could also commit himself to the fard of maintaining his needy or incapacitated parents and grandparents. Interestingly enough, al-Asyūṭī provides a model court document for a wife whose husband has gone on a journey without providing for her or sending maintenance for her and her children, so that she has had to make provision for them herself, with the intention of remaining his wife upon his return. More relevant, however, is al-Asyūṭī’s model for mutually agreed-upon maintenance that a husband acknowledges that he owes his wife for “food, condiments, water, oil, soap, baths, lodging, clothes (if so agreed), and legal necessities.” Such a document defines the legal obligation of a Muslim husband to provide for his wife.

5/11 thābit In court legalese this term means certified by/registered with a court/judge. Presumably Mūsā had drawn up a nafaqa/tard document whereby he undertook to pay Sutayta maintenance of 1000 dirhams annually, and this document was certified by the judge mentioned below and registered in his court.

5-6 Shihāb al-Dīn al-Bādisī l-Mālikī His title, Aqḍā l-Qudāt, indicates that he was a deputy judge, but he is not listed among the Jerusalem Mālikī jurisprudents whose biographies are recorded by Muḥir al-Dīn al-Ṭaymī. This author claims that no Mālikīs were appointed to judgeships in Jerusalem until 802/1399-1400. But Shihāb al-Dīn may well have been a judge in another town.

7-8 al-ṣadaqāt al-ʿamīma wal-ʿawātīf al-raḥīma This is a stock phrase recommended by al-Asyūṭī in petitions requesting Syrian qādīs to issue a court record. See also my commentary on #25, l. 10, above.

8 Qāḏī l-Qudāt signifies, of course, that the person to whom the petition is addressed is a chief judge. Shaykh Shuyūkh al-ʿĀrifīn, according to al-Asyūṭī, means that he is shaykh of a Sūfī convent. From the fact that in l. 10 he is asked to issue a decree to a judge in Jerusalem I am inclined to believe that he must have been a judge in Damascus; in fact, Muḥir al-Dīn states that before 800/1398, judges in Jerusalem were appointed by qāḏīs in Damascus. Presumably, therefore, the former were under the jurisdiction of the latter. Since we know that the Haram documents are by and large records of a Shāfī judge in Jerusalem, the petition may well have been addressed to the Shāfī Chief Judge of Damascus.

9-10 Asbagha Llāh taʿālā ẓilalahu wa-khatama aʿmālahu bil-ṣāliḥāt The same duʿā’ occurs in a ḥujja dated 851/1447, referring to the chief Shāfī judge in Jerusalem.
 Haram document #215

Verso This decree is obviously more formal than #25 verso: it is headed by an ‘alāma; it has a wide right-hand margin and ample interlinear space; great attention has been given to the physical appearance of the text as a whole; the language is formalized and stereotyped; it ends with two pious formulas. Nevertheless, both the form and content of the two documents are similar, in that both decrees instruct a magistrate to look into the matter raised by the petition and to settle it in an appropriate legal manner.

Arabic transcription (Plate 4)

١ - أحمد الله تعالى
٢ - الحاكم بالقدس الشريف أيده الله تعالى يتأمل الأنها
٣ - المعين باطنا ويقدم بحمل الأمر في ذلك على ما
٤ - يقتضيه حكم الشرع الشريف مؤيدا
٥ - إن شاء الله سبحانه
٦ - كتب في سابع المحرم سنة
٧ - ثم وتسعين وسع مية
٨ - حسينا ونعم الوكيل
٩ - تم

# 215 Transcription l. c. (VERSO)

1. I praise God the Exalted
2. The magistrate in Jerusalem the Noble, may God the Exalted support him, should give consideration to the report
3. set down on recto and is enjoined that the matter therein be treated according to what
4. the edict of the noble law requires, aided (by God),
5. God, be He praised, willing.
6. Written on 7 al-Muḥāram
7. 798/22 October 1395.
8. God is our sufficiency. How excellent a Keeper is He!
9. The end

#215 Commentary (verso)

1. Ḥamd Luḥa taʿālā is an ‘alāma, i.e. a motto used by a judge in lieu of his name to sign documents.⁴⁷
Plate 4
yata’ammal al-inhā’ or a variation thereof is a stock phrase sometimes encountered in Mamlûk decrees.48

2. **wa-yataqaddam bi**- This phrase occurs in many of the published chancery decrees of the Mamlûk period, meaning "take steps to do something" or "to be enjoined upon someone."49

hammad Words derived from this root—e.g., ḥamān ‘alā, ḥaml al-amr ‘alā, ḥamluhum—are ubiquitous in Mamlûk chancery decrees.50

2-3 ‘alā mà yaqtażīhi... is also a stock phrase, as in #25 verso, L.3 above.51

3. **mu’ayyadan** This is probably an echo of the formula often found in petitions and decrees calling on God "to support him with His favor and generosity (yu’ayyiduhu bi-mannihī wa-karamihi)," as in #310, L. 8 below.52

**Haram document #310**

**Recto** This is one of three petitions studied in this article which present an application either for a job or for a stipend to compensate services performed by one Burhān al-Dīn ʿibrāhīm al-Nāṣīnī in Jerusalem. Before the discovery of the Haram documents, few, if any, such petitions had come to light. Nevertheless, Stem pointed out some years ago that "The word petition (qiṣṣa) is used in Mamlûk chancery practice not only for the statement of a grievance submitted by a subject, but also for a request for an appointment or the grant of a fief."53

As is readily apparent, the format and language of the application-petitions are exactly the same as those of grievance-petitions.

**# 310 recto, Arabic Translation (Plate 5)**

1. - الملكوك
2. - إبراهيم (؟) الناصري
1. - بسم الله الرحمن الرحيم
2. - يقبل الأرض ويهني أن الملكوك فقير وذو عابا من حال كتاب الله العزيز ومن طلبة العلم الشريف
3. - المسؤول من إحسان المخدوم أعز الله تعالى أنصاره
4. - أن يكون الملكوك منزلًا بترة المرحوم السيفي طاز
5. - تعمده الله تعالى بالرحبة والرضوان مقرباً أبوسة
6. - المزلقين بها من القرآ ويتعمائم الأجر والدعا من الملكوك
7. - معايلته والله تعالى يؤده الفب وتكرم أنت ذلك
8. - الحمد لله رب العالمين صل الله على سيدنا محمد وعلى آله وصحبه
9. - إن شاء الله تعالى

365
#310 Translation (recto)

1. The slave
2. Ibrāhīm al-Nāṣirī

Text

1. In the name of God the Compassionate, the Merciful
2. kisses the ground and reports that the slave is poor and has
3. a family; he is a bearer of the Glorious Book and a seeker of the noble
   science.
4. The request from the beneficence of the master, may God the Exalted
   strengthen his victories,
5. is that the slave be installed in the Mausoleum of the late Sayf al-Dīn Ṭāz,
6. may God the Exalted envelop him in mercy and favor, as reciter, on the
   model
7. of these reciters (already) installed there and gain (thereby) the reward
   (God’s) and the prayers of the slave
8. and his family, and may God the Exalted support him with his favor and
   generosity. He reported that.
9. Praise be to God, Lord of the worlds. May God bless Our Lord Muḥammad,
   his family, and companions.
10. God the Exalted willing.

#310 Commentary (recto)

Margin

2  Ibrāhīm al-Nāṣirī  From other Ḥaram documents his full name can be
reconstructed as Burhān al-Dīn Ibrāhīm b. Zayn al-Dīn Rizq Allāh b. Shihāb
al-Dīn ʿAbd al-Nāṣirī.54 From the Haram documents Burhān al-Dīn is known to
have applied for, and been appointed to, several positions in Jerusalem. These
have been discussed briefly by Donald Richards.55 Unfortunately, however,
Richards has misread many of the dates, often written in an abbreviated, cursive
form, as have I myself in some instances in my Catalogue. In the document of the
earliest date, #603:774/1372,56 Burhān al-Dīn is identified as “Qārī, al-mīʿād” and is
appointed as “Muqṭir al-mīʿād” at the Dome of the Rock, al-Aqṣā Mosque, and Riwāq
Bab al-Silsila. His last two appointments, according to the Haram documents, are
both dated 788/1386, one (#2) at the Dome of the Rock, the other (#203) at al-
Turba al-Awḥadiyya.57 From other documents, relating to the sale of goods from his
estate and payment of maintenance for his children, we deduce that Burhān al-Dīn
probably died in 789/1387.58 For further discussion of Burhān al-Dīn’s career, see
the commentary on #9 recto, below.
2-3 dhū 'a'ila The earliest document with reference to Burhān al-Dīn's family, #289, dated 782/1381, is an acknowledgement from his divorced wife, Fā'īma, that she has received a maintenance payment from him for their son.68 #899, dated 784/1382 is an acknowledgement from another divorced—in this case, pregnant—wife, Qaratamur. In the same year according to #382, still another wife, Shīrīn, bought a slave girl.69 It is evident from several other documents that Shīrīn must have been married to Burhān al-Dīn when he died, probably in 789/1387, leaving her their two sons, Muḥammad and 'Aīy.61 Another minor child, Maḥmūd, whose mother is not identified, was left in the custody (ḥadāna) of Burhān al-Dīn's mother.62

3 ḥummāl Kitāb Allāh is undoubtedly a variant plural of ḥamālat al-Qur'ān: "those who bear in their memory the Qur'ān, knowing it by heart."63

3 ṭalabat al-'ilm al-sharīf refers to students of the science of hadīth.

4 A'azza Allāh anṣārahū or a variant thereof is frequently used as a du'ā'.64

5 m-n-z-lan This word I have deliberately translated ambiguously as "installed." Although Dozy translates the fourth form of nazala as "faire habiter quelqu'un à",65 neither he nor Lane gives a definition for the second form. It should be noted, however, that the same term is used twice in document #10, where it is written with a shadda on the second radical. In this petition Burhān al-Dīn requests that he be "munazzalan" in a madrasa, "in the same manner as those already installed there."66 The consequential decree written on verso makes it clear that scholars were actually residing there, in a ribāṭ attached to (?) the madrasa: "If the ribāṭ established by God in Jerusalem the Noble does not have the full complement of twenty scholars,67 let him be established in it. If it is full according to the endower's stipulation, then when one of them dies or leaves to reside elsewhere than in Jerusalem, let him be established in his place and assigned a residence (maskan)68 in the ribāṭ." Unfortunately, the date of this document is problematic and has been read variously as 770, 775, and 780.69 I now regard 775/1373 as the most likely. In this respect it is interesting that in several other documents Burhān al-Dīn is referred to as "a Şūfi in al-Khānqāh al-Ṣalāḥiyah in 780/1378 (#509); 782/1381 (#289); 784/1382 (#899); and 788/1386 (#336). Moreover, we know from deeds that he purchased a dār in 780 (#39) and was renting one in 778/1376 (#843).

Turbat al-Sayfī Tāz Although this building is referred to as a mausoleum, Michael Burgoyne characterizes it as the "Memorial madrasa of Sayf al-Dīn Tāz," since Tāz is known to have died in 763/1362 in Damascus and buried in the Şūfi cemetery there.70 Burgoyne goes on to say, "The layout of the Tāziyya is quite unusual... the general arrangement is that of a somewhat grand residence. The presence of a
small bath-house on the upper floor tends to confirm the impression. Accordingly, I regard it as probable that Burhān al-Dīn was petitioning to be resident (munazzal) in the Ṭāziyya.

6-7 muqrī'...min al-qurrā' Whether or not there is any difference between a muqrī' and a qārī' in late fourteenth-century Jerusalem is not clear. According to George Makdisi the muqrī' was the expert in the field of Koranic science and had the status of a professor in medieval educational institutions. However, in the Haram documents muqrī' and qārī' seem to be synonymous and refer not only to reciters/readers of the Qur'ān but to those who recited/read other works as well.

7 wa-yaghtanim al-ajr wal-du'ā' or a variant, is a stock clause in Haram petitions.

Haram document #310

Verso This decree like #305 and #9 fits Stern's characterization of "smaller decrees": "In speaking of 'smaller decrees (al-maraṣīm al-sighār), written either on the back of the petition or as an independent document, al-Qalqashandi mainly refers to the least important letters of appointment...." Although al-Qalqashandī refers only to appointments written by the sultan for members of the military to such positions as supervision of endowments, it is obvious that appointments of civilians to religious positions also took the form of "smaller decrees." While the format is certainly more formal than that of #25 verso, it is less so than that of #215, lacking the wide spaces between the line and the balanced layout of the text on the page. The text, though brief, is couched in the standardized language of such appointments, but it is not as formal as that of #9 below.

# 310 verso Arabic transcription (Plate 6)

1 - الله الموفق
Undeciphered - 2
3 - المرسوم العالي الموالي السيفي سيف
4 - الدين ملك أعده الله تعالى أن يستقر
5 - الشيخ الصالح العالم العامل العلامة
6 - برهان الدين الناصري مقررا بتربة المرحوم السيفي
7 - المقرطاز تغمده الله بالرحمة والرضاوان
8 - وله من المركر كلمه أمثاله والحمد لله وحده
9 - وصلواته على مسجدنا وعلى آل الله وصحبة وسلم كتب
10 - تاريخ الخامس عشر لرمضان المعظم من شهر
11 - سنة خمسة وسبعين وسبعمائة
Translation (verso)

1. God is the Bestower of success.
2. Undeciphered motto (‘alâma)
3. (It is) the decree of the Lofty Lord al-Sayfī Sayf
4. al-Dīn Malik, may God the Exalted strengthen him, that
5. the Virtuous, Learned, Efficacious, and Erudite Shaykh Burhān
6. al-Dīn al-Nāṣirī be established as rectier at the Tomb of the late Sayf al-Dīn
7. the Excellency Tāz, may God encompass him with mercy and contentment,
8. with recompense like that of his peers. Praise be to God alone!
9. His prayers and blessings for Our Lord (Muḥammad), his family, and his
10. companions, Written
11. on the fifteenth of Ramaḍān the Exalted among the months
12. of 775/28 February 1374.

Commentary (verso)

1. Allâh al-Muwaffaq This phrase, which stands in place of the usual
2. introductory invocation, bismallâh, is often used in the terminal protocol
3. salute of Royal Mamlûk decrees.76
4. This undeciphered ‘alâma, or motto-signature, appears on four other
5. Ḥaram documents. Although I am unable to read it, I can see that it
6. contains the key component of an ‘alâma, viz. a word based on the root ḥ-
7. m-d, either "al-ḥamdû" or "aḥmadû," after which one would expect either
8. lillâh or Allâh ta‘ālâ.77 The five documents cover a time span from 766/
9. 1364 to 785/1383, and all identify the issuer of the decrees as al-Amîr Sayf
10. al-Dīn Malik... (Nâẓir of the Tâźiyya) as follows: #214 (766/1364), al-Amîr
11. al-Sayfī Malik al-Ashrafi (al-Ashrafi refers to Sultan al-Ashraf Sha‘bân, who
12. ruled 764-78);78 #310 (775/1374), al-Amîr al-Sayfī Sayf al-Dīn Malik; #303
13. (780/1378),79 al-Amîr al-Sayfī Malik al-Manṣûri (Sultan al-Manṣûr ‘Alî, 778-
14. 83): #5 (784/1382), al-Amîr al-Sayfī Malik al-Ṣaliḥî (Sultan al-Ṣaliḥ Hâjjî,
15. 783-84); and #14 (785/1383), al-Sayfî Sayf al-Dīn Malik al-Zâhîrî (Sultan al-
16. Zâhîr Barqûq, 784-91).80 "Malik", it is true is an uncommon name, and in
17. this respect Richards opines that "A curious feature of these documents is
18. that the reference to the ruling Sultan in the title of the nâẓir, the al-malakî
19. al-fulānî element, is usually written malik al-fulānî,"81 overlooking the
20. distinct possibility that malik is Sayf al-Dīn’s ism, especially since #310
21. records "Malik" without any fulānî element at all. Richards also claims that:
22. "Six documents contain appointments (phrased like administrative decrees,
23. marsûms) made by the nâẓir of the waqt, an Amîr Sayf al-Dīn, whose identity
24. might have remained a mystery, were it not that no. 7 (verso) had a cursive note
25. which we read as Written by Abû Bakr b. Tâz. This suggests that Tâz according to
common practice had nominated his own family to be the overseers of his endowment. 82

Although the latter conjecture may well be true, the former overlooks the fact that the 'alāma on #7 verso (dated 777/1376), is not the same as those on the other documents; 83 furthermore, unlike the other documents, the text of #7 verso does not mention the name of the issuer, Sayf al-Dīn, at all.

3. al-marsūm Several of the Haram decrees, including #305 verso (see below), that contain appointments begin with al-marsūm and go on to state that the applicant will be "established (yastaqīr)", as in L.4, or "yastamīr in a position. 84 This pattern is recommended by Ibn Nāṣir al-Jaysh in his Kitāb tathqīf al-ta'īf bīl-muṣṭalaḥ al-sharīf for a sultan’s appointments of mamluks to state positions: "Marsūm sharīf bi-an yastaqīr al-majlis al-‘ālī... fī l-niyāba al-fulāniyya..." 85

3 al-‘Ālī l-Mawlawī l-Sayfī The titles and laqab of the issuer are written in the yā’ al-nasab form, which, according to al-Qalqashandī, may have originated in an Arab desire to emphasize or exaggerate certain characteristics, but developed into a convention for certain ranks among both the military and learned classes. 86 Al-‘Ālī, al-Qalqashandī says, is a laqab shared by the military and bureaucrats of the ranks of al-Maqām, al-Maqarr, al-Janāb, and al-Majlis. 87 Al-Mawlawī, the same author says, is an exaggerated form of al-Mawlā, "used for eminent (akābīr) wielders of swords and pens." 88 Al-Sayfī is the adjectival form of the laqab "Sayf al-Dīn." According to al-Qalqashandī the use of this form is adopted for those persons holding the rank of al-Majlis al-Sāmī and above. 89

5 al-Ṣāliḥ al-‘Ālim al-‘Āmil al-‘Allāma Notice that these laqabs are not exaggerated by the ya’ form. According to al-Qalqashandī, al-Ṣāliḥ is used normally for Sūfis and persons of righteousness (al-ṣalāḥ). 90 Al-‘Ālim is self-explanatory, though it is used to extol a sultan. 91 Al-‘Āmil is "one of the laqabs of righteous persons, signifying assiduousness in deeds and exertion in worship." 92 Al-‘Allāma is used for extremely learned scholars, but rarely. 93

Haram document #305

This petition is written in standard, late-fourteenth century format. In content, however, it is somewhat unusual in that like #9 below it is addressed directly to the Viceroy and Supervisor of the Holy Places of Jerusalem and Hebron, requesting that he continue an appointment already held by Burhān al-Dīn.

Arabic transcription (Plate 7)
لا يوجد نص يمكن قراءته بشكل طبيعي من الصورة المقدمة.
1 - In the name of God the Compassionate, the Merciful,
2 - kisses the ground and reports that the slave has in his possession a legal appointment
3 - to recite miftah in al-Masjid al-Aqsa with
4 - a salary of twenty dirhams every month. The request
5 - of the slave from the bounties of Our Lord the King of Amirs, may God the
6 - Exalted make his victories glorious,
7 - is for a gracious decree that the slave be provided for as customary, as an
8 - act of bounty
9 - from him and his children, thereby availing himself of (God’s) reward and
10 - the slave’s prayers
11 - in the noble places. He reported that. Praise be to God alone. May God bless
12 - Our Master Muhammad, his family, and his companions and grant them
13 - peace, God willing.
#305 Commentary (recto)

3. bi-qirāʾat mīʾād fī l-Masjid al-Aqṣā We know from #26, unfortunately undated, that Burhān al-Dīn "recites/reads mīʾād at al-Masjid al-Sharif four times a week: Monday, Tuesday, Thursday, and Friday after the morning prayer at al-Aqṣā al-Sharif. He first recites exegesis of the Book of God the Exalted, followed by traditions of the Prophet, blessings and peace upon him; then stories of the righteous. He concludes the mīʾād by reciting qul huwa Liḥāh aḥad, the maʾū-dhatayn, the fātiḥa, and the beginning of al-Baqara until al-mufliḥūn.\textsuperscript{94} Furthermore, in #2, dated 788/1386, Burhān al-Dīn's appointment to "qirāʾat al-mīʾād" at the Dome of the Rock incurs recitation/reading of "exegeses, ḥadīth, words of al-mashāʾikh in stories and exhortation."\textsuperscript{95} From these descriptions it is clear that in fourteenth century Jerusalem, a mīʾād, which Maqdisi says is associated with ḥadīth earlier periods,\textsuperscript{96} included other pious texts as well, such as Qurʿān, tafsīr, and stories of righteous persons. At least two other documents refer to Burhān al-Dīn as muʿrāṭ/qārīʾ āl-mīʾād/mawaʾīd. As noted above #603, dated 774/1372, appoints him as "muʿrāṭ al-mīʾād" at the Dome of the Rock, al-Aqṣā, and Riwaq Bāb al-Silsila, and #39, dated 780/1379, a deed for a house purchased by Burhān al-Dīn, identifies him as "aḥad qurrāʾ al-mawāʾīd al-sharīfa bil-Masjid al-Aqṣā al-Sharif."

4. min al-maʾūm fī kull shahr ʿishrūn dirhamān By coincidence three documents dated 781/1379 have survived, signed by officials, presumably of the Ministry of Endowments, authorizing the payment to Burhān al-Dīn of twenty dirhams a month "for the office of reciting the mīʾād in the Jerusalem Haram.\textsuperscript{97} A similar document, (probably) for the same year, authorizes payment of twenty dirhams "for the office of reciting the blessed Qurʿān at al-Ḥaram al-Sharif.\textsuperscript{98}

5. Malik al-umarāʾ According to al-Qalqashandī this is one of the titles bestowed upon the sultan's viceroys, "such as the senior viceroys in Syria.\textsuperscript{99} As is clear from the document on verso, this title refers to the Viceroy of Jerusalem.

Ḫaram document #305

Verso Another "smaller decree," this one, as well as #9 below, has the characteristics of formal decrees, including a wide right-hand margin, ample space between the lines, the use of an 'alāma notation, a balanced layout of the last three lines of the text, and formalized language. Both documents are signed by the Viceroy of Jerusalem and both were presumably drafted as official documents in the Jerusalem chancery; hence the formality of layout and language. Be that as it may, #305 verso follows the same formula as #310, beginning with "al-marsūm..." and corresponds to Ibn Nāzir al-Jaysh's pattern for documents appointing Mamlūks to state positions.\textsuperscript{100}

#305 Arabic transcription (Plate 8):
1 - بسم الله الرحمن الرحيم
2 - الملكي المنصوري
3 - يعتمد

4 - المرسوم بالامر الكريم العالي المولوي الأميري الكبري الملكي المندوني
5 - البدري بن المقر المرحوم العمادي بن العسكري نائب السلطنة وناظر الحرمين
6 - الشريفين بالقدس الشريف ورتبة سيدنا الخليل عليه الصلاة والسلام اعز الله تعالى

7 - انصاره ان يتأمل الآنها باطنا و يتذكر رافعها المشار يا باطنا في الوظيفة
8 - المذكورة باطنا بالمعلوم المقرر له على عادته و يستقر في الخدم
9 - فليبشار الوظيفة المذكورة و ليتناول المعلوم المذكور معتمدا على
10 - الخط الكريم أعلاه انشاء الله تعالى
11 - كتبه ثامن (8) شهر شعبان سنة احد وثمانين وسبعمئة
12 - حسبنا الله ونعم الوكيل.

#305 Translation (verso)
1 In the name of God, the Compassionate, the Merciful
2 al-Malik al-Manṣūr
3 Let it be executed.
4 (It is) the decree by the gracious and high command of the Lord, Grand Amīr, the Master and Served,
5 Badr al-Dīn ibn of the late Excellency Ḥimād al-Dīn b. al-’Askarī, Royal Viceroy and Supervisor of the Two
6 Noble Sanctuaries in Jerusalem and at the tomb of Our Master Khalīf (prayers and peace be upon him), may God the Exalted make glorious
7 his victories, that the report on recto be given consideration and that its petitioner referred to on recto continue
8 in the position mentioned therein at the customary salary established for him and that he remain in service.
9 Let him perform the aforementioned office and receive the aforementioned salary, relying on
10 the gracious script above. God the Exalted willing.
11 Written on 8 Sha’bān 781/19 November 1379.
#305 Commentary (verso)
1. **b-m** This abbreviated form of the **baslama**, consisting of the first and last letters (*bism... al-raḥīm*), is rare in the Ḥaram documents, but for another example see #214.\(^{101}\)

2. **al-Malakī l-Manṣūrī** Al-Qalqashandi explains that it was the custom in Mamlūk times to head decrees with the name of the ruling sovereign under whom the issuer of the decree was serving. The form **al-Malakī l-fulānī** was used and placed under the **baslama**.\(^{102}\) There are many examples of this with the full **baslama** in the photographs of Mamlūk decrees issued to the Franciscans in Jerusalem, but the **baslama** is sometimes missing in other decrees.\(^{103}\)

**al-Manṣūrī** Given the date of the decree, this refers to the sultan **al-Manṣūr ‘Alī ibn al-Ashraf Sha'bān**, who ruled 778-83/1377-81.

3. **yuṭamad** Stern, referring to similar Mamlūk decrees, writes "while **yuṭamad** immediately attracts attention by its bulk and cipher-like form, we are hardly mistaken in assuming that it is the latter which is the signature of the dignitary who issued the decree..."\(^{104}\) He also points out that the Franciscan collection contains similar decrees issued by provincial officials, in which this word is written in thick script in the space for the **alāmā (bayt al-‘alāmā)**. "They are headed with the words **al-Malakī al-Fulānī** and bear underneath the signature **yuṭamad**, exactly as our document."\(^{105}\)

4. **al-makhḍūmī** According to Al-Qalqashandi this complimentary, exaggerated form of **makhḍūm** designates someone who is "served" because of his high rank.\(^{106}\)

5. **al-Badārī b. al-Maqarr al-marḥūm al-‘Imādī b. al-‘Askārī** This refers to the **amīr** known to Mujīr al-Dīn as "Badr al-Dīn Ḥasan b. ‘Imād al-Dīn al-‘Askārī, Supervisor of the Two Noble Sanctuaries in Jerusalem and Hebron. He was invested in office in 782/1380-81."\(^{107}\) The discrepancy between "ibn al-‘Askārī" and "al-‘Askārī" can be resolved if we assume that Ḥasan assumed his father's **nisba**.\(^{108}\) But the date Mujīr al-Dīn assigns to his investiture does not correspond with the date of our document, which, unless I have misread it, is 781. Mujīr al-Dīn could have easily been mistaken, even though he often mentions documents as his sources. Curiously, there is another decree, #4, dated 25 al-Muḥarram 782/13 May 1379, issued by al-Amīr Shihāb al-Dīn Ḥaydar b. al-‘Askārī, appointing Burḥān al-Dīn as "qān‘an fī l-mī‘ād" at the Dome of the Rock, al-Aqṣā, and Riwāq Bāb al-Silsila at a salary of fifteen dirhams a month.\(^{109}\) Perhaps Ḥaydar was Ḥasan’s brother?
7 yata'ammal al-inhā'. This is a stock phrase used in decrees written in response to petitions.\textsuperscript{110}

rāfi’uhā This is the formal term used for a petitioner.\textsuperscript{111}

9-10 mu’tamadan ‘alā l-khaṭṭ term has a long, learned discussion of this or a similar clause, referring to the authenticating signature of the person issuing the decree. Since this feature is unknown in Fāṭimid decrees and first appears, in Egypt, in Ayyūbid decrees, he argues that it "was the legacy of Seljuq chancery practice, from which the Ayyūbids derived it through the intermediary of the Zengids..." and it was passed on the Mamlūks.\textsuperscript{112}

10 al-karīm Here again this word is used to refer to the Viceroy.

11 thāmin might also be read thānī.

\textbf{Hāram document #9}

\textbf{Recto} This petition and its consequential decree correspond in many aspects to the process described by Stem, drawing upon the works of al-Qalqashandī, Ibn Faḍl Allāh al-‘Umarī, and others, in which a petition submitted to the sultan was handled first by one of his officials. This official would write his recommendation and authorization in the margin, and a decree would be drawn up in the name of, and signed by, the sultan. A "smaller decree," it could be issued separately, or written on the back of the petition, as is the case with #9.\textsuperscript{113} As we shall see below, the decree could also be written on a sheet glued to the bottom of the petition. No. 9 contains a petition from Burhān al-Dīn requesting the Viceroy of Jerusalem (\textit{Malik al-Umarā’}), who was also Supervisor of Pious endowments, to validate Burhān al-Dīn’s document of appointment from the Ministry of Endowments. In the margin of the petition an official of the Ministry has written his recommendation that such a decree should be written, subject to a condition. The decree, signed by the Viceroy, has been written on the back of the petition, with the addition of an additional sheet glued to the bottom to accommodate the format of a formal decree. There is a similar set of documents from the Hāram, #13, published by Asalī, dated 777 (?)/1375(?). It contains still another petition from Burhān al-Dīn requesting that he be granted a daily ration of bread from al-Ribāṭ al-Manṣūrī.\textsuperscript{114} A note of authorization is written in the margin, and a decree is glued to the bottom, instructing that the request be granted in accordance with the authorization from the Ministry of Endowments.

\textbf{Arabic transcription: the petition Recto (Plate 9)}
المجلة العربية للعلوم الإنسانية

1 - المملك
2 - إبراهيم الناصري
1 - بسم الله الرحمن الرحيم
2 - يقبل الأرض وينهي أن الملك من
3 - طلبة العلم الشريف ذو عائلة ولم يكن له في
4 - بيت المقدس ما يقوم باوده واؤود عائلته وله مدة عشرين
5 - سنة يقرأ الحديث النبوي من غير معلوم ثم ان النظر
6 - الشرعية قروا له في الشهر عشرين على قراءة الحديث
7 - في الجمعة ثلاث مرات من المغرب إلى عصراً الأخيرة وهو مستمر الحكم
8 - إلى آخر وقت وسواه من الصدقات (؟) العميقة يومه له حمله على ما بيده
9 - من التقرير الشرعي المستمر حكمه إلى آخر وقت الشاهد به ديوان الوقف
10 - المبرور صدقة عن مولانا ملك الأمرا عز الله انصاره

#9 Recto Translation, The petition

Margin
1 The slave
2 Ibrāhīm al-Nāṣirī

Text
1 In the name of God, the Compassionate, the Merciful.
2 kisses the ground and reports that the slave
3 is one of the seekers of the noble science. He has a family, but he does not have
4 in Jerusalem any means of subsistence for himself and his family. For twenty years
5 he recited/read the Prophetic ḥadīth without any remuneration; then the
6 legal supervisors
7 assigned twenty (dirhams) a month to him for reciting ḥadīth
8 three times a week, from the sunset prayer until the last, evening, prayer
9 in perpetuity. His request from the all-embracing bounties is that an order
10 be issued for him to be treated according to
11 the legal appointment in his possession, valid in perpetuity, witnessed by
the Ministry of Blessed Endowments,
10 as a blessing from our Lord the King of Amīrs, may God the Exalted strengthen him

#9 Recto Commentary, The petition

3 al-‘ilm al-sharīf refers, of course, to the science of ḥadīth.

3-6 lam yakun lahu fī Bayt al-Maqdis... On the basis of the extant documents and the problems involved in deciphering their dates it is difficult to assess Burhān al-Dīn’s claim that as of Dhū l-Ḥijja 781/March 1380 he lacked sufficient funds to support himself and his family. Moreover, the language of this document is ambiguous when he states that he had had no salary for reciting ḥadīth over a period of twenty years, until, that is, the endowment authorities assigned twenty dirhams a month for this purpose. Does this mean that at this time he had no salary for his other professional activities? As the following synopsis of relevant documents predating #9 will show, this was hardly the case.

1. #12, dated Rabī‘ II 773/October 1371, appoints Burhān al-Dīn as muqri’ al-miftād opposite the Dome of the Rock for fifteen dirhams a month.

2. #603, dated 17 Jumādā II 774/14 December 1372, muqri’ al-miftād at the Dome of the Rock, al-Aqsā, and Riwāq Bāb al-Silsila for fifteen dirhams a month.

3. #310, dated 15 Ramaḍān 775/28 February 1374, muqri’ at Turbat Ṭāz for an unspecified salary.

4. #7, dated 10 Dhū l-Ḥijja 777/1 May 1376, muqri’ and faqīh at Turbat Ṭāz for thirty-five dirhams a month, confirming a previous appointment.

5. #13, dated Safar 777/July 1375, assigns Burhān al-Dīn four loaves of bread a day from al-Ribāṭ al-Manṣūrī in exchange for prayers.

6. #508, dated 16 al-Muharram 780/15 May 1378, reciter of Qurʾān, fiqh, hadīth, and tafsīr at al-Aqsā and Bāb al-Silsila for ten dirhams a month.

7. #303, dated 20 al-Muharram 780/19 May 1378, appoints him a qāri’, a Qurʾān reciter, and keeper of the Qurʾān chest at Turbat Ṭāz for an unspecified salary.

8. #49, dated 14 Rabī‘ II 781/30 July 1379, records payment of 348 dirhams to Burhān al-Dīn as teacher at the Qurʾān school of Amīr Fakhr al-Dīn Iyās in 780.

9. #3, dated 25 Rabī‘ II 781/10 August 1379, appoints Burhān al-Dīn as teacher of orphans at the school mentioned in #49 above, for thirty dirhams a month.

10. #305, dated 8 Sha‘bān 781/19 November 1379, qāri’ al-miftād at al-Aqsā for twenty dirhams a month.
11 #490, dated 25 Shawwal 781/3 January 1380, assigns Burhān al-Dīn power of attorney of an amīr in Damascus, with authority to collect a daily stipend of one dirham a day from the Dīwān Qumāma in Jerusalem. In addition to these documents we should also remember the four vouchers for Burhān al-Dīn’s salary for 781, mentioned above. There is no assurance, however, that he continued to receive salaries for all these positions, and there is one document, #509, dated 1 Sha‘bān 780/23 November 1378, that states that he is no longer entitled to receive a salary for reciting mī‘ād payable from the waqf of the late al-Sitt ‘Ā’isha. Perhaps he needed extra money for the house he brought for 825 dirhams on 21 Dhū l-Qa‘da 780/12 March 1378 (#39).

6 ‘Ishrīn... The word dirhāman has obviously been omitted.

7 ‘Ishā’ al-‘ākhira: Here one would expect ṣalāt al-‘ishā’ al-‘ākhira or simply al-‘ishā’ al-‘ākhira, but ‘Ishā’ al-‘ākhira was used as early as al-Bukhārī and Aḥmad ibn Ḥanbal. #4 refers to “waqt adhān ‘Ishā’ al-‘ākhira,” the time of the mu‘adhdhin’s call to the last, ‘Isha’, prayer. #4

7-8 wa-huwa mustamirr al-ḥukm ilā alkhir waqt, or a variant thereof, is a standard clause appearing in many Mamlūk documents.

8 al-ṣadaqāt This word should possibly be read al-marahim, as in an Ayyūbid petition, “fa-yata’lubūn min al-marahim al-sulta‘iyya.”

#9 recto, margin: authorization

This marginal notation corresponds to the mustanad of chancery decrees, beginning with the words "bil-‘ishāra (at the instruction of...),” a note of "authorization" by which there was indicated in the decrees the identity of the person who gave the order for their issue: either the sultan or one of the competent officials. The main purpose of this authorization, and that of #13 mentioned above, is not so much to identify the official as to record his recommendation.

Recto margin: authorization Arabic transcription (Plate 9)

1 - يقول (؟) شمس الدين (؟)

يكتب (؟) بأنه إذا كان من القديم غير المستجد فصول إليه أسوة المقررين في الحرم الشريف

#9 Translation, Authorization (recto)

1 Shams al-Dīn says, Let it be written that if it (the salary) is of long standing, not recent, it should be paid to him as is customary for those installed (with salary) at the Noble Sanctuary.

#9 Commentary, Authorization (recto)
Shams al-Dīn Presumbaly this is the name of the official in the Ministry of Endowments who reviewed the petition for the Viceroy.

Haram document #9

Verso in format, layout, and language, this decree has all the characteristics of a formal chancery decree, most notably a wide right-hand margin and copious space between the lines, so much that an additional sheet has been attached at the bottom to accommodate the text of the decree. Other salient features are discussed below, in the commentary.

#9 Arabic transcription (Plates 10 and 11)

1 - الملكي المصري
2 - يعتمد
3 - رسم بالامر العالي اعلاه الله تعالى ان
4 - يتأمل ما ذكره المجلس السامي الشيخي الاجل الكبير (9)
5 - العالمى الفاضلى العبادي الخاشعى البرهاني
6 - ابراهيم الناصري مترجمها اعاه الله بركته
7 - وليتقدم بأنه اذا كان من القديم غير المستجد
8 - فيوصل إليه اسوة المقررين في الحرم الشريف
9 - فليتعهد المرسوم الكريم فيه (9) كل واقف عليه ويعمل بحسبه ومقتضاه من
10 - غير عدول عنه ولا خروج عن حكمه ومعنه
11 - بعد الخط الكريم اعلاه الله تعالى اعلاه
12 - ان شا الله تعالى
13 - كتب في ثامن عشر الحجة

#9 Translation (verso)

1 Al-Malik al-Manṣūr
2 Let it be done.
3 It is decreed by the lofty command, may God the Exalted elevate it, that
4 attention be given to that which is mentioned by the Lofty Excellency, the Great and Most Excellent Shaykh,
5 the Learned, Virtuous, Adoring, and Humble Burhān al-Dīn
Plate 11
Ibrāhīm al-Nāṣirī, the Signatory, may God restore his blessing,
and that it be enjoined that if he held this position of old and it is not new,
let him receive the customary compensation of those established in the
Noble Sanctuary.
Let the gracious decree be carried out by everyone who reads it and be
implemented in accordance with its reckoning.
and in conformity with it, without deviation from it or departure from its edict
and meaning
after the gracious script, May God exalt it, is (inscribed) above.
God willing
Written 18 al-Hijja
the Sacred 781/26 March 1380.
God is our sufficiency.
The end.

#9 Commentary (verso)

This decree has most of the features of what the author Ibn Nāẓir al-Jaysh, in
his "heavily revised edition of Ibn Faḍl Allāh’s Ta’rīf called Tathqīf al-Ta’rīf..."¹²⁹
labels "Tawāqī" on the back of petitions."¹³⁰ These include "appointments such as
orders to conform with an appointment prescribed by the canon law, or to conform
with the noble decisions (tawāqī) which are in his hand..."¹³¹ that is, appointments
such as the one contained in our decree. The content and language of #9 verso
correspond so closely to Ibn Nāẓir al-Jaysh’s formula for a royal tawawī that it is
worth reproducing it for purposes of comparison:

{Content of the commentary on the decree}
Collation of our decree with the model shows a high degree of conformity, so that one might almost think that the draper had copied it, adapting the models honorific words and phrases appropriate for the sultan to those appropriate for the Viceroy.

Another adaptation is the signature in the bayt al-alāma, following the conventional heading. ḥākim al-ʿalā, which we have seen to be typical of provincial decrees. Finally, it should also be noted that al-Qalqashandi_- in his transcription of this passage has changed هامش النصة 2 يكتب المستند على هامش التوقيع الذكور... which conforms to our document, where the mustanad is indeed written in the margin of the petition rather than in the margin of the tawqi'.

Comparison of #9 with #305 and #310 shows that the first decree follows the format of tawqi's as outlined by Ibn Nāẓir al-Jaysh and al-Qalqashandi, whereas the latter two are closer to the marāṣim ʿṣghīr studied by Stern and others. As is the case with most Arabic documents, the most conspicuous clue for distinguishing between the two types of "decrees" is the opening word or phrase. Judging or the basis of the Haram documents, the tawqi - type normally begins with "rusima bi-amr..." whereas the marsūm-type begins with "al-marsūm al-karīm al-ʿaiī..."; there are other differences, of course. As far as I have been able to ascertain, the content of the decree did not dictate the form to be adopted. As we have seen, #310, #305, and #9, all constitute consequential decrees in response to petitions regarding appointments to positions in pious institutions in Jerusalem; two were addressed to the Viceroy, one to the Supervisor of a private endowment. The choice of format for the response seems to have been the prerogative of the scribe. So as not to oversimplify the issue, we should mention that still another format was available, and adopted during the same period for decrees in response to Burhān al-Dīn's petitions for jobs, namely the murabba'or "square" decree, which could also be cast in either the rusima or al-marsūm format. Still other variations were also possible. Clearly further research and publication is necessary to enhance our knowledge of the theory and practice of drafting decrees that guided chancery and notarial clerks during the Mamlūk period.


3 Viz. the Geniza, St. Catherine's Monastery in the Sinai, or the Franciscan Monastery in Jerusalem. There are notable exceptions, of course, most importantly the Egyptian papyri. See the recent and ongoing publications of Werner Diem from the Heidelberg papyrus collection (Wiesbaden: 1991-present).

4 See my Catalogue, pp. 8-12.


6 Cf. Khan, Arabic Documents, pp. 306-17.


9 Wolf-Dieter Hütteroth, Historical Geography of Palestine... in the Late 16th Century (Erlangen 1977), p. 218.


11 Ibid., pp. 211-12.


15 According to Shihab al-Din al-Qalqashandi, *Subh al-a’shah fi sinah al-inshah* (Cairo: 1913-19), XII, 108, there is no distinction between taqlid and marsum.

16 "Petitions from the Mamluk Period," p. 262, note 108.

17 Ibid., p. 246.

18 E.g., Asali, *Wathiq*, I, 197, 201, 205, 208, 210, in addition to those published in this article and elsewhere.


21 "Documents related to the Estates of a Merchant and his Wife in Late Fourteenth Century Jerusalem," *Manuscripts of the Middle East*, VII, forthcoming.

22 Hutteroth, *Historical Geography*, p. 125.

23 *Subh al-a’shah*, IV, 103.

24 Ibid., IV, 200; XII, 322.


26 Ibid., p. 122.

27 Ibid., p. 118.

28 Ibid., p. 126.

29 Little, *Catalogue*, p. 9.


31 Ibid.

32 Jawahir, II, 594.

33 See Stern, "Petitions from the Mamluk Period," pp. 244, 278; "Petitions from the Ayyubid Period," p. 27; *Fatimid Decrees*, pp. 24, 36, 48, 60.

34 E.g., Risciani, *Documenti*, pp. 248, 276, 280, 314, 344.


36 Jawahir, II, 223.

37 Ibid., 223-24.

38 Ibid., p. 221.


40 See my "Documents related to Estates," forthcoming.

41 Al-Ums, II, 243-56.

42 Ibid., p. 119.

43 Jawahir, II, 454.

44 Ibid., p. 494.

45 Al-Ums, II, 119.

46 Risciani, *Documenti*, p. 278.


50 E.g., Stern, "Petitions from the Mamlūk Period," pp. 258, 259, 261, 262; Risciani, Documenti, pp. 22, 44, 52, 56, 72, 116, 170, 312, 314, 344; Ernst, Sultansurkunden, pp. 30, 32, 44, 50, 56, 64, 66, 76, 80, 96, 192, et passim.

51 E.g., Risciani, Documenti, pp. 248, 276, 280, 314, 344.

52 See also, e.g., Asali, *Wathāʿiq*, I, 210, 214; Risciani, Documenti, pp. 72, 76, 164, 252.

53 Stern, "Petitions from the Mamlūk Period," p. 245.

54 Haram documents #39, 458, 622.


56 Richards is wrong when he says that the earliest document pertaining to Burhān al-Dīn, viz. #382, is dated 740 (Burgoyne, *Jerusalem*, p. 72). #382 is clearly dated 784. I published this document in 1981: "Six Fourteenth Century Purchase Deeds for Slaves from al-Ḥaram aš-Šanāʾ," *Zeitschrift der Deutschen Morgenländischen Gesellschaft*, CXXXI (1981), pp. 313-18, and Fig. 3), reprinted in my *History and Historiography of the Mamlūks* (London: 1986). He is also wrong when he dates #9 as 763 (Burgoyne, *Jerusalem*, p. 72); as will be seen below, this document is dated 781. Although his date for #214, 766, is correct, it has nothing to do with Burhān al-Dīn; it is a document of appointment for one Sārim al-Dīn Irbrāhīm (Burgoyne, *Jerusalem*, p. 72).

57 Misdated by me, *Catalogue*, p. 78, as 787; misdated by Richards, in Burgoyne, *Jerusalem*, p. 76 as 780.


59 This document has been published by Huda Lutfy, "A Study of Six Fourteenth century Iqrā'is from al-Quds Relating to Muslim Women," *Journal of the Economic and Social History of the Orient*, XXVI (1983), 258-62.

60 See footnote no. 56 above.

61 #52, 108, 183, 188, 192.

62 #111. In *Catalogue*, p. 331, I misidentified Umm Muḥammad as Burhān al-Dīn's wife, rather than his mother.

E.g., Risciani, Documenti, pp. 276, 292, 328; Asali, Wathā'iq, I, 210, 213.


Asali, Wathā'iq, I, 213.

This sentence Richards has mistranslated as "because 'the complement of twenty lawyers in the ribāt (sic)... is not full," Burgoyne, Jerusalem, p. 73.

Maskan has been misread by Asali as sakan, Wathā'iq, I, 214.

Ibid., p. 214: 770; Richards, in Burgoyne, Jerusalem, p. 76: 775; Little, Catalogue, p. 38: 780.

Jerusalem, p. 399.

Ibid., 408.


E.g., Asali, Wathā'iq, I, 210, 213, and #305 recto, 1. 7, below.

"Petitions from the Mamlūk Period," pp. 245-46.

šubh al-a'šāh, VI, 110.

Ernst, Sultansurkunen, p. xxxii.


Contrary to Richards, this document has nothing to do with Burhān al-Dīn. Burgoyne, Jerusalem, p. 72.

Richards erroneously claims that there is no date on this document. Ibid., p. 411, note 21.

This document has been published by Asali, Wathā'iq, I, 301-302.


Ibid., p. 401.

This document has been published by Asali, Wathā'iq, I, 263-05, with a photograph.

E.g., Asali, Wathā'iq, I, pp. 196, 197, 199, 201, 205, 208.

Ed. Rudolf Vesely (Cairo: 1987), 142.

šubh al-a'šāh, V, 503-04; VI, 100.

Ibid., VI, 20.

Ibid., p. 31

Ibid., V, 504.

Ibid., VI, 18.

Ibid., pp. 19-20.

Ibid., p. 20.

Ibid., p. 21.

Asali, Wathā'iq, I, 206-07.

Ibid., 199-200. Asali has misread the siyāqa notation for ʻishrūn dirham as ʻashara darāhim.

See footnote 72 above.
97 #665, 666, 668. All three of these documents have been misdated in my Catalogue, pp. 329-30.
98 # 835, probably misdated in Ibid, 330.
99 Šubh al-a’shā, V, 455.
100 Tathqif, p. 143; cf. al-Qalqashandī as indicated in the commentary on #310 verso, above, and footnote 75 above.
101 Little, Catalogue, Plate 1.
102 Subh al-a’shā, VI, 121; XI, 87.
103 Documenti, pp. 54, 64, 70, 74, 78, 82.
104 "Petitions from the Mamlūk Period," p. 260.
105 Ibid.
106 Şubh al-a’shā, VI, 27.
108 Richards, in Burgoyne, Jerusalem, p. 76, note 266, has misread his name in the document as "al-Askari," without "Ibn."
110 See, e.g., Stern, "Petitions from the Mamlūk Period," pp. 253, 259; Risciani, Documenti, pp. 78, 282; and #215 verso, above, il. 2-3.
111 See, e.g., Stern, "Petitions from the Mamlūk Period" pp. 237, 253, 259.
112 "Two Ayyūbid Decrees," p. 16. For examples see Asali, Wathā’iq, I, 198, 202; Stern "Petitions from the Mamlūk Period," p. 261; Risciani, Documenti, pp. 282, 282, 316, 346; Ernst, Sultansurkunden, p. xxxii.
113 Stern, "Petitions from the Mamlūk Period," pp. 245-46.
114 Wathā’iq, 209-10, misdated by me, Catalogue, p. 39 as 770(?)
115 781 is the date of the decree on verso. Richards has misread it as 763 in Burgoyne, Jerusalem, p. 72.
116 Richards, in Burgoyne, Jerusalem, p. 76, footnote 257, has misread "khamsa ‘ashar" as "arba’a ‘ashar." This document has been published by Asali, Wathā’iq, I, 207-09.
117 Published in Ibid., pp. 203-205, where Asali has misread "khamsa wa thalāthūn" as "khamsa ‘ashar."
118 Published in Ibid., pp. 209-10.
119 Misdated in my Catalogue, p. 247, as 782. Despite the fact that the document explicitly states that the appointment was for "Bāb al-Silsila at al-Masjid al-Aqsā," Richards "presumes, in the Aqsā or at the Dome of the Rock." In Burgoyne, Jerusalem, p. 73. In the same place he misreads "wālidīt" as "wālidayya."
120 Richards in ibid., p. 411, footnote 21, states erroneously that there is no date in this document. In the same footnote he confuses "Burhān al-Dīn Ibrāhīm" with "Burhān al-Dīn Ismā'īl."
121 Misdated in my Catalogue, p. 348, as 785, where I have also misread "Burhān al-Dīn" as "Shihāb al-Dīn."
122 Published in Asali, Wathā'iq, I, 195-96.
123 Published in ibid, II, 140.
125 Asali, Wathā'iq, I, 197.
126 E.g., Risciani, Documenti, 42, 44; Ernst, Sultansurkunden, pp. 8, 28, 30, 32, 36, 38, 96, 134, 140, 144, 146, 158, 182, 194, 240, 242, 254.
128 Stern, "Petitions from the Mamlūk Period," p. 244.
129 Stern, "Petitions from the Mamlūk Period," 254.
130 Tathqīf, p. 148.
131 Stern, "Petitions from the Mamlūk Period," p. 255.
132 Tathqīf, pp. 148-49.
133 Șubh al-a'şhā, XI, 126.
134 For examples, see Asali, Wathā'iq, II, 195-96, 201-02.