

# 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 Ḥaram collection<sup>(1)</sup> as an addition to the considerable body of scholarship already published on Arabic petitions and decrees.<sup>2</sup> These Ḥaram 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,<sup>3</sup> they concern transactions between minority Christians and Jews with the majority Muslim state. In all probability, however, the Ḥaram documents originate from the archive of a Shāfiʿī judge in Jerusalem, one Sharaf al-Dīn ʿĪsā b. Ghānim al-Anṣārī al-Khazraǧī (d. 797/1395),<sup>4</sup> so that they are almost all concerned with Muslims alone. (2) Until recently, most of the published petitions and decrees concerned *mazālim*—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, amīrs, and other dignitaries, has rectified that situation somewhat, as do the Ḥaram petitions and decrees published by K.J. Asali.<sup>5</sup> The five documents published here will increase the number available addressed to judges and amīrs 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 Mamlūk empire.

In format all five of our petitions, whether addressed to a judge or to a Mamlūk officer, are the same and follow the pattern described by Stern and Richards for Mamlūk chancery petitions, which, in turn, represent a continuation and adaptation of the Fāṭimid and Ayyūbid traditions. Thus, the distinctive features of our petitions are the following:<sup>6</sup>

- 1 (Tarjama) The name of the petitioner, preceded by al-Mamlūk, 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-arq".

- 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-'amīma," or the equivalent. The request itself is for a decree (marsūm), order (amr), or assignment (ta'yīn) to be issued and usually closes with "ṣadaqatan 'an/alā."
- 6 (Closing formulae) Introduced by "wa-anhā dhālika," these consist of a ḥamdallāh, taṣliya, 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 **maẓālim** petitions familiar from the previously published Fāṭimid, 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):**

## Plate 1

- ١- الممالك
- ٢- بنو السلم (?) من نابلس
- ١- بسم الله الرحمن الرحيم
- ٢- يقبلون الأرض وينهون أن على الممالك وقفا
- ٣- من سلفهم شرط الواقف فيه أن يكون على ذكور ذريته
- ٤- دون اناتهم وللممالك مدة طويلة يتناولوا ريعه
- ٥- الذكور منهم دون الاناث وبأيديهم اجاير (?) متوافرة
- ٦- ومحضر شرعي مثبت على الحكام يشهد لهم بصحة ذلك
- ٧- ثم أن شخصا في هذا الوقت نازع الممالك
- ٨- وادعى أن الوقف على الذكور والاناث وليس معه ما
- ٩- يدل على صحة دعواه ولكن أشاع ذلك فيمن لا يثبت
- ١٠- بقوله شي وسوال الممالك من الصدقات العميمة مولانا
- ١١- سيدنا قاضي القضاة وخطيب خطبا المسلمين منحهم الله ببقائه
- ١٢- مرسوما كريما إلى الحاكم بالناحية بالتروي في ذلك
- ١٣- وتحرير قضيتهم صدقة عليهم وإحسانا إليهم
- ١٤- انهوا الممالك والحمد لله وحده
- ١٥- وصلى الله على سيدنا محمد وآله وسلم
- ١٦- تم

#### #25 Translation (recto)

##### Margin

1. The slaves
2. the Banū al-S-l-m 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,
8. claiming that the endowment is in favor of the males and the females, but he has nothing
9. to prove the validity of his claim. Rather he has circulated that among people who cannot corroborate
10. his word in any way. The slaves request from the all-embracing bounties of Our Lord
11. and Master, Chief Judge and Chief Preacher of the Muslims, may God grant them his preservation,
12. a gracious decree to the magistrate in the district, to reflect on that
13. and to clarify this case as an act of charity and kindness to them.
14. The slaves reported (that). Praise be to God alone.
15. May God bless our Master Muḥammad and his family and give them peace.
16. 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;<sup>7</sup> I have found reference to an Āl Silm, but this is a small tribal group of Arabia.<sup>8</sup> Moreover, there was a village in Ottoman Ḥawrān (Syria) called Salam, which "included a settled group of beduins."<sup>9</sup>

### Text

- 3 **dhukūr dhurriyyatihim** The use of the latter term may indicate that the original **waqf** was a family endowment (**waqf dhurri/ahlī**), "being primarily destined for the benefit of the settlors descendants.... thus distinguishing it from the waqf khayrī or charitable waqf in which the income is from the beginning devoted to a charitable purpose."<sup>10</sup> 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 waqf instrument (**waqfiyya**).<sup>11</sup>
- 4 **yatanāwalū** The use of this form rather than the gramatically correct **yatanāwalūna** reflects the influence of colloquial usage on the language of this document.
- 5 **ajā'ir/ajā'iz** 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.

- 6 **mathbūt 'alā l-ḥukkām** This phrase means that the court record had been legally certified or registered, probably in the form of an **ishhād**.<sup>12</sup> Since the petitioners make no mention of the **waqfiyya** itself, it was probably not in their possession.
- 10 **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.<sup>13</sup> Perhaps, as a colleague, Professor Issa Boullata, has suggested to me, the notaries were using **al-sadaqāt** and **mawlānā** as appositives in this stereotyped phrase.
- 11 **qāḍī l-quḍāt wa-khaṭīb khuṭabā' al-muslimīn** Although the fifteenth-century historian of Mamlūk Jerusalem, Mujīr 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 Ḥaram 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-khuṭabā'**, we might infer that he was also preacher at al-Masjid al-Aqṣā, since Mujīr al-Dīn associates that title with the main congregational mosque in Jerusalem.<sup>14</sup>
- 12 **marsūman** The use of this term seems odd in this context if only because we are accustomed to seeing **marsūm** in the sense of "decree" 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 **taqlīd**,<sup>15</sup> **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 Stern declined to try to clarify the matter.<sup>16</sup> Odd, too, is the lack of discussion of administrative decrees by al-Qalqashandī in **Ṣubḥ al- ā'shā**. 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".<sup>17</sup>
- 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.<sup>18</sup> 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 highranking Mamlūk dignitaries below the rank of the sultan, for whom sharīf was reserved.<sup>19</sup>

- 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**.<sup>20</sup>

Probably here **al-ḥākim bil-nāḥiya** refers to the provincial judge or magistrate in Nablus. But, as I have pointed out elsewhere, in the Ḥaram 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.<sup>21</sup>

**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'**.<sup>22</sup> Writing in the fourteenth century, al-Qalqashandī characterizes Nablus in one place as one of three '**amals**, along with Jerusalem and Hebron, in the Jabaliyya **jiha** of Syria.<sup>23</sup> Elsewhere, however, he refers to it as a **wilāya**, headed sometimes by a **jundī**, sometimes by an amīr of ten, or as a **mamlaka** with **a'māl** of its own.<sup>24</sup> 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 cities.<sup>25</sup> Later, in 693/1294, the Shāfi' Qāḍī al-Quḍāt, "al-Ḥākim bi-Dimashq al-Maḥrūsa," appointed a Shāfi' as judge in "Jerusalem, Nablus, Fāqūn, Jenīn, and their districts."<sup>26</sup> 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."<sup>27</sup>

Still another Shāfi', who died in 786/1384, served as judge of Jerusalem, Hebron, and Nablus.<sup>28</sup> Most importantly, we know that the Jerusalem judge from whose court the Ḥaram documents originate served from 781-785/1380-83 as deputy judge in Nablus.<sup>29</sup> 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.

## Ḥaram 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."<sup>30</sup> 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."<sup>31</sup> 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)

- ١ - الحاكم بنابلس أيده الله تعالى
- ٢ - يحمر القضية المذكورة ويجري الأمر فيها
- ٣ - على ما يقتضيه شرط الواقف الشرع الشريف
- ٤ - كتب في ربيع الأول سنة ثلاث وثمانين
- ٥ - وسبع مائة

#### #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 ta'ālā** is a **du'ā'** found frequently in Mamlūk documents and is recommended by al-Asyūfī in his **shurūṭ** handbook as befitting a deputy judge.<sup>32</sup>
2. **yuharrir** This reading I have deduced from "taḥrīr qaḍiyyatihim" on **recto**, 1.13. **wa-yujrī l-amr** This clause has its counterpart in Mamlūk, Ayyubīd, and Fāṭimid chancery petitions and decrees.<sup>33</sup>
3. **'alā mā yaqṭaḍihī**... This clause and variants appear frequently in Mamlūk decrees, as well as other documents.<sup>34</sup> The line would read more smoothly by the insertion of a **waw** between "shaṭ al-wāqif" and "al-sha' ", 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.

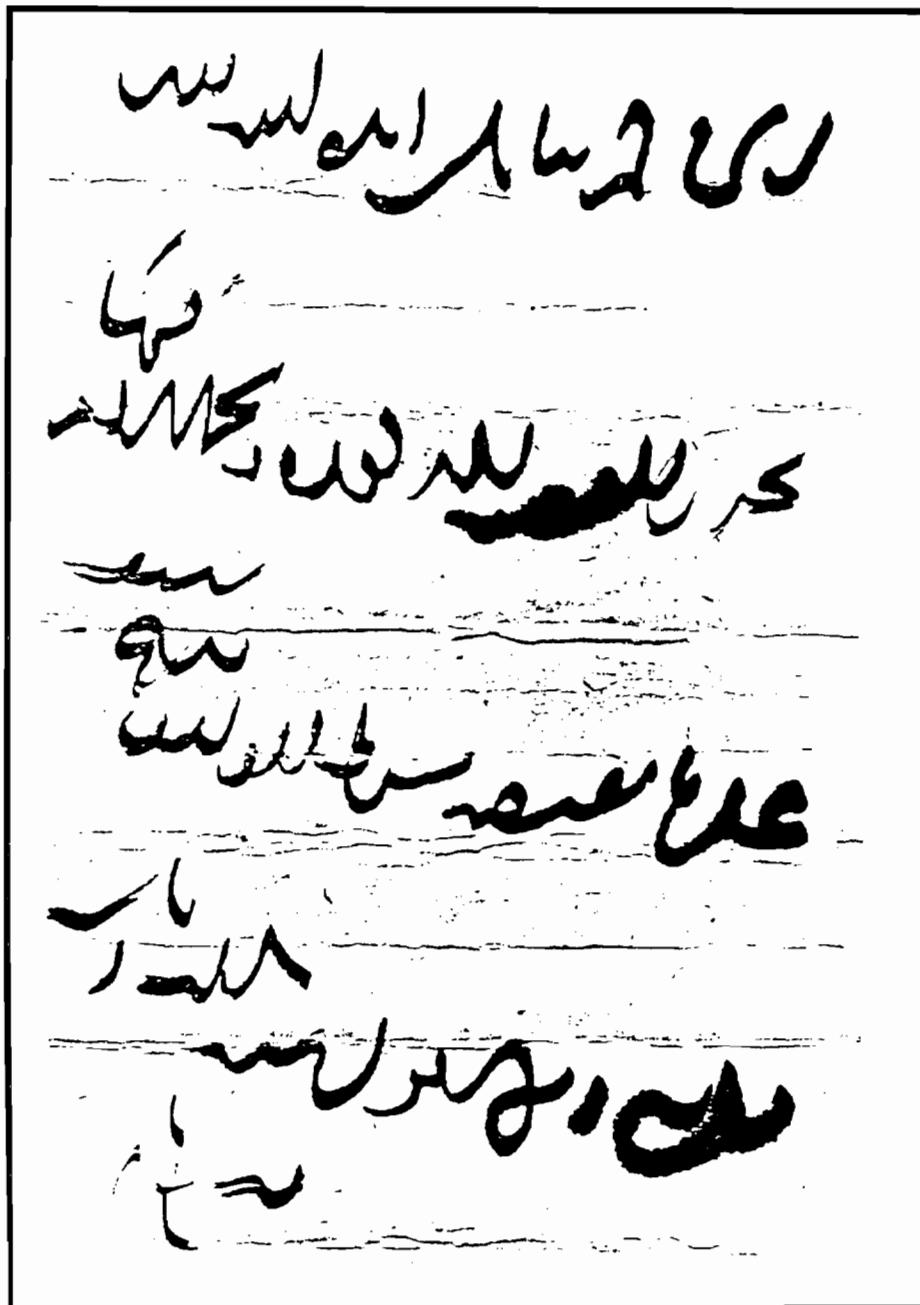


Plate 2

## 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):

- ١ - المملوكة
- ٢ - ستيتة زوجة موسى
- ٣ - القدسي
- ١ - بسم الله الرحمن الرحيم
- ٢ - تقبل الأرض وتنتهي انها مزوجة بموسى القدسي المذكور
- ٣ - وللمملوكة منه ولد ذكر يدعى أحمد وبنت تدعى ست البنين وله مدة
- ٤ - ثلاثة عشر سنة مسافراً ببلاد اليمن وله ملك بالقدس الشريف وللمملوكة
- ٥ - عليه فرض تلك المدة ثابت على مولانا وسيدنا أقضى القضاة شهاب
- ٦ - الدين البادسي المالكي أيده الله تعالى وجملة الفرض مبلغ ثلاثة عشر ألف درهم
- ٧ - والمملوكة قد عجزت عن نفسها وعن ولديها وسؤال المملوكة من الصدقات
- ٨ - العميمة والعواطف الرحيمة العالية الوافية من مولانا وسيدنا قاضي القضاة
- ٩ - شيخ شيوخ العارفين أسبغ الله تعالى ظلاله وختم بالصالحات
- ١٠ - أعماله مرسوم كريم إلى الحاكم بالقدس الشريف أيده الله تعالى بالتمكن ببيع ملك
- ١١ - زوج المملوكة المذكورة على حكم الفرض الثابت بيد المملوكة لتجد
- ١٢ - المملوكة بذلك الاعانة على فقرها وضعف حالها وأولادها
- ١٣ - صدقة عن مولانا وسيدنا قاضي القضاة وعن سلفه أنهت المملوكة
- ١٤ - ذلك انشاء الله تعالى.
- ١٥ - الحمد لله وحده وصلى الله على سيدنا محمد وآله وصحبه وسلم.
- ١٦ - تم

360

## #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 **fard** 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.<sup>35</sup> But as is clear from al-Asyūṭī's chapter on **nafaqa**

documents, a person could also commit himself to the farḍ of maintaining his needy or incapacitated parents and grandparents.<sup>36</sup> 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.<sup>37</sup> 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."<sup>38</sup> Such a document defines the legal obligation of a Muslim husband to provide for his wife.<sup>39</sup>

5/11 **thābit** In court legalese this term means certified by/registered with a court/judge.<sup>40</sup> Presumably Mūsā had drawn up a nafaqa/farḍ 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, **Aqdā l-Quḍāt**, indicates that he was a deputy judge, but he is not listed among the Jerusalem Mālikī jurisprudents whose biographies are recorded by Mujīr al-Dīn al-Ulaymī.<sup>41</sup> This author claims that no Mālikīs were appointed to judgeships in Jerusalem until 802/1399-1400.<sup>42</sup> But Shihāb al-Dīn may well have been a judge in another town.

7-8 **al-ṣadaqāt al-'amīma wal-'awāṭif al-rahīma** This is a stock phrase recommended by al-Asyūṭī in petitions requesting Syrian qāḍīs to issue a court record.<sup>43</sup> See also my commentary on #25, l. 10, above.

8 **Qāḍī l-Quḍāt** signifies, of course, that the person to whom the petition is addressed is a chief judge. **Shaykh Shuyūkh al-'Ārifīn**, according to al-Asyūṭī, means that he is **shaykh** of a Ṣūfī convent.<sup>44</sup> 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, Mujīr al-Dīn states that before 800/1398, judges in Jerusalem were appointed by **qāḍīs** in Damascus.<sup>45</sup> Presumably, therefore, the former were under the jurisdiction of the latter. Since we know that the Ḥaram documents are by and large records of a Shāfi'ī judge in Jerusalem, the petition may well have been addressed to the Shāfi'ī Chief Judge of Damascus.

9-10 **Asbagha Llāh ta'ālā ḡilālahu wa-khatama a'mālahu bil-ṣāliḥāt** The same **du'ā'** occurs in a ḥujja dated 851/1447, referring to the chief Shāfi'ī judge in Jerusalem.<sup>46</sup>

## 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 الانها
- ٣ - المعين باطنا ويتقدم بحمل الأمر في ذلك على ما
- ٤ - يقتضيه حكم الشرع الشريف مؤيدا
- ٥ - إن شاء الله سبحانه
- ٦ - كتب في سابع المحرم سنة
- ٧ - ثمان وتسعين وسبع مية
- ٨ - حسبنا 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-Muḥarram
7. 798/22 October 1395.
8. God is our sufficiency. How excellent a Keeper is He!
9. The end

### #215 Commentary (verso)

1. **Aḥmadu Llāh ta'ālā** is an 'alāma, i.e. a motto used by a judge in lieu of his name to sign documents.<sup>47</sup>



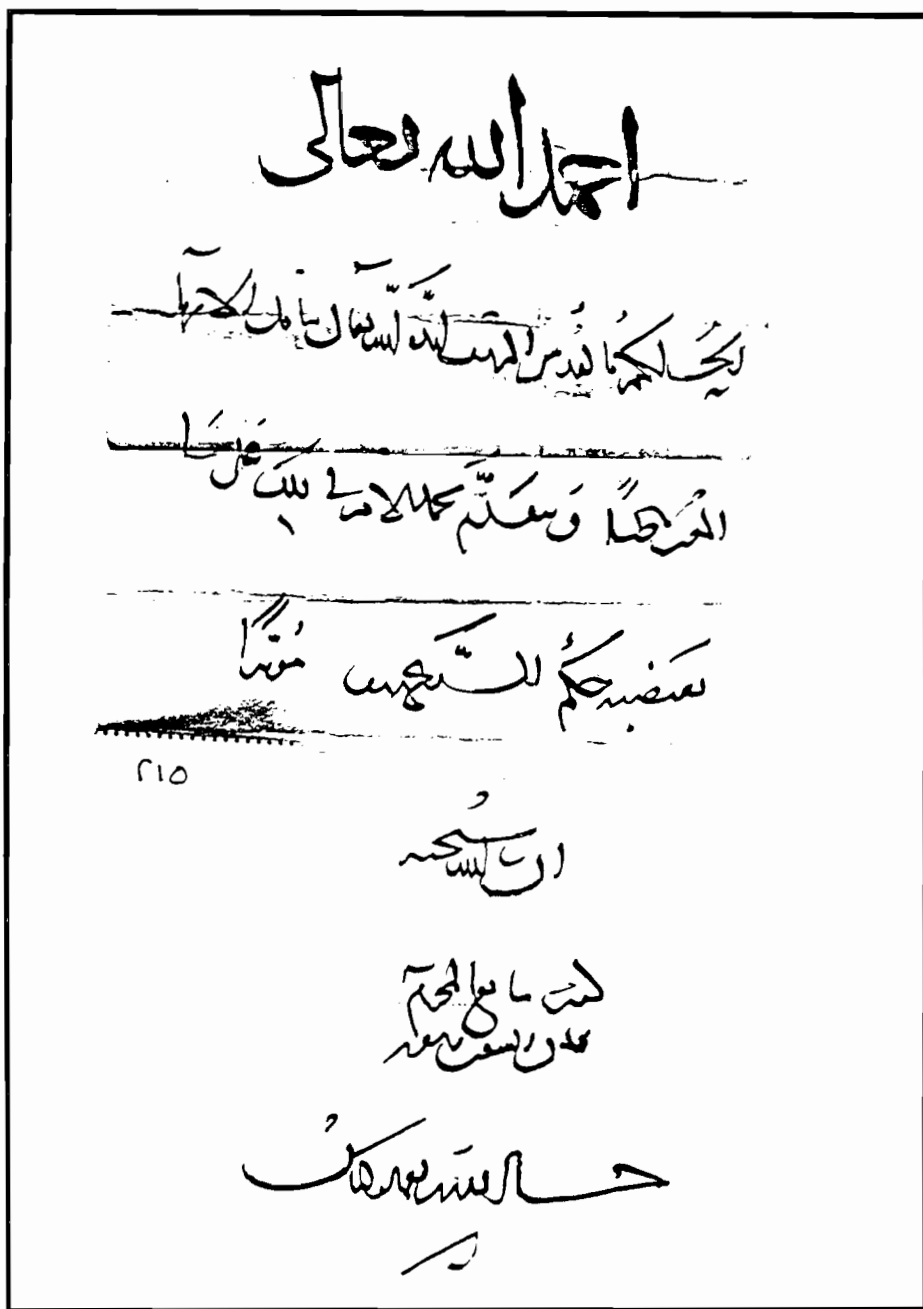


Plate 4

**yata'ammal al-inhā'** or a variation thereof is a stock phrase sometimes encountered in Mamlūk decrees.<sup>48</sup>

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

**ḥaml** Words derived from this root—e.g., ḥamlan 'alā, ḥaml al-amr 'alā, ḥamluhum —are ubiquitous in Mamlūk chancery decrees.<sup>50</sup>

- 2-3 **'alā mā yaqtaḍīhi...** is also a stock phrase, as in #25 **verso**, 1.3 above.<sup>51</sup>

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-mannihi wa-karamihi)," as in #310, l. 8 below.<sup>52</sup>

### **Ḥaram 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 Ibrāhīm al-Nāṣirī in Jerusalem . Before the discovery of the Ḥaram documents, few, if any, such petitions had come to light. Nevertheless, Stern pointed out some years ago that "The word petition (qīṣṣa) is used in Mamlūk 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."<sup>53</sup>

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)**

- ١ - المملوك
- ٢ - إبراهيم (?) الناصري
- ١ - بسم الله الرحمن الرحيم
- ٢ - يقبل الأرض وينهي أن المملوك فقير وذو
- ٣ - عايلة من حمال كتاب الله العزيز ومن طلبة العلم الشريف
- ٤ - والمسول من إحسان المخدم أعز الله تعالى أنصاره
- ٥ - أن يكون المملوك منزلا بترية المرحوم السيفي طاز
- ٦ - تغمده الله تعالى بالرحمة والرضوان مقريا أسوة
- ٧ - المنزّلين بها من القرآ ويعتتم الأجر والدعا من المملوك
- ٨ - ومن عايلته والله تعالى يؤيده بمنه وكرمه أنهى ذلك
- ٩ - الحمد لله رب العالمين وصلى الله على سيدنا محمد وعلى آله وصحبه
- ١٠ - إن شاء الله تعالى

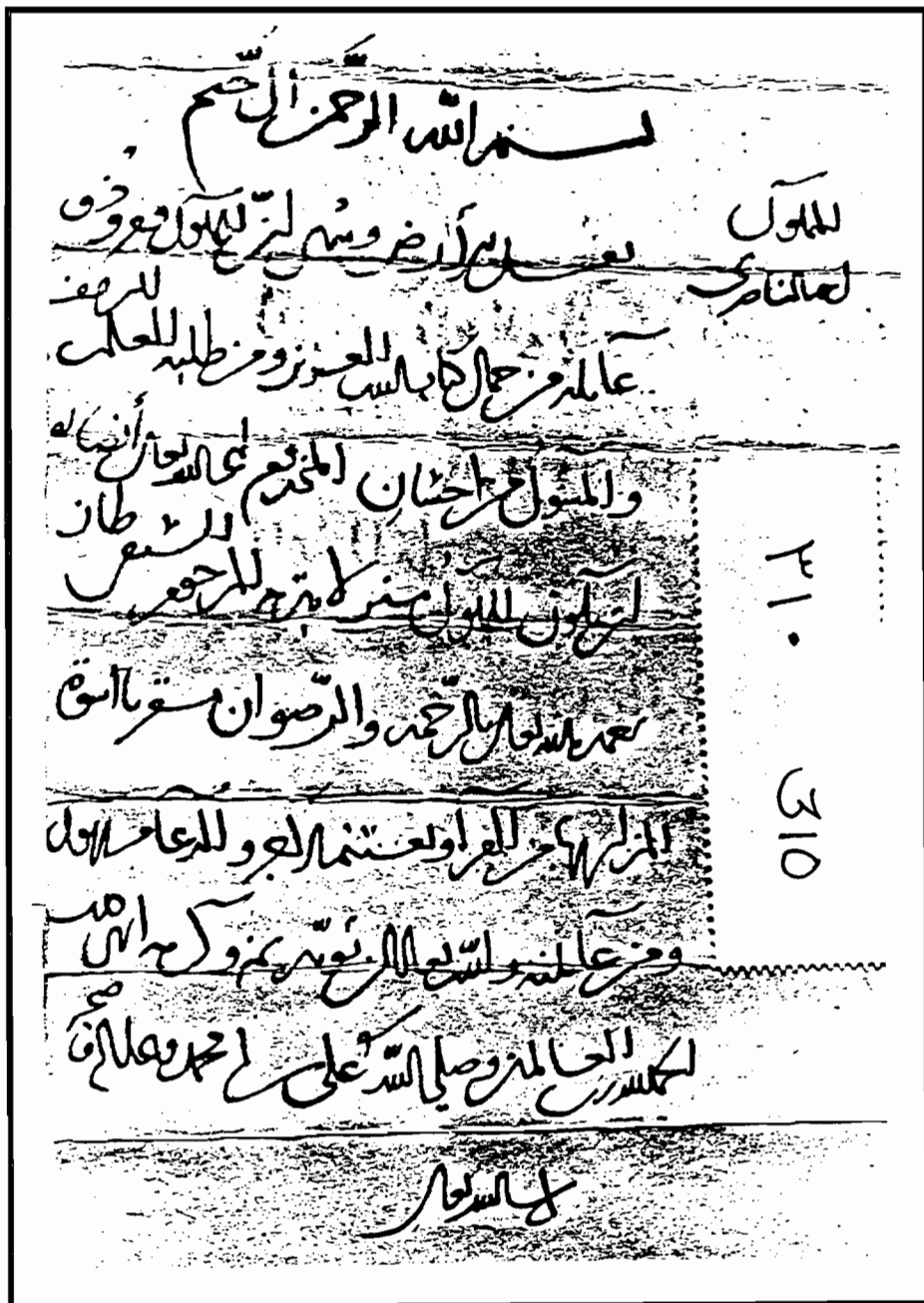


Plate 5

### #310 Translation (recto)

#### 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 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 Aḥmad al-Nāṣirī.<sup>54</sup> From the Ḥaram 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.<sup>55</sup> 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,<sup>56</sup> Burhān al-Dīn is identified as "Qārī, al-mī'ad" and is appointed as "Muqri' al-mī'ād" at the Dome of the Rock, al-Aqṣā Mosque, and Riwāq Bāb al-Silsila. His last two appointments, according to the Ḥaram documents, are both dated 788/1386, one (#2) at the Dome of the Rock, the other (#203) at al-Turba al-Awḥadiyya.<sup>57</sup> 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.<sup>58</sup> For further discussion of Burhān al-Dīn's career, see the commentary on #9 **recto**, below.

# Text

- 2-3 **dhū 'ā'ila** The earliest document with reference to Burhān al-Dīn's family, #289, dated 782/1381, is an acknowledgement from his divorced wife, Fāṭima, that she has received a maintenance payment from him for their son<sup>59</sup>. #699, 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, Shirīn, bought a slave girl.<sup>60</sup> It is evident from several other documents that Shirīn must have been married to Burhān al-Dīn when he died, probably in 789/1387, leaving her their two sons, Muḥammad and 'Alī.<sup>61</sup> Another minor child, Maḥmūd, whose mother is not identified, was left in the custody (*ḥaḍāna*) of Burhān al-Dīn's mother.<sup>62</sup>
- 3 **ḥummāl Kitāb Allāh** is undoubtedly a variant plural of **ḥamalāt al-Qur'ān**: "those who bear in their memory the Qur'ān, knowing it by heart."<sup>63</sup>
- 3 **ṭalabat al-'ilm al-sharīf** refers to students of the science of **ḥadīth**.
- 4 **A'azza Allāh anṣārahu** or a variant thereof is frequently used as a **du'a'**.<sup>64</sup>
- 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",<sup>65</sup> 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 **madrassa**, "in the same manner as those already installed there."<sup>66</sup> The consequential decree written on **verso** makes it clear that scholars were actually residing there, in a **ribāṭ** attached to (?) the **madrassa**: "If the **ribāṭ** established by God in Jerusalem the Noble does not have the full complement of twenty scholars,<sup>67</sup> 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**)<sup>68</sup> in the **ribāṭ**." Unfortunately, the date of this document is problematic and has been read variously as 770, 775, and 780.<sup>69</sup> 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 Ṣūfī in al-Khānqāh al-Ṣalāḥiyya in 780/1378 (#509); 782/1381 (#289); 784/1382 (#699); 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 Ṭāz** Although this building is referred to as a mausoleum, Michael Burgoyne characterizes it as the "Memorial madrasa of Sayf al-Dīn Ṭāz," since Ṭāz is known to have died in 763/1362 in Damascus and buried in the Ṣūfī cemetery there.<sup>70</sup> Burgoyne goes on to say, "The layout of the Ṭāziyya 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."<sup>71</sup> Accordingly, I regard it as probable that Burhān al-Dīn was petitioning to be resident (*munazzal*) in the Tāziyya.

- 6-7 **muqri'...min al-qurrā'** Whether or not there is any difference between a *muqri'* and a *qāri'* in late fourteenth-century Jerusalem is not clear. According to George Makdisi the *muqri'* was the expert in the field of Koranic science and had the status of a professor in medieval educational institutions.<sup>72</sup> However, in the Ḥaram documents *muqri'* and *qāri'* 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 Ḥaram petitions.<sup>73</sup>

### Ḥaram document #310

**Verso** This decree like #305 and #9 fits Stern's characterization of "smaller decrees": "In speaking of 'smaller decrees (*al-marāsīm al-ṣighār*), written either on the back of the petition or as an independent document', al-Qalqashandī mainly refers to the least important letters of appointment...."<sup>74</sup> Although al-Qalqashandī refers only to appointments written by the sultan for members of the military to such positions as supervision of endowments,<sup>75</sup> 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)

- ١ - الله الموفق
- ٢ - Undeciphered
- ٣ - المرسوم العالي المولوي السيفي سيف
- ٤ - الدين ملك أعزه الله تعالى أن يستقر
- ٥ - الشيخ الصالح العالم العامل العلامة
- ٦ - برهان الدين الناصري مقريا بترية المرحوم السيفي
- ٧ - المقرطاز تغمده الله بالرحمة والرضوان
- ٨ - وله من المقرر أسوة أمثاله والحمد لله وحده
- ٩ - وصلواته على سيدنا وعلى آله وصحبه وسلام كتب
- ١٠ - بتاريخ الخامس عشر لرمضان المعظم من شهور
- ١١ - سنة خمسة وسبعين وسبعماية

بسم الله الرحمن الرحيم  
الحمد لله

المهيم للعالم المولود السقي سيف  
الله ملك الغرة الله تعالى اذ يستقر  
الشيخ الطام العالم العامل العالم  
الذي الناصر مقر يا بتر به المرحوم اليق  
المقر طار وتعد لله بالرحمة والرضوان  
وله من المقر اسوة امثاله والحمد لله وحده  
وطلوعه على الدنيا على الله و  
سائر الخاتمة عشر لمظن المظن من شهور  
سنة خمسة وثمانين وستمائة

٢١٠

٣١٥

Plate 6

### #310 Translation (verso)

- 1 God is the Bestower of success.
- 2 Undeciphered motto ('**alāma**)
- 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 reciter at the Tomb of the late Sayf al-Dīn
- 7 the Excellency Ṭāz, 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
- companions, Written
- 10 on the fifteenth of Ramaḍān the Exalted among the months
- 11 of 775/28 February 1374.

### # 310 Commentary (verso)

- 1 **Allāh al-Muwaffaq** This phrase, which stands in place of the usual introductory invocation, **bismallah**, is often used in the terminal protocol salute of Royal Mamlūk decrees.<sup>76</sup>
- 2 This undeciphered '**alāma**, or motto-signature, appears on four other Ḥaram documents. Although I am unable to read it, I can see that it contains the key component of an '**alāma**, viz. a word based on the root ḥ-m-d, either "al-ḥamdu" or "aḥmadu," after which one would expect either **lillāh** or **Allāh ta'ālā**.<sup>77</sup> The five documents cover a time span from 766/1364 to 785/1383, and all identify the issuer of the decrees as al-Amīr Sayf al-Dīn Malik... (Nāṣir of the Ṭāziyya) as follows: #214 (766/1364), al-Amīr al-Sayfī Malik al-Ashrafī (al-Ashrafī refers to Sultan al-Ashraf Sha'bān, who ruled 764-78);<sup>78</sup> #310 (775/1374), al-Amīr al-Sayfī Sayf al-Dīn Malik; #303 (780/1378),<sup>79</sup> al-Amīr al-Sayfī Malik al-Manṣūrī (Sultan al-Manṣūr 'Alī, 778-83); #5 (784/1382), al-Amīr al-Sayfī Malik al-Ṣaliḥī (Sultan al-Ṣaliḥ Ḥājji, 783-84); and #14 (785/1383), al-Sayfī Sayf al-Dīn Malik al-Ẓāhirī (Sultan al-Ẓāhirī Barqūq, 784-91).<sup>80</sup> "Malik", it is true is an uncommon name, and in this respect Richards opines that "A curious feature of these documents is that the reference to the ruling Sultan in the title of the nāṣir, the **al-malaki al-fulānī** element, is usually written malik al-fulānī,"<sup>81</sup> overlooking the distinct possibility that malik is Sayf al-Dīn's **ism**, especially since #310 records "Malik" without any fulānī element at all. Richards also claims that: "Six documents contain appointments (phrased like administrative decrees, **marsūms**) made by the **nāṣir** of the waqf, an Amīr Sayf al-Dīn, whose identity might have remained a mystery, were it not that no. 7 (verso) had a cursive note which we read as Written by Abū Bakr b. Ṭāz. This suggests that Ṭāz according to



common practice had nominated his own family to be the overseers of his endowment".<sup>82</sup>

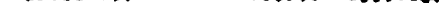
Although the latter conjecture may well be true, the former overlooks the fact that the 'alāma on #7 verso (dated 777/1376), is not the same as those on the other documents;<sup>83</sup> furthermore, unlike the other documents, the text of #7 verso does not mention the name of the issuer, Sayf al-Dīn,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

3. **al-marsūm** Several of the Ḥaram decrees, including #305 verso (see below), that contain appointments begin with **al-marsūm** and go on to state that the applicant will be "established (yastaqirr)", as in L.4, or "yastamirr" in a position.<sup>84</sup> This pattern is recommended by Ibn Nāẓir al-Jaysh in his **Kitāb tathqīf al-ta'īf bil-muṣṭalaḥ al-sharīf** for a sultan's appointments of mamlūks to state positions: "Marsūm sharīf bi-an yastaqirr al-majlis al-'ālī... fī l-niyāba al-fulāniyya..."<sup>85</sup>
- 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.<sup>86</sup> **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**.<sup>87</sup> **Al-Mawlawī**, the same author says, is an exaggerated form of **al-Mawlā**, "used for eminent (**akābir**) wielders of swords and pens."<sup>88</sup> **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.<sup>89</sup>
- 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 Ṣūfīs and persons of righteousness (**al-ṣalāḥ**).<sup>90</sup> **Al-'Ālim** is self-explanatory, though it is used to extol a sultan.<sup>91</sup> **Al-'Āmil** is "one of the **laqabs** of righteous persons, signifying assiduousness in deeds and exertion in worship."<sup>92</sup> **Al-'Allāma** is used for extremely learned scholars, but rarely.<sup>93</sup>

### Ḥaram 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)



- ١ - المملوك
- ٢ - إبراهيم الناصري
- ١ - بسم الله الرحمن الرحيم
- ٢ - يقبل الأرض وينهي أن للملوك بيده ولاية
- ٣ - شرعية بقرأة ميعاد في المسجد الأقصى وله
- ٤ - من المعلوم في كل شهر عشرون درهما وسوآل
- ٥ - المملوك من صدقات مولانا ملك الأمرا أعز الله تعالى أنصاره
- ٦ - مرسوما كريما باجرآ المملوك على عادته صدقة
- ٧ - عنه وعن أولاده ويغتنم الآجر والدعآ من المملوك
- ٨ - في الأماكن الشريفة انهى ذلك والحمد لله وحده وصلى الله
- ٩ - على سيدنا محمد وعلى اله وصحبه وسلم ان شا الله تعالى

#305 Translation (recto)

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 has in his possession a legal appointment
- 3 to recite **mī'ād** in al-Masjid al-Aqṣā with
- 4 a salary of twenty dirhams every month. The request
- 5 of the slave from the bounties of Our Lord the King of Amīrs, may God the Exalted make his victories glorious,
- 6 is for a gracious decree that the slave be provided for as customary, as an act of bounty
- 7 from him and his children, thereby availing himself of (God's) reward and the slave's prayers
- 8 in the noble places. He reported that. Praise be to God alone. May God bless
- 9 Our Master Muḥammad, his family, and his companions and grant them peace, God willing.

### #305 Commentary (recto)

- 3 **bi-qirā'at mī'ād fī l-Masjid al-Aqṣā** We know from #26, unfortunately undated, that Burhān al-Dīn "recites/reads **mī'ād** at al-Masjid al-Sharīf four times a week: Monday, Tuesday, Thursday, and Friday after the morning prayer at al-Aqṣā al-Sharīf. 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 **mī'ād** by reciting **qul huwa Llāh aḥad**, the **ma'ū-dhtayn**, the **fātiḥa**, and the beginning of **al-Baqara** until **al-mufliḥūn**."<sup>94</sup> Furthermore, in #2, dated 788/1386, Burhān al-Dīn's appointment to "qirā'at al-mī'ād" at the Dome of the Rock incurs recitation/reading of "exegeses, **ḥadīth**, words of **al-mashā'ikh** in stories and exhortation."<sup>95</sup> From these descriptions it is clear that in fourteenth century Jerusalem, a **mī'ād**, which Maqdisi says is associated with **ḥadīth** in earlier periods,<sup>96</sup> included other pious texts as well, such as Qur'ān, **tafsīr**, and stories of righteous persons. At least two other documents refer to Burhān al-Dīn as **muqri'/qāri' āl-mī'ād/mawā'id**. As noted above #603, dated 774/1372, appoints him as "mūqri' al-mī'ād" at the Dome of the Rock, al-Aqṣā, and Riwāq Bāb al-Silsila, and #39, dated 780/1379, a deed for a house purchased by Burhān al-Dīn, identifies him as "aḥad qurrā' al-mawā'id al-sharīfa bil-Masjid al-Aqṣā al-Sharīf."
- 4 **min al-ma'lūm fī kull shahr 'ishrūn dirhaman** 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 **mī'ād** in the Jerusalem Ḥaram."<sup>97</sup> A similar document, (probably) for the same year, authorizes payment of twenty dirhams "for the office of reciting the blessed Qur'ān at al-Ḥaram al-Sharīf."<sup>98</sup>
- 5 **Malik al-umarā'** According to al-Qalqashandī this is one of the titles bestowed upon the sultan's viceroys, "such as the senior viceroys in Syria."<sup>99</sup> As is clear from the document on **verso**, this title refers to the Viceroy of Jerusalem.

### Ḥaram 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 Nāẓir al-Jaysh's pattern for documents appointing Mamlūks to state positions.<sup>100</sup>

### #305 Arabic transcription (Plate 8):

۱۰۸

للمسؤولين الذين هم القادرون على العمل في المستقبل

الشيخ العلامة الفاضل  
الشيخ الفاضل

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 ٩٦  
 ٩٧  
 ٩٨  
 ٩٩  
 ١٠٠

لا ريب ان الذين اطلعوا بالعلوم المرفوعة على اعمامهم

فَلَا تُرَى لَهُمُ الْمَكُونُ وَالْمَالُ لَدُنْهُمُ الْكَوْنُ وَمَعَهُ الْعَالَمُ

GT

ہاں پر سہاگ

१०२०

305

0.

376



- ١ - بسم الله الرحمن الرحيم
- ٢ - الملكي المنصوري
- ٣ - يعتمد
- ٤ - المرسوم بالامر الكريم العالي المولوي الاميري الكبير المالك المخدم
- ٥ - البدر بن المقر المرحوم العمادي بن العسكري نايب السلطنة وناظر الحرمين
- ٦ - الشريفين بالقدس الشريف وتربة سيدنا الخليل عليه الصلاة والسلام اعز الله تعالى
- ٧ - انصاره ان يتأمل انها باطنا ويستمر رافعها المشار اليه باطنا في الوظيفة
- ٨ - المذكورة باطنا بالمعلوم المقرر له على عادته ويستقر في الخدم
- ٩ - فليأشر الوظيفة المذكورة وليتناول المعلوم المذكور معتمدا على
- ١٠ - الخط الكريم اعلاه ان شاء الله تعالى
- ١١ - كتبه ثامن (?) شهر شعبان سنة احد وثمانين وسبعمئة
- ١٢ - 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 'Imād al-Dīn b. al-'Askarī, Royal Viceroy and Supervisor of the Two
- 6 Noble Sanctuaries in Jerusalem and at the tomb of Our Master Khalīl (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 **basmla**, consisting of the first and last letters (**bism... al-rahīm**), is rare in the Ḥaram documents, but for another example see #214.<sup>101</sup>
  
- 2 **al-Malakī l-Manṣūrī** Al-Qalqashandī 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 **basmla**.<sup>102</sup> There are many examples of this with the full **basmla** in the photographs of Mamlūk decrees issued to the Franciscans in Jerusalem, but the **basmla** is sometimes missing in other decrees.<sup>103</sup>

**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 **yu'tamad** Stern, referring to similar Mamlūk decrees, writes "while **yu'tamad** 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..."<sup>104</sup> 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 '**alāma (bayt al-'alāma)**'. "They are headed with the words al-Malakī al-Fulānī and bear underneath the signature **yu'tamad**, exactly as our document."<sup>105</sup>
  
- 4 **al-makhdūmī** According to al-Qalqashandī this complimentary, exaggerated form of **makhdūm** designates someone who is "served" because of his high rank.<sup>106</sup>
  
- 5 **al-Badarī b. al-Maqarr al-marḥūm al-'Imādī b. al-'Askarī** This refers to the **amīr** known to Mujīr al-Dīn as "Badr al-Dīn Ḥasan b. 'Imād al-Dīn al-'Askarī, Supervisor of the Two Noble Sanctuaries in Jerusalem and Hebron. He was invested in office in 782/1380-81."<sup>107</sup> The discrepancy between "ibn al-'Askarī" and "al-'Askarī" can be resolved if we assume that Ḥasan assumed his father's **nisba**.<sup>108</sup> 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-'Askarī, appointing Burhān al-Dīn as "qārī'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.<sup>109</sup> Perhaps Ḥaydar was Ḥasan's brother?

7 **yata'ammal al-inhā'** This is a stock phrase used in decrees written in response to petitions.<sup>110</sup>

**rāfi'uhā** This is the formal term used for a petitioner.<sup>111</sup>

9-10 **mu'tamadan 'alā** l-khaṭṭ tern 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.<sup>112</sup>

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

11 **thāmin** might also be read **thānī**.

### Haram document #9

**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.<sup>113</sup> 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 (**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 Haram, #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.<sup>114</sup> 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.

### Arabic transcription: the petition Recto (Plate 9)



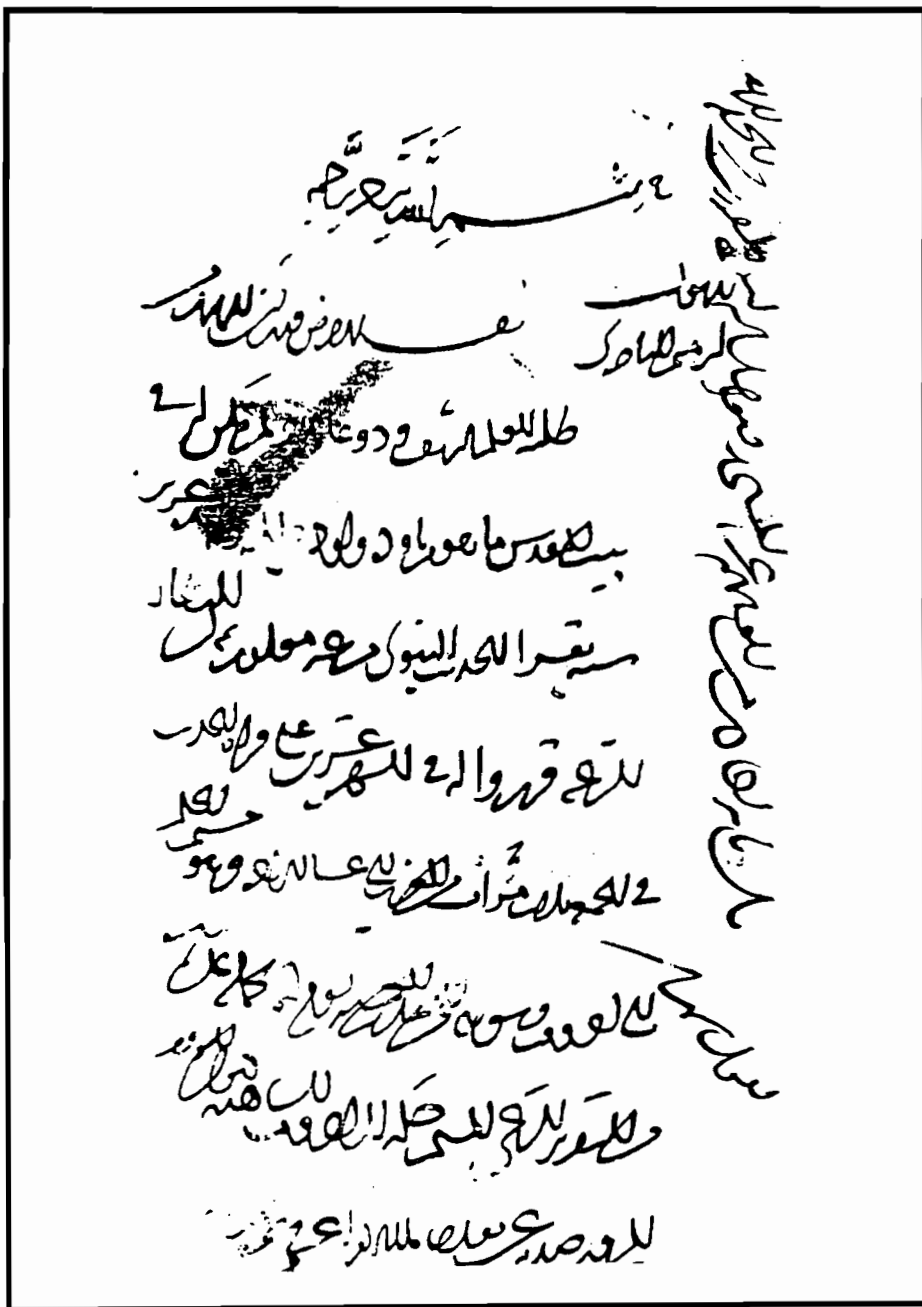


Plate 9



- ١ - المملوك
- ٢ - ابراهيم الناصري
- ١ - بسم الله الرحمن الرحيم
- ٢ - يقبل الأرض وينهى ان المملوك من
- ٣ - طلبه العلم الشريف وذو عائلة ولم يكن له في
- ٤ - بيت المقدس ما يقوم باوده واود عائلته وله مدة عشرين
- ٥ - سنة يقرأ الحديث النبوي من غير معلوم ثم ان النظر
- ٦ - الشرعية قرروا له في الشهر عشرين على قراءة الحديث
- ٧ - في الجمعة ثلاث مرات من المغرب الى عشا الاخرة وهو مستمر الحكم
- ٨ - الى آخر وقت وسؤاله من الصدقات (?) العقيقة يومر له بحمله على ما بيده
- ٩ - من التقرير الشرعي المستمر حكمه الى اخر وقت الشاهد به ديوان الوقف
- ١٠ - المبرور صدقة عن مولانا ملك الامرا اعز 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 legal supervisors
- 6 assigned twenty (dirhams) a month to him for reciting **ḥadīth**
- 7 three times a week, from the sunset prayer until the last, evening, prayer
- 8 in perpetuity. His request from the all-embracing bounties is that an order be issued for him to be treated according to
- 9 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.<sup>115</sup> 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-mī'ād** opposite the Dome of the Rock for fifteen dirhams a month.<sup>116</sup>
2. #603, dated 17 Jumādā II 774/14 December 1372, **muqri' al-mī'ād** at the Dome of the Rock, al-Aqṣā, 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.<sup>117</sup>
5. #13, dated Ṣafar 777/July 1375, assigns Burhān al-Dīn four loaves of bread a day from al-Ribāṭ al-Manṣūrī in exchange for prayers.<sup>118</sup>
6. #508, dated 16 al-Muḥarram 780/15 May 1378, reciter of Qur'ān, **fiqh**, **ḥadīth**, and **tafsīr** at al-Aqṣā and Bāb al-Silsila for ten dirhams a month.<sup>119</sup>
7. #303, dated 20 al-Muḥarram 780/19 May 1378, appoints him a **qāri'**, a Qur'ān reciter, and keeper of the Qur'ān chest at Turbat Ṭāz for an unspecified salary.<sup>120</sup>
8. #49, dated 14 Rabī' II 781/30 July 1379, records payment of 348 dirhams to Burhān al-Dīn as teacher at the Qur'ān school of Amīr Fakhr al-Dīn Iyās in 780.<sup>121</sup>
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.<sup>122</sup>
- 10 #305, dated 8 Sha'bān 781/19 November 1379, **qāri' al-mī'ād** at al-Aqṣā for twenty dirhams a month.

- 11 #490, dated 25 Shawwāl 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.<sup>123</sup>  
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 *dirhaman* has obviously been omitted.
- 7 'ishā' al-ākhirā Here one would expect *ṣalāt al-'ishā' al-ākhirā* or simply *al-'ishā' al-ākhirā*, but 'ishā' al-ākhirā was used as early as al-Bukhārī and Aḥmad ibn Ḥanbal.<sup>124</sup> #4 refers to "waqt adhān 'ishā' al-ākhirā," the time of the *mu'adhdhin's* call to the last, 'isha', prayer.<sup>125</sup>
- 7-8 *wa-huwa mustamirr al-ḥukm ilā alakhir waqt*, or a variant thereof, is a standard clause appearing in many Mamlūk documents.<sup>126</sup>
- 8 *al-ṣadaqāt* This word should possibly be read *al-marāḥim*, as in an Ayyūbid petition, "fa-yaṭlubūn min al-marāḥim al-sulṭāniyya."<sup>127</sup>
- #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.<sup>128</sup> 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)

١ - يقول (؟) شمس الدين (؟)

يكتب (؟) بأنه إذا كان من القديم غير المستجد فيوصل 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)

- 1 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)

- ١ - الملكي المنصوري
- ٢ - يعتمد
- ٣ - رسم بالامر العالي اعلاه الله تعالى ان
- ٤ - يتأمل ما ذكره المجلس السامي الشيخي الاجل الكبير (؟)
- ٥ - العالمي الفاضلي العابدي الخاشعي البرهاني
- ٦ - ابراهيم الناصري مترجها اعاد الله بركته
- ٧ - وليتقدم بانه اذا كان من القديم غير المستجد
- ٨ - فيوصل اليه اسوة المقررين في الحرم الشريف
- ٩ - فليتعهد المرسوم الكريم فيه (؟) كل واقف عليه ويعمل بحسبه ومقتضاه من
- ١٠ - غير عدول عنه ولا خروج عن حكمه ومعناه
- ١١ - بعد الخط الكريم اعلاه الله تعالى اعلاه
- ١٢ - ان شا الله تعالى
- ١٣ - 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

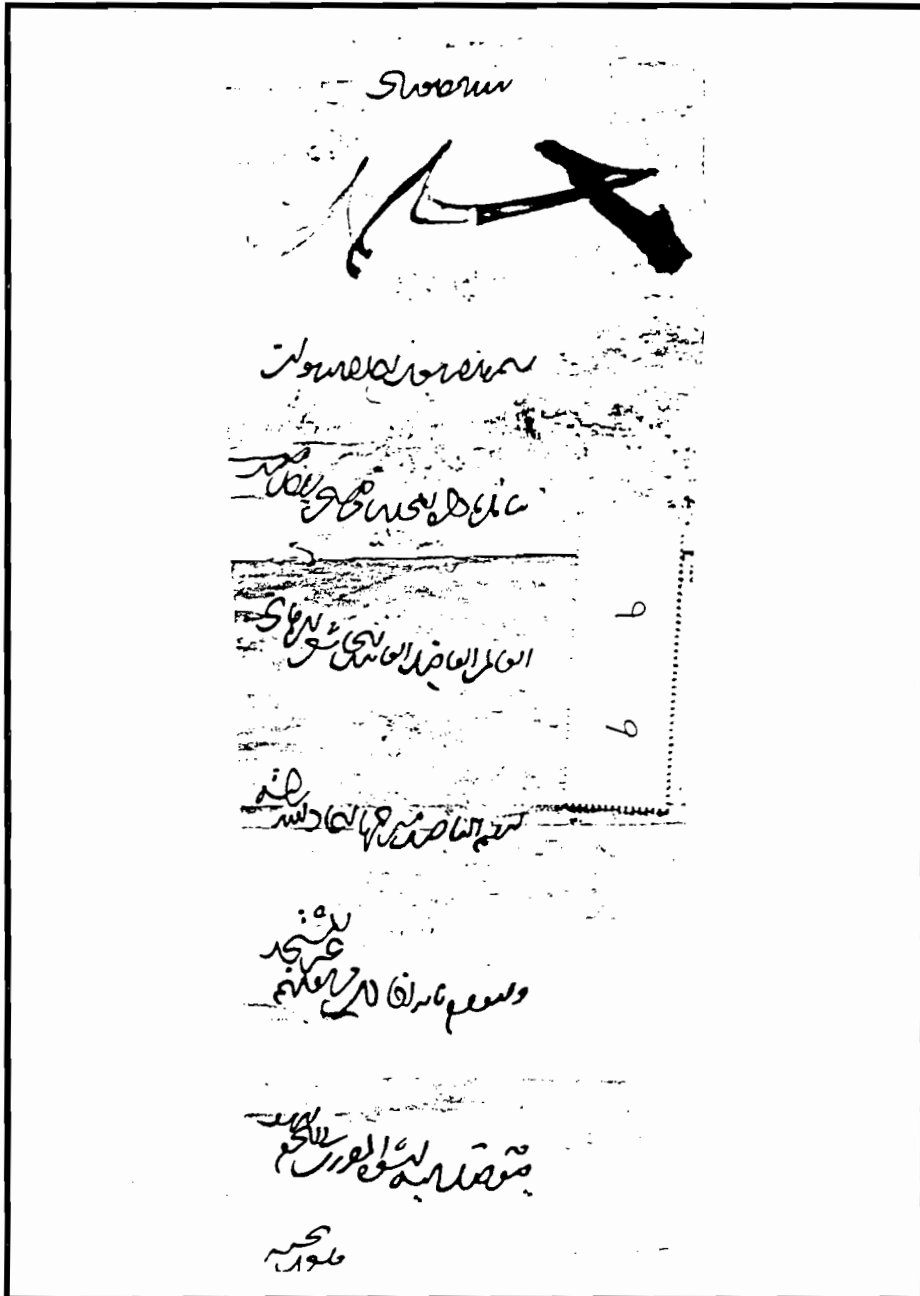


Plate 10

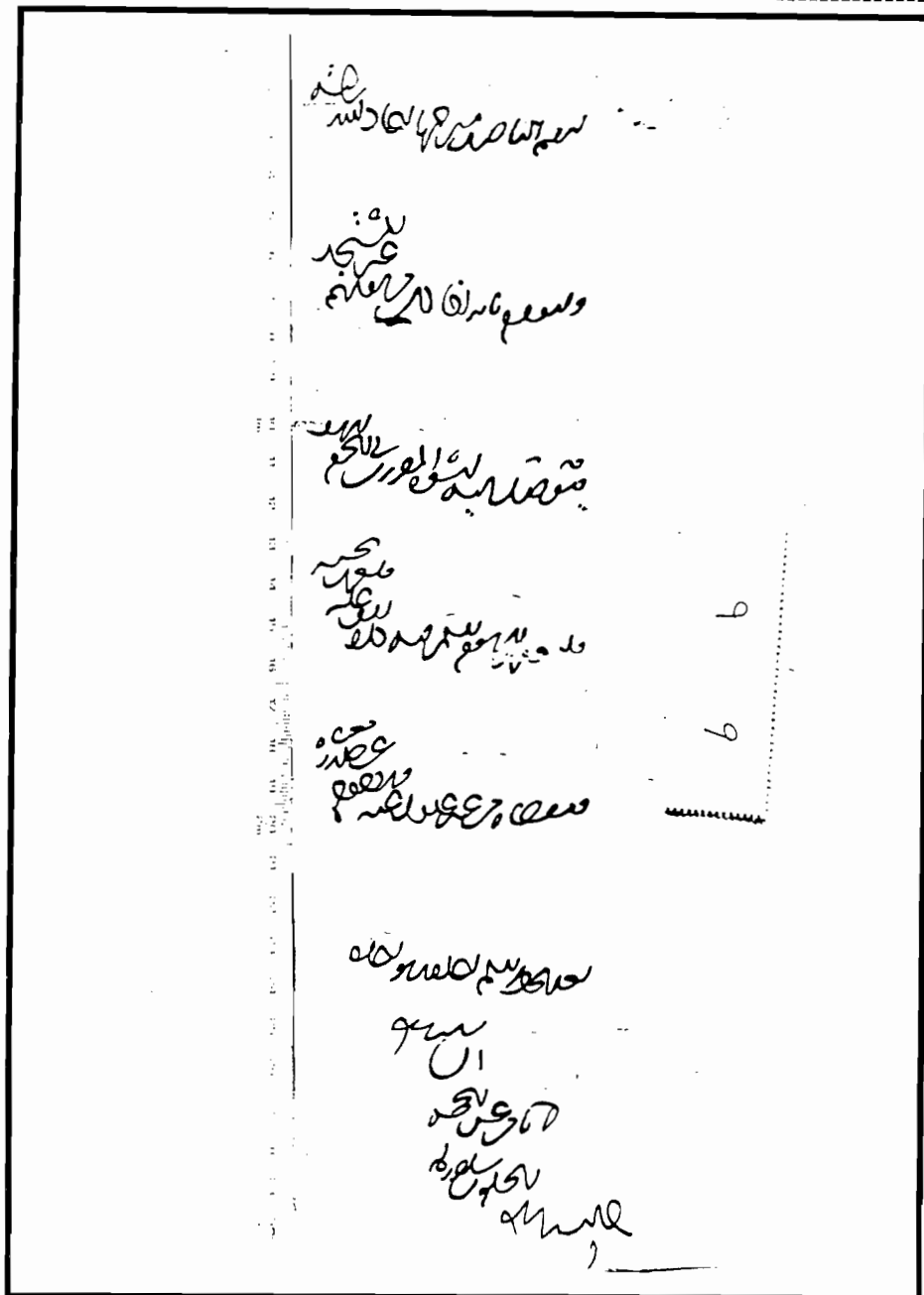


Plate 11

- 6 Ibrāhīm al-Nāṣirī, the Signatory, may God restore his blessing,  
7 and that it be enjoined that if he held this position of old and it is not new,  
8 let him receive the customary compensation of those established in the  
Noble Sanctuary.  
9 Let the gracious decree be carried out by everyone who reads it and be  
implemented in accordance with its reckoning.  
10 and in conformity with it, without deviation from it or departure from its edict  
and meaning  
11 after the gracious script, May God exalt it, is (inscribed) above.  
12 God willing  
13 Written 18 al-Hijja  
14 the Sacred 781/26 March 1380.  
15 God is our sufficiency.  
16 The end.

#### #9 Commentary (verso)

This decree has most of the features of what the author Ibn Nāṣir al-Jaysh, in his "heavily revised edition of Ibn Faḍl Allāh's *Ta'rif* called *Tathqīf al-Ta'rif*..."<sup>129</sup> labels "*Tawāqī'*" on the back of petitions."<sup>130</sup> 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..."<sup>131</sup> that is, appointments such as the one contained in our decree. The content and language of #9 *verso* correspond so closely to Ibn Nāṣir al-Jaysh's formula for a royal *tawqī'* that it is worth reproducing it for purposes of comparison:

وصورتها ان يلصق على القصة وصلان ويكتب في ظاهرها بغير بسملة قبل  
الوصل الذي وصله بنحو اربعة اصابع مطبوعة: رسم بالامر الشريف العالي المولوي  
السلطاني الملكي الفلاني، اعلاه الله تعالى وشرفه وانفذه وصرفه ان يتأمل ما انهاء  
رافعها باطنا ولتقدم بكيك وكيك، ويشرح ما تضمنه الجواب على هامش القصة  
المذكورة الى آخره. ثم يقال: فليتعهد هذا المرسوم الشريف كل واقف عليه ويعمل  
بحسبه ومقتضاه من غير عدول عن حكمه ولا خروج عن معناه، بعد الخط  
الشريف، شرفه الله تعالى واعلاه اعلاه، ان شاء الله تعالى، ثم التاريخ، ثم الحسبة  
بغير حمدلة. ويكتب المستند على هامش التوقيع المذكور... ولا يكتب في الذيل بعد  
التاريخ شيء غير الحسبة... وان كان رافع القصة ممن هو معتبر بعض الشيء فيقال  
«مترجمها»، وان اراد زيادة اكرامه فيقال «ما ذكره مجلس القاضي» او «المجلس السامي  
القاضي» ان كان من هذه الرتبة ويذكر بعض القابه، مترجمها باطنا، ادام الله تعالى  
علوه، او اعزه الله تعالى، ولتقدم، ويكمل الى آخره حسبما بيناه. انتهى<sup>132</sup>



Collation of our decree with the model shows a high degree of conformity, so that one might almost think that the drafter 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, الملكى الفلانى, which we have seen to be typical of provincial decrees. Finally, it should also be noted that al-Qalqashandī - in his transcription of this passage has changed هامش القصة to ويكتب المستند على هامش التوقيع المذكور, which conforms to our document, where the **mustanad** is indeed written in the margin of the petition rather than in the margin of the **tawqī'**.<sup>133</sup>

Comparison of #9 with #305 and #310 shows that the first decree follows the format of **tawqī's** as outlined by Ibn Nāẓir al-Jaysh and al-Qalqashandī, whereas the latter two are closer to the **marāsīm ṣighār** 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 on the basis of the Hāram documents, the **tawqī'** - type normally begins with "rusima bil-amr..." whereas the **marāsīm**-type begins with "al-marsūm al-karīm/al-'ālī..."; 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'a** or "square" decree, which could also be cast in either the **rusima** or **al-marsūm** format.<sup>135</sup> 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.

- 1 For this collection see my "The Significance of the Hāram Documents for the Study of Medieval Islamic History," *Der Islam*, LVII (1980), 189-217, and *A Catalogue of the Islamic Documents from al-Hāram ash-Sharīf in Jerusalem*, (Beirut: 1984), pp. 1-21.
- 2 See Noberto Risciani, *Documenti e Firmane* (Jerusalem: 1931). S.M. Stern, "Three Petitions of the Fāṭimid Period," *Oriens*, XV (1961), 172-209; "A Petition to the Fāṭimid Caliph al-Mustansir Concerning a Conflict within the Jewish Community," *Revue des Etudes Juives*, CXXVIII (1969), 203-22; "Petitions from the Ayyūbid Period," *Bulletin of the School of Oriental and African*

- Studies**, XXVII (1964), 1-32; "Two Ayyūbid Decrees from Sinai," **Documents from Islamic Chanceries**, ed. S.M. Stern (Oxford: 1965), pp. 9-38, 207-16; "Petitions from the Mamlūk Period," **BSOAS**, XXIX (1966), 233-76; (all of these articles are reprinted in Stern's **Coins and Documents from the Medieval Middle East** (London: 1986)); **Fāṭimid Decrees** (London: 1964). D.S. Richards, "A F-āṭimid Petition and 'small decree' from Sinai," **Israel Oriental Studies**, III (1973), 140-58; "A Mamlūk Petition and a Report from the Dīwān al-Jaysh," **BSOAS**, XL (1977), 1-14; "A Mamlūk Emir's Square Decree," **BSOAS**, LIV (1991), 64-67; "A Petition for an *iqṭā'* Addressed to Saladin or al-Ādil," **BSOAS**, LV (1992), 100-105. Rudolf Vesely, "Les requetes en Egypte au xvie siecle," **Revue des Etudes Islamiques**, XLV (1977), 183-246. Geoffrey Khan, "A Copy of a Decree from the Archives of the Fāṭimid Chancery in Egypt," **BSOAS**, XLIX (1986), 439-53. "A Petition to the Fāṭimid Caliph al-Āmir," **Journal of the Royal Asiatic Society** (1990), 44-54; "The Historical Development of the Structure of Medieval Arabic Petitions," **BSOAS**, LIII (1990), 8-30; **Arabic Legal and Administrative Documents in the Cambridge Genizah Collections** (Cambridge: 1993), pp. 319-419.
- 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.
  - 5 **Wathā'iq maqdisiyya tarīkhiyya/Jerusalem Historical Documents**, 2 vols ('Ammān: 1983-85). See also Mohammed Issa Salhiyieh, **Min wathā'iq al-Ḥaram al-Qudsī al-Sharīf/ From the Documents of al-Ḥaram al-Sharīf in Jerusalem** (Kuwait: 1985).
  - 6 Cf. Khan, **Arabic Documents**, pp. 306-17.
  - 7 See Ibn Faḍl Allāh al-'Umarī, **Maṣālik al-abṣār fī mamālik al-amṣār: Qabā'il al-'arab...**, ed. Dorotea Kravulski (Beirut: 1985).
  - 8 R.L. Headley, "Awāmir," **Encyclopaedia of Islam**, 2nd ed., I, 759.
  - 9 Wolf-Dieter Hütteroth, **Historical Geography of Palestine... in the Late 16th Century** (Erlangen 1977), p. 218.
  - 10 Henry Cattan, "The Law of Waqf," in **Law in the Middle East**, ed. Majid Khadduri and Herbert J. Liebesny (Washington, D.C.: 1955), p. 204.
  - 11 **Ibid.**, pp. 211-12.
  - 12 For an outline of the process of certification (**thubūt**), see Gabriela Linda Guellil, **Damaszener Akten des 8/14 Jahrhunderts nach aṭ-Ṭarsūsīs Kitāb al-l'ām: eine Studie zum arabischen Justizwesen** (Bamberg: 1985), pp. 397-99.
  - 13 Shams al-Dīn Muḥammad al-Asyūṭī, **Jawāhir al-'uqūd wa-mu'īn al-quḍāt wal-muwaqqi'īn wal-shuhūd**, ed. M. H. al-Fiqqī (Cairo: 1374/1955), II, 454.

- 14 Muḡīr al-Dīn has a special chapter on "al-Khuṭabā' bil-Masjid al-Aqṣā al-Sharīf wa Maqām Sayyidinā l-Khalīl", in **al-Uns al-Jalīl bi-ta'rīkh al-Quds wal-Khalīl** ('Ammān: 1973), II, 134-43.
- 15 According to Shihāb al-Dīn al-Qalqashandī, **Ṣubḥ al-a'shā fī ṣinā'at al-inshā'** (Cairo: 1913-19), XIL, 108, there is no distinction between **taqlīd** and **marṣūm**.
- 16 "Petitions from the Mamlūk Period," p. 262, note 108.
- 17 **Ibid.**, p. 246.
- 18 E. g., Asali, **Wathā'iq**, I, 197, 201, 205, 208, 210, in addition to those published in this article and elsewhere.
- 19 al-Qalqashandī, **Ṣubḥ ai-a'shā**, VI, 187.
- 20 "The Arabic Yarkand Documents," **BSOAS**, XLIX (1986), 483.
- 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 **Ṣubḥ al-'a' shā**, IV, 103.
- 24 **Ibid.**, IV, 200; XII, 322.
- 25 Muḡīr al-Dīn, **al-Uns**, II, 120.
- 26 **Ibid.**, p. 122.
- 27 **Ibid.**, p. 118.
- 28 **Ibid.**, p. 126.
- 29 Little, **Catalogue**, p. 9.
- 30 Stern, "Petitions from the Ayyūbid Period" p. 180.
- 31 **Ibid.**
- 32 **Jawāhir**, II, 594.
- 33 See Stern, "Petitions from the Mamlūk Period," pp. 244, 278; "Petitions from the Ayyūbid Period," p. 27; **Fāṭimid Decrees**, pp. 24, 36, 48, 60.
- 34 E.g., Risciani, **Documenti**, pp. 248, 276, 280, 314, 344.
- 35 See John L. Esposito, **Women in Muslim Family Law** (Syracuse: 1982), pp. 26-28.
- 36 **Jawāhir**, II, 223.
- 37 **Ibid.**, 223-24.
- 38 **Ibid.**, p. 221.
- 39 Muhammad Abu Zahra, "Family Law," in **Law in the Middle East**, pp. 144-45.
- 40 See my "Documents related to Estates," forthcoming.
- 41 **Al-Uns**, II, 243-56.
- 42 **Ibid.**, p. 119.
- 43 **Jawāhir**, II, 454.
- 44 **Ibid.**, p. 494.
- 45 **Al-Uns**, II, 119.
- 46 Risciani, **Documenti**, p. 278.

- 47 See Rudolf Vesely, "Die richterlichen Beglaubigungsmittel," **Orientalia Pragensia**, VIII (1971), 12-18.
- 48 See, e.g., Stern, "Petitions from the Mamlūk Period," pp. 253-59; Risciani, **Documenti**, p. 282; and Hans Ernst, **Die mamlūkischen Sultansurkunden des Sinai-Klosters** (Wiesbaden: 1960), pp. 60, 66.
- 49 E.g., Stern, "Petitions from the Mamlūk Period," pp. 253, 259; Risciani, **Documenti**, pp. 30, 38, 44, 52, 66, 78, 82, 152, 160, 168, 250, 252, 254; Ernst, **Sultansurkunden**, pp. 26, 32, 38, 52, 66, 74, 86, 126, 140, 142, 146, 148, 150, **et passim**.
- 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, **Wathā'iq**, I, 210, 214; Risciani, **Documenti**, pp. 72, 76, 164, 252.
- 53 Stern, "Petitions from the Mamlūk Period," p. 245.
- 54 Hāram documents #39, 458, 622.
- 55 In M.H. Burgoyne, **Mamlūk Jerusalem** (London: 1987), pp. 72-73, 401.
- 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-Hāram aš-Šarīf," **Zeitschrift der Deutschen Morgenlän-dischen 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 Šārim al-Dīn Ibrāhīm (Burgoyne, **Jerusalem**, p. 72).
- 57 Misdated by me, **Catalogue**, p. 78, as 787; misdated by Richards, in Burgoyne, **Jerusalem**, p. 76 as 780.
- 58 Most specifically from a record of sale from items from his estate, #812, dated 789/1387. Cf. Ulrich Haarmann., "The Library of a fourteenth century Jerusalem scholar," **Der Islam**, LXI (1984), 327-33.
- 59 This document has been published by Huda Lutfy, "A Study of Six Fourteenth century **Iqrārs** 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.

- 63 Edward William Lane, **Arabic-English Lexicon** (Beirut: 1968), II, 649.
- 64 E.g., Risciani, **Documenti**, pp. 276, 292, 328; Asali, **Wathā'iq**, I. 210, 213.
- 65 R. Dozy, **Supplément aux dictionnaires arabes** (Beirut: 1968), II, 668.
- 66 Asali, **Wathā'iq**, I, 213.
- 67 This sentence Richards has mistranslated as "because 'the complement of twenty lawyers in the ribāṭ (**sic**)... is not full," Burgoyne, **Jerusalem**, p. 73.
- 68 **Maskan** has been misread by Asali as **sakan**, **Wathā'iq**, I. 214.
- 69 **Ibid.**, p. 214: 770; Richards, in Burgoyne, **Jerusalem**, p. 76: 775; Little, **Catalogue**, p. 38: 780.
- 70 **Jerusalem**, p. 399.
- 71 **Ibid.**, 408.
- 72 **The Rise of Colleges** (Edinburgh: 1981), p. 215
- 73 E.g., Asali, **Wathā'iq**, I, 210, 213, and #305 **recto**, 1. 7, below.
- 74 "Petitions from the Mamlūk Period," pp. 245-46.
- 75 **Ṣubḥ al-a'shā**, VI, 110.
- 76 Ernst, **Sultansurkunden**, p. xxxiii.
- 77 See Vesely, "Beglaubigungsmittel," pp. 12-18.
- 78 Contrary to Richards, this document has nothing to do with Burhān al-Dīn. Burgoyne, **Jerusalem**, p. 72.
- 79 Richards erroneously claims that there is no date on this document. **Ibid.**, p. 411, note 21.
- 80 This document has been published by Asali, **Wathā'iq**, I, 301-302.
- 81 Burgoyne, **Jerusalem**, p. 411, note 20.
- 82 **Ibid.**, p. 401.
- 83 This document has been published by Asali, **Wathā'iq**, I. 203-05, with a photograph.
- 84 E.g., Asali, **Wathā'iq**, I, pp. 196, 197, 199, 201, 205, 208.
- 85 Ed. Rudolf Vesely (Cairo: 1987), 142.
- 86 **Ṣubḥ al-a'shā**, V, 503-04; VI, 100.
- 87 **Ibid.**, VI, 20.
- 88 **Ibid.**, p. 31
- 89 **Ibid.**, V, 504.
- 90 **Ibid.**, VI, 18.
- 91 **Ibid.**, pp. 19-20.
- 92 **Ibid.**, p. 20.
- 93 **Ibid.**, p. 21.
- 94 Asali, **Wathā'iq**, I, 206-07.
- 95 **Ibid.**, 199-200. Asali has misread the **siyāqa** notation for 'ishrūn dirham as 'ashara darāhim.
- 96 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 **Ṣubḥ al-a'shā**. V, 455.
- 100 **Tathqīf**, 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 **Ṣubḥ al-a'shā**, VI, 27.
- 107 Muḥīr al-Dīn, **al-Uns**, II, 273.
- 108 Richards, in Burgoyne, **Jerusalem**, p. 76, note 266, has misread his name in the document as "al-'Askarī," without "Ibn."
- 109 Asali, **Wathā'iq**, I, 197-98. Asali did not decipher the year. Richards again omitted the "ibn" before "al-'Askarī," and misread :khamṣa 'aṣhar" as "khamṣa wa-'ishrīn." Burgoyne, **Jerusalem**, pp. 73, 76, note 266.
- 110 See, e.g., Stern, "Petitions from the Mamlūk Period," pp. 253, 259; Risciani, **Documenti**, pp. 78, 282; and #215 **verso**, above, ll. 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 "khamṣa 'aṣhar" as "arba'a 'aṣhar." This document has been published by Asali, **Wathā'iq**, I, 207-09.
- 117 Published in **ibid.**, pp. 203-205, where Asali has misread "khamṣa wa thalāthūn" as "khamṣa 'aṣhar."
- 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-Aqṣā," Richards "presumes, in the Aqṣā or at the Dome of the Rock." In Burgoyne, **Jerusalem**, p. 73. In the same place he misreads "wāliditī" 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.
- 124 A.J. Wensinck, *Concordance et indices de la tradition musulmane*, IV (Leiden: 1962), 213.
- 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.
- 127 See Stern, "Petitions from the Ayyūbid Period," p. 2.
- 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 *Ṣubḥ al-a'shā*, XI, 126.
- 134 For examples, see Asali, *Wathā'iq*, II, 195-96, 201-02 .

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