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ARABIC LEGAL AND
ADMINISTRATIVE
DOCUMENTS IN THE
CAMBRIDGE GENIZAH
COLLECTIONS

GEOFFREY KHAN

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For Hannah and Jonathan

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PREFACE

The legal and administrative documents in the Genizah that are written in Arabic language and script have received relatively little attention from scholars. A few have been published, notably by S. Stern and, more recently, by D. S. Richards. The bulk of the documents, however, have not been studied.

This volume contains documents datable to the eleventh, twelfth and thirteenth centuries A.D. They are arranged according to type and date. The legal documents are presented first and then the administrative documents. Documents within each branch of this broad division are grouped in various sections.

Each entry consists of a physical description of the manuscript, a decipherment of the text, notes on the reading of the text and on grammatical points, a translation and, in most cases, a commentary on the historical background and details of formulaic structure. Some sections are introduced by a general description of the complete formulaic structure of the documents.

In the edition of the texts the following bracket system has been employed:

[] single square brackets indicate sections where the text is obliterated or missing owing to a *lacuna* in the manuscript.

[] double square brackets enclose erasures.

() round brackets indicate the solution of abbreviations.

< > angular brackets enclose words or phrases that the writer omitted by mistake and are supplied as a correction.

{ } curly brackets enclose words and phrases that were written by mistake and should be omitted in reading the passage, e.g. dittographies.

..... dots are printed in place of letters that are too faint to read.

Text that is inserted in a line and superscribed above other words is enclosed by the signs ` '.

Consonantal diacritics that appear in the manuscripts are reproduced. In some cases these reflect a divergence from Classical Arabic usage. Where no consonantal diacritics are marked in the manuscripts they are supplied in the edition of the texts according to the conventions of Classical Arabic.

It was not possible to publish plates of all the documents that are described. A selection was made of plates of representative documents of each section.

I am most grateful for the support and encouragement of the director of the Taylor-Schechter Genizah Research Unit and editor of the Genizah Series, Dr. Stefan Reif, in the preparation of the volume. He has spent many hours reading preliminary drafts of the work and has given me many helpful comments. I should also like to express my thanks to Dr. Yūsuf Rāḡib for checking some of my readings.

ABBREVIATIONS

- ABPH = Diem, W., *Arabische Briefe auf Papyrus und Papier aus der Heidelberger Papyrus-Sammlung*, Wiesbaden, 1991.
- ADKC = Richards, D. S., 'Arabic documents from the Karaite community in Cairo', *JESHO* XV (1972), 105–62.
- AML = Halm, H., *Ägypten nach den mamlukischen Lehenregistern*. Beihefte zum Tübingen Atlas des Vorderen Orients, Reihe B (Geisteswissenschaften), Nr. 38, 2 vols., Wiesbaden, 1979–82.
- AO = *Archiv Orientalni*.
- APE = Khan, G., *Letters, bills and records. Arabic papyri from Egypt*, Oxford, 1993.
- APEL = Grohmann, A., *Arabic papyri in the Egyptian Library*, 6 vols., Cairo, 1934–74.
- APK = Khan, G., *Arabic papyri: Selected material from the Khalili collection*, Oxford, 1992.
- APPA = Gronke, M., *Arabische und persische Privaturkunden des 12. und 13. Jahrhunderts aus Ardabil (Aserbeidschan)*, Berlin, 1982.
- APW = Grohmann, A., 'Arabische Papyri aus der Sammlung Carl Wessely im orientalischen Institute (Orientální Ustav) zu Prag', *AO* X (1938), 149–62 (nos. 1–8); *AO* XI (1939), 242–89 (nos. 9–28); *AO* XII (1941), 1–112 (nos. 29–49); *AO* XIV (1943), 161–260 (nos. 50–96).
- BAU = *Aegyptische Urkunden aus den koeniglichen Museen zu Berlin*, herausgegeben von der Generalverwaltung, *Arabische Urkunden* [ed. L. Abel], Berlin, 1896–1900.
- BEEM = David-Weill, J., *Catalogue général du Musée arabe du Caire: Les bois à épigraphes jusqu'à l'époque mamlouke I*, Cairo, 1931.
- BFA = *Bulletin of the Faculty of Arts* (Cairo University).
- BGA = *Bibliotheca Geographorum Arabicorum*, ed. M. J. de Goeje.
- BL = British Library.
- BSOAS = *Bulletin of the School of Oriental and African Studies*.
- BSRGE = *Bulletin de la Société Royale de Géographie d'Égypte*.
- CIA = van Berchem, M., *Matériaux pour un Corpus Inscriptionum Arabicarum, première partie, Égypte* [MMAF XIX], Paris, 1903.
- CIA II = Wiet, M. G., *Matériaux pour un Corpus Inscriptionum Arabicarum, première partie, Égypte. Tome deuxième - Égypte*, [MIFAO LII], Cairo, 1930.
- CUL = Cambridge University Library.
- DAC = González Palencia, A., 'Documentos árabes de Cenete (siglos XII–XV)', *Al-Andalus* V (1940), 301–82.
- DACH = Bosch Vilá, J., 'Los documentos árabes del archivo Catedral de Huesca', *Revista de Instituto de Estudios Islámicos en Madrid* V (1957), 1–48.
- DAG = Seco de Lucena, L., *Documentos arábigo-granadinos*, Madrid, 1961.
- DAW = *Denkschriften der Akademie der Wissenschaften in Wien (philosophisch-historische Klasse)*.
- DGAS = Cusa, S., *I diplomi greci ed arabi di Sicilia pubblicati nel testo originale, tradotti ed illustrati*, 2 vols., Palermo, 1868–82.
- Documentos árabes Granadinos II = Seco de Lucena, L., 'Documentos árabes Granadinos II: Documentos de las comendadoras', *Al-Andalus* IX (1944), 121–40.

- DTKI = Guellil, G. L., *Damaszener Akten des 8./14. Jahrhunderts nach at-Ṭarsūsīs Kitāb al-lām*, Bamberg, 1985.
- EAP = García de Linares, R., 'Escrituras árabes pertenecientes al archivo de nuestra Señora del Pilar de Zaragoza', in *Homenaje á D. Francisco Codera*, Zaragoza, 1904, 171–97.
- EI = *Encyclopaedia of Islam*.
- ENA = Elkan Nathan Adler Genizah collection, the Jewish Theological Seminary of America, New York.
- Freer collection = Gottheil, R. and Worrell, W. H. (eds.), *Fragments from the Cairo Genizah in the Freer collection*, New York, 1927.
- IDHSJ = Little, D. P., *A Catalogue of the Islamic documents from al-Ḥaram aš-Šarīf in Jerusalem*, Beirut, 1984.
- JA = *Journal Asiatique*.
- JAOS = *Journal of the American Oriental Society*.
- JESHO = *Journal of the Economic and Social History of the Orient*.
- JJS = *Journal of Jewish Studies*.
- JNES = *Journal of Near Eastern Studies*.
- JQR = *Jewish Quarterly Review*.
- JRAS = *Journal of the Royal Asiatic Society*.
- JSa = De Sacy, S., 'Mémoire sur quelques Papyrus écrits en arabe et récemment découverts en Égypte', *Journal des Savans* (1825), texts A and B, 463–64.
- MGD = David-Weill, J., 'Un nouveau titre de propriété daté', *Mélanges Gauthier-Demombynes*, Cairo, 1935–45, 141–46.
- Michaelides P. = Michaelides papyrus collection, Cambridge University Library.
- MIFOA = *Mémoires publiés par les membres de l'Institut Français d'Archéologie Orientale du Caire*.
- MIRF = *Mémoires de l'Institut Royal de France, Académie des Inscriptions et Belles-Lettres*.
- MIRF X = Silvestre de Sacy, A., 'Mémoire sur deux papyrus, écrits en langue arabe, appartenant à la collection du Roi', *Mémoires de l'Institut Royal de France, Académie des Inscriptions et Belles-Lettres* X (1833), 65–88.
- MMAF = *Mémoires publiés par les membres de la Mission Archéologique Française du Caire*.
- Moz. Tol. = Gonzalez Palencia, A., *Los Mozárabes de Toledo en los siglos XII y XIII*, 4 vols., Madrid, 1926–30.
- PERF = *Papyrus Erzherzog Rainer, Führer durch die Ausstellung*, Wien, 1894 [Arabic documents described by J. Karabacek].
- PN = Personal name.
- RCÉA = *Répertoire Chronologique d'Épigraphie Arabe*.
- RÉJ = *Revue des Études Juives*.

- SGEA = Hopkins, S. A., *Studies in the grammar of early Arabic: based upon papyri datable to before 300 A.H./912 A.D.*, Oxford, 1984.
- SIU = Hoenerbach, W., *Spanisch-Islamische Urkunden aus der Zeit der Naşriden und Moriscos*, Bonn, 1965.
- TANAY = Huart, M. C., 'Trois actes notariés arabes de Yârkend', *Journal Asiatique*, onzième série, IV (1914), 607–27.
- TAVD = Sourdel-Thomine, J. and Sourdel, D., 'Trois actes de vente damascains du début du IV^e/X^e siècle', *JESHO* VIII (1965), 164–85.
- TLD = 'Ibrâhîm, A., 'Min waṭā'iq dayr Santa Katarîna: talât waṭā'iq fiqhiyya', *BFA* XXV (1963), 95–133.
- T-S = Taylor-Schechter Genizah Collection, Cambridge University Library.
- VDRNG = Seco de Lucena, L., *et al.*, *Viejos documentos de Reino Nazari de Granada*, Madrid, 1969.
- WTFI = 'Abd al-Raḥmân Fahmî Muḥammad, 'Waṭā'iq li-l-ta'âqud min fajr al-'islâm fî Mişr', *Bulletin de l'Institut d'Égypte* LIII and LIV (1971–72, 1972–73), Arabic section, 1–58.

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INTRODUCTION

The Genizah of the Ben-Ezra synagogue in Fustāṭ was a repository for worn-out manuscripts in Hebrew script. The documents and fragments of literary texts in Arabic script that it has preserved appear to have found their way into it largely by accident. The proportion of manuscripts circulating in the Jewish community of Fustāṭ that were written in Arabic script was no doubt greater than is reflected by the number of those that have survived.¹

The legal documents in Arabic script that are found in the Genizah were nearly all written by Muslim notaries with Muslim legal formularies. The administrative documents were written in one of the government offices or were addressed to Muslim officials and dignitaries.

In some of the Arabic legal documents the religion of the parties is not specified. It can be assumed that in most of these cases both parties were Muslim. In other documents Jewish parties are identified by the epithets *al-isrā'īlī* or *al-yahūdī* and Christian parties by the epithet *al-naṣrānī*. The documents include contracts between Muslims, between a Jew and a Muslim, between a Jew and a Christian and between Jews. Many of the contracts between two Muslim parties concern the sale of landed property. It is likely that these documents found their way into the Genizah since they related to property that at a later date passed into the hands of Jews, who acquired the documents together with the property. With regard to the other contracts, it is understandable why contracts in which only one of the parties was Jewish were not made out by a Jewish notary. The reason why two Jewish parties should have a contract of sale drawn up by a Muslim notary is not so obvious, especially since in the Genizah we also find a large number of contracts of sale between Jews that were written by Jewish notaries. It is probable that many contracts for the conveyance of property were made before both Jewish and Muslim authorities concurrently. The application to Muslim notaries for documents of sale may be connected with a tax on the conveyance of urban property that we know was levied by the Muslim government. The payment of this tax involved the certification of the transfer with a Muslim authority.² Furthermore, it was in the interest of Jews to have all types of contract written by Muslim notaries and testified to by Muslim witnesses, since such documents could be used as instruments of proof before the dominant Muslim authorities if there was any subsequent litigation regarding the transaction. Sometimes it appears that Jewish parties had parallel documents drawn up by a Jewish notary solely out of religious scruples. In principle the Jewish authorities regarded the application to a Muslim court by a Jew as an offence.³

Many of the petitions written to the government Chancery were sent by Jews.

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1. Cf. G. Khan, 'The Arabic fragments in the Cambridge Genizah collections', *Manuscripts of the Middle East I* (1986), 54–60.
 2. For sources referring to the tax on the conveyance of property see Goitein, *Mediterranean society IV*, 39, 90, 289. It is referred to in the Muslim documents from the Genizah as *ḥaqq al-naql* (e.g. T-S Ar. 41.92 [no. 3]) or simply as *naql* (e.g. T-S H10.173 [no. 1]).
 3. Goitein, *Mediterranean society II*, 400–401.

Administrative documents that do not relate to Jews probably found their way into the Genizah through Jews who worked as clerks in the government offices.

The majority of the Arabic legal and administrative documents that have been preserved in the Genizah are from the Fāṭimid and Ayyūbid periods (eleventh-thirteenth centuries A.D.). This is the so-called 'Classical Genizah period', to which most of the Genizah material is datable.

Many of the legal documents are written on parchment. This writing material was used for manuscripts that were to be kept for a long period of time. Administrative texts are generally written on paper.

The Arabic script of most of the documents is a rounded cursive. In this type of script there is a tendency to replace angles with continuous curved strokes, e.g. in *jīm/hā'/kā'* and in medial and final *'ayn/ḡayn*. The rounded script is of varying degrees of cursiveness. Cursive features include the use of unconventional ligatures between letters and the closing of the loops of the letters *fā'*, *qāf*, *wāw*, medial and final *'ayn* and *ḡayn* and *mīm*. These features occur more frequently in some documents than in others.

A few legal documents have a more angular script e.g., T-S Ar. 53.59 [no. 12], T-S Ar. 53.68 [no. 7] and no. 10 [several manuscripts]. In this type of script the angles of *jīm/hā'/kā'*, medial and final *'ayn/ḡayn* and other letters are retained, there are no unconventional ligatures and there is a high proportion of open loops. A further characteristic feature of this type of script is that medial *'alif* often extends below the stroke connecting it to the preceding letter.

In many legal documents the connecting stroke between letters is extended in various words. In most cases these words occur at the beginning of the component sections of the document. In contracts of sale, for instance, the extension occurs at the beginning of the following sections: the opening blessing, the opening formula of the text of the document, the description of the property, the description of each boundary, each of the operative clauses, the warranty, the acceptance of the buyer and the witnessing of the acknowledgement made by the parties. Extensions of connecting strokes are also found in the names of the parties and in numerals referring to the price or the number of shares of the property that are involved in the transaction.

Documents written by officials of the Chancery and also those addressed to the Chancery are usually written in a distinctive script. Characteristic features of this include the use of a fine pen, the arrangement of words on a line with an upward slant at the end and the leaving of wide spaces between the lines.⁴

4. The medieval sources mention the names of many script styles. In the present state of our knowledge, however, it is unwise to attempt to identify these styles in the varieties of script found in the extant medieval documents; see APK, pp. 44–46.