

1. AGRICULTURAL TAX FARMING: A LEASE FROM THE GOVERNMENT
(1086)

TS Arabic Box 40, f. 153

Fatimid

Five persons are mentioned in this short document: the/caliph al-Mustanşir (ruled 1036-1094); his viceroy Badr al-Jamālī, entitled Amīr al-Juyūsh, or commander-in-chief, the actual ruler of Egypt 1074-1094; ~~the latter's "slave" which had harassed Egypt before the arrival of Badr,~~ ^{the} ~~the~~ appears without any title; after ten years of turmoil/various branches of/administration were entrusted to personal slaves of the viceroy; a Shaykh Abū Ishāq, probably the finance director of the district concerned; finally, the taxfarmer, also introduced without any title.

The two zakāts, which form the object of the contract, probably were the taxes on animals and on certain agricultural products.¹ It is remarkable that the document contains no protection for the lessee, especially ^{no provision} that the government is not empowered to accept a higher bid. Obviously it was taken for granted that during one year no change was feasible.

English syntax does not permit to imitate the sequence of the Arabic sentence, where the name of the tax farmer appears only in l. 5 as the last of the five persons presented above.

The document was issued by a government notary and is, of course, written in Arabic characters.

In the Name of God, the All-Merciful.

Mūsā b. 'Īsā (Moses, son of Jesus)² guaranteed to our lord and master, the Imām³ al-Mustanşir billāh, the amir of the true-believers, may God's prayers be upon him, ^{and upon} his pure fathers, and his sons, the imāms, the most noble ones;

and⁴ to the illustrious lord, the Commander-in-chief, the Sword of Islam and Protector of Mankind, the support of the judges of the

Muslims⁵ and guide of the ~~propagators~~[#] of the faith of the true believers⁶, may God strengthen through him the religion and, by granting him long life, gratify the amir of the true believers; and to his slave Ḥātim b. Faraj; under the supervision of the Shaykh Abū Ishāq Ibn Timūr⁷ b. Munajjā, that he would collect the two zakāts in the village known under the name of Qābil for the fiscal year four hundred seventy nine⁸ against the payment of an amount of eight dinars of full weight every month, equally divided.

He will make these payments/
~~Payment~~/without resistance, ~~making~~ objections, ~~advancing~~ excuses, or pretexts, knowing that this will be for his own protection and welfare.

He accepted this obligation in the presence of witnesses out of his free will, ^{by his own} ~~and~~ request, and endeavor, not forced, compelled, or constrained.

~~On this~~ During the first ten days⁹ of Shawwāl of the year four hundred¹⁰. In three copies, identical in their wording and sense. Witnessed by his excellency

A'azz b. ^{a i} ~~Nimf~~ al-Anṣārī¹¹.

Witnessed by Jābir b. al-Ḥasan

Witnessed ¹² by Zayd b. Jābir al-Sarūjī ~~12~~ all that is written in this document and wrote this with his own hand

NOTES

¹For the zakāt taxes see Claude Cahen, "Contribution a l'étude des impôts dans l'Égypte médiévale," JESHO, 5 (1962), 252-256, and id., "Le régime des impôts dans le Fayyūm ayyūbide," Arabica, 3 (1956), 20-21.

²This Moses, son of Jesus, was, of course, a Muslim.

³Imām, which means also leader in prayer, is a more religious designation of the caliph. Al-Mustanşir billāh is a title, meaning "Seeker of support from God".

⁴I read here wa-li-'ināyat, "and to the attention of." Originally I had read wa-li-'ibādih, "and to his servants", namely the Amīr al-Juyūsh and his administrator; but even considering the extreme hastiness of the writing of this clerk, I cannot believe that the last but one letter could be a d.

⁵This title emphasizes that the viceroy supported the decisions of the religious courts. Normally, a decision by a qadi was by no means carried out automatically by the secular arm. *This and the following (see n. 6) were official titles conveyed on Badr, see Muḡassar, p. 33, l. 10.*

⁶One of the main duties of the Fatimid government was the dissemination of the Ismā'īlī creed. Consequently, the highest dignitary of the state was also the head of the du'āt, or Ismā'īlī missionaries.

⁷This name could be read in many different other ways.

⁸The year 479 A.H. began on April 18, 1086. The village of Qabīl was situated in the Buḡayra province in the western part of the Nile Delta and had, according to Ibn Duqmāq, V, p. 110, a fiscal value of 4,000 dinars. Here, its two zakāts brought $12 \times 8 = 96$ dinars. See also Omar Toussoun, La Géographie de l'Égypte a l'époque arabe, I (Cairo, 1924), p. 275.

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 10 For this way of dating see above, p. . The reference is, of

11 Whether this strange date is a flagrant mistake, which, in any Jewish court would invalidate this document, or whether this represents an elegant abbreviation permitted in a Muslim deed, I cannot say. Too few Muslim documents from this period have been preserved, or at least seen by me.

11
 A'azz-"The most honored"(I am not sure that my reading is correct).
~~XXXXX~~ Namir - "Leopard". ~~The~~ Ansārī, "Helper", was a title of honor
 a refuge for
 for the Muslims of Medina who provided/Muhammad and his followers.

12 From Sarūj, a town in northern Mesopotamia (today Turkey). The new viceroy, an Armenian by birth, brought many people from south-western Asia with him to Egypt.

course, to the preceding year, A.H. 478, in which the first of the month of Shawwāl fell on January 20, 1086.

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SECTION DES ÉTUDES ARABES
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Dear Professor Goitein,

Thank you for your letter and your Geniza text. I regret of course, but I cannot say I am surprised, that you give up reviewing Ashtor's Prix, as ~~VI~~ myself do not know how to get out of the review I have promised to write for the Revue Historique. I cannot tell at present what I shall do for JESHO, so don't worry about the check now.

As for your rather puzzling Geniza text, I am afraid I have nothing worth interest to say. I don't remember having ever come across the formula zakātain or the verb jarra in that technical use. However the reading being here evident I have to accept them. In some cases there are double zakāts, but it is likely here, as you say, that the reference is to two kinds of zakāts. Legally the zakāt being a procent tax, it is impossible to promise in advance a fixed sum; but it is true that, at least for the agricultural ~~and pastoral~~ units in Egypt, their zakāt was indeed converted into a fixed sum. The system of farming, which is more usually named gabāla, is well known for kharāj; but, though I know of no other case of zakāt farming, I don't see why it should not be. Legally too the zakāt should usually be a lunar and not solar (kharājī) tax; but we see from Nābulṣī, for instance, that the agricultural (and pastoral) zakāt at least was paid according to the solar year, and of course it could not be otherwise in this case.

As for the dating, I think that in muslim courts too the mistake is too great not to be a cause of invalidation, however I cannot ascertain it completely.

How did such a contract find its way into the Geniza?

Perhaps you heard of a thesis by Hasanayn Rabie, a former student of Lewis, which is just about to appear, on the finances of the Ayyubid and early Mamluk period; Lewis says it is very good, and I know the man who surely deserves consideration. He had about six years ago written an arabic thesis on the same question, much shorter and less accurate, but already valuable.

Probably you heard of the inopinate death of Le Tourneau, and that of Wiet. I don't know how the colleagues in Aix will manage without Le Tounreau. I suppose you had met him at Princeton.

I don't remember whether I should write to Philadelphia or Princeton. In any case I suppose the letter will be forwarded to you.

Most sincerely and respectfully

Claude CAHEN

Claude

1. Farming out the Revenue from the Two Zakāts

of the village of Qabil for A.H. 479 (1086/7)

Taylor-Schechter, Arabic Box 40, f. 153

- 1 بسم الله الرحمن الرحيم
- 2 ضمن مولانا وسيدنا الامام المستنصر بالله امير المؤمنين صلوات
الله عليه وعلى آباءه الطاهرين واثائه الائمة
- 3 الاكرمين ولعناية السيد الاجل امير الجيوش سيف الاسلام وناصر الاقام
كاغل قضاة المسلمين وهادي دعاة
- 4 المؤمنين عضد الله به الدين وامتع بطول بقاءه امير المؤمنين
ولعبده حاتم بن فرج باشرف الشيخ ابن اسحق
- 5 ابن عمر بن منجا موسى بن عيسى ان يقوم بحر الزكاتين في الضيعة
المعروفة بقبيل لسنة تسع وسبعين واربع مائة
- 6 الخراجية بمال يبلغه من العين الوازن ثمانية دنانير كل شهر مقسمة
من غير مداومة ولا ممانعة
- 7 ولا احتجاج بحجة ولا اعتدال بعلة على الوجوه والاسباب كل ذلك
عالمًا بما له في ذلك من الحكمة
- 8 والصلاح وبذلك اشهد على نفسه طائعا طائبا ساعيا غير ملزم
ولا مجبر ولا مضطرب
- 9 في العشر الاول من شوال سنة اربع مائة في ثلث نسخ متفقات
اللفظيات والمعنى تشهد خضرة (?)

شهد زيد ابن جابر
السروجي بحمير ما في هذا
الكتاب وكتب خطه

اغز (?) بن عمر الانصري⁽¹⁾
شهد جابر بن الحسن

(1) 200 (K)

T.S AK 40

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والله اعلم بالصواب وان شاء الله تعالى
 كذا في نسخة من مسند الشيخ ابو بصير
 في مناقب سيد المرسلين عليه السلام
 في نسخة من مسند الشيخ ابو بصير
 في مناقب سيد المرسلين عليه السلام
 في نسخة من مسند الشيخ ابو بصير
 في مناقب سيد المرسلين عليه السلام
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 في مناقب سيد المرسلين عليه السلام
 في نسخة من مسند الشيخ ابو بصير
 في مناقب سيد المرسلين عليه السلام

شهر ربيع الثاني

السنة من حج مائة

القدس الشريف