



Jerusalem's Islamic Archives

Sources for
the question of the Waqf
in the Ottoman period

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This survey intends to describe and elucidate several vital first-hand sources available for the study of Ottoman Jerusalem. Mainly, these sources are those documents found in the religious court registries (*Sijillat al-mahkama al-shariyya*) of Jerusalem and archival documents from the Jordanian Ministry of the *Waqf* of Jerusalem.

These archival documents are located in various institutions in Jerusalem and outside the city. They are of considerable importance in studying religious endowments (Waqf) in Jerusalem, and in Palestine in a general. On the one hand, they provide researchers with a broad field of information about social, economic, cultural and political life in the Ottoman period. Further, the sources gain added interest when compared with similar documents from Ottoman cities besides Jerusalem.

Lithograph of a section of the *Turbat Barka Khan* from the 1864 book by Pierotti.
Source: *The Illustrated Atlas of Jerusalem*, p. 111.

Jerusalem's Religious Court Registries (*Sijillat al-Mahkama al-shariyya*)¹

There is one religious court in Jerusalem and it is one of the oldest in Palestine; its registries are regarded as among the oldest of Greater Syria (*bilad as-Sham*). This court is situated on Salah al-Din Street in Jerusalem. Its registries, however, are stored in trunks, which were transferred in 1983 to the building housing the Waqf's Inheritance Section (*Qism Ihya' al-Turath*) in Abu Dis near Jerusalem.

Currently, these registries are preserved in the form of microfilm; copies of these microfilms are also stored in the Centre of Documents and Manuscripts at the University of Jordan. Additional sets of the films are preserved at the University of An-Najah in Nablus, and at the University of Haifa.

The registries of the Court of Jerusalem that have survived cover the Ottoman period, beginning 14 Shawwal, 936 H/ 1529 CE and ending in 1335-1336 H/1916-1917 CE. They are distributed over four centuries in the following manner:²

936 - 1000 H, Registries 1 - 75
1001 - 1100 H, Registries 76 - 190
1101 - 1200 H, Registries 191 - 267
1201 - 1300 H, Registries 268 - 370
1301 - 1335 H, Registries 371 - 416

Generally, the registries are currently in good condition and well-preserved, but some pages of the documents have been damaged and are illegible.

The registries are usually written in Arabic, although some are written entirely in Turkish. Other registries are written partly in Turkish³ and partly in Arabic.⁴ Each registry varies in size from 150 to 350 pages, and some registries from the beginning of the Ottoman period reach 500 pages. On the first page of each registry, an introduction gives the name of the judge, the date of the start of the record, and the name of the *bashkatib* (notary) of the court. Each document of record is described as "*hujja*" (a judicial document), meaning it is of legal authenticity in case someone were to oppose its contents.

Various Registries and Their Contents

The registries of Jerusalem's Shariah Court include: regular registries (*sijills 'adi*), which are most numerous and relate to the questions of everyday life that came before the court - marriage, divorce, sale contracts, purchases and issues concerning Waqf property. The registries are not compiled by subject; the same registry might include issues of divorce, marriage, and Waqf. In addition, we find records related to inheritance, military issues (*qisam askari*) and daily life (*qisam 'adi*), able to elucidate on issues of heritage and legacy (*tarikah*).⁵ At the same time, the registries of legacy are also related to those of procurement.⁶



The Madrasa al-Ashrafiyya on the western side of the Aqsa Mosque is one of many religious endowments recorded in Jerusalem's administrative records. The religious school was built in 1465, then destroyed and rebuilt by Malik al-Ashraf Qa'tbay (1479-1482). Source: *The Illustrated Atlas of Jerusalem*

The registries of the Jerusalem Shariah Court thus contain a great deal of information, which can be grouped generally as follows:

Questions of Waqf

The Waqf and related issues occupy a significant place in these registries (*sijills*). The significant density of Waqf property in Jerusalem is one explanation for this, as well as the fact that the shariah court judge was the principal person with administration control over much of this religious endowment. He was responsible for nominating the Waqf administrators (*mutawalis*), as well as appointing other civil servants to mosques, specific religious communities (*zawiyas*), Quranic schools (*madradas*) and other institutions that required appointees. In addition, he was charged with establishing the nature, the situation, the conditions and the recipients of Waqf property.⁷

The judge was the only one qualified to authorize restorations, assert control, appoint replacements or divide various Waqf

properties between the recipients.⁸ The registries thus provide us with a detailed evolution of the institutions of the Waqf.⁹ And, using Waqf documents, it is possible to establish a general framework of economic life and to draw a detailed picture of urban structures and the internal economy of the province of Jerusalem. A tableaux of the land is reconstructed by examining records of local land and property, including shops or stores (*hamut, dukkan, funduqs, khan*); warehouses (*qaysariyya*); agricultural land such as orchards (*bustan*) or kitchen gardens (*hakura, janayna*); produce markets (*suq*); artisan shops; public houses; baths; and meeting places such as coffeehouses that belonged to the Waqf.¹⁰

It is also possible to get an idea of the expansion of the Waqf over time and make comparisons between the amount of public versus private property, thereby better estimating the economic situation, which would impact the transformation of the Waqf. Specifically, the documents reporting the various methods of management (*al-tawliyya*) of Waqf property, such as reconciliation of income between the beneficiary and the manner of use of the property, the diversity of the sources of income, and the annual output resulting from the use made of the property, are very interesting and make it possible to better assess the socio-economic evolution of the city of Jerusalem during the Ottoman period. Other documents disclose administrative seizure of property on behalf of the Waqf and the confiscation of these incomes, depending on

whether the property is Waqf for charity (*khayri*) or family Waqf (*ahli*).¹¹

These activities also define several aspects of social life and the structure of local communities within the city. We are able to learn the status of those holding Waqf property, whether he or she is owner or beneficiary, and his or her ethnic group and socio-economic situation. Thanks to information on deaths and liquidations of legacies¹² contained in these documents, one can trace a picture of the medical and demographic conditions in the city, and concentration of the population in and outside Jerusalem.

These Waqf documents also provide a window into the cultural and spiritual life of the city in as much as they include lists of the institutions of worship and education in Jerusalem - the madrasas, libraries, hospitals and construction of mosques. One is able to consult the signatures and payments included at the end of Waqf-related contracts, which list the wages of teachers, juridical scholars (*faqih*s), juridical students (*talib*s), administrators in charge (*sheikhs*, *nazirs*), and others required to run the various institutions.¹³

Legacy (Al-Tarikat)

The hujjas concerning the affairs of inheritance include information on family structure, family size, their economic and social situation and the area of their residences.¹⁴

Administrative and Governmental Affairs

These include Ottoman decrees (*Awamir Sultaniyya*) concerning the general affairs of the state, official nominations to offices, news of revolts, and the country's safety. Thanks to these registries, we are able to learn exactly the extent of the movement of the various administrators, their titles, and their remunerations.¹⁵

Economic Affairs

The registries deliver a great deal of information on the city's economic affairs through contracts of purchase and sale, and leases. These detail everything from the various businesses that were selling chocolate éclairs to the cost of attending a public bath at a specific time.¹⁶

Family Affairs

The registries list the city's marriages, divorces, dowries of sponsorship and subsidies granted to orphans. These documents help us in gauging the social conditions of the families, their homogeneity and their disagreements.¹⁷ Indeed, the registries include a great deal of information that cannot be classified in these limited sections and, because they lack an index, it is clear that the information that they hold spans a great many fields of interest to researchers.

Archival Documents of the Ministry of the Waqf in Jerusalem

This survey is based on a set of Ottoman Waqf documents preserved at the Department of the Waqf in Jerusalem. The oldest of these documents is dated 1264 H/1845 CE,

which was the date of the founding of the Department of the Waqf in Jerusalem charged with handling the question of Waqf properties. The documents ensconced here include descriptions of the *kutubs*, or various Waqf institutions dedicated by the Mamluk sultans and the early Ottomans, their restoration, their finances, the names of their beneficiaries, the servicing of the mosques and madrasas, and so on. They also include correspondences between the director of the endowment properties, the Ottoman government (*diwan sultani*, or *al-bab al-'ali*), and the Ministry of the Waqf.¹⁸

These documents are preserved in the Turkish documents room of the Section of Inheritance Conservation in Abu Dis near Jerusalem. Researchers are not easily able to access the documents for the lack of an index and because they are often written in cryptic Ottoman language. These difficulties make the work more delicate and intensive, however the importance of the documents means effort well-spent. The documents disclose issues related to the violation of Waqf property in Jerusalem, for example, attempts to sell some endowments¹⁹ or control them in order to have them regarded as private property.²⁰ Also included here are decisions made by the Ottoman Sublime Porte intended to curtail these attempts to commandeer Waqf property.²¹

The Section of Inheritance Conservation (*Qism 'Ihya' Al-Turath*)

Included in the departments of the Ministry for the Waqf in Palestine, the Section of Inheritance Conservation was established in January 1983 by Amman's Ministry for the Waqf and includes all of the ministry's Palestine documents. The archives are located in Abu Dis near Jerusalem. Sadly, the files in this office are ill-preserved and the working conditions of the personnel are worse. The number of documents approaches a million and a half; as well there are 2,500 manuscripts covering various subjects, including religion, philosophy, Arabic language, history and so on.

The section is divided into several specific branches:

Manuscript and Microfilm Room

The room contains 2,500 manuscripts of which the oldest is from 52 H/ 672 CE. Also found here are 700 rolls of microfilm, which are labelled as manuscripts, documents and registries.

Turkish Documents Room

The 100,000 documents in this room are held in 500 plastic boxes. The documents cover various subjects, such as Waqf mosque deeds, related lawsuits, and names of civil servants going back to the earliest years of the Ottoman Empire. The documents are classified by file, rather than individually.

Arabic Documents Room

This room holds 3,000 plastic boxes of documents which date from the end of the Ottoman period until 1967 and the end of Jordanian control of Jerusalem. It includes documents of the British mandate government, the documents of the Supreme Muslim Council, as well as the documents of the Ministry of the Waqf in Palestine. The

documents number more than one million, and are divided into 22 subjects including Waqf land and property, general questions, political affairs, as well as mosques, madrasas, zawiyas, and their students, and many other subjects.

All of these documents of the Section of Inheritance Conservation are preserved in files, which the archivists have given a number. Inside each file, every document carries a series of numbers of classification. If the document is numbered as 3/1-1/327/13, for example, the first number relates to the document's subject, the second number relates to its classification within the section, and the third number is the last three digits of the Islamic year of the document. Finally, the concluding figure relates to the city or region concerned.

In this review, I have attempted to briefly survey the contents of the Jerusalem Islamic court registries and the archives of the Ministry of the Waqf. These documents are crucial in researching and recording the economic, social and cultural history of Jerusalem during the Ottoman period and the history of religious endowments in general.

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Endnotes

¹ For a general presentation of the religious court registries of Jerusalem, see al-Asali, K.J, *Wathâ'iq maqdisiyya târikhiyya*, Book 1 (Amman: 1983); Manna, A., "The Sijill as a Source for Study of Palestine during the Ottoman Period, with Special Reference to the Fresh Invasion" in Kushner, D. (ed.), *Palestine in the Late Ottoman Period*, (Jerusalem: 1986) pp. 351-362; Salameh, K. "Aspects of the Sijill of the Shari'a Court in Jerusalem" in Auld, S. (ed.), *Ottoman Jerusalem: The Living City: 1517-1917*, Part 1 (London: 2000) pp. 103-145.

² Mohammad Adnan al-Bakhit, is a professor at the University of Jordan. His classification of the registries is delivered in his book, *Kashâf ihsâ'î zamânî li-Sijillât al-mahâkim al-shar'iyya wa-al-awqâf al-islâmiyya fî bilâd al-shâm* (Amman, University of Jordan: 1984).

³ See *Sijill* Nos. 43; 47; 60; 63; 65; 70; 71; 73; 74; 81; 93; 108; 114; 130; 148; 153; 154; 159; 176; 183; 190; 20; 233; 284.

⁴ See *Sijill* Nos. 6; 7; 9; 11; 12; 14; 17.

⁵ For example, see *Sijill* Nos. 389; 394; 415.

⁶ For example, see *Sijill* Nos. 371; 372; 375; 376; 377; 380; 405; 411; 413.

⁷ For example, see *Sijill* 343, p. 57, 65; *Sijill* 414, p. 125-127, p. 229-231; *Sijill* 367, p. 40, *Sijill*, 342, p. 32; *Sijill* 341, p. 55.

⁸ For example, see *Sijill* 278, p.32; *Sijill* 340, p.36; *Sijill* 331, p.13; *Sijill*, 341, p. 153, *Sijill*, 414, p. 100-102, *Sijill*, 367, p. 76-81; *Sijill*, 392, p.17.

⁹ See *Sijill* 313, p. 86; *Sijill*, 384, p. 4.

¹⁰ See *Sijill* 362, p. 12-14; *Sijill* 346, p. 120; *Sijill* 364, p. 182.

¹¹ See voir *Sijill* 305, p. 32-33; *Sijill*, 316, p. 18.

¹² See *Sijill* 341, p. 46, 71; *Sijill* 389, p. 3, 4, 10; *Sijill* 414, p. 56.

¹³ See *Sijill* 30, p. 170; *Sijill* 44, p. 500; *Sijill* 56, p. 604; *Sijill* 185, p. 22; *Sijill* 367, p. 76-81; *Waqf* N° (10/17/27/13), (33/2-22/843/13), (33/2-1/300/13), (3/9-2/317/13).

¹⁴ See *Sijill* 341, p. 46, 71, *Sijill* 389, p. 3, 4, 10; *Sijill* 414, p. 56.

¹⁵ See *Sijill* 340, p. 5; *Sijill* 346, p. 270; *Sijill* 354, p.80.

¹⁶ See *Sijill* 342, p. 62; *Sijill* 343, p. 65; *Sijill* 390, p. 47, 56, 58; *Sijill* 392, p. 5, 12.; *Sijill* 414. P. 56, 108, 230, 125-127.

¹⁷ See *Sijill* 341, p. 45, 46; *Sijill* 342, p. 61-63; *Sijill* 367, p. 81.

¹⁸ See *Waqf* No. (12/31-2/314/13); (33/22-2/332/13).

¹⁹ See *Waqf* No. (3/3-35/314/13), (10/21-1/28/13).

²⁰ See *Waqf* No. (33/2-1/330/13), (10/17/27/13), (33/22-1/332/13), (3/4-9/327/13).

²¹ See *Waqf* No. (12/31-2/314/13), (33/22-2/332/13).