

TOYO BUNKO RESEARCH LIBRARY 15

The Vellum Contract Documents in Morocco  
in the Sixteenth to Nineteenth Centuries  
Part I

Edited by

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東洋文庫

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# PREFACE

This volume of the TBRL series is a study of contract documents written on vellum in Morocco which are preserved at the Toyo Bunko. The Toyo Bunko bought a collection of eight vellum documents in 1989 and the West Asian Studies Group within its research department started the present study in 2009 by organizing a research team (consisting of MIURA Toru, SATO Kentaro, HARAYAMA Takahiro, YOSHIMURA Takenori, and KAMEYA Manabu) under the research program “Contract Documents in the Islamic Sphere.” The team has had monthly meetings over five years to read and edit the Arabic texts of the eight vellum documents and has collaborated in the writing of their descriptions in English.

The book is composed of six chapters. Chapter I is an Introduction explaining the history of the collection and its distinguishing features as contract documents of the Islamic World. Chapter II consists of general remarks regarding the form and content of these documents. Chapter III contains descriptions of these documents in English, along with relevant charts, family trees of transactors and the signatures of notaries and other officials. Chapters IV to V are individual articles concerning the historical situation of Fès, and the *fāsī* numerals used in the documents. Chapter VI is the full Arabic text of the eight vellum documents, edited by the above-mentioned team for a basic understanding of the documents.

To promote this study, we invited Professor Mohammed Aaif from the Muhammad V University of Rabat to Japan in March 2011 and Professor Lotfi Bouchentouf from the Muhammad V University in January 2012 to read the Arabic text with us and to give us their advice. We are grateful to Professor Bouchentouf for checking all the edited Arabic texts and contributing his paper to this book. Professor Muḥammad Mazzīn (Mezzine) from the Sidi Mohamed Ben Abdellah University in Fès kindly shared with us his profound knowledge about the city of Fès. Professor Léon Buskens at Leiden University has very kindly permitted us to take photographs of Moroccan legal sources in his private collection and has given appropriate comments on our study. The National Library of Morocco (BNRM) kindly gave us the opportunity to examine microfilms of parchment documents there. Following the advice of YOSHIDA Naoto, a research fellow at the National Research Institute for Cultural Properties, Tokyo, we used ultraviolet photographs of the vellum documents which greatly contributed to enabling us to read faded letters in them. Professor MATSUBARA Kosuke at Tsukuba University kindly provided maps of Fès that were of great use in identifying the location of the properties described in the documents. I would like also to express our thanks to the staff of the Toyo Bunko who have helped with this publication, especially to HARAYAMA Takahiro for drawing up detailed charts and family trees. Dr. Gaynor Sekimori checked and edited our English drafts carefully and insightfully.

This is the first publication in the world to study vellum contract documents from Morocco and the first to provide an edited version of their Arabic texts. It is published as a product of the activities of the West Asian Studies Group and the Toyo Bunko Unit of the NIHU Program of Islamic Area Studies. Twenty-five years have passed since the collection was purchased in 1989, but the present study could not have been accomplished were it not for the upsurge in research into shari'a court records and the Islamic legal system in Japan as well as abroad since the 1990s.

In 2014, the Toyo Bunko purchased a further collection of eleven contract documents written on parchment. They were produced in Morocco at the same period as the first collection. We will continue our study of them with the aim of publishing a second volume of Moroccan contract documents in the near future.

This book is dedicated to the late Professor SATO Tsugitaka, former Research Department Head of the Toyo Bunko, at whose instigation the first collection was bought. He died suddenly in 2011, in full hope of its eventual publication. He would, we are certain, be greatly pleased if this work can contribute to new developments in this field of study, for instance by encouraging the location of similar parchment documents in Morocco and other places.

MIURA Toru

Director of the West Asian Studies Group  
and the Documentation Center for Islamic Area Studies  
Toyo Bunko

# NOTES

## 1. Transliteration

- 1.1. Arabic letters are transliterated according to the system below:  
, *b, t, th, j, h, kh, d, dh, r, z, s, sh, ṣ, ḍ, ṭ, ẓ, ʿ, gh, f, q, k, l, m, n, h, w, y*  
We also used *g* for three dotted *jīm* جيم / *kāf* كاف .
- 1.2. The name of a family is transliterated in a unified spelling, although there are variations in the Arabic texts. The variation in each deed is designated in the Description (Chapter III) between parentheses following the unified family name.
- 1.3. Well-known city names, including Fès, Meknès, etc., are not transliterated.

## 2. Numbering of Documents and Deeds

- 2.1. The documents are numbered in capitalized Roman numerals.  
ex. Document I, Document II, Document III, ...
- 2.2. The hypothetical source documents of the copied/transcribed deeds are numbered in small Roman numerals.  
ex. Document I-i, Document I-ii, ...
- 2.3. The deeds comprising the document are numbered in Arabic numerals, according to the chronological order of the date of legal act described in the deed, such as purchase and testimony. In the Description of each document (Chapter III), the date of the act is shown first, and the date it was written down/transcribed/copied is explained later. Therefore, the order of the deed number is not always consistent with the order that the deeds were written down on the documents. The texts (*naṣṣ*) of a copied deed (*nuskha*) are also numbered in Arabic numerals.  
ex. Deed 1 of Document I (I-1), Deed 2 of Document I (I-2), ...  
Naṣṣ 1 of Deed 1 of Document I (I-1-1)

## 3. Numbering of Persons

- 3.1. The parties who are concerned with the contracts and testimonies described in the documents are numbered in Arabic numerals, following a small Roman letter which represents person's family. The capitalized Roman numerals refer to the numbers of the Documents.  
ex. Muḥammad al-Mursī (I-a1), ʿAbd al-Raḥmān al-Mursī (I-a4), Aḥmad al-Zawwāq (I-c1)
- 3.2. The signatures of notaries are numbered in Arabic numerals following the capital letter "S."  
ex. I-S1, I-S2, ...
- 3.3. The signatures of qadis, deputy qadis, and other officials are numbered in



Arabic numerals following the capital letter “Q.”

ex. I-Q1, I-Q2, ...

#### 4. Arabic Texts

- 4.1. The Arabic texts of the documents are written according to the rules of modern standard Arabic, disregarding the variants used in the documents.

ex. نائب (not نایب), أمانة (not امانة)

The three dotted *jīm* and *kāf*, however, were kept as they appear in the documents.

- 4.2. Line numbers of the deed are written in Arabic numerals at the beginning of each line.
- 4.3. The heading of the copied deed (the word *naṣṣ* with its number) is underlined.
- 4.4. Marks in the Arabic texts represent the following:
- ∴ Punctuation marks appearing in the original text.
  - [ ] Text that cannot be identified due to physical damage of the velum document. We inserted the presumed text between parentheses, when it can be surmised from fixed legal phrases or the context.
  - < > Amendments written between the lines in the original text.
  - << >> Amendments written over erroneous words in the original text.
  - { } Signatures. The identifying number for the notaries, qadis, etc., are placed between parentheses.
  - ‡ A word about which we were not sure of the correct reading.
  - A word that cannot be identified.

———— Several words that cannot be identified.