



*Four Sicilian documents — three Kalbid and one Norman —
from the Qubbat al-Khazna in Damascus*

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“Four Sicilian documents — three Kalbid and one Norman — from the Qubbat al-Khazna in Damascus”

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ABSTRACT. Thanks to groundbreaking work by the editors of the Arabic documents from the *Qubbat al-Khazna* in Damascus, now conserved amongst the Şâm Evrakları or “Damascus Documents” in the *Türk ve İslam Eserleri Müzesi (TIEM)*, the Turkish and Islamic Arts Museum, in Istanbul, it is now possible to identify the first corpus of original documents from Kalbid Sicily, in addition to one from Norman Sicily. This preliminary study demonstrates that three of these four acts, in addition to the one deed of sale already published as coming from the island, were indeed made in Sicily. It shows conclusively that, unlike the *dīwānī* documents issued by the Norman kings, non-*dīwānī* documents of Norman Sicily belong to an unbroken documentary tradition stretching back into the period of Kalbid rule, and exhibit no evidence of having been transformed after 1130 under the influence of the royal *dīwān* after it had been recreated on the model of contemporary Egyptian practice. It also begins to make the case that the Arabic documents from Sicily were the heirs of an Ifrīqīyan documentary tradition which remains undervalued and little known, and deserves to be more seriously taken into account in the discussion of the evolution of medieval Arabic documents.

This paper grows out of our current research project *Documenting Multiculturalism* (DocuMult).¹ To date, DocuMult has uploaded to the project database more than 1,000 original documents in Arabic, Greek, Judaeo-Arabic and Latin, very nearly all of which originally came from ecclesiastical archives in Sicily, which largely accounts for the particular characteristics of the corpus. Of these, approximately 100 documents contain Arabic, or are translations or *deperdita* of original documents now lost that once contained Arabic. More than half were issued by the Norman rulers to ecclesiastical institutions and feudal barons, to

¹ *Documenting Multiculturalism: coexistence, law and multiculturalism in the administrative and legal documents of Norman and Hohenstaufen Sicily, c.1060–c.1266* (DocuMult), funded by a European Research Council (ERC) Advanced Grant under the European Union’s Horizon 2020 research and innovation programme (grant agreement no. 787342), and hosted by the University of Oxford, with the collaboration of the Università degli Studi di Palermo. The paper reflects only the authors’ views and the ERC is not responsible for any use that may be made of the information it contains. The DocuMult website may be found at <http://krc.orient.ox.ac.uk/documult/>

which they grant various privileges, land, and communities of Greek Christian, Jewish and Muslim subjects. Many, although not all, of these *dīwānī* documents are bilingual — Greek or Latin, and Arabic.

Over the last twenty years, we have examined these *dīwānī* documents and their structure at some length and, our conclusions as to their development may be summarised as follows, although they will no doubt be somewhat modified by DocuMult.²

Historical background and the question of scribal styles.

Immediately after their conquest of Sicily, the Norman leaders adapted certain aspects of the pre-Norman fiscal apparatus of Kalbid Sicily, and also of Greek southern Italy, and issued new Arabic and bilingual documents, both administrative decrees and *jarā'id al-rijāl*, “registers of population”. But, when the officials and scribes who had presided over the post-conquest division of the spoils retired from service, the Normans ceased to issue administrative and fiscal documents written in Arabic. After a hiatus of twenty years, immediately after the creation of the Norman kingdom in 1130, King Roger’s chief minister, George of Antioch, reconstructed the Arabic administration by importing scribes, scripts, documentary formulary and structure, and bureaucratic offices and procedures, from the contemporary Fatimid chancery. The reformed Arabic administration continued to flourish until the death of William II in 1189 and the subsequent collapse of the Hauteville dynasty. After the massacre of the Muslims in the Norman *dīwān* and palace, civil war, Muslim rebellion, and invasion and conquest, the German emperor Henry VI decreed that the Sicilian chancery should henceforth issue documents written only in Latin, and should abandon Arabic and Greek. After Henry’s death in 1196, his widow, Constance, the daughter of King Roger, attempted to revive her father’s trilingual chancery, drawing upon models from Almohad Spain, but died before her reforms could take root. Frederick II made no attempt to revive his grandfather’s trilingual chancery, but in 1242, his chief administrator in Palermo, Obbertus Fallamonacha, made one last brief attempt at revival, drawing upon the Norman past and his own less than sophisticated experience of Arabic chancery practice, but this short-lived experiment also failed.

² Johns, *Royal dīwān*; Jamil and Johns, A new Latin-Arabic document; von Falkenhausen, Jamil and Johns, Tròccoli; Jamil and Johns, Swansong.

That the Arabic administration of Norman Sicily was rebuilt in the 1130s and developed thereafter largely by imports from the contemporary Fatimid chancery, raises the question of whether the private, non-*dīwānī* Arabic documents of Norman Sicily were similarly influenced by contemporary, mid-twelfth-century Egyptian practice, either directly or through the mediation of the reformed Norman *dīwān*.³ When we began DocuMult in October 2018, we possessed no hard evidence, but our working hypothesis was that the private Arabic documents of Norman Sicily were more likely to have continued Mālikī forms, structures and practices that had grown under Kalbid rule from Ifrīqiyan roots than to be the product of imports from contemporary Fatimid Egypt.

At that time, we were not yet aware that three Arabic documents from Kalbid Sicily, and one from the period of Norman rule, had already been found in the “Treasury” or *Qubbat al-Khazna* of the Umayyad Mosque in Damascus. In about 1900, nearly 14,000 fragments were packed into sacks and removed to Istanbul, where they were eventually housed in the *Türk ve İslam Eserleri Müzesi* (TIEM), the Turkish and Islamic Arts Museum, under the name of *Şâm Evrakları* or “Damascus Documents”.⁴ The documents were originally divided into bundles, each containing a hundred pieces, and numbered accordingly by bundle and document; recently, the documents have been digitised, and the correspondence between the old inventory numbers and those of the new digitised images is for the moment unclear.⁵

³ Ten original Arabic deeds of sale from Norman Sicily are published in Cusa, *Diplomi* 505–6 no. 14, 698; 61–7 no. 54, 709; 101–6 no. 102, 722–3; 610–13 no. 31, 702 (wrongly dated to 506/1113, corr. 560/1165); 39–43 no. 135, 730; 491–3 no. 141, 732; 44–6 no. 160, 737; 496–8 no. 169, 738; 499–501 no. 172, 739; 622–6 no. 101, 722, a bilingual, Greek-Arabic deed of sale issued by the royal *dīwān*. (To obtain the APD “Name”, prefix “P.Sicilia” to Cusa’s document number, e.g. “P.Sicilia 14”, etc. To date, the text of none of the above is available in the APD). Cusa’s transcriptions of these deeds are untrustworthy and, by today’s standards of scholarship, inadequate. Nonetheless, for a century and a half, they were with few exceptions the only printed versions available. They were poorly translated into Italian in Trovato, *Sopravvivenze arabe*; attentively studied from the perspective of comparative legal history by D’Emilia, *Diplomi arabi siciliani*; discussed (with varying attention to the unreliability of Cusa) by De Simone, *Diplomi arabi di Sicilia*, Caracausi, *Documenti medievali Siciliani*, Constable, *Cross-cultural contracts*, and Bresc and Nef, *Actes en arabe*; and perceptively compared to the Arabic documents of the Cairo Geniza by Khan, *Administrative and legal documents*. In addition, four further Arabic deeds of sale survive only as thirteenth-century Latin transumpt, published in Bresc, *Propriété foncière des Musulmans*. A new critical edition of all the Arabic deeds of sale from Sicily, accompanied by high resolution colour images, full textual and historical commentary, translations into English and Italian, and palaeographic analysis, is being prepared for DocuMult. A pre-print study of these deeds, including preliminary editions of all the documents, will be published in downloadable pdf format on the DocuMult website (see note 1 above) in the summer of 2021: Jamil and Johns, *Arabic deeds of sale*. The authors warmly welcome all comments, criticism and suggestions.

⁴ For the Damascus Documents, see D’Ottone, Hirschler and Vollandt, *The Damascus fragments*.

⁵ In what follows, we use the superseded bundle and document numbers given in the volumes cited in notes 6 and 8 below: e.g. TIEM 13.162, for *Türk ve İslam Eserleri Müzesi*, bundle (*l’iasse*) 13, document 162.

Only when our friend and colleague, Chris Wickham, drew one of the four to our attention, were we alerted to the possibility that other documents from Kalbid Sicily might be found amongst the Damascus Documents.

The document drawn to our attention is the deed of sale of a *qā'ā* in the southern part of Palermo. The date is missing, but the document must date from between 998 and, at the latest, *circa* 1030 (see below: *Propriétés rurales et urbaines*, doc. no. 7). An edition of this document, together with a rather poor black-and-white photograph taken in the 1960s, was published in 2018.⁶

When Chris Wickham's email alerting us to the publication of this Kalbid deed of sale arrived, we had just begun the preparation of a new, critical edition of the Arabic deeds of sale from Norman Sicily.⁷ These are still widely available only in the inaccurate and lacunose edition of Cusa, which constitutes an obstacle, rather than an aid, to the accurate analysis of their structure and formulary. Comparing the Norman deeds in our edition-in-progress with the newly published edition of the Kalbid deed from Damascus, we immediately became aware that the latter required significant revision. We then turned to the earlier, 2013 volume in the same series that had published the Damascus Documents dealing with marriage and divorce. Although the editors had identified none of these as coming from Sicily, it soon became apparent that three documents had undoubtedly been composed on the island, two under Kalbid rule, and a third during the reign of King Roger.⁸

We must stress that our reinterpretation of these four documents from Damascus is provisional because we have so far been prevented by the pandemic from locating the original documents and examining them in person, and thereby ascertaining our reinterpretation. For the moment, we are dependent upon the published photographs of the documents taken in the early 1960s, and on the editions of 2013 and 2018. That said, for the reasons set out below, we are persuaded that all four documents were indeed composed in Sicily, and that we can add two more documents to the one already identified by the editors of the 2018 volume to the newly identified corpus of original documents from Kalbid Sicily. Here, we wish to pay tribute, and to record our immense gratitude, to the remarkable achievement of the

⁶ Mouton, Sourdel and Sourdel-Thomine, *Propriétés rurales et urbaines* 125–30 doc. no. 7, 480 pl. VIII.

⁷ Jamil and Johns, *Arabic deeds of sale*.

⁸ Mouton, Sourdel and Sourdel-Thomine, *Mariage et séparation* 81–6 doc. no. 3, 269 pl. III; 86–9 doc. no. 4, 270 pl. IV; 152–6 doc. no. 24, 292 pl. XXVI.

editors of the Damascus Documents, Jean-Michel Mouton, the late Dominique Sourdel, and Janine Sourdel-Thomine, without whose labours this first corpus of Kalbid documents would not have been rediscovered.

The Damascene-Sicilian corpus

All four documents must have been carried from Sicily to Damascus, presumably by individuals or families who chose to leave the island rather than live under Christian rule. We have found no familial thread binding together the protagonists named in these four documents, and so they appear to attest to four separate acts of emigration from the island to Damascus, and to the removal of four family archives from Sicily to Syria. It is improbable, perhaps, but more Sicilian documents may yet be found amongst the Damascus Documents in Istanbul.

Mariage et séparation doc. no. 4 (APD P.MariageSeparation 4; TIEM 13.162) is a very fragmentary record of an agreement concerning the division of the property of a married couple after separation. Both the date and the place of the agreement have been lost, but the formula *ṣadāq jumlatuhu khamsūna dīnāran rubā'iyyan* (l. 5) is sufficient to demonstrate that the document was composed in Sicily. The terminology for coinage according to this formula indicates that the document belongs to the period of Kalbid, and not Norman, rule. The husband, Ibn Muḥammad al-Zadd[ā]mī (l. 3),⁹ and the brother and legal representative of *al-thayyib*, “the divorced woman” (l. 4),¹⁰ Sayyidat al-Kull bt. Abī l-Zikr¹¹ b. Makhlūf (ll. 3–4), both testified at a formal interview (*bi-mukhāṭaba*: l. 6) before witnesses, whose names are missing, that they had agreed upon the division of the couple’s property. The wife had received a bridal dower of fifty quarter-dinars, which the parties appear to have equally divided (l. 5). The property includes various items of clothing (*kisā'*: ll. 8–10), tentatively read as a scarf (*m.n.d.l.*, presumably for *mandīl*), a yellow undershirt (*ghilāla ṣafrā'*), a garment (name missing) of white linen (*abyaḍ kattān*), two white undershirts (*zawj ghalā'il bayḍā'*),¹² another scarf (*mandīl*), and a red (?) woollen cloak (*'aqma*).

⁹ *Mariage et séparation*: Ibn 'Ubayd al-Radamī.

¹⁰ *Mariage et séparation*: *al-labīṭ*. See also Liebreuz, Review 261.

¹¹ *Mariage et séparation*: Abū l-Zakar.

¹² *Zawj*, “a pair”, followed by a plural noun, for “two” is a typical Maghribī construction, which also occurs in the *dīwānī* and private documents from Norman Sicily, e.g. in the Monreale *jarīdat al-ḥudūd* of 1182, Palermo,

The wife owned “the whole of a house that is in the Quarter of the [*lacuna*]” (*jamīʿ al-dāri llatī lahā bi-ḥārati [...lacuna]*) (l. 7), which probably lay in Palermo. One inevitably thinks of the *ḥārāt* of Palermo made famous by the account of Ibn Ḥawqal and, especially, by the “map” of Sicily in the Bodleian Library’s *Kitāb Gharāʾib al-funūn* (“The Book of Curiosities”),¹³ as well as by the documents from Norman Palermo, such as the *Ḥārat al-Masjid* and the *Ḥāra al-Jadīda*, which lay to the south of the Old City, the location, incidentally, of the property sold in the Kalbid deed of sale (see below: *Propriétés rurales et urbaines, doc. no. 7*).

The names of the couple are also typically Sicilian. The woman’s personal name, Sayyidat al-Kull, “Mistress of Everyone” is well attested in the documents of Norman Palermo, especially in the variant Sitt al-Kull, which was even adopted by Arabic-speaking Greek Christians as Σιτελκιούλ.¹⁴ Precisely the same name is also found in a marriage contract from late Almohad Ifrīqiya.¹⁵ Again, the *kunya* of the wife’s father, Abū l-Zikr, is typically Sicilian, more usually in the form Bū Zikr or Bū Zikrī, which was adopted as Ζήκρης, Ζίκρης, etc. by Greek-speakers in the twelfth century, and survives to this day in the Palermitan surname Zìcari.¹⁶ On the other hand, the husband’s *nisba*, which we read as al-Zadd[ā]mī, is well-attested in western Ifrīqiya and is the root of the Algerian-French surname Zeddām, common throughout the Algerian diaspora.¹⁷

The formula *ṣadāq jumlatuhu khamsūna dīnāran rubāʾiyyan* (l. 5) is characteristically Sicilian in two ways. First, because the coin used to express the dowry is the *dīnār rubāʾī*, the quarter-dinar, the characteristically Sicilian denomination for the gold currency, referred to in Greek and Latin documents as the τάρλιον or *tarenum*, *tari* in Italian, from the Arabic *ṭarī*, meaning “freshly coined” — a term that is very common in Egypt, but perversely never appears in the Arabic documents of Sicily.¹⁸ Documents written in Damascus invariably express monetary transactions in gold dinars, often using a formula attested since the mid-

Biblioteca Centrale per la Regione Siciliana, Tabulario di ... Monreale, no. 32, l. 327: *bayna zawji ḥijārīn nābitatīn* (l. 160: *inter duas petras plantatas*), “between two standing stones” = Cusa, *Diplomi* 233, l. 11, and 196, ll. 20–1; and the Arabic deed of sale of 1193, Palermo, Archivio di Stato, Tabulario di ... Cefalù, l. 3: *zawj junaynāt*, “two gardens” = Cusa, *Diplomi* 496, ll. 4–5 (misread). See further the examples and bibliography cited in La Rosa, *L’Arabo di Sicilia* 219.

¹³ Ibn Ḥawqal, *Opus geographorum* 119. Rapoport and Savage-Smith, *Book of curiosities* 136–45, 457–66, fols. 32A–33B.

¹⁴ Caracausi, *Lessico greco* 526

¹⁵ Dridi, *Contrat de mariage*, document l. 10.

¹⁶ Caracausi, *Dizionario onomastico* ii, 1736.

¹⁷ Online searches for “الزدامي” and “Zeddām”.

¹⁸ Travaini, *Monetazione* 99–186 and index s.v. *tari*, and the bibliography there cited, especially Stern, *Tari*.

ninth-century in Egypt, and since the mid-tenth-century in Damascus, *dīnāran dhahaban ‘aynan mathāqīla wāzinatan jiyādan*, “dinars of gold coin, weighed to the *mithqāl*, of full weight, and pure”, or variants of it. This holds good from the mid-10th century at the latest until the mid-12th century.¹⁹ In contrast, what we may call the immigrant documents amongst the Damascus Documents, those composed elsewhere and carried to Damascus by their owners, express monetary transactions in a variety of different currencies, in addition to the Sicilian quarter-dinars in the four documents discussed in this article, including: the large gold dinars of Tripoli in Libya, called *kibār*, in order to distinguish them from the quarter-dinars issued from the same mint, all of which would have borne the name of a Fatimid caliph;²⁰ newly minted Almohad dinars used at Ṣanhāja in Morocco;²¹ Almoravid silver in al-Andalus;²² Rūmī *fulūs* at Arnīs in the province of Akhlāt near Lake Van.²³ Immigrant individuals or families brought with them to Damascus not foreign coin, but, rather, personal documents that had been drawn up before their departure from the various lands where the various coinages were current. This is confirmed not just by the scripts of these immigrant documents,²⁴ but also by the onomastics of the parties as discussed herein, as well as by their distinctive formulae expressing monetary transactions in the variety of different currencies.

The second way in which the formula *sadāq jumlatuhu khamsūna dīnāran rubā‘iyyan*, “a dower totalling fifty quarter-dinars” is characteristically Sicilian is the use of *jumlatuhu* between the thing being paid for and the sum that is to be paid. *Jumlatuhu* occurs in this way only three times in the Damascus Documents,²⁵ always in immigrant documents from Sicily. This use of *jumlatuhu* is not only ubiquitous in the Arabic documents of Norman Sicily, a point already noted by D’Emilia and Khan,²⁶ but also occurs in the very few published documents from Ifrīqiya.²⁷ Indeed, it seems probable that the usage was coined in Ifrīqiya before it spread to Muslim Sicily. We dare say that this formulaic tic almost never occurs in the rest of the

¹⁹ *Mariage et séparation* 45–51; *Propriétés rurales et urbaines* 71–5.

²⁰ *Mariage et séparation* 104–9 doc. no. 9, 277 pl. X (APD MariageSeparation 9), l. 15; see also 47.

²¹ *Propriétés rurales et urbaines* 310–15 doc. no. 47, 523 pl. LI, ll. 11–12; see also 75.

²² *Propriétés rurales et urbaines* 253–7 doc. no. 34, 509 pl. XXXVII, l. 8; see also 72.

²³ *Propriétés rurales et urbaines* 379–88 doc. no. 65, 541–3 pls. LXIX–LXXI, ll. 17, 30–31; see also 75.

²⁴ Compare, for example, the script of the marriage contract from Tripoli in Libya (*Mariage et séparation* 277 pl. XI) with the scripts of near contemporary marriage contracts from Damascus (276 pl. X and 283 pl. XVII).

²⁵ *Mariage et séparation* doc. no. 4 (APD MariageSeparation 4), l. 5, and doc. no. 24 (APD MariageSeparation 24), l. 6; and, in all probability, *Propriétés rurales et urbaines* doc. no. 7, l. 10.

²⁶ D’Emilia, *Diplomi arabi siciliani* 97; Khan, *Administrative and legal documents* 42.

²⁷ Dridi, *Contrat de mariage* 324, l. 11. Amari, *Archivio Fiorentino* 60, ll. 5–6 (APD P.Flor.Arab 19, l. 5). Alarcón y Santón and García de Linares, *Aragón* 245–6, l. 5 (APD P.Aragon 115, l. 6).

Islamic world before the mid-fourteenth century, but only in Ifrīqiya and Sicily. In documents before that date, it is one of the “lexical markers” of Ifrīqiyan or Sicilian origin.

Perhaps the principal importance of this fragment, however, is that it appears to be the sole representative amongst the Damascus Documents of a particular type of act, which the editors tentatively describe as a certificate from the separating parties that they have agreed upon the division of their property.²⁸ In this case, it seems that the husband and the brother and representative of the wife, who is already described as *al-thayyib*, “separated” or “divorced”,²⁹ declared before witnesses that they had agreed upon the division of the couple’s property, as set out in this record. As the editors note, what survives of this document is too fragmentary for one to be completely sure that this interpretation is wholly correct. That said, should this type of document indeed prove not only to be unique amongst the Damascus Documents but also to be unattested elsewhere, as would seem to be the case, it may represent a Sicilian or Ifrīqiyan type that was not used in Egypt or the Levant. This aspect of the document is work in progress, and the authors would be grateful for any comment or suggestion.

Mariage et séparation doc. no. 3 (APD P.MariageSeparation 3; TIEM 13.047) is the second Sicilian fragment amongst the Damascus Documents in Istanbul, being the greater part of a marriage contract dated *Rabī‘ al-Thānī* 446 / 10 July – 7 August 1054, within the long agony that followed the collapse of the Kalbid emirate during the 1040s and ended with the Norman invasion and conquest. This marriage contract was made between the groom, Walīd b. ‘Alī (l. 2), and the bride’s representative (*walī*), Abū Tamīm b. Muḥammad al-Qurashī (l. 10).³⁰ The bride, Kulthūm bt. Thābit al-Qurashī (?),³¹ had been previously married. Walīd contracted to pay Kulthūm a bridal dower of *thalātatan rubā‘iyyatan ‘aynan dhahaban wāzinatan jiyādan naqda ṣiqillīyata al-jā[’]iza bayna ahlihā*, “three quarter[-dinar]s, gold coin of true weight and fine alloy, of the currency of Sicily, valid amongst its people” (l. 5), one quarter-dinar to be paid at once, one immediately on consummation of the marriage, and

²⁸ *Mariage et séparation* 30.

²⁹ Liebrez, Review 261.

³⁰ *Mariage et séparation*: al-Rassī. A comparison of the shape of the *nisba* in this document and in several documents from Norman Sicily (e.g. DocuMult Grotta-Termini-A27-1165r, l. 3, and PA-Cattedrale-027-1190r, l. 22) leaves no reasonable doubt that the correct reading is al-Qurashī.

³¹ *Mariage et séparation*: al-Rassī. See note 30 above.

one to be owed by the groom to the bride. The names of the witnesses who attest to the identity and legal capacity of the parties are now missing.

Once again, the script contrasts strongly to the local Damascene scripts, and exhibits the so-called Maghribī pointing for *fā'* and *qāf*, a feature rarely found at this late date in Egypt or the Levant. As in the previous case, the formula stipulating the bridal dower uses the typically Sicilian quarter-dinar or *tari*. Again, as before, the bride's name is typically Sicilian. The *nisba* of her family, al-Qurashī, is typical of the Muslim urban élite of Palermo, who claimed descent from the most prestigious and venerable tribes of Arabia. Parties or witnesses with the *nisba* al-Qurashī appear more than a dozen times in the Arabic deeds of sale from Norman Sicily, and also in the Kalbid deed of sale (see below, ***Propriétés rurales et urbaines, doc. no. 7***).

This Sicilian marriage contract adheres more or less closely to the structure followed by the local marriage contracts amongst the Damascus Documents, but with significant variations in formulary and style that are recognised and described in some detail by the editors:

“... le contenu [est] beaucoup plus précis sur le plan juridique et beaucoup plus riche en formules religieuses et littéraires accompagnant chaque partie du document. On y remarque l'apparition, après la *basmala*, d'un préambule constitué des formules pieuses. On trouve ensuite, après l'indispensable mention des noms des époux, une longue section consacrée aux modalités de versement de la dot qui empiète maintenant sur la période postérieure au mariage, ce qui établit en faveur de la femme une dette dont le caractère intangible est longuement souligné. Enfin après la mention du rôle du tuteur et du statut juridique de l'épouse, un relatif lyrisme se donne libre cours pour rappeler la nécessité de la bonne entente entre les époux. Les témoignages, toujours en ligne, qui suivent sont également énoncés de manière extrêmement précise et détaillée.”³²

³² *Mariage et séparation* 23.

In support of these remarks, a few specific formulae may be cited, especially the highly anomalous formula concerning payment of the dower, which not only expresses the dower in Sicilian quarter-dinars, but also divides payment into three instalments each of one quarter-dinar: the first to be paid here and now, on making this contract, *al-naqd al-mu'ajjal* (l. 3), and the second to be deferred until consummation of the marriage, *al-mahr al-ḥāll bi-l-binā'* (l. 3).³³ The formula covering the third instalment is now lost in the fog at the end of line 3 and in the lacuna at the beginning of line 4, but that third quarter-dinar was apparently to be added to the debt, because much of the next two lines is devoted to the inviolability of the debt owed by the groom to the bride, and also because the bride grants quittance for just one single quarter-dinar.

The formula *al-mahr al-ḥāll bi-l-binā'* does not appear, we dare say, in any marriage document composed in Damascus or in Egypt, but exactly the same formula is found in the late Almohad contract from Tunisia,³⁴ which suggests that it may have been an Ifrīqiyan formula. And Ifrīqiya appears to have been the immediate source of the formulary and structure of the Arabic deeds of sale from Kalbid and Norman Sicily.

Indeed, we are tempted to suggest that all the anomalies and variations from the Damascene norm apparent in this document are due to its Sicilian origin. The difficulty, of course, is that no other Arabic marriage contract survives from Sicily against which to test this hypothesis. Two pieces of circumstantial evidence, however, may be adduced in its support.

First, unlike contemporary marriage contracts from the Levant and Egypt, the very few marriage contracts to survive from medieval Ifrīqiya abound with very similar religious and literary formulae. The latter include an as yet inedited marriage contract dating from the year 568/1172, early in the brief period of Almohad rule, of which a legible photograph has been published,³⁵ as well as the marriage contract from the year 621/1224, the very end of the Almohad period, now available in an exemplary edition by Moez Dridi, who is currently working on other pre-Hafsid and Hafsid legal documents, including marriage contracts, from Ifrīqiya.³⁶

³³ The same formula, expressed verbally as *mahrūn yaḥullu bi-l-binā'*, is recorded by Ibn Makkī, *Tathqīf al-lisān* 220.

³⁴ Dridi, *Contrat de mariage* 324, l. 14.

³⁵ Djaït *et al.*, *Histoire générale* 332.

³⁶ Dridi, *Contrat de mariage*.

The second piece of circumstantial evidence relating to the formulary and structure of this contract, which supports the case that it was made in Sicily, is that it appears to use many of the same words, phrases and formulae that are found in the private acts from Norman Sicily. Only once we have tracked down the original document, ascertained that our re-readings and reinterpretations are correct, and correlated them systematically with the corpus from Norman Sicily, should we be able to demonstrate this point in full.

Mariage et séparation, doc. no. 24 (APD P.MariageSeparation 24; TIEM 13.002) is a quittance for payment of a bridal dower, dated 1-10 Şafar 526 / 23 December 1131 – 1st January 1132. ‘Ā’isha bt. Yūsuf al-Jazzār al-Tamīmī (l. 2) gives quittance that she has received from her husband, Abū Bakr *al-ḥājj* b. Abī l-Qāsim al-Qaysī (l. 3), the sum of thirty ducal quarter-dinars (*thalāthūna rubā’iyyan dūqiyyatan*: l. 6), being the outstanding balance (*mu’akkkhar*, l. 5; *baqiyya*, l. 6) owing from the total dowry of sixty ducal quarter-dinars (l. 6). The following bear witness to the identity and legal capacity of the two parties: ‘Abd al-Salām b. ‘Abd al-Raḥmān al-Tamīmī (autograph: l. 17); Şadaqa b. Mūsā al-Tamīmī “at his order” (written by the scribe: ll. 18–19); Abū ‘Uthmān b. Wārith al-Malīlī “at his order” (written by the scribe: ll. 20–21);³⁷ Yūsuf b. Ibrāhīm al-Hawwārī (autograph: l. 22); ‘Abdallāh b. ‘Abd al-Ḥaqq al-Qaysī (autograph: l. 23).

Once again, this document exhibits all of the by now familiar features of a document composed in Sicily, albeit under Norman rule, early in the reign of King Roger. The *nisbas* of the parties and their witnesses demonstrate the characteristically Palermitan combination of names laying claim to ancient Arab ancestry (al-Qaysī, al-Tamīmī) with Ifrīqiyan tribal names (al-Hawwārī from the widespread Maghribī confederation, and al-Malīlī from one of its constituent clans). The formula fixing the amount of the dower is of particular interest (l. 6). Not only does it have that peculiarly Sicilian verbal tic of *jumlatuhu*, and account for the dower in the Sicilian *rubā’ī* or quarter-dinar, but also it qualifies the type of quarter-dinar as *rubā’ī dūqī*, ducal quarter-dinars.³⁸

³⁷ *Mariage et séparation*: al-Mulaylī.

³⁸ For a discussion of *rubā’ī dūqī*, see Jamil and Johns, *Arabic deeds of sale*.

Propriétés rurales et urbaines, doc. no. 7 (APD –; TIEM 12.996) is the fourth Sicilian deed to have been identified so far amongst the Damascus Documents, and probably the earliest. The date is missing, but may be inferred from the fact that the father of the vendor, Maymūna bt. Sharaf, had been *fatā* or “page” to the late Kalbid emir Abū l-Futūḥ Thiqat al-Dawla Yūsuf b. ‘Abdallāh, who suffered a stroke and retired as emir in 388/998. The precise date of his death is not recorded, but it is probably safe to assume that the document dates between 998 and *circa* 1030 CE. The location of the property is given in detail, leaving no doubt that the document is from Palermo (*min arāḍī šiḡilliyata bi-l-faḡṣi (?) l-qibliyyi*³⁹ *min madīnati Balarma*). Several formulae appear in the deeds of sale from the Norman period.

Sukayna bt. Muḡammad al-Qaysī(?)⁴⁰ buys from Maymūna bt. Sharaf, the *fatā* of the late emir Yūsuf, the whole of a courtyard (*qā‘a*) in the southern part of the city of Palermo. It had four boundaries: east, the end of the plot of the house of [lacuna]; south, the house of Khalaf; west, the house of the purchaser [Sukayna] and the plot of Khalaf; and north, the house known as “of Ibn Abī Zākī”. The property measured eighteen(?) common cubits (*al-dhirā‘ al-wasat*) from east-west by twenty common cubits north-south, and was sold together with all rights, appurtenances, latrines and whatever else was known to belong to it (ll. 4–9), [*bi-thamanin jumlatuhu (?)*] *dīnāran rubā‘iyyatan ‘aynan dhahaban jiyādan mina l-rubā‘iyyāti l-jā[’]izati bayna ahli šiḡilliyata bi-naqṣi kulli (or yanquṣu kullu?) rubā‘iyyin wāḡidin min-hā [‘an wazni l-wāzini ḡabbata dhahabin]*,⁴¹ “[for a price totalling (?)] quarter-dinars, good, gold coin of the type valid among the people of Sicily, each quarter-dinar of those, short [of one grain of gold]”.

The latter formula is of particular interest. Just enough of it survives, and can be read with confidence from the published photograph, to confirm that it originally opened a peculiar formula that survives in at least eight other Arabic deeds of sale from Norman Sicily. The fragmentary Kalbid formula (K) may be compared to the complete formula in a Norman

³⁹ *Propriétés rurales et urbaines: bi-l-baḡrī*, the phrase being all but illegible from the photograph, but this reading is unattested in Sicily and is *a priori* improbable. For *bi-l-faḡṣi* plus a cardinal direction meaning the extramural outskirts of Palermo, see DocuMult PA-Cattedrale-009-1132r, l. 4, where *al-gharbī* is an error in the original for *al-qiblī* (= Cusa, *Diplomi* 6–12 doc. no. 43, 706–7: 7, ll. 3–4) and Grotta-PA-AdS-002-1161r, l. 27 (= Cusa, *Diplomi*, 622–6 doc. no. 101, 722: 624, l. 9).

⁴⁰ *Propriétés rurales et urbaines: al-‘Absī*. The *nisba* is illegible from the photograph but, as the editors point out (*Mariage et séparation* 129), al-‘Absī is not otherwise attested in Sicily. Al-Qaysī is amongst the commonest tribal *nisbas* in the Arabic documents of Norman Sicily.

⁴¹ *Propriétés rurales et urbaines: al-jā[’]izati bayna ahli balīrma wa-kullu rubā‘iyyin wāḡidin minhā*.

deed, for example, of 1137–38 (N) in order to demonstrate that we are indeed seeing the same formula in Arabic deeds of sale from before and after the Norman conquest of Sicily:

(K) [...] ديناراً ربعية عينا ذهباً جيداً من الرباعيات الجائزة بين اهل [ص]قلية بنقص [بنقص؟] كل ربعى واحد منها
[... ± ٠.١ ...]

(N) بثمن جملته اربعماية ربعي واثننا عشر ربعيا من الرباعيات الدوقية الجائزة بين اهل صقلية بنقص كل ربعى منها عن
الوازن حبة ذهب

(K) [...] *dīnāran rubā'iyatan 'aynan dhahaban jiyādan mina l-rubā'iyāti l-jā'* [izati bayna ahli
ṣiqilliyyata bi-naqṣi kulli [or yanquṣu kullu] rubā'iyin wāhidin min-hā [...]

(N) *bi-thamanin jumlatuhu arba'umi'* [izati rubā'iyin wa-ṭnā 'ashara rubā'iyyan mina l-
rubā'iyāti l-dūqiyyati l-jā' [izati bayna ahli ṣiqilliyyata bi-naqṣi kulli rubā'iyin minhā 'ani l-
wāzini ḥabbata dhahabin

(K) “[...] quarter-dinars, good, gold coin of the quarter-dinars valid among the people of Sicily, every quarter-dinar thereof lacking [...]”

(N) “for the total price of four-hundred and twelve ducal quarter-[dinars], current among the people of Sicily, every quarter-dinar thereof lacking from full weight one grain of gold”

Ibn Makkī, whose contemporary Ibn al-Qaṭṭā' (d. 515/1121) says he left Sicily for Tunis after the beginning of the Norman invasion, includes in his critique of Sicilian documentary styles the formula *yanquṣu kullu rubā'iyin minhā 'alā l-wāzini ḥabbata dhahabin*.⁴² After the conquest, this formula is attested in eight Arabic deeds of sale, including three Latin transumpt, from as early as 1116 until as late as 1196. We dare say that the formula is not attested anywhere except Sicily. This is not the place to discuss the significance of this formula.⁴³ Here, we simply wish to make the point that the presence of this formula in the

⁴² Ibn Makkī, *Tathqīf al-lisān* 219.

⁴³ For a discussion of these *tari' mancanti*, see Jamil and Johns, *Arabic deeds of sale*.

Kalbid deed of sale from Damascus is just one of the demonstrations that such Kalbid deeds were the direct ancestors of the Arabic deeds of sale of the Norman period.

In conclusion, we have attempted to do three things. First, to demonstrate that three of these four acts from the Damascus Documents were indeed made in Sicily, in addition to the one deed of sale already published as coming from the island. Second, to show conclusively that, unlike the *dīwānī* documents issued by the Hauteville kings, which owe many of their features to imports from the contemporary chancery of Fatimid Egypt, the private, non-*dīwānī* documents of Norman Sicily belong to an unbroken documentary tradition stretching back into the period of Kalbid rule, and exhibit no evidence of having been transformed after 1130 under the influence of the royal *dīwān* after it had been recreated on the model of contemporary Egyptian practice. And, third, to begin to make the case that the Arabic documents from Sicily were the heirs of an Ifrīqiyan documentary tradition which, because of the scarcity of published documents from Ifrīqiya itself, remains undervalued and little known, and yet deserves to be more seriously taken into account in the discussion of the evolution of medieval Arabic documents.

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