Waqf certificates of Qurns from Harar
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Waqf and waqf of books: preliminary remarks

Waqf (plural: awqāf; in North-western Africa the word habs, [pl. hubūs] is preferred\(^1\)) is a well-established Muslim social institution which is defined by a very rich and complicated set of legal rules and norms. The simplest and most common manifestation of waqf is that of an inalienable endowment of assets managed by a fiduciary administrator for the benefit of a designated individual, a specific group of people or the collectivity in general.\(^2\)

There are some general basic principles which govern waqf and its management. First, the founder (waqif) must be muḥāhbal (legally capable to act and contract); he does not necessarily have to be a Muslim. Second, the object to be endowed (mawqūf) can be any physical good (‘ayn). Third, the waqf must be perpetual (but consumable goods and items are admitted; Mālikī law school accepts also temporary waqf). Fourth, both individual and collective beneficiaries (mawqūf ilayh) are admitted. Members of the family of the waqif are allowed as beneficiaries (waqf ahlī). Finally, the endower has to appoint a controller (nāẓir), in charge of supervising the implementation of the legal procedure and the subsequent correct usage of the mawqūf objects.

The intention (niya) behind a waqf should be always and exclusively characterized as the realization of a religious ideal. The waqif has always to affirm that he/she intends to carry out a devout act and to do charity (ṣadaqa). It is only for this pious goal that the waqif decides that one of his properties can be given forever for the full benefit to someone else. The reward of this charitable deed (aḏr / ٹاواب) is the intercessional prayer of the beneficiaries for the waqif who hopes for the divine mercy on the Judgment Day.

The establishment of a waqf is attested and confirmed by a formal document, a sort of legal certificate called waqfiyya. It is the existence of an unambiguous (ṣarīha) waqfiyya which guarantees that the waqf is ṣabīh (legally valid).\(^3\)

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\(^1\) It has been correctly pointed out that the geographical characterization of the term habs which is nowadays more current in the Maghreb must be actually due to a later development (Déroche 2005, 331 note 114).

\(^2\) For a very general but quite comprehensive introduction to the waqf institution and system see EJ, XI (2002), 59–99 (R. Peters et al.).

\(^3\) A very general introduction to the waqfiyya as document and legal act can be found in Özgündenli 2012.
Research on the *waqf* has been one of the most flourishing activities in Islamic studies.4

The study of the legal problems connected with origin and development of the idea of *waqf* (absent in the Qurʾān but well attested in the prophetic *hadīt*) intrigued some experts in Islamic law and different hypotheses have been proposed about the way *waqf* came into existence and subsequently rooted into the Muslim society.5

Great attention has been paid to the social and economic aspects of the *waqf* institution as a tool used by many Islamic polities to assure a more equal distribution of wealth and as a way to create a kind of welfare state to protect the destitute. Most of the available scientific literature thus analyses *waqf* of economically and socially relevant items and assets (houses, schools, hospitals, hospices, public fountains, shops and plots of land) endowed by important statesmen, rulers and local governors for the benefit of their subjects.6

The specific features of the *waqf* of manuscripts and books initially did not apparently attract the attention of the scholars. However, the importance of the endowment of codices (especially of the Qurʾān) for the birth and diffusion of public libraries in the Islamic world7 triggered the interest for this branch of *waqf* and a relatively substantial amount of relevant data has been collected.8

In particular, the discussion among Islamic scholars on whether movable goods can be legally established as *waqf* has been studied to reconstruct the procedure which Muslim *fuqahāʾ* followed to justify the acceptability of *waqf* endowment of Qurʾānic codices and other religious books in favour of mosques and schools first and then of any legal personality.9

Another focus of activity of the scholars working on *waqf* has been the publication of the text of the *waqfiyya*-certificates together with an assess-

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4 Useful bibliographic repertoires on *waqf* are Hoexter 1998 and Abdul Azim Islahi 2003.

5 In particular, the connection between the *waqf* and the *piae causae* of the late Roman and Byzantine Empire has been long investigated (see e.g. Hennigan 2004, 52–57 for a summary of the debate).


8 A concise but very informative survey of the literature on *waqfiyyas* of books is in Déroche and Sagaria Rossi 2012, 283–286.

9 Eche 1967, 68–74 offers a quite detailed historical excursus on the jurisprudential debate about the legal status of the *waqf* of books (see also Ayman Fuʿād Sayyid 1997, 421–427).
Waqf certificates from Harar

ment of their vocabulary and structure. Waqfiyyas of books received a particular attention from the scholars of manuscript studies because they provide crucial evidence to date manuscripts without colophon and contribute to the reconstruction of the history of the codices.

The waqfiyya as a text and as a document

Scholars commonly agree upon that the first waqfiyya known so far dates to the eighth century CE. It is a relatively lengthy text preserved in al-Ṣāfī’s famous Kitāb al-umm (kitāb al-ḥabīb; waṭiqat ḥabīb). The document contains all the instructions concerning the way to establish a lawful waqf and all the technical and legal requirements to make a waqfiyya formally valid.

The first dated manuscript endowed as waqf is the so-called Qurʾān of Amāḡūr (the ‘Abbasid governor of Damascus) whose waqfiyya dates to AH 262 (875/876 CE). In the following century, the practice of endowing mushaf and other codices spread in the whole Islamic world becoming more and more common.

Scholars who published waqfiyya texts highlighted the sheer and somewhat bewildering diversity of their textual structure and content. Different model structures of waqfiyya certificates have been reconstructed by the specialists and proposed as a tool to analyse and describe the documents.

Particularly striking is the different length of the waqfiyya documents: some of them are harmonious and beautifully composed texts, made up of a full inventory of canonical legal formulas and religious invocations and


17 For example the formal statement of stipulation of a waqf containing one (or more than one) of the technical verbs waqafa (or awqafa), ḥabbasa, sabbala, ḥarrama, ḥabda, tasaddaqa followed by the accusatives waqfān saḥīban šā’iyyan šarīfān

18 Normally the basmala, hamdala, tasliya are used as opening, quotations from the Qurʾān and ḥadīth can be found in the middle of the waqfiyya to strengthen the theo-
carefully kept in some register or well copied on the first page (f. 1r) of the codices; some of them instead are reduced to a couple of words coarsely written on the margins of the manuscript among a multitude of other notes. The more laconic texts can also lack some of (or even all) the basic textual components which give the document its full legal value. These more or less incomplete *waqfiyya* certificates were probably only abridged copies of full-fledged texts preserved in an official register. The legally invalid *waqfiyya* extracts were copied probably to make readers aware that the manuscripts in their hands were *waqf* and had to be used according to the rules of *fiqh*.

**Waqfiyyas of books from Harar**

*Waqf* in Ethiopia has been so far an almost completely unstudied field: only two general studies by Hussein Ahmed are available on this topic but no Ethiopian *waqfiyya* has been published nor research has been conducted on *waqf* of Ethiopian Islamic books and libraries.

In the following I publish and critically analyse six *waqfiyya* texts in Qurʾanic codices originally from Harar and now kept at the Institute of Ethiopian Studies of Addis Ababa University. The documents are arranged in a chronological order and cover a period of time between the first half or the eighteenth and the middle of the nineteenth century. The main focus of my study will be on the textual structure of the *waqfiyyas* and on their vocabulary. Moreover I shall comment upon some of the historical and prosopographical data which the documents yield, thus contributing to the further investigation of the history and culture of Harar.

The first *waqfiyya* I publish here is found in MS IES 1847 (containing the 10th *ḏu‘l-Ḥijjah* of the Qurʾān), on f. 1r. It is a 19-line text written in a different hand than the rest of the codex.

Logical/legal background of the act and some invocations mark the end of the document.

19 Sometimes the *waqfiyya* is reduced to a seal containing the word *waqf* and the name of the donor and/or of the library (Kenderova 2002, 79).

20 To be legally valid a *waqfiyya* should include the founder’s name (*al-waqif*), the object of the endowment (*al-mawqif*; in case of manuscripts, namely, number of volumes and title(s) of the book(s)), the beneficiary or usufructuary (*al-mawqif alayhi*), usually the name of the library, the condition(s) set by of the founder to the usage of the endowed object (*ṣarat al-waqif*), date (*ta‘rih al-waqf*), attestation of the witnesses (*iḥād*), and the identification of the administrator (*nāẓir*) of the endowment who replaces the *waqif* on his/her death (Hunwick and O’Fahey 1981, 2; Gacek 2009, 17–18).

21 Eche 1967, 312.


23 The Arabic text is copied according to the orthography of the original.

24 See Gori 2014, 23 for a description of the manuscript.
This is what the poor, humble in need of God the Highest, our master the amīr Ẓalha son of our master the amīr ‘Abd Allāh placed in mortmain, piously dedicated, inalienably bequeathed and charitably donated: this ǧuz’ and what precedes and follows it of its 30 ǧāżā’ for his grandmother gisti Fāṭima together with her son amīr Ẓabrū son of our master amīr Ṭalī and for all the Muslims in the city of Harar the protected and for all the cemeteries of the Muslims. It can be taken out to the cemeteries of the Muslims and be taken back to its original place. He established that the reward of this act should be given to his grandmother together with her son the amīr Ẓabrū above mentioned. He appointed himself as the controller of the waqf for the duration of his life then his elder son and then the elder and the elder of his offspring, as long as they beget, generation after generation. May God accept this act from him with His grace and mercy! May God accept and consider it as a pure action done just to obtain His generous favour and as a valid and legal waqf which cannot be sold, donated pledged nor inherited until God inherits the earth and what is on it. You are the best of the Inheritors! ‘If someone alters it after having heard it, then the sin of doing so will fall upon those who alter it. Surely God hears and knows’. My God bless our Master Muhammad, his family and his companions and grant them peace! Date 1127.

The waqfiyya has almost all the components which are necessary to make it legally valid:
1) the mention of the name of the waqīf: mawlah amīr Ẓalha b. mawlahamīr ’Abd Allāh;25
2) the mention of the mawqīf: the 10th ǧuz’, on which the text of the document has been written, but also all the other aḡzā’ of the Qurʾān;
3) the indication of the mawqīfa lahā: the waqīf’s grandmother gisti Fāṭima and her son amīr Ẓabrū b. amīr ’Ṭālī26 and all the Muslims and the cemeteries of the city;
4) the mention of the person to whom the spiritual reward of the waqf (ṭawāb) goes: Ẓalha’s grandmother and her son;

25 Tedeschi 1974, 489–490. He ruled from 1700 to 1721. Mawlahamīr (our master) appears here as an honorific title given to the emir.
26 The name does not appear in the emir lists of Harar. Ẓabrū (hypocoristic of Ẓabr al-Dīn) is the name of a saint venerated in the city (Wagner 1973, 283; Foucher 1988, 278).
5) the definition of the conditions of usage of the book which can be moved around but has to come back to the original location after its use;
6) the appointment of a nāriz: the waqif himself amīr Talḥa and after his death the senior of his sons and descendants;
7) the explicit declaration of the establishment of the waqf which is inalienable and eternal;
8) menace of a sanction for those who change the text;
9) final taṣliya;
10) date: AH 1127 (1715/1716 CE).

The second waqfiyya of my selection is in MS IES 1846 (containing the 25th ḡuz' of the Qurʾān), on f. 1r. It is possibly written in the same hand as the following main text. The 15-line text runs as follows:

This is what the amīr Talḥa son of the amīr ʿAbd Allāh—one of the mercy of his Lord—placed in mortmain, inalienably bequeathed, piously dedicated, and charitably donated: this ḡuz' and what precedes and follows it from among its 30 ṣāḥīḥ of the glorious Qurʾān in its 30 parts for the shrine of the amīr Nūr the amīr al-muḥādid in the protected city of Harar and for the graveyards of the Muslims in the mentioned city and for other places than those. He established that the reward of his act go to the mentioned amīr Nūr. The manuscript can be taken out of the city to the graveyards or elsewhere but has to be returned to the controller after the reading. He appointed himself as the controller of the waqf for the duration of his life and then his elder son and then the elder and the elder of his offspring as long as they beget generation after generation. May God accept this from him as a valid and legal waqf which cannot be sold, donated pledged nor inherited until God inherits the earth and what is on it. He is the best of the Inheritors. If someone alters it after having heard it, then the sin of doing so will fall upon those who alter it.

27 The technical verbs (waqafa, habbasa, sabbala, ṣaṣaddaqa) and the usual formula waq-fan sabihān sarʾiyān are used in the text together with an invocation of God which expresses the religious motivation behind the waqf (qabila Allāh minhu bi-faḍlīl wa-rabmatih wa-ḡaḍa al-maḥāsil li-wqāfi Allāh al-karīm).

28 In this text we found the recurring lā yubālā lā yūḥab la yurbān lā yūrāḥ ḥattā yariṭ Allāh al-ard wa-man ʿalayhā wa-buwa ḥayr al-ḥāritīn (see Qurʾān 19:40 and 21:89).

29 Expressed as usual quoting, Qurʾān 2:181.

30 Gori 2014, 23

Surely God hears and knows’.32 My God bless our Master Muḥammad, his family and his companions and grant them peace!

This *waqfiyya* has neither introductory section nor date but contains some of the most important elements to make it legally valid:

1) The mention of the name of *wàqif*: *amîr* ʕalî b. *amîr* ʕAbd Allâh;33
2) The mention of the *mawqûf*: *guz* 25, on which the text of the document has been written, but also all the other *aḡzâ* of the Qur’ân;
3) The indication of the *mawqûf labhu*: the shrine of *amîr* Nûr and all the other cemeteries of Harar;
4) The mention of the person to whom the spiritual reward of the *waqf* (*tawâb*) goes: *amîr* Nûr;34
5) The definition of the conditions of usage of the book which can be taken to the cemeteries but has to come back to the *nâzîr* after the reading;
6) The appointment of a *nâzîr*: the *wàqif* himself *amîr* ʕalî and then the senior of his sons and descendants
7) The explicit declaration of the establishment of the *waqf*35 which is inalienable and eternal;36
8) Menace of a sanction for those who change the text;37
9) Final *tasliya*.

The third *waqfiyya* is preserved in MS IES 1844 (12th *guz* of the Qur’ân), on f. 2r.38 It is a 12-line text apparently written in the same hand as the main text.

32 Qur’ân 2:181.
33 See note 25 above.
34 *Amîr* Nûr is the renowned ruler of Harar (d. 1567) who built the wall of the city, fought the Christian state and killed the Emperor Gälawdewos in 1559. His shrine is among the most revered in the city, see *EAe*, III (2007), 1209–1210 (F.-C. Muth).
35 Both the standardized technical verbs (*waqafa*, *ḥabbasa*, *sabbala*, *taṣaddaqa*) and the formula *waqfan sabihâna* (*sârîyyan*) are used.
36 The *waqfiyya* has the usual: *lā yubâh* lâ yûbah la yurban lâ yûrât hattâ yariḍ Allâh al-ard wa-man ‘alayhâ wa-huwâ ḥây yakhârîṯîn (see Qur’ân 21:89).
37 The threat of a harsh punishment is expressed quoting, as usual, Qur’ân 2:181.
38 For a brief description of the manuscript see Gori 2014, 22.
This is what the amīr Aḥmad b. al-amīr Ṭalḥa placed in mortmain, piously dedicated, inalienably bequeathed and charitably donated: this ḡuz‘ of the Glorious Qur‘ān and what precedes and follows it from among its 30 aḍzā‘ for the shrine of the amīr ʿAbd Allāh al-muğābīd for God’s sake in the city of Harar. He appointed himself as controller (of the waqf) for the duration of his life and then his elder son and then the elder and the elder of his progeny and offspring subsequently, as long as they beget, generation after generation. And the manuscript can leave his house and be moved to the aforementioned cemetery of the Muslims in the city of Harar. This is a valid and legal waqf and cannot be sold nor donated nor inherited until God inherits the earth and what is on it. He is the best of the Inheritors.39 ‘If someone alters it after having heard it, then the sin of doing so will fall upon those who alter it. Surely God hears and knows’.40 May God bless our Master Muḥammad, his family and his companions and grant them peace!

The undated waqfiyya has a relatively short text lacking introductory prayers and formulas but still containing some of the fundamental elements which make the document legally valid:

1) the mention of the name of the wāqif: amīr Aḥmad b. Ṭalḥa;41
2) the description of the mawqūf: the 12th ḡuz‘ of the Qur‘ān, on which the text of the document has been written, but also all the other aḍzā‘ of the Qur‘ān;
3) the indication of the mawqūf lahu: the shrine of amīr ʿAbd Allāh al-muğābīd (b. ʿAlī 1671–1700);42
4) the appointment of a nāẓir: the wāqif himself amīr Aḥmad b. Ṭalḥa and then the senior of his sons and descendants;
5) the conditions of usage of the endowed object: the book can leave the house of wāqif and go to the cemetery;
6) the explicit declaration of the establishment of the waqf which is inalienable and eternal;43
7) the menace of a sanction for those who change the text of the document;44
8) final taṣliya.

40 Qur‘ān 2:181.
41 This name cannot be found in the so far available lists of emirs of Harar and can be possibly identified with Aḥmad I son of amīr Abū Bakr the brother of amīr Ṭalḥa (1755–1782), on whom see Tedeschi 1974, 493.
42 Tedeschi 1974, 489.
43 The technical verbs waqafa, ḥabbasa and sabbala are used together with the legal formula waqfūn sāḥiban šar‘iyyan la ṭabā la yūḥab la yurhan la yūraṭ ḥattā yariq Allāḥ al-ard wa-man ʿalayhā wa-hewa hayr al-bāriṭin (see Qur‘ān 21:89).
44 The punishment is not clearly defined but only vaguely hinted by a quotation of Qur‘ān 2:181.
The fourth waqfiyya under discussion is found in MS IES 1848 (containing the 9th ǧuzʿ of the Qurʾān), f. 1r. 45 It is a relatively long text (21 lines) written in a different hand from that of the following main text.

Praise be to God who knows the secrets of the conscience of those who give alms, who is aware of their intentions, as He creeps inside (the souls of) the sincere people who pour out their wells to obey God and do something that makes Him satisfied, like acting respectfully towards one’s parents! My God bless our Master Muḥammad, his family and his companions, the rightful imāms! As a matter of fact, divine graces are bestowed one by one on His selected servants and the well-being in the Hereafter follows the one in this life, the one after the other, thanks to the merits collected (during the mortal life). That is the bounty of God, which He gives to whom He wills among His servants!46 And He rewards more the one who thanks Him. And to the ones He wants among His creatures, He donates at the same time a kingdom like the one of the Nāṣāṣī and also prize and forgiveness. The provision to go to meet the Last King, the act which remains eternally perfumed in the register of the good deeds, and the life conduct which cancels the (bad things caused by) time and remains eternally in the end: all this is the hunt for the meritorious deeds dispersed here and there and the refraction of the light of the right path in all the circumstances. For these reasons, our master, the owner of the reins of our state, the king of the present time, the possessor of the last resolution and the guarantor of the victory, the commander of the faithful the amīr Yūsuf son of our master the amīr Abū Bakr rapidly took the initiative to spend what God granted him after he asked God to indicate him the best act to reach the most magnificent abode and be put together with the best companions i.e. the prophets, the virtuous, the martyrs and the saints upon whom God bestowed His grace—What a beautiful company is that! He thus placed in mortmain, inalienably bequeathed and piously dedicated this ǧuzʿ and what precedes and follows it of its 30 āḏzāʾ for his father so that he can read it without any limitation of place and time, in the cemeteries of the Muslims or in any other place he finds himself in the city of Harar. He established that the reward should go to him as a valid and legal waqf which cannot be

45 See Gori 2014, 23 for a description of the manuscript.
sold, donated nor inherited until God inherits the earth and what is on it. He is the best of the Inheritors! He put as condition that the control of the waqf should be given to himself for the duration of his life. May God accept it from him and let him obtain the pure sanity of the body and the long life that he hopes and expects! May God reserve for him a noble place thanks to a reward which will make him step forward, when he will have to leave, and a compensation which will make him satisfied, when he will be in the presence of the Most Saint. 'If someone alters it after having heard it, then the sin of doing so will fall upon those who alter it. Surely God hears and knows'.

The text of this waqfiyya is complete and complex but oddly enough it lacks a date. Some other components of a legally valid document are there:
1) a long and rhetorically constructed introductory section explaining the religious motivations and intentions behind of the waqf;
2) the mention of the name of the wàqif: amīr al-mu’minīn mawlānā al-amīr Yūsuf b. mawlānā al-amīr Abī Bakr;
3) the description of the mawqif: guz’ 9 and all the other aḡzā’ of the Qurʾān;
4) the indication of the mawqif lahu: the father of wāqif, amīr Abū Bakr;
5) the conditions of usage of the endowed object: reading in the cemeteries of Harar with no limitation of place and time;
6) the mention of the person to whom the spiritual reward of the waqf (tawāb) goes: amīr Abū Bakr;
7) the explicit declaration that the waqf is inalienable and eternal;
8) the appointment of a nāẓir: the wāqif himself, amīr Yūsuf;
9) the menace of a sanction for those who change the text of the document.

The fifth waqfiyya is found in MS IES 1850 (first guz’ of the Qurʾān), f. 1r. The text is written in a beautiful and careful hand similar to that of the following main text. Two polychrome, geometrical figures frame the waqfiyya similarly to what happens with the text of first sura and of the beginning of the second sura on ff. 1v and 2r.

47 The epithet amīr al-mu’minīn does not normally occur among the titles carried by the emirs of Harar.
48 Tedeschi 1974, 491. He ruled from 1747 to 1755.
49 The usual verbs waqafa, habbasa and sabbala are used together with the formula waq-fan šabīban šar’iyyan lā yubā lā yāhab la yurban lā yūraḥ ḥattā yarīt Allāh al-ard wa-man ‘alayhā wa-huwa ṣayr al-bahrīn (see Qurʾān 21:89).
50 As usual, Qurʾān 2:181 is quoted to threat those who will dare to change the text of the document.
51 See Gori 2014, 23 for a description of the codex.
Waqf certificates from Harar

Waqf is one of the amiable good deeds and one of the desirable actions which bring closer to God. Therefore, the poor, humble servant, contemptible in front of his Rich, Powerful and Generous Lord, the amīr ʿAbd al-Šakkūr son of the deceased amīr Yūsuf, in favour of his father the amīr Yūsuf son of the amīr Abū Bakr al-muğābid for God’s sake (may God the Highest forgive him!), rapidly desired to obtain the reward which is given for those actions, hoping in the promise of his Lord and fearing His menace. This is thus a valid and legal waqf which cannot be sold, donated, pledged, nor inherited until God inherits the earth and what is on it. You are the best of the Inheritors! If someone alters it after having heard it, then the sin of doing so will fall upon those who alter it. Surely God hears and knows’. May God accept it and consider it as a pure action done just to obtain His eternal and everlasting favour! Amen!

This has been done in the city of Harar in the month of ʿaḥbān 1203 of the prophetic hiǧra—the best of prayers and blessings be upon the one who did it!

The waqfiyya has a relatively long text but lacks some of the basic legal constituents which are necessary to make the document valid: the description of the mawqūf (possibly the ʿguz’ [18th] of the Qurʾān on which the waqfiyya is copied) and the appointment of a nāẓir.

The document is thus made up only of:
1) an introductory passage highlighting the religious background of the act;
2) the mention of the name of the wāqif: amīr ʿAbd al-Šakkūr b. amīr Yūsuf (1783–1794);52
3) the indication of the mawqūf labu: the father of the wāqif, the deceased amīr Yūsuf;53
4) the explicit declaration of the establishment of the waqf which is inalienable and eternal;54
5) the menace of a sanction for those who change the text of the document;55
6) place (Harar) and date: AH ʿaḥbān 1203 (October–November 1789 CE).

The sixth waqfiyya, in MS IES 1845 (18th ʿguz’ of the Qurʾān),56 f. 1r, is written in a hand which appears to be different from the rest of the manuscript. The 15-line text runs as follows:

52 Amīr ʿAbd al-Šakkūr is probably one of the most renowned emirs of Harar; on him see E Ae, I (2003), 36 (Ahmed Zekaria).
53 Amīr Yūsuf b. Abī Bakr ruled between 1747 and 1755 (Tedeschi 1974, 491).
54 The common formula is used: waqfān sahiḥan šarʿiyān la yubā’ la yāḥab la yurhān la yūrāt hattah yariq allah al-arḍ wa-mān ala-yha wa-huwa hayr al-wāriṭin (see Qurʾān 21:89).
55 The threat is expressed, as usual, quoting Qurʾān 2:181.
56 For a description of the manuscript see Gori 2014, 22.
Praise be to God and peace upon His servants whom He selects. *Waqf* is one of the amiable good deeds and one of the desirable actions which bring closer to God. Therefore, the poor, humble servant, contemptible in front of Her Rich, Powerful and Generous Lord, gisti Kal $\text{ـ Ň}^\text{ NGO}^\text{ ma}$ daughter of the deceased $ki^\text{ummer}^\text{garâd}$ rapidly desired to obtain the reward which is in those actions, hoping in the promise of her Lord and fearing His menace. Therefore for her husband the $amir^\text{舸}^\text{Abd al-Mannàn}$ son of the departed $amir^\text{舸}^\text{AbŊ Bakr}$ (may God forgive him) established this as a valid, legal and recorded *waqf* which cannot be sold, donated, pledged nor inherited until God inherits the earth and what is on it. You are the best of the Inheritors! 'If someone alters it after having heard it, then the sin of doing so will fall upon those who alter it. Surely God hears and knows' (Qur’ān 2:181). May God accept it and consider it as a pure action done just to obtain His eternal and everlasting favour! Amen!

The relatively short text has an introductory part made up by a $\text{حمد الله وسلم على عباده الذين اصطفى}$ (2) and the mention of the religious basis of the *waqf* act.\(^{57}\) The legal constituents of the *waqfiyya* are all present, except for the $mawq甯$ (possibly the $\text{guz}$\(^{18}\)) of the Qur’ān on which the *waqfiyya* is copied and the $nàzir$:  
1) the name of the $wàqifa$: gisti Kal$tüma$ b. $ki^\text{ummer}^\text{garâd}$;\(^{58}\)  
2) the indication of the $mawq甯 lahu$: her husband $amir^\text{舸}^\text{Abd al-Mannàn}$ b. $amir^\text{舸}^\text{AbŊ Bakr}$;\(^{59}\)  
3) the clear declaration that the *waqf* is inalienable and eternal;\(^{60}\)

\(^{57}\) *Al-waqf min al-ḥasanāt al-mabhūba wa-min al-qurubāt al-matlūba bāda rat ilayḥā wa-rağibat li-ma fiḥa rağa an li-wa’d rabbihā wa-hawfan li-wa’dīdīb.*

\(^{58}\) $Ki^\text{ummer}^\text{garâd}$ is the title carried by the governor of the so far not identified region of Kośim (Cerulli 1942, 6–7).

\(^{59}\) This name does not appear in the emir lists of Harar. According to Tedeschi 1974, the $afīl garaď$ (governor of Zayla’\(^\text{舸}\)) ‘Abd al-Mannān b. $amir^\text{舸}^\text{Muhammad}$ was the father of $amir^\text{舸}^\text{AbŊ Bakr II}$ (ruled from 1834 to 1852). The text of the *waqfiyya* actually reverses the parental relationship between the two.

\(^{60}\) The usual technical verbs are lacking but the standard formula *waqfan sābīnan sārīyan, muharraran* is used in which the last adjective apparently hints to the existence of a register where the deed was copied and kept. The common cluster of prohibitions *lā yubāamburger la yūhab la yurban lā yūrāt ḥattā yariṭ Allāh al-ard wa-man ‘alayhā wā-biša ḥayr al-ḥārīṭin* (cfr. Qur’ān 19:40 and 21:89) declares the eternal duration of the *waqf*.
Some tentative final observations

The waqfiyyas of books from Harar confirm the general tendency of this kind of text to show wide differences in length and structure. Moreover, all the waqfiyyas studied here lack some of the fundamental textual elements needed to be legally valid. They should be thus considered as simple notes written down as a reminder to invite the readers to use the manuscripts according to the rules of waqf. The question arises as for where the full-fledged original documents were kept as no register of waqfiyyas has been so far discovered in Harar.

In a comparative perspective, the waqfiyyas of Harar show some resemblance with the waqfiyyas of Lamu. However, the similarities remain too general and vague to be taken as a hint to any possible connection between the two geographical and cultural areas.

Only further research will enable us to draw a clearer picture of the different forms of waqfiyya in Ethiopia and in East Africa.

References


61 Also in this document we find the quotation of Qur’ân 2:181 as a threat to those who dare alter the text of the document.

62 Qabila Allâb labu wa’ga’alahu ḏâliṣa li-wa’qbihs al-bâqî al-dâ’im: the invocation underlines once more the sole religious aim behind the waqf.

63 Similarities can be detected in the structure and language of the texts and in the usage of the same quotations of the Qur’ân (see Hunwick and O’Fahey 1981, passim).


