Waqf certificates of Qurns from Harar
Gori, Alessandro

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Edited by
Alessandro Bausi, Alessandro Gori,
and Denis Nosnitsin

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Eugenia Sokolinski

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Waqf certificates of Qurans from Harar: A first assessment

ALESSANDRO GORI, University of Copenhagen

Waqf and waqf of books: preliminary remarks

Waqf (plural: awqāf; in North-western Africa the word habs, [pl. hubūs] is preferred) 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.

There are some general basic principles which govern waqf and its management. First, the founder (wàqif) must be mu`ahhal (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 (ʾayn). 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 wàqif are allowed as beneficiaries (waqf ahlī). Finally, the endower has to appoint a controller (nāżir), 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 wàqif 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 wàqif decides that one of his properties can be given forever for the full benefit to someone else. The reward of this charitable deed (aḏr/ ʿawāb) is the intercessional prayer of the beneficiaries for the wàqif 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 (ṣariha) waqfiyya which guarantees that the waqf is ṣabīh (legally valid).

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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 EF, 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 Qur’ān 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 Qur’ān) 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 *fuqahā* followed to justify the acceptability of *waqf* endowment of Qur’ānic 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 *pia 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).

⁶ See for example Deguilhem 1995 and 2008.


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 Fu’ād Sayyid 1997, 421–427).
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-Šafi’i’s famous *Kitāb al-umm* (*kitāb al-ābās; waqīqat ābs*). 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 Amāgūr (the ʿAbbasid 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


15 Déroche and Sagaria Rossi 2012, 284; Kenderova 2002, 73.


17 For example the formal statement of stipulation of a *waqf* containing one (or more than one) of the technical verbs *waqafa* (or *awqafa*), *habbasa*, *sabbala*, *harrama*, *ab-hada*, *tasaddaqa* followed by the accusatives *waqfan* *sahīhan* šariyyan šariṣan.

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 writ-
ten on the margins of the manuscript among a multitude of other notes.19
The more laconic texts can also lack some of (or even all) the basic textual
components20 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 register21. 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.

Waqfiyya 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 topic22 but no
Ethiopian waqfiyya has been published nor research has been conducted on
waqf of Ethiopian Islamic books and libraries.

In the following I publish23 and critically analyse six waqfiyya texts in
Qur’anic codices originally from Harar and now kept at the Institute of Ethi-
opian 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 vocabu-
lar y. Moreover I shall comment upon some of the historical and prosopog-
ographical 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 ġuz’ of the Qur’ān), on f. 1r.24 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 docu-
ment.

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-wāqif), the object
of the endowment (al-mawqūf; in case of manuscripts, namely, number of volumes
and title(s) of the book(s)), the beneficiary or usufructuary (al-mawqūf ‘alayhi), usu-
ally the name of the library, the condition(s) set by of the founder to the usage of
the endowed object (laṣṭ al-wāqif), date (taʾrīḥ al-waqf), attestation of the witnesses
(iḥāḍ), and the identification of the administrator (nāẓir) of the endowment who re-
places the wāqif 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 Tālha son of our master the amīr `Abd Allāh placed in mortmain, piously dedicated, inalienably bequeathed and charitably donated: this gūz’ and what precedes and follows it of its 30 aḡzā’ for his grandmother gisti Fāṭima together with her son amīr Šabrū son of our master amīr ʿAlī 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 Šabrū 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 Muḥammad, his family and his companions and grant them peace! Date 1127.

The waqfīyya has almost all the components which are necessary to make it legally valid:
1) the mention of the name of the waqf: mawlanā amīr Tālha b. mawlānā amīr ʿAbd Allāh;25
2) the mention of the mawqūfī: the 10th gūz’, on which the text of the document has been written, but also all the other aḡzā’ of the Qurān;
3) the indication of the mawqūfah: the waqf’s grandmother gisti Fāṭima and her son amīr Šabrū b. amīr ʿAlī26 and all the Muslims and the cemeteries of the city;
4) the mention of the person to whom the spiritual reward of the waqf (tawāb) goes: Tālha’s grandmother and her son;

25 Tedeschi 1974, 489–490. He ruled from 1700 to 1721. Mawlānā (our master) appears here as an honorific title given to the emir.
26 The name does not appear in the emir lists of Harar. Šabrū (hypocoristic of Šabr 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 nāẓir: the waqif himself amīr Talha 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 tasliya;
10) date: AH 1127 (1715/1716 CE).

The second waqfiyya of my selection is in MS IES 1846 (containing the 25th ǧuz‘ 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 Talha son of the amīr ‘Abd Allāh—needy of the mercy of his Lord—placed in mortmain, inalienably bequeathed, piously dedicated, and charitably donated: this ǧuz‘ and what precedes and follows it from among its 30 ǧuz‘a of the glorious Qurʾān in its 30 parts for the shrine of the amīr Nūr the amīr al-muḥābid 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.31 ‘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, tasaddaqa) and the usual formula waqfan sabihan sar’iyyan are used in the text together with an invocation of God which expresses the religious motivation behind the waqf (qabila Allāh minhu bi-fadlīh wa-raḥmatih wa-qa’alahu ḥālīsan li-waqhi Allāh al-ka’rim).
28 In this text we found the recurring là yubāl là yīḥab la yurhan là yīraḍ ḥattā yariṣ Allāh al-ard wa-man ‘alayhā wa-buwa ḥayr al-ḥārītīn (see Qurʾān 19:40 and 21:89).
29 Expressed as usual quoting, Qurʾān 2:181.
30 Gori 2014, 23
Waqf certificates from Harar

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 wāqif: amīr Ṭalḥa b. amīr ʿAbd Allāh;33
2) the mention of the mawqūf: ġuz’ 25, on which the text of the document has been written, but also all the other aḡzāʾ of the Qurʾān;
3) the indication of the mawqūf labu: the shrine of amīr Nūr and all the other cemeteries of Harar;
4) the mention of the person to whom the spiritual reward of the waqf (awāb) goes: amīr Nūr;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 nāzir after the reading;
6) the appointment of a nāzir: the wāqif himself amīr Ṭalḥa and then the senior of his sons and descendants
7) the explicit declaration of the establishment of the waqf35 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 ġuz’ of the Qurʾān), on f. 2r.38 It is a 12-line text apparently written in the same hand as the main text.

32 Qurʾān 2:181.
33 See note 25 above.
34 Amīr Nūr 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 EÆ, III (2007), 1209–1210 (F.-C. Muth).
35 Both the standardized technical verbs (waqafa, ḫabbasa, sabbala, taṣaddaqa) and the formula waqfan šāhīhan šarʿīyyan are used.
36 The waqfiyya has the usual: lā yubāš lā yūbah la yurḥān lā yūrḥāt ḫattā lārhip Allāh al-ard wa-man ʿalayhī ḥmūwā ḫywr ʾakhbārīn (see Qurʾān 21:89).
37 The threat of a harsh punishment is expressed quoting, as usual, Qurʾān 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 ġuz’ of the Glorious Qurʾān and what precedes and follows it from among its 30 aḡzā‘ for the shrine of the amīr ʿAbd Allāh al-muḥābid 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 he 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 Muhammad, 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 waqfī: amīr Aḥmad b. Ṭalḥa;41
2) the description of the mawqūf: the 12th ġuz’ of the Qurʾān, on which the text of the document has been written, but also all the other aḡzā‘ of the Qurʾān;
3) the indication of the mawqūf lahu: the shrine of amīr ʿAbd Allāh al-muḥābid (b. Ṭālḥa 1671–1700);42
4) the appointment of a nāẓir: the waqfī 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 waqfī 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 tašliya.

39 Qurʾān 19:40 and 21:89.
40 Qurʾān 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 sabbaha are used together with the legal formula waqfūn saḥīḥan ʿar‘iyyan ʿalā yūḥāb lā yūḥab lā yurḥāb lā yūraṭ ḥattā yariq Allāh al-ard wa-man ʿalayhā wa-huwa ḥayr al-bāriṭin (see Qurʾān 21:89).
44 The punishment is not clearly defined but only vaguely hinted by a quotation of Qurʾān 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.

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'iminīn*⁴⁷ *mawlānā al-amīr Yūsuf* b. *mawlānā al-amīr Abī Bakr*;⁴⁸
3) the description of the **mawq?f**: *guz* ’⁹ and all the other *aḡzā*’ of the Qurʿān;
4) the indication of the **mawq?f 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;⁴⁹
8) the appointment of a *nāzir*: the **wāqif** himself, *amīr Yūsuf*;
9) the menace of a sanction for those who change the text of the document.⁵₀

The fifth **waqfiyya** is found in MS IES 1850 (first *guz*’ of the Qurʿān), f. 1r.⁵¹ 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 *sūra* and of the beginning of the second *sūra* on ff. 1v and 2r.

⁴⁷ The epithet *amīr al-mu'iminīn* 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 sāḥiban šar’īyyan lā yubā lā yūhāb lā yurḥan lā yūraṣ ḥattā yariṣ Allāh al-ʾard wa-man ṣalāhā wa-huwa ḥayr al-bāriṭin* (see Qurʿān 21:89).

⁵₀ As usual, Qurʿān 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 amîr Ābd al-Šâkûr son of the deceased amîr Yûsuf, in favour of his father the amîr Yûsuf son of the amîr Ābd al-Bâkîr al-muğâbid 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 ša‘bân 1203 of the prophetic hîdžra—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 mawqûf (possibly the ǧuz’ [18th of the Qur’ān on which the waqfiyya is copied) and the appointment of a nâzîr.

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 wâqif: amîr Ābd al-Šâkûr b. amîr Yûsuf (1783–1794); 52
3) the indication of the mawqûf labu: the father of the wâqif, the deceased amîr Yûsuf; 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 ša‘bân 1203 (October–November 1789 CE).

The sixth waqfiyya, in MS IES 1845 (18th ǧuz’ of the Qur’ān), 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 Amîr Ābd al-Šâkûr is probably one of the most renowned emirs of Harar; on him see EAe, I (2003), 36 (Ahmed Zekaria).
53 Amîr Yûsuf b. Ābd al-Bâkîr ruled between 1747 and 1755 (Tedeschi 1974, 491).
54 The common formula is used: waqfan šâhiḥan šâri‘yân la yubâ‘ la yâbab la yurban la yūrat ḥatta yariṣ allâh al-ard wa-man ‘alayha wa-hûwa hayr al-wâriţin (see Qur’ān 21:89).
55 The threat is expressed, as usual, quoting Qur’ān 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 Kalťuma daughter of the deceased *kũšim garad* 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 *amīr* ‘Abd al-Mannān son of the departed *amīr* AbŅ 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’an 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 ḍamdala, a *salām* and a brief but clear explanatory phrase which makes reference to the religious basis of the *waqf* act.\(^{57}\) The legal constituents of the *waqfiyya* are all present, except for the *mawquf* (possibly the *gũz* [18th] of the Qur’an on which the *waqfiyya* is copied) and the *nāzir*:

1) the name of the *wāqifa*: gisti Kalťuma b. *kũšim garad*;\(^{58}\)

2) the indication of the *mawquf lahu*: her husband *amīr* AbŅ Bakr;\(^{59}\)

3) the clear declaration that the *waqf* is inalienable and eternal.\(^{60}\)

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\(^{57}\) *Al-waqf min al-ḥasanāt al-mabhūba wa-min al-qurubāt al-matlūba bādarat ilayhā wa-raġibat li-ma ḥijā rağa‘ an lwa‘ d rabbiḥā wa-hawfan lī-wa‘idīb.*

\(^{58}\) *Kũšim garad* 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 *aftāl garad* (governor of Zayla\(^\text{a}\)) ‘Abd al-Mannān b. *amīr* Muhammad was the father of *amīr* AbŅ 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 sābihan šar‘iyyan, 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 yubā‘ lā yūhab lā yurhan lā yūra‘ ḥattā yariğ Allāh al-ard wa-man *alayhā wa-huwā ḥayr al-bāriğin* (cfr. Qur’an 19:40 and 21:89) declares the eternal duration of the *waqf*. 

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Waqf certificates from Harar

4) menace of a sanction for those who change the text of the document; 61
5) a final prayer and invocation of God’s reward in the Hereafter. 62

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. 63 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’an 2:181 as a threat to those who dare alter the text of the document.
62 Qabila Allâb labu wa-qa’alâbu čâliça bi-waâqibî al-bâqi 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’an (see Hunwick and O’Fahey 1981, passim).