



## Marital Journey of Sett Juhar

### A Walk-through Marriages and Divorces' Contracts of Sett Juhar during the 4<sup>th</sup> AH/ 10<sup>th</sup> AD Century preserved in Egyptian National Library A Study of Form and Content

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**Abstract:** A wide range of documents are preserved by the Egyptian National Library. One of the most significant legal papers is a marriage and divorce contract because it demonstrates how closely Egyptian marriage and divorce customs adhere to Islamic law.

This study presents a document containing five marriage and divorce contracts dated to the 4th century AH / 10th century AD and preserved in the Egyptian National Library. It includes the marriage and divorce contracts of Sett Juhar, who was married three times and divorced twice during the period from 10<sup>th</sup> of Rabī' II 368 A.H./ 15<sup>th</sup> of November, 978 A.D., to 10<sup>th</sup> ḍu-l-Qi'dah 393A.H./10<sup>th</sup> September 1002 A.D.

It generally highlights marriage and divorce contracts during this historical period, reflecting social and economic manifestations during this period, and has been dealt with in accordance with the descriptive approach to the form of this document and the analytical approach to its content. This document also explains the method of drafting marriage and divorce contracts in the 4th century AH/10 th century AD, and the extent to which these methods conform to jurisprudential sources. Marriage contracts also explain the phenomenon of dowry and the method of paying it to the wife or her parentage.

**Keywords:** Document – Marriage – Divorce – Dowry – Fatimid period – Witnesses.

## رحلة زواج ست جوهر

عقود زواج وطلاق ست جوهر خلال القرن ١٠هـ/١٠م محفوظة في دار الكتب المصرية

دراسة في الشكل والمضمون

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**المخلص:** تحتفظ دار الكتب المصرية بالعديد من الوثائق المتنوعة، وتُعد عقود الزواج والطلاق أحد أهم هذه الوثائق؛ إذ أنها تبيّن عادات المجتمع المصري بالنسبة للزواج والطلاق، ومدى مطابقتها تلك العادات للشرع الكريم. تُقدم هذه الدراسة وثيقة بها خمسة عقود زواج وطلاق تُورخ بالقرن ١٠هـ/١٠م محفوظة في دار الكتب المصرية؛ إذ تتضمن عقود الزواج والطلاق الخاصة بالست جوهر والتي تزوجت ثلاث مرات وتم طلاقها مرتين خلال الفترة من ١٠ ربيع الآخر سنة ٣٦٨هـ/١٥ نوفمبر سنة ٩٧٨م إلى ١٠ ذى القعدة سنة ٣٩٣هـ/١٠ سبتمبر سنة ١٠٠٢م، وبذلك تلقى هذه الوثيقة الضوء بصفة عامة على عقود الزواج والطلاق إبان هذه الفترة التاريخية، حيث تعكس المظاهر الاجتماعية والإقتصادية إبان تلك الفترة، وقد تم تناولها وفقا للمنهج الوصفي لشكل هذه الوثيقة، والمنهج التحليلي لمضمونها. كما أن هذه الوثيقة توضح أسلوب صياغة عقود الزواج والطلاق في القرن ١٠هـ/١٠م، ومدى مطابقتها تلك الأساليب للمصادر الفقهية، كذلك تبيّن عقود الزواج ظاهرة الصداق وأسلوب سداقه للزوجة أو ولي أمرها.

**الكلمات الدالة:** وثيقة- زواج - طلاق - صداق - العصر الفاطمي - شهود.

## Introduction:

The world's museums still have access to a large number of marriage and divorce records from various Islamic periods. This study examines a paper document that belonged to a woman by the name of Sett Juhar and contained five marriage contracts and a divorce. The paper document dates to the Fatimid era between the reigns of al-Azz bi 'Allah (365-386 AH/975-996 AH) and the caliph al-Ḥākim bi 'Amr Allah (386-411 AH/996-1020 AD).

From the Islamic conquest until the end of the Mamluk era (21-923 AH/641-1517 AD), contracts for marriage, divorce, and "Ḥul' " Khul' (divorce at the wife's instance who pays compensation) were known. These contracts are especially significant for clarifying the customs of Egyptian society for marriage, such as engagement, dowry, and the conditions agreed upon between the spouses, as well as the provisions of the Islamic sharia with regard to the provisions of marriage, as mentioned in??. Additionally, it represents the degree to which social norms regarding divorce and "Ḥul' " Khul' abide by Islamic law. It discusses Egyptian family life during the Islamic era. The fact that these contracts include the names of judges, spouses, witnesses, their surnames, the names of each other's letters and functions, the currency of the dowry, and the agreed-upon amount of dowry, which reflects the state of economic life at the time, makes them especially significant throughout Islamic times.

The study of this document is divided into the descriptive study, which includes describing it and then reading its texts, and the analytical study, which includes studying the contents of marriage contracts, starting with Basmalla, then the opening phrases, then the dowry and the method of paying it, followed by Spouses' rights, then The witnesses' *al-ṣuhūd*, and final provisions of those contracts. This study also includes the Analytical study of divorce contracts, starting with Basmalla, then the opening phrase, then divorce statements, then sorts of the divorce, then the witnesses, and closing terms of those contracts .

A number of researchers studied marriage contracts in the Fatimid period, such as Grohmann and Khoury<sup>1</sup>, and all their efforts were focused on trying to read the texts written on those papyri without commenting on their content and the information they contained. al-Zuġbī<sup>2</sup> also studied marriage ceremonies in the Fatimid period without studying contents of marriage contracts.

### First: The Descriptive part of the Study

**Plate: I/A, B, C, D, E, F**

**A paper document comprises five marriage and divorce contracts:**

**Date:** A marriage contract dated to Wednesday 10<sup>th</sup> of Rabī' II 368AH/ 15<sup>th</sup> November 978AD

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<sup>1</sup> Adolf Grohmann and Raif Georges Khoury, *Chrestomathie de papyrologie arabe documents relatifs à la vie privée sociale et administrative dans les premiers siècles islamiques*, (New York, Leiden and Köln: E. J. Brill, 1993), 21-48

<sup>2</sup> Fayzah Maḥmūd Aḥmad al-Zuġbī, "Marāsīm al-Zawāj fi Miṣr wa bilād al-Šām min al-‘Aṣr al-Faṭīmi ḥatta nahāyat ‘aṣr dawlat al-mamālīk, *Dirāsah Tārīḥiyah*" (Unpublished M.A. diss., University of Yarmūk: 2003), 16-45.

**Shaimaa ‘abd-Allah Ibrāhīm Aḥmad,**

Marital Journey of Sett Juhar - A Walk-through Marriages and Divorces' Contracts of Sett Juhar

A Divorce contract dated to 10<sup>th</sup> of Rabī‘ II 392 AH/26<sup>th</sup> of February 1001 AD

A marriage contract dated to 10<sup>th</sup> of Rabī‘ II 393 AH/16<sup>th</sup> of February 1002 AD

A Divorce contract dated to 8<sup>th</sup> of Ša‘bān 393 AH/12<sup>th</sup> June 1002 AD

A Marriage contract dated to 10<sup>th</sup> du-l-Qi‘ dah 393 AH/10<sup>th</sup> September 1002 AD

**Preservation Place:** Egyptian National Library

**Inventory No:** 2499- Face and Front

**Dimensions:** Height: 54cm X Width: 38cm

**Wife’s Name:** Sett Juhar daughter of Šayḥ A[b]u ‘Abd Allah Lajīn ibn al-.....ibn Ḥafṣ ibn Ğa[rī]r ibn Baṣīṭ.

**Husband’s names:** [Ibr]āhīm...al-Šāliḥ Burhān...al-Šayḥ ‘Umar..[A]bī Ibrāhīm bin Ja‘far ibn ‘Issa bin ‘Alī bin Mūssa al-Ġanā[b]

‘Awaḍ bi Ḥussām al-Dīn bin Yaḥia al-Dīn bin Abī Ishāq

‘Abd al-Raḥīm Muḥammad

**Witness’s numbers for each contract:** The First Marriage contract: Five

The Second divorce contract: two

The Second marriage contract: Five

The third divorce contract: two

The third marriage contract: three

**Description:** a rectangular-shaped paper document with holes, including seventy-seven lines; the face is on twenty-nine lines, the back is on thirty-five lines, as well as thirteen lines on the right side of the back of the necklace, coded with a black ink in Nashī script, and it contains five marriage contracts and a divorce for one wife.

**The text**

**The front: A first marriage contract dated to Wednesday 10<sup>th</sup> of Rabī‘ II 368 AH/ 15<sup>th</sup> November 978AD (Pl. I/A, B C)**

١- [يسم] الله الرحمن الرحيم و[صل]ى [ال]له على سيدنا محمد وسلم[ تسليمًا ك[ثير]ا]

1-In the Name of Allah, the Merciful, the compassionate, Prayer be upon his Prophet  
Unto him be praise and salutations.

٢-... وطالق الصور والاشباح ف... ل... [و]يخرج واشها[ده] ... الا الله وجل  
2-.....<sup>1</sup> introducing images and beasts in...<sup>2</sup>....the....<sup>3</sup> and witnesses ...<sup>4</sup> to the almighty God

<sup>1</sup> Lost word

<sup>2</sup> Lost word

<sup>3</sup> Lost word

<sup>4</sup> Lost word

٣-... اح واشهدا وصلّى... بالحق الصراح صلى [الله على محمد وع] الى اله واصحابه  
3-...<sup>1</sup>. I witness and pray...<sup>2</sup> by righteous on the Prophet (peace be upon him) and his supreme companions.

٤- فيما الله المختوم ماقوع لذا... عليه ويسمعونه فى شهادتهما  
4-to Allah this has been authorized to....<sup>3</sup> and heard it in their witnessing

٥- [بسم الله]الرحمن [الر]حيم وصلواته عليه والحمد لله [ه] وصلّى وسلم لله ربنا هب لنا [من] أزواجنا وذريتنا  
قرة [اعين] و[اجعلنا للمتقين] اماما

5-In the name of Allah, the Merciful, the compassionate, prayer and praising be upon his almighty, thanks and grateful to Allah, prayer be upon his prophet unto him be praise and prayer “Our Lord, grant us from among our wives and offspring comfort to our eyes and make us an example for the righteous.

٦- [هذا ما اصدق] ابراهيم... الصالح برهان... الشيخ عمر.. [ا] بى ابراهيم بن جعفر...]

6- This who gave a dowry by Ibrāhim...<sup>4</sup>, al-Ṣāliḥ Burhān...<sup>5</sup> al-Ṣayḥ ‘Umar...

<sup>6</sup> Abi Ibrāhīm bin Ja‘far ...<sup>7</sup>

٧- بن عيسى بن على بن موسى الجنا[ب] ست جوهر ابنه الشيخ [ابو] عبد الله لجين بن ال... بن حفص بن  
جاري[ر] بن بسيط...

7- bin ‘Issa bin Alī bin Mussa al-Ġanab Sett Juhar daughter of Ṣayḥ Abū Abd Allah Lajīn bin Al...<sup>8</sup>

٨- اصدقها على بركة الله [سبحانه] فى [كتاب]ه الجليل وسنه نبيه محمد الصادق المصطفى صلى الله عليه وعلى  
اله واصحابه... [الى] المهر العاجل

8- He gave her the dowry upon the blessing of Allah, the supreme in his Quran and the Sunna of his righteous prophet Muhammad (prayer and praise be upon him) and his companions....<sup>9</sup> To the immediate dower

٩- وجارية بونيه (كذا) ثمنها من العين الذهب عشرة دنانير مثاقيل

9- and a woman slave (sic), costs ten golden Dinars as weight

<sup>1</sup> Lost word

<sup>2</sup> Lost word

<sup>3</sup> Lost word

<sup>4</sup> Lost word

<sup>5</sup> Lost word

<sup>6</sup> Lost word

<sup>7</sup> Lost word

<sup>8</sup> Lost word

<sup>9</sup> Lost word

١٠- والاجل من العين الذهب المسمى من الوزان المحقق م[ا]ئه دينار واحد الوم نفسه ذلك عيسى حقا واجبا ل[ها] عليه الحال من صد[اقها]

10- The sum of gold as authorized weight is hundred dinars by 'Issa as a dower for her rights

١١- عشر دنانير ... والد [الزوج] يقبضها من الزوج ... ليصرفها في زفاف [وا]برت بذلك ست الزوج الم[ذ]كور [ب]راه (كذا) صحيحه شرعيه

11- ten dinars ...<sup>1</sup>, the pride's father taken by the husband ...<sup>2</sup> to spend it in his daughter wedding, she released the mentioned husband from her rights upon the

Islamic law

١٢- برا وقبض وتسلم واستيفا ويبقى من مهرها وهو تسعون [د]ينارا متاقيل مؤ[خر لها] عليه الى انقض تاسع (كذا) [سنين] متواليات

12- and he has taken the money, ninety dinars as weights have been remained from her bridal dower for upcoming nine (sic) sequences of [years]

١٣- اولهن يوم اربعاء وهو العاشر من ربيع الاخر سنة ثمان وستون وثلاثمائة يقى (كذا) صحبت[ها] بالمعروف [و] يعاشر [ها] لجلب...

13- The first is in Wednesday in the 10<sup>th</sup> of Rabi' II 388 AH, (Sic) remained, he must obey her not; yet bear her company in this life with justice (and consideration) also in her marriage to bring...<sup>3</sup>

١٤- مالوف كما امرهما الله سبحانه في كتابه وسنه [نبيه محمد] الصادق [المصطفى ص]اى الله عليه وعلى اله واصحابه و[له عليها م]ث[ال] [الذى] لها

14- Ordinary as ordered by Allah, the Supreme in his Quran and the Sunna of His prophet Muhammad, the righteous, Praise and prayer be unto him, and his companions, he has rights on her also she does.

١٥- عليه وله درجه ز[ا]ئدة لقوله عز وجل للرجال عليهن درجه والله عزيز حكيم وولى تزويجها و[اي]اه يومئذ عليها والدها الشيخ

15- for him and he gained an extra degree from Allah as Allah says "But the men have a degree over them [in responsibility and authority]. And Allah is Exalted in Might and Wise", and she is married by her father the Şayḥ.

١٦- ابي عبد الله محمد لما اذنت وكلت شرعا بعد ان ذك[ر] ان [ان الزوجة المذكورة بنت بكر بالغ حرة م]سلمة صحيحة العقل

<sup>1</sup> Lost word

<sup>2</sup> Lost word

<sup>3</sup> Lost word

16- Abi 'Abd Allah her legal trustee after that was noted that the mentioned wife is adult and virgin, free and Muslim, wise and reasonable.

١٧- جائزا نكاحها شرعا

17- to be married legally

١٨- والبدن خاليه من موانع النكاح الشرعى غير نكاح ولا فى عدل وان [الزوج ... الخاطب]...<sup>1</sup>

18- her body is free from any legal deformity for marriage and with no speculation period after divorce, and the husband...<sup>1</sup>, the one who is engaged to her...<sup>2</sup>

١٩-والدها المذكور للزوج المذكور تزويجا صحيحا شرعيا على الشرايط المسمى خمس السنى المتبعة المذ[ك]ورة على شرع...<sup>1</sup>

19- Her mentioned father to her mentioned husband, a true and legal marriage on the base of the five pillars of Islam on the law of ...<sup>3</sup>

٢٠- على الصداق المذكور

20- upon the above mentioned dowry *Sadāq*

٢١- والسلام قبل بدئ هذا النكاح على هذا الصداق توكيلا صد[حيحا] شرعيا ويشهد[د] ال... على الولى وللزوج

21- and peace before the beginning of marriage upon this dowry, true and legal delegation, and those who witness...<sup>4</sup> to her father and husband

٢٢- فى حال الصحة حولهما و طوعا منهما واحسان له فى... عقد اعلاه... للتفريق بين... شرعيا صحيح

22-in case of the good health, satisfaction, and blessing for him in...<sup>5</sup>, above contract...<sup>6</sup>, to differentiate between...<sup>7</sup> legally, and truly.

٢٣- بين سيطرة فحاربه يؤخر فيها عشرة دنائير من المهر وهو صحيح واعتراض[ض] ان ... ست جوهر مع رسوم حالة عقد... ح[ضر]ت العقد المذكور وشهدت به

23-under his control, to give ten dinars as a dowry and he objected that...<sup>8</sup>, Sitt Jawhar, with the contract fees, and witnesses

٢٤- كت[ب] عنه [ب] امره و [م] حضر[ه] على عبد المنعم

24-wrote on behalf, by his order and his presence 'Alī 'Abd al-Mun'im

<sup>1</sup> Lost word

<sup>2</sup> Lost word

<sup>3</sup> Lost word

<sup>4</sup> Lost word

<sup>5</sup> Lost word

<sup>6</sup> Lost word

<sup>7</sup> Lost word

<sup>8</sup> Lost word

٢٥- حضرت العقد المذكور حضرت العقد المذكور حضرت العقد المذكور  
المذكور وشهدت حضرت العقد المذكور

فى تاريخه

25-Attended this contract Atended this contract Attended this  
contract  
Attended this contract and witnesses in this date.

٢٦- وشهدت به وكتب عبد المنعم بن وشهدت على الولي والزوج وشهدت به ... بن على بن  
عثمان بن على وشهدت به محمد محمد بن عبد المنعم [تاريخه

26-, and she witnesses , and Muhammad 'Abd al-Mun'im who wrote...and witnesses  
on the he father and husband , and who witnesses that ...<sup>1</sup> bin 'Ali bin 'Uṭmān bin 'Alī ,  
and Muhammad Muḥammad 'Abd al-Mun'im who witnesses that in the date.

المسمين فيه كاتب بن -٢٧

27-Their names , Kātib bin

٢٨-عبد الباقي بن محمد بن عبد الباقي فى [تاريخه... (كتب احمد بن محمد  
بن ابراهيم

28-'Abd al-Bāqī bin Muhammad bin 'Abd al-Baqī in the date ...<sup>2</sup> , Ahmad bin  
Muḥammad bin Ibrāhīm who wrote

عبد المنعم بن مح[م]د بن نعيم كتب عنه بامرهم ومحضره -٢٩

29-'Abd al-Mun'im bin Muḥammad bin Na'im on his behalf and his attendance.

## 2-The back

**-A first divorce contract dated to 10<sup>th</sup> of Rabī' II 392AH/26<sup>th</sup> of February 1001AD  
(Pl. I/ D, E)**

١- [بسم] الله الرحمن الرحيم وصلى الله على محمد و...

1- in the name of Allah, the Merciful, the compassionate, praise and prayer be upon his  
prophet and ...<sup>3</sup>

٢- ابراهيم (كذا) بن صالح بن برهان بن عمر الزوج المذكور طلق زوجته جوهر

2-Ibrahim (sic) bin Ṣālīḥ bin Burhān bin 'Umar, the above mentioend husband who  
divorced his wife Juhar

٣- الشها[دة]...ست جوهر المذكوره يطلق ثلاث تطليقات باينة بهن

3-The witness ...the mentioned lady Sitt Jawhar, he divorced her three absolute  
divorces

٤- [يا]بينة ث[لاث] بانته بهن عنه وخارج[ات] من عصمة عقد نكاحه

<sup>1</sup> Lost word

<sup>2</sup> Lost word

<sup>3</sup> Unclear word

4-three absolute divorces he did for them, Out of the Infallibility of his marriage contract

٥- [ف]لا تحل له من [ب]عد حتى تتكح زوج [غ]باره وذلك بعد ان اعترف

5-He cannot, after that, re-marry her until after she has married another husband and He has divorced her. That after he confessed

٦- بالدخول ل[ه] ور[جا] وبذلك يش[ه]د على ذلك طوعا [بت]اريخ

6- and witnesses that he married her legally in the date

٧- عاشر من شهر ربيع [ال]اخر سنة اثني[ن] وتسعين وث[لثم]ائه

7-tenth of Rabī‘ II in the year 392 AH

٨- شهدت عليه بذلك شهدت عليه بذلك

8-and who witnesses on that the witnesses

٩- وحضرت عبد الباقي كتبه عنه بامرهم ومحضره

9- ‘Abd al-Bāqī who attended and wrote on his behalf

١٠- سعيد بن عبد الباقي في [تاريخه] سعيد بن يحيى في [تاريخه]

10-Sa‘īd bin ‘Abd al-Bāqī in the date Sa‘īd bin Yaḥiyya in

**-A second marriage contract dated to 10<sup>th</sup> of Rabī‘ II 393AH/16<sup>th</sup> of February 1002AD (Pl. I/ D, E)**

١١- شهوده يعرفون جو[ه] أن محمد عمر النصر باطنه وطالقتها العرف وبلوغه

11-its witnesses know Juhar and Muhammad ‘Umar is the one who divorced her upon the law and sharia.

١٢- ويعلمون ويشهدون ان [الن]ضر امراه حرة مسلمه بالغ عابد انها خالية من الموانع

12. They know and testify that this adult woman is free Muslim Slave and free of obstacles

١٣- الشرعية... بالنسبة... زوجها عوض بن حسام الدين بن يحيى الدين بن ابي

13-Legal obstacles...<sup>1</sup> for...<sup>2</sup> her husband ‘Awaḍ bin Ḥusam al-Dīn bin Yaḥiyya bin Abī

١٤- اسحق و... [ا]قرا لها... كلها في صحاح عمها بها صنوا بها حسين بن

14-Ishāq and...<sup>3</sup>, acknowledges that she...<sup>4</sup> all under trustees and protection of her uncle Husayn bin

١٥- عمر المذكور... شهادة ابو العقل وعثمان ويوسف ذلك

15- the above mentioned ‘Umar...<sup>5</sup>, and the witness of Abu’ al-‘Aqal, ‘Uṭmān and Yūsuf that

<sup>1</sup> Unclear word

<sup>2</sup> Lost word

<sup>3</sup> Unclear word

<sup>4</sup> Unclear word

<sup>5</sup> Unclear word

١٦- ابو حمد... [بولاية علي]هـ] وشهوده هذ[ا] ويشهدوا به حق في تاريخ

16- Abu Ḥamad...<sup>1</sup> that she is under the trustee and protection , and they rightly testify on that in the

١٧- عاشر ربيع الاخر من سنة[ة] ثلث(كذا) وتسعين وثلثمائة عبد البر بن ابي القسم  
عمر بن محمد بن... كريم بن داود بن ابي يحيى را[ف]ع بن طاهر بن محمد

17- tenth of Rabī' II, in the year three hundred ninty (sic), three by 'Abd al-Barr bin Abī al-Qasam, 'Umar bin Muḥammad bin ...<sup>2</sup>Karim bin Dāwūd bin Abī Yaḥiya Rāfi' bin Ṭāhir bin Muḥammad

١٨- شهد بذلك                      شهد بذلك                      شهد بذلك  
18-the witnesses                      the witnesses                      the witnesses

19- She has been married

٢٠- جوهر النضره... وباطنه تزوجها عوض الدين بن حسام الدين لها على كتاب

20- The fresh adult Jawhar...<sup>3</sup> is married to 'Awad al-Dīn bin Ḥusam al-Dīn upon the laws of the holly Quran of

٢١- الله وسنة رسوله بصداق ..... ان يجوز لها

21- Allah and the Sunna of his prophet Muḥammad PBUH on a legal dowry ...<sup>4</sup> rightly for her

٢٢- ..... وصية بولاية عمها حسين بن عمر النضر

22-....<sup>5</sup>based on a recommendation under the protection of her Uncle Ḥusayn bin 'Umar 'Umar al-Naḍr

٢٣- بعد ان... بعد طلبها... على نفسها تزويجا صحيحا شرعيا قبله

23-After he....<sup>6</sup> wanted her....<sup>7</sup>to be married to him after she was married before him

٢٤- [ال]خاطب لنفسه [د]ولا شرع[د]ا على القبول و[ال]ايجاب شهد بذلك على ست جوهر

24-Who was engaged and legally accepted, and those who testify on the contract of the Marriage of Jawhar

٢٥- بتاريخ عاشر ربيع الاخر سنة ثلث(كذا) وتسعين وثلثمائة حضره وشهد به

25-in the tenth of Rabī' II in three hundred ninety (sic) three and the attendees and witnesses are

<sup>1</sup> Lost word

<sup>2</sup> Lost word

<sup>3</sup> Unclear word

<sup>4</sup> Unclear word

<sup>5</sup> Unclear word

<sup>6</sup> Unclear word

<sup>7</sup> Lost word

- ٢٦- حضرة وشهد به وكتب عنه بامر [ه] عباس  
26-who attended and witnesses .....and wrote by his delegation 'Abbās
- ٢٧- محمد بن عبد الباقي بن بن محمد بن عبد الباقي  
27-Muḥammad bin 'Abd al-Bāqī bin.....bin Muḥammad bin 'Abd al-Bāqī
- ٢٨- محمد بن عبد الباقي [تاريخه]  
28-Muḥammad bin 'Abd al-Bāqī, in the above mentioned date.

**A second divorce contract dated to 8<sup>th</sup> of Ša'bān 393AH/12<sup>th</sup> June 1002AD (Pl. I/ D, E)**

- ٢٩- بسم الله الرحمن الرحيم صلى الله على محمد وسلم  
29-In the name of Allah, the merciful, the compassionate, Praise and prayer be unto him
- ٣٠- طلق عوض الدين بن حسام الدين المذكور اعلا[ه زواجته جوهر ابنه محمد المذكورة ثلاث تطليقات بابنة بهن... واحد بانث بهن غير وخرجت  
30- She is Juhar who has been divorced by the above mentioned 'Awaḍ al-Dīn bin Ḥusam al-Dīn who divorced her three absolute divorces ...<sup>1</sup> and she got out
- ٣١- من عصمته وعقد نكاحه فلاتحل له من بعد حتى تنكح زوج غيره وذلك بعد ان اعترف بالدخول وله رجا به وبذلك يشهد  
31-of his infallibility and his marriage contract, thus he cannot, after that, re-marry her until after she has married another husband and He has divorced her, and after he confessed that he married her legally, and who testifies
- ٣٢- على ذلك طوعا بتاريخ ثامن شهر شعبان المبارك احل... سنة ثلاث وتسعين وتلثمائه شهد له عليه بذلك  
32-on that willingly in the eight of the blessed month of Ša'bān ...<sup>2</sup> in three hundred ninety-three and the witnesses are
- ٣٣- شهدت عليه بذلك وكتب عنه بامر [ه] عبد الباقي  
33-and who witnesses on that contract and wrote on his behalf by delegation, 'Abd al-Bāqī
- ٣٤- كتب عنه بامر عبد الغفار بن محمد بن عبد الباقي [تاريخه]  
34-wrote on his behalf, by his delegation, 'Abd al-Ġaffār bin Muḥammad bin 'Abd al-Bāqī in the above mentioned date
- ٣٥- بن عبد الله في تاريخه  
35-bin 'Abd Allah in the above mentioned date

**The sided margins:**

**A third marriage contract dated to 10<sup>th</sup> du-l-Qi'dah 393AH/10<sup>th</sup> September 1002AD (Pl. I/ F)**

١- تزوجت

<sup>1</sup> Unclear word

<sup>2</sup> Unclear word

1- The one who was married was

٢- جوهر المذكورة ... تزوجها عبد الرحيم المذكور [ور بن] محمد كتاب

2- The above mentioned Juhar married her to....<sup>1</sup> to the above mentioned 'Abd al-Raḥīm bin Muḥammad book

٣- بمبلغ من ... في ثلث عشر...]

3- by the sum of...<sup>2</sup>in the thirteenth of ...<sup>3</sup>

٤- بولايه عمها صنوا اليها يوسف بن عمر بعد وضوح صحتها يجوز العقد

4- under the legal protection and trustees of her uncle Yūsuf bin 'Umar after she is free from obstacles, the contracts is valid

٥- عليها تزويجا صحيحا شرعيا قبله الخاطب لنفسه قبولا شرعيا على

5- for a legal marriage , and he willingly accepted her on the law of Islam and giving her

٦- المهر في ايجابه شهد بذلك بتاريخ عاشر [م]ن ذى قعدة الحرام سن[ة] ثلث(كذا)

6-her dowry , and who testifies on that in the tenth of Du al-Qi' dah in three

٧- وتسعين وثلاثمائة... وشهد... [ح]ق... الشهاد[ة]...]

7-hundred ninety three, and who witnesses,...<sup>4</sup>rightly.....<sup>5</sup>, the witness...<sup>6</sup>

٨- حضرت العقد المذكور محمد بن عثمان بن عبد المنعم تاريخه حضرت العقد المذكور حضرت العقد المذكور

8-who attended the above mentioned contract, Muḥammad bin 'Uṭmān bin 'Abd al-Mun'im, in the above mentioned date attended the above mentioned contract

٩- وشهدت على و الزوجين وشهدت به كتب وشهدت به على الولي والزوج

9-Who witnesses on this contract and the spouses who testifies that who witnesses on the husband and her patron

١٠- ... بن عامر بن عنه بامر [ه] ومحضره زياد

<sup>1</sup> Unclear word

<sup>2</sup> Lost word

<sup>3</sup> Lost word

<sup>4</sup> Lost word

<sup>5</sup> Lost word

<sup>6</sup> Lost word

... وكتب عنه بامر [ه] تاريخه

10-...<sup>1</sup>bin 'Āmir bin Ziyād attended on his behalf and delegation...<sup>2</sup>who wrote on his behalf and by delegation in the above mentioned date.

سعید بن محمد بن یحیی

۱۱- ابرهیم (کذا) ابن محمد

11-Ibrāhim (sic) ibn Muḥammad

۱۲- كتبه عنه بامر [ه] و [محضر] [ه]

12-wrote and attended in his behalf and by delegation

..... ۱۳

13-.....<sup>3</sup>

## Second: The Analytic part of the Study

**This document's analytical study deals with form and content and is as follows:**

### A-Document Examination by form

The document in question was clearly written in black <sup>4</sup>on paper<sup>5</sup> with a Nashī script script that had a tendency to bend and round, indicating that it was written for an urgent purpose and exchanged in daily correspondence. This method serves the purpose faster and more effectively<sup>6</sup>. Most frequently used for documents<sup>7</sup>, this line used in documents

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<sup>1</sup> Unclear word

<sup>2</sup> Unclear word

<sup>3</sup> Lost word

<sup>4</sup> Ink: The liquid that extends the pen for continuous writing, use the black plug to write on paper, and for further information the black plug and its manufacturing style See: Abu-l-'Abbas Aḥmad bin 'Alī al-Qalqašandī, (died 821AH/1418AD, *Ṣubḥ al-aṣā fī ṣinā'at al-inṣā*, (Cairo: Egyptian National Library, 1340AH/1922AD), Vol.II, 460-464; Sa'īd Maḡawarī, *al-Bardīyāt al-'arabīyah fī Miṣr al-Islāmiyah*, (Cairo: General Institution for Cultural Centers, 2003), 89-93.

<sup>5</sup> Paper is one of the materials used for blogging, and the paper industry dates back to a Chinese man by the name of "Tsi Lan" in 105AD who made paper out of torn fabric. However, some researchers claim that paper was originally made from berries, tree bars, torn fabric, fishing ropes, and cannabis plants, for further information on how paper was first produced and used. See ADOLF GROHMANN, *From the World of Arabic Papyri*, (Cairo: al-Ma'ārif Press, 1952), 50-55; I. Nikolaj Serikoff & F. Abdullaeva, *Islamic Calligraphy from the Wellcome Library*, (Chicgago and London: The Wellcome Trust Centre for the History of Medicine at UCL, 2007), 23-24.

<sup>6</sup> Ğum'ah. Ibrāhīm, *Dirāsah fī taṭawūr al-kitābāt al-kūfiyah 'ala al-aḡḡār fī al-qurūn al-ḥamsah al-ūla min al-ḥiḡrah*, (Cairo: Dār al-Fikr al-'arabī, 1387 AH/1967 AD), 52; V.A KRATCHKOVSKAYA, "Ornamental Naskhi Inscriptions" In: *A Survey of Persian Art*, ed. Phyllis Ackerman, (London & New York: Oxford University Press, 1938-1939), vol.2, 1770; Nabia ABBOTT, *The Rise of the North Arabic Script and its Kuranic Development with a full Description of the Kuran Manuscripts in the Oriental Institute*, (Chicago: The University of Chicago press, 1939), 16, 22-23; Markaz al-Malik Faysal Lil-Buḡa' wa' al-Dirasat al-Islāmiyah, *Arabic Calligraphy in Manuscripts*, (Saudi Arabia: King Faisal Center for Research and Islamic Studies, 1406 A.H./ 1986 C.E.), 37

<sup>7</sup> A. K. M.SIJELMASSI, *L'art calligraphique de l'islam*, (Paris: Gallimard, 1994), 97.

documents does not follow the rules of the Nashī script mentioned by Ibn Muqla<sup>1</sup>; so it's called rolling line or absolute line<sup>2</sup>. The Research document contains drip marks. Some letters are found dotted<sup>3</sup> as in (Pl.1/A) as in letter *Qāf* in *Aṣḍiqā'uha* (her partners), and *yā* in *Ḥāliyah* (empty)

## B-The study of the document in light of the content:

This document in question under study discussed marriage and divorce; Sett Juhar is married to Ibrāhīm.... Al-Ṣāliḥ Burhan, al-Ṣayḥ 'Umar, Abī Ibrāhīm bin Ja'far bin 'Isa bin Ali bin Musa al-Janā, dated to Wednesday 10<sup>th</sup> of Rabī' II 368 AH/ 15<sup>th</sup> November 978 AD, she was afterwards got divorced dated to 10<sup>th</sup> of Rabī' II 392 AH/26<sup>th</sup> of February 1001 AD, then wed 'Awad bin Ḥussām al-Dīn bin Yaḥy al-al-Dīn bin Abī Ishāq for a second time, dated to 10<sup>th</sup> of Rabī' II 393 AH/16<sup>th</sup> of February 1002 AD, before getting divorced again, dated to 8<sup>th</sup> of Ṣa'bān 393 AH/12<sup>th</sup> June 1002 AD, and wed 'Abd al-Rahīm bin Muḥammad for a third time, dated to 10<sup>th</sup> du-l-Qi'dah 393 AH/10<sup>th</sup> September 1002 AD.

Typically, a written contract<sup>4</sup> must be signed before a marriage can take place. The marriage covenant is referred to as "*Nikāh*" or by means of marriage or matrimony in the Holy Koran, as Allah Says “

﴿وَلَا جُنَاحَ عَلَيْكُمْ فِيمَا عَرَّضْتُمْ بِهِ مِنْ خُطْبَةِ النِّسَاءِ أَوْ أَكْنَنْتُمْ فِي أَنْفُسِكُمْ عِلْمَ اللَّهِ أَنْكُمْ سَنَذَكُرُنَّهُنَّ وَلَكِنْ لَا تُؤَاعِدُوهُنَّ سِرًّا إِلَّا أَنْ تَقُولُوا قَوْلًا مَعْرُوفًا وَلَا تَعْرِمُوا عَقْدَةَ النِّكَاحِ حَتَّىٰ يَبْلُغَ الْكِتَابُ أَجَلَهُ ۗ وَاعْلَمُوا أَنَّ اللَّهَ يَعْلَمُ مَا فِي أَنْفُسِكُمْ فَاحْذَرُوهُ ۗ وَاعْلَمُوا أَنَّ اللَّهَ غَفُورٌ حَلِيمٌ﴾

*There is no blame upon you for that to which you [indirectly] allude concerning a proposal to women or for what you conceal within yourselves. Allah knows that you will have them in mind. But do not promise them secretly except for saying a proper saying. And do not determine to undertake a marriage contract until the decreed period reaches its end. And know that Allah knows what is within yourselves, so beware of Him. And know that Allah is Forgiving and Forbearing<sup>5</sup>.*

<sup>1</sup> LIL-BUHUTH WA-AL-DIRASAT AL-ISLAMIYAH, *Arabic Calligraphy*, 37.

<sup>2</sup> Muḥammad Al-Manūnī, “Lamḥa 'an Tārīḥ al-Ḥatt al-'Arabī”, *al-Manāhil*, Vol.24, Year 9, Ribat, (Ramadan 1402 AH/July 1892 AD): 244;

<sup>3</sup> For further information on the diacritics, see Muḥib al-Dīn Abi al-Fayḍ al-Sayid Muḥammad Murtaḍa al-Ḥusaynī al-Zubaidī (died 1205 AH/1790 AD), *Tāj al-'arūs min ḡawāhir al-qāmūs*, 2<sup>nd</sup> ed, (Kuwait, Minisrty of News and Guidance, 1306 AH/1888 AD), Vol.8, 391; I .Gum'ah, *Qiṣat al-kitābāt al-'arabiyah*, (Egypt, Dār al-Ma'ārif, 1947), 51; Ḥusayn Ramaḍān, “al-i'jām fi ḍaw' al-kitābāt al-aṭariyah”, *Bulletin of the Faculty of Archaeology*, Vol.7, (1996): 230.

<sup>4</sup> In Hanafi's view, marriage is contracted by the word endowment, gift, honesty, property, analysis, making, selling and buying, while in Maliki's view, marriage is not contracted with them except for the words of marriage and the word "gift" if he mentions the dowry as a consent to it, but in Shafiya and Hanbal's view, this contract is held only by the privilege of marriage, that based on the acceptance of the two parts. See Muḥammad al-Rawāšidah, “Taḍīd maḥmū kalimat al-zawāj wa dalālātuha al-mu'āširah fi' al-fiqh al-islāmī wa-'al-Qānūn al-urdunī”, *Bulletin of the Faculty of Arts in Suāg*, South Valley University, Part 24, Vol. 1, (March 2001): 268.

<sup>5</sup> Quran II/235.

According to Ibn Manzūr, the word *Nikāh* or matrimony would be called only for a legal married woman<sup>1</sup>. Ibn Taīmiah stated that “The *nikāh* or matrimony would ever be legal only when we call it marriage<sup>2</sup>, The word "*nikāh*” was mentioned in the first marriage contract, which reads “...to be married legally ...”. Divorce and Khul‘ have been done according to written contract<sup>3</sup> and in accordance with the Muslim Sharia as Allah Says “

﴿لَا جُنَاحَ عَلَيْكُمْ إِنْ طَلَقْتُمُ النِّسَاءَ مَا لَمْ تَمْسُوهُنَّ أَوْ تَفْرِضُوا لَهُنَّ فَرِيضَةً وَمَتَّعُوهُنَّ عَلَى الْمَوْسِعِ قَدْرَهُ وَعَلَى الْمُقْتِرِ قَدْرَهُ مَتَاعًا بِالْمَعْرُوفِ حَقًّا عَلَى الْمُحْسِنِينَ﴾

*There is no blame upon you if you divorce women you have not touched nor specified for them an obligation. But give them [a gift of] compensation - the wealthy according to his capability and the poor according to his capability - a provision according to what is acceptable, a duty upon the doers of good.*<sup>4</sup>

And that the Prophet Muḥammad (peace and blessings of Allah upon him) divorced some of his women, as well as many of his companions did so<sup>5</sup>, but it was hated<sup>6</sup> as the prophet Muḥammad (PBUH) says “The most hated of permissible things to Allah is divorce.”<sup>7</sup>. Divorce was a man's right and it was not a woman's right. As Islamic law grants women the right to Khul‘ or divorce, Khul‘ is a way out for a woman from marriage if she hates her husband<sup>8</sup>, the term Khul‘<sup>9</sup> means that he divorces her in exchange for ransom with what she gives him in compensation for what he gave her

<sup>1</sup> Abi’ al-Faql Ġamāl al-Dīn Muḥammad bin Makram bin Manzūr al-Ifriqī al-Miṣrī, (died 711 AH/1311 AD), *Lisān al-‘Arab* (Beirut: Dār Ṣādir, No date), Vol. II, 625

<sup>2</sup> Taqqī al-Dīn Abu’al ‘Abbās Aḥamd bin ‘Abd al-Ḥalīm bin ‘Abd al-Salām Ibn Taīmiah, (Died 728 AH/1327 AD), *ṣayḥ al-islām Ibn Taīmia*, Ordered and Released by ‘Abd al-Raḥman bin Muḥammad bin Qāsim al-‘Āsimī al-Naġdī al-Ḥanbalī, and his sone Muḥammad (Cairo: Dār al-Imām Aḥmad, 1985), Vol.32 (Nikāh), 15.

<sup>3</sup> ‘Alā’ al-Šalaqāmī, *Luġat al-bardiyāt al-‘arabiyah fī Miṣr, ta’šīl wa dirāsah dalāliyah wa mu’ġam* (Egypt: Dār Farḥa li’ al-Našr, 2003), 103

<sup>4</sup> Quran. II/236

<sup>5</sup> ‘Alī al-Ḥafīf, *Muḥāḍarāt ‘an firaq al-zawāj fi al-maḍāhib al-islāmiyah baḥṭ muqārān* (Cairo: Ma’had al-Dirāsāt al-‘Arabiya al-‘Āliya, 1958), 15.

<sup>6</sup> Yvon Linant de Bellefonds, *Traité de droit musulman compare* (Paris: Mouton et Co, 1973), vol. III, 318.

<sup>7</sup> al-Ḥafīz Abi Dāwwūd Sulaiman bin al-Aš‘aṭ al-Azddī al-Saġistānī, (died 275 AH/888 AD), *Sunnan Abī Dāwwūd*, Released by Šau‘ayb al-Arna’ūt and Muḥammad Kāmil Qurra Billī, and Šadī Muḥsin al-Šaiyāb (Beirut: Dār al-Risāla al-‘Ālamiya, 1430 AH/2009 AD), Vol. III, 505.

<sup>8</sup> Maulana Abul A’ala Maudoodi, *The Laws of Marriage and Divorce in Islam*, Trans: Fazl Ahmed (Kuwait: Islamic Book Publishers, 1987), 33; Nārīmān ‘Abd āl-Kārīm, “Āl Khul‘ fī Māšr āl-Faṭimī Dārāsāt Wātā’iqī”, *Ḥūliāt al-tārīḥ al-Islāmi wa’ al-waṣīṭ* 4<sup>nd</sup> Volume, Egypt (2004-2005): 253-269.

<sup>9</sup> Ibn Taīmiah says” Khul‘ is called redemption because the woman redeems herself from the command of of her husband, just as a prisoner and slave redeems himself from his master with what he gives to him.” see Ibn Taīmiah, *Maġmū’ fatāwī*, Vol.33 (Divorce), 19; Jurists defined khula as a man separating from his wife by making an allowance for him See al-Said Sābiq, *Fiqh al-Sunna* (Cairo: al-Faṭḥ li’ al-‘lām al-‘Arabī, 1365 AH/1945 AD), Vol. II, 191.

from the dowry and other things and what he spent on her to be satisfied with the dissolution of the marriage contract<sup>1</sup>.

### **The Content of the Document**

The content of the document in question is divided into:

#### **The Contents of Marriage Contracts:**

Fatimid marriage contracts are significant historical records that provide insight into Egyptian society's marriage practices during the Fatimid era. These contracts start simply with the opening words *basmalla*, followed by information on how to pay for the dowry, the words "affirmative and acceptance," the rights of the spouses, which are outlined in the contracts, the patron and trustee, the marriage contract, the witnesses, and the contracts' concluding phrases.

#### **Basmalla:**

Fatimid marriage contracts begin with Basmalla. It is most praised, remembered and emulated by the Holy book of Quran<sup>2</sup>. The first part of marriage contract starts with opening *basmala* accompanied by prayers on the Prophet and is in the place of an order and a mandate from God Almighty, as Allah said “إِنَّ اللَّهَ وَمَلَائِكَتَهُ يُصَلُّونَ عَلَى النَّبِيِّ يَا أَيُّهَا الَّذِينَ آمَنُوا صَلُّوا عَلَيْهِ وَسَلِّمُوا تَسْلِيمًا ﴿٥٦﴾ *Allah and His angels send blessings on the Prophet: O ye that believe! Send ye blessings on him, and salute him with all respect*<sup>3</sup>.

#### **The opening phrases in the marriage contracts:**

Since the marriage contract is the most important contract in human life, it is a contract that is constantly complicated by the intention and survival of both spouses, so the opening words include:

##### **- This is the one who give dowry:**

The first marriage contract begins with the wording "...This is the dowry given from...", followed by the name of the husband and wife and followed by the sum of dowry. Al-Ṭaḥāwī, who lived in the 4<sup>th</sup> AH/10<sup>th</sup> century noted this phrase saying “This is the one who gave as dowry to a certain woman and marry her. He endowed her specific sum of dinars and a sum of golden weights, as well as a mediate dower, extracting a sum of dinars to be her dowry. He owed money of dowry for upcoming numbers of years, the first is in a certain day from a certain month in a certain year”<sup>4</sup>

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<sup>1</sup> Wacye Boutros Ghali, *La tradition chevaleresque des arabes* (Casablanca: Éditions Eddif, 1919), 126; 'Abd al-Qādr al-Hāsni al-Ġāzā'ari, *Alfārūq wā al- Tārīq fi T'add Alzūgāt wā Alḥlāq*, (Egypt Māṭbī Al s'aādī, 1327 A.H/1909 A.D), 170.

<sup>2</sup> 'Ālā' al-Dīn 'Abd al-'Āl 'Abd al-Ḥamīd, “*Šawāhid al-qubūr al-islāmiyah fi' al al-'ašrayn al-Ayyūbī wa ' al mamlūkī fi Mišr (567-923 AH/1171-1517 AD), Dirāsah Āṭāriyah Fanniya*” (published M.A diss., University of South Valley, 1425 AH/2004 AD), 404.

<sup>3</sup> Quran .XXXIII/56

<sup>4</sup> al-Imām al-Ḥafīz al-Faqīh Abi Ja'far Aḥmad bin Muḥammad Salama al-Arzī al-Miṣrī Al-Ṭaḥāwī (died 321 AH/933 AD), *al-Šurūṭ al-saġīr muḍaiylan bi ma 'uṭir 'alaih min al-šurūṭ al-kabīr*, Released by Rawḥī Azwaġan (Baghdad: Maṭba'at Almānī, 1394 AH/1974 AD), 671.

This phrase is the most widespread on marriage contracts attributed between centuries 6–7<sup>th</sup> AH/12-13<sup>th</sup> AD.

**- Witnesses Know:**

The second marriage contract begins with the words "...his witnesses know...", followed by the wife's name.

**- Married:**

The third marriage contract begins with the word "...married..." and then lists the wife's name, the husband's name, and the amount of dowry.

**The dowry or endowment *Ṣadāq*<sup>1</sup>:**

Sadāq means in the language the wife's dowry<sup>2</sup>, and perhaps this word derives from charity, meaning giving<sup>3</sup>. The Ṣadāq or dowry is mentioned in the Quran as Allah Says ﴿وَأْتُوا النِّسَاءَ صَدُقَاتِهِنَّ نِحْلَةً فَإِنْ طِبْنَ لَكُمْ عَنْ شَيْءٍ مِنْهُ نَفْسًا فَكُلُوهُ هَنِيئًا مَرِيئًا﴾ "And give the women [upon marriage] their [bridal] gifts graciously. But if they give up willingly to you anything of it, then take it in satisfaction and ease".<sup>4</sup>

The dowry obligations and methods for paying them to the wife or her father are specified in the marriage contracts in question. It frequently consisted of the deposit money that the husband precipitates and gives to the wife or her parent after the marriage. The deferral, or the balance of the "Ṣadāq" that was regarded as the husband's debt, was to be made to the wife or her father and had to be confirmed to have been paid, as shown by a number of witnesses. This was frequently demonstrated in the terms of the marriage contract, and in the event that the husband was unable to pay, he created a single document<sup>5</sup>.

The initial marriage contract stipulates that a total of 100 dinars will be paid in dowry; the husband will pay back the deferred 90 dinars and the advanced ten dinars over the course of nine years, or in the year 377 AH/987 AD, at a rate of 10 dinars each year. The author also mentioned the kind of money used to pay back the Ṣadāq, namely

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<sup>1</sup> Sadāq: means a deferred or a mediate sum of money must be endowed to the wife wanted for marriage. See: Muḥammad al-Dusūqī, "Aqd al-zawāj, Āṭārīhī wa intihā'uh", *Insāniyat al-Ḥaḍarah al-Islāmiyah, Buḥūṭ wa waqā'i' al-Mu'tamar al-'ām al-sābi' 'ašr li-al-Mağlis al-'alā li' al-Šu'ūn al-Islāmiyah*, (Cairo: 1426 AH/2005 AD): 1244.

<sup>2</sup> Academy of the Arabic Language, *al-Muğam al-wasīṭ*, 4<sup>th</sup> ed. Egypt (Cairo: Maktabat al-Šurūq al-Dawliya, 1425 AH/2004 AD), 511.

<sup>3</sup> Hayām Ḥasan 'Abd al-'Azīz Aḥmad, "*al-Ḥayāh al-iqtišādiyah wa' al-Iğtimā'iyah fi sa'īd Mišr fi daw' al-nuṣūs al-bardiyat al-'arabiyah wa' awrāq al-kāğid min al-faṭḥ al-islāmī wa ḥata nahāyat al-'ašr al-faṭimī al-awal (31-487 AH/641-1049 AD)*" (Unpublished PhD diss., University of Cairo, 1435 AH/2013 AD), 340.

<sup>4</sup> Quran. IV/4.

<sup>5</sup> 'Abd al-Mun'im Māğid "al-Usrah al-Miṣriyah min ḥilāl al-bardī al-'arabī", *Bulletin of the Center of the papyrological studies and inscriptions*, Ain Shams University, Vol. IX, (1993): 291; Yossef Rapoport, *Marriage Money and Divorce in Medieval Islamic Society*, (Cambridge: Cambridge University Press, 2005), 53.

dinars. Additionally, he added criteria like weights to the dinars<sup>1</sup>, also the weight called *wazān*<sup>2</sup>, and the new minted coins like 'ayn<sup>3</sup>, and may be the family of the spouses were keen on confirming that the dinars of the Ṣadāq were from the heavy and fresh types. This is the model that is described throughout the contract. In addition, a contract model with a marriage formula that dates to the 4th AH/10th AD has also been discovered. (Pl. II), it explains the drafting of the marriage contract and the method of paying the dowry. The study examines the value of the currency mentioned in the aforementioned marriage contracts because the dinars were the main means of payment for the dowry *Ṣadāq* during the Fatimid caliphate (358-567 AH/969-1171 AD). These dinars are thought to have originated during the reign of the caliph al-Azz bi' Allah (365-386 AH/975-996 AD) (Pl. III)<sup>4</sup>. This supports what al-Maqrīzī said, who said that “despite Egypt being situated in an area, its money was valued and varied, and all of its sales were of gold”<sup>5</sup>.

It is clear from studying marriage contracts in the Fatimid era (358-567 AH/969-1171 AD) that economic life began to flourish, as evidenced by the rise in the value of the dowry, even for women of the common class. This in turn meant that the dowry of the women of the ruling class was more expensive and higher<sup>6</sup>. This prosperity continued until the era of the Mūstānṣirī period (457-464 AH / 1065-1071 AD), during which economic life deteriorated, even if it was an increase in the dowries of some

<sup>1</sup> Miṭqāl or weight Al-Muthaqal: is called to dirham and dinar. It was also said that the weight did not differ between Islam and paganism *Jahliya*. The shooting of the heavy dinar in the Islamic era was due to the reformed 76AH/695MAD during the era of Abdul-Malik bin Marwan, after his reforming of the currency system making the weighted gold unit and deciding the dinar as one burden as before to be 65.5 weigh and 4.25gm. See: Taqqī al-Dīn Aḥmad bin 'Alī bin 'Abd al-Qādir al-Maqrīzī (died 845 AH/1442 AD), *Iḡāṭat al-Umma bi kaṣf al-ḡummaḥ* Released by Karam Ḥilmi Farahāt, 1<sup>st</sup> ed (Cairo: 'Ayn li' al-Dirāsāt wa' al-Buḥūṭ al-Insāniya wa' al-Iḡtimā'īya, 1427 AH/2007 AD), 121,124. The weight is equal to 14 carats and 4.25gm. The weighty dinars is parallel to the legal weight for every dinar. See 'Abd al-Raḥman Fahmī, “Waṭā'iq li' al-ta'āqud min faḡr al-islām fi Miṣr”, *Bulletin of the Egyptian Scientific Institute, BIE*, Vol. 54, (Cairo: 1972,-1973): 14.

<sup>2</sup> Al-Maqrīzī noted that 'Abd al-Malik ibn Marwān had incorporated his own currency to the Syrian weights, this is a new debased currency equal to a sum of hundred dinars, See: al-Maqrīzī, *Iḡāṭat al-ummah*, 127. By this way the heaviest weighted Dinars is that has a sufficient weight.

<sup>3</sup> 'Ayn: in language means the fresh, heavy weight money, or currency or it calls to 'ayn naqd or a specific type of currency. Mainly this term is called for the Gold coins 'ayn ḡahab or it is called *dinār* 'ayn have a specific weight on the balance. See Ibn Manzūr, *Lisān al-'arab*, Vol. XIII, 305. Ibn al-Aḡfir mentions that it was not from the minted gold, only calls to the minted dinars as it calls 'ayn. See: Enstas Marry Karmali., *al-Nuqūd al-'arabiyah wa' ilm al-nummiyat* (Cairo: al-Maṭba'ah al-'Aṣriyah, 1939), 27. The Dinars 'ayn may also be referred to a completely rounded dinars resembles the animal's eye. See: Ahmad 'Abd al-Rāziq, “‘Aqd Murāḡa‘ah min al-'Aṣr al-Faṭimī”, *Nadwat al-tārīḡ al-Islāmi wa' al-waṣīṭ* 2<sup>nd</sup> Volume, Egypt (1983): 22.

<sup>4</sup> Five Dinars preserved in the Museum of Islamic Art in Cairo, have been found minted with the name of the caliph al-'Azīz bi' Allah in 368 AH/ 978 AD, weighting between 4.10gms to 4.030gm. See: Maysa Dāwūd. *al-Maskūkāt al-fāṭimiyah bi maḡmū'at muthaf al-fann al-islāmī bi' al-Qāhirah*, *Dirāsah aṭariyah fanniyah* (Cairo: Dār al-Fikr al-'Arabī, 1991), 244.

<sup>5</sup> Taqqī al-Dīn Aḥmad bin 'Alī bin 'Abd al-Qādir Al-Maqrīzī (died 845 AH/1442 AD), *Al-Nuqūd al-Islāmiyah knawn as Ṣuḡūr al-'uqūd fi ḡikr al-nuqūd*, Released by Muhammad al-Sayid 'Alī Baḡr al-'Ulūm (Iraq: al-Maktaba al-Ḥāidariya, 1387 AH/1967 AD), 21.

<sup>6</sup> A marriage contract dated 444 AH/1052 AD was found and preserved in the British Museum in London London under registration number P.Lond.B.M.Or.4684 1, the amount of the dowry is twenty dinars, the immediate one is ten dinars, and the deferred one is ten dinars. See Yūsuf Rāḡib, *Transmission de biens, mariage et répudiation à Uqlūl: village du Fayyoub au Ve-XIe siècle* (Le Caire: Institut français d'archéologie orientale du Caire IFAO, 2016), 49-59, pl.VI.

women has been observed, but compared to the events of this severity, the actual value of the dowries was very small<sup>1</sup>

### Phrases of Marriage Completion:<sup>2</sup>

The Second marriage contract contains a phrase for the completion of marriage “...under the patronage of her uncle Ḥusayn bin ‘Umar al-Naḍr after he...her request...for her a true legal marriage, as he (the husband) asked for her engagement on affirmative and acceptance bases...”. The marriage contract is only upheld under positive and acceptable terms, as is well known. The marriage would not be finalized if

The counsellors dispersed after the affirmative but before the acceptance.<sup>3</sup> Acceptance and affirmation must be made with agreement, conviction, and decision. Male or female rational individuals may only get married with his approval and contentment<sup>4</sup>. As a result, the main pillars of a marriage are affirmation and acceptance.<sup>5</sup>

### Spouses' rights through marriage contracts:

The marriage contracts in question have given us access to the spouses' rights, and these rights have occasionally been in accordance with Islamic law and occasionally been in opposition to it. The content of these rights is presented in the paragraphs that follow: -

#### -The husband's rights:

The first marriage contract comprises the phrase “...he has rights on her as she does, and deserves an extra degree from Allah, as men have a degree over them, and Allah is Exalted in Might and Wise...” Quran II/227. It corresponds what is said in the Holy Quran as Allah Says “ *But the men have a degree over them [in responsibility and*

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<sup>1</sup> A marriage contract dated 461AH/1068AD was found and preserved in the British Museum in London under registration number P.LOND.OR.4684(18), the amount of the dowry is eight hundred dinars, the immediate one is four hundred dinars, and the deferred one is four hundred dinars. See Rāḡib, *Transmission*, 66-72, pl.IX.

<sup>2</sup> It is the statement that the groom's father should use to introduce his daughter to a husband in accordance with the Quran and Sunni principles of acceptance and affirmation. It is well known that the marriage contract is only held in the affirmative and acceptance, and that these two actions must be taken in a single council. Consent, conviction, and choice are what determine the response and acceptance. See: Mirvat Mahmūd ‘Issa, “‘Aqd zawaj min al-‘aṣr al-faṭīmī”, *Bulletin of the Center of the Papyrological Studies and Inscriptions*, Vol. XVII, (Cairo: 2000): 271.

<sup>3</sup> Mona Siddiqui, “The Defective Marriage in Classical Ḥanafi Law Issues of Form and Validity”, in: *Studies in Islamic and Middle Eastern Texts and Traditions in Memory of Norman Calder* ed. G. R. Hawting, J. A. Mojaddedi and A. Samely (Oxford: Oxford University Press, 2000), p.276.; Muḥammad Ṣāmah, “Ta‘adud al-zawjāt fi al-adiyan al-samāwiyah Insāniyāt al-ḥaḍārah al-islāmiyah”, *Researches and studies of the 17<sup>th</sup> conference of the Supreme Council of Muslim Affairs*, Cairo (1426 AH/2005 AD): 1172.

<sup>4</sup> Muḥammad bin Aḥmad al- Sāliḥ, “Manḥaḡ al-Islām fi al-Zawaḡ wa hidiyat al-ṭalāq, Insāniyat al-ḥaḍārah al-islāmiyah”, *Researches and studies of the 17<sup>th</sup> conference of the Supreme Council of Muslim Affairs*, Cairo (1426 AH/2005 AD): 970; Ghali, *La tradition*, 118.

<sup>5</sup> Muḥammad Amīn bin ‘Umar Ibn ‘Ābdīn (died 1225 AH/1836 AD), *Radd al-muḥtār āla al-durr al-muḥtār ṣarḥ tanwīr al-abṣār*, Released, explained, and commented by ‘Ādil ‘Abd al-Mawḡūd and ‘Ali Muḥammad Mu‘awaḡ, (Riyad: Dār ‘Ālam al-Kitāb, 1423 AH/2003 AD), Vol. IV, 68, 76.

authority]. And Allah is Exalted in Might and Wise".<sup>1</sup> That means obedience, which is a general right.<sup>2</sup>

### **-Spouses' common rights:**

The Marriage contracts in question contain references to the common rights of the spouses, it was written in the first marriage contract the phrase "...Stay with her ...Share life with here honestly, living with here to bring... is common in the first marriage contract as ordered by the God Almighty in his Quran and the Sunna of his prophet, (peace, prayer, and praise be upon him and his companions...". therefore, as the marriage entailed common rights, with which the spouses share the right to cohabit<sup>3</sup>.

It is well known that the relationship between women and their husbands involves good treatment, living together in peace and it means seeking to satisfy the other, respecting each other in talking and opinions, tolerance and cooperation to promote good, give away harm and evils, and the distance from what brings discord and conflict.<sup>4</sup>

### **The patron *wallī* and the trustee *wakīl*:**

The marriage contracts in question pointed out to the name of the patron *wallī*, however, the first marriage contracts contains the concept of patronage that was by the wife's father stating that "...the one who in in charge of her marriage is her father, the Ṣayḥ Abī 'Abd Allah Muḥammad...". Whereas, in the second and the third marriage contract, the patronage was in the hands of the wife's uncle as it mentions "...under patronage *wilāiyah* of her uncle...", it is likely that the father died or for some other reason.

### **The witnesses' *al-ṣuhūd*:**

It demonstrates how cautious the law is about the risk of marriage as well as its importance for its religious and everyday purposes that it takes care to attest to documents in general and marriage contracts in particular. Despite having similar aspects to other contracts in terms of affirmative action and acceptance, this contract also calls for the attendance of a fair witness in order to strengthen its authorization<sup>6</sup>.

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<sup>1</sup> Quran II/227

<sup>2</sup> Ṣāmah, "Ta'adud al-zawjāt", 1178; Linant de Bellefonds, *Traité de droit*, vol. II, 301; Maudoodi, *The Laws of Marriage*, 14.

<sup>3</sup> al-Ṣāliḥ, "Manḥaḡ al-Islām", 975; Rāḡib, *Transmission*, 51

<sup>4</sup> 'al-Ṣalaqāmī, *Luḡat al-bardiyāt*, 102.

<sup>5</sup> It is important legitimacy that Islamic marriage contracts contributed to the presentation of the name of the patron *wallī* and the wife's trustee. The father was the patron and then the grandfather then the father and then the brother and the consanguine brother and then the bother- nephew then the uncle then the uncle of the father and then the cousin of the father. Mostly men who are in charge of the marriage contract. See Abī al-'Abbās Aḥmad bin 'Umar al-Dirbī Al-Ṣāfi'ī (died 1151AH/1738AD), *Aḥkām al-zawāj 'ala al-maḡāhib al-arba'ah al-musama Ġāyat al-maqṣūd li man yata'āta al-'uqūd*, Studies and Released by Muṣtafa 'Abd al-Qādir 'Atṭā, 1<sup>st</sup> Ed (Lebanon: Dār al-Kutub al-'Ilmiya, 1406 AH/1986 AD), 163; al-Ṣāliḥ, "Manḥaḡ al-Islām", 970.

<sup>6</sup> Su'ād Māhir, "Uqūd al-Zawāḡ 'ala al-mansūḡāt al-aṭariyah", *Bulletin of the faculty of Archaeology*, Cairo University, 1<sup>st</sup> Volume, (1987): 43; Aḥmad 'Abd al-Rāziq, "Aqdā nikāḡ min 'aṣr al-mamālīk al-baḡariyah", *Arabic Magazine for the humanities*, Tome VI, Volume 22, Kuwait (Spring 1986): 80; "Aqd Zawāḡ aḡad mamālīk dawlat al-kunūz al-Islāmiyah", *Bulletin of the Faculty of Arts, Emirate University*, Tome IV, (1408 AH/1988 AD): 19; Rāḡib, *Transmission de biens*, 67.

That according To 'Ā'īshah bint 'Abd Allah Says "The prophet Muḥammad PBUH Says "There is no Matrimony *nikāḥ* without a partner *wallī* and two justified witnesses"<sup>1</sup>.

Several requirements called for witnesses, including those related to puberty, the mind, freedom, masculinity, justice, hearing, sight, pronunciation, and Islam.<sup>2</sup> The number of witnesses varies between the marriage contracts in question; five witnesses were not present in the first marriage contract, five witnesses showed up in the second marriage contract, but only three witnesses were present in the marriage contract. It was usual for the number of witnesses to exceed two in Islamic marriage contracts in general and Fatimid marriage contracts in particular. This may be due to the increase in the announcement of the number of marriages so that everyone present would bear witness to it.<sup>3</sup>

### **Final provisions of marriage contracts:**

The last line of the marriage contracts in question lists the names of the witnesses.

It is clear from comparing the marriage contracts in the research document with the marriage contract model (pl. II) that these contracts correspond this model. Their conformity is evident in the method of recording marriage contracts, starting from basmalla until the end of the contracts with the names of witnesses

### **Divorce agreements' contents:**

Divorce agreements give insight into a number of Islamic-era Egyptian practices. The first clause of the contracts described is Basmalla, followed by the salutation, the husband's name, the divorce formula, the wife's name, the number of divorces, the date, and the names of the witnesses.

**A study of the writings in divorce contracts is provided below for research purposes:**

### **Basmalla:**

The contracts in question include Basmalla, which is a prayer to the prophet that begins with the words "In the name of God, the Merciful and Compassionate" before praising and praying to Muhammad (PBUH). This phrase corresponds to the method of formulation of simplicity in both marriage and divorce contracts in the contested document.

### **The opening phrase:**

The first contract dated to 10<sup>th</sup> of Rabī' II 392 AH/26<sup>th</sup> of February 1001AD contains an introductory phrase consisting of the name of the mentioned husband, followed by

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<sup>1</sup> al-Ḥafīz Nūr al-Dīn 'Alī bin Abī Bakr bin Sulaymān al-Ḥaṭamī al-Miṣrī (died 807 AH/1404 AD), *Maḡma' al-zawā'id wa manba' al-fawā'id*, Released by Muḥammad 'Abd al-Qādir Aḥmad 'Aṭṭā, 1<sup>st</sup> ed (Beirut: Dār al-Kutub al-'Ilmiya, 1422 AH/2001 AD), Vol.IV, 374.

<sup>2</sup> al-Zuḡbī, "*Marāsīm al-Zawāj*", 16.

<sup>3</sup> A marriage contract dated 444 AH/1052 AD was found and preserved in the British Museum in London under registration number P. Lond. B.M.Or.4684 1, it has nine witnesses. See Rāḡib, *Transmission*, 49-59, pl.VI

the divorce formula, the wife's name, and the number of divorces and says "...[Ibrāhīm bin Ṣāliḥ bin Burhān] bin 'Umar, the mentioned husband who divorced his wife Juhar, the witness ...Sett Juhar three divorces ...". The second contract dated to 8<sup>th</sup> of Ṣa' bān 393AH/12<sup>th</sup> June 1002AD after four months of marriage, it comprises the opening phrase "...the one who divorce..." then the name of the husband above, then the wife's name, the rest the completion of the divorce's formulation and the numbers of divorces saying "... 'Awaḍ al-Dīn bin Ḥusam al-Dīn who divorces the mentioned above Juhar daughter of Muḥammad..." This is consistent with the statement of Al-Jazeera who lived in the century 6A.H./12A.D "Divorce of the year divorced so-and-so divorced his wife so-and-so daughter of so-and-so after his matrimony with her one single divorce and she is still virgins where he has not touched her and controlling her return before unless she hasn't completed her awaiting period, testified to his testimony of his witness, his knowledge and his hearing of him for its validity and authorization, that was in so and so day such and such a month"<sup>1</sup>, thus, the time difference between the first and second divorce contracts is about one year and four months.

### Divorce Statements:

The divorce occurred in a variety of ways, including verbally, in writing to the wife, by reference from the locus, or by sending a messenger. Verbally obtaining a divorce includes stating that you are divorced and all that is derived from the word divorce.<sup>2</sup> The divorce contracts in question include expressions of divorce; In the first divorce contract, includes the phrase "...Ibrā[hīm bin Ṣāliḥ bin Burhān] bin 'Umar, the above mentioned husband who divorced his wife Sett Juhar, The witness ...Sett Juhar and divorced her..."

### Sorts of the divorce:

The terms "Absolute divorce" *Ṭalāq bā'in* were used in the divorce contracts in question, which provide insight into the sorts of divorce that prevailed at the time. These contracts pointed out to the term "Absolute divorce" *Ṭalāq bā'in*<sup>3</sup> "major irrevocable divorce" *baynūna Kubra*<sup>4</sup>. The first marriage contract includes the phrase "...he divorces them three final divorces, the three divorced were out of his infallibility and his legal marriage, she becomes illegal for him unless she is married to another husband...". The second divorce contract states a phrase "... he divorced them three

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<sup>1</sup> Abi' al-Qāsim 'Alī bin Yaḥiyya bin al-Qāsim Al-Ġizīrī, (died 585 AH/1189 AD), *al-Maqsid al-Maḥmūd fī talḥīṣ al-'uqūd*, Released by Fāyẓ bin Marzūq bin barakī al-Silmī (Saudi Arabia: 1421-1422 AH/2000-2001 AD), 76.

<sup>2</sup> Aḥmad, "*al-Ḥayāh al-Iqtisādiyyah*", 354.

<sup>3</sup> The final or the absolute divorce is divided into two types: The first is the major irrevocable divorce *baynūna kubra*, the second is the minor irrevocable divorce *baynūna ṣuġra*. See Ibn Taīmiyah, *Maġmū' al-fatāwī*, Vol.23, "Matrimony *nikāḥ*", 313,314.

<sup>4</sup> This term means the three times divorcing, which the woman couldn't return to her husband unless she was married to another one to be a legal marriage. See Sābiq, *Fiqh*, Vol.II, 179-180; 'Ādil Bassiyūnī *Tārīḥ al-Qānun fī Miṣr al-Islāmiyah* (Cairo: 1993), 316; Linant de Bellefonds, *Traité de droit*, vol. III, 365,393; William Robertson Smith, *Kinship and Marriage in Early Arabia* (Boston: Beacon Press, 1970), 113; Giorgio Levi Della Vida, *Arabic Papyri in the University Museum in Philadelphia Pennsylvania* (Roma: Accademia Nazionale dei Lincei, 1981), 55; Rāġib, *Transmission de biens*, 65.

absolute divorces... one became out of his adherence and his legal contract, she becomes illegal for him unless she is married to another man...”.

#### **The witnesses:**

It is a common practice to testify document in general and divorce agreements in particular because of the religious and secular interests and rights that are feared to be ignored. The purpose of the proof of divorce claim is to show the rights of both spouses<sup>1</sup>, however, each divorce contract is testified by two witnesses.

#### **Closing terms of divorce contracts:**

Regarding the final terms of these divorce contracts, both contracts can have a final clause consisting of the date and the names of the witnesses.

#### **Conclusion:**

This study deals with a document containing five marriage and divorce agreements; The first marriage contract is dated 368 AH/978 AD, followed by the divorce contract 392 AH/1001 AD; Then comes a marriage contract dating from the month of Rabi II in 393 AH/February 1002 AD, then another divorce contract in 393 AH/June 1002 AD. These are followed by a marriage contract dates to  u-al- Qi‘ddah 393 AH / September 1002 AD This document is located in the National Library of Egypt. An examination of this document reveals the following:

The method of codification of marriage and divorce contracts in the Fatimid era, the content and drafting of such contracts 4<sup>th</sup>, AH/10<sup>th</sup> century AD; Marriage contracts include the Basmalla and then the opening phrases, the dowry and its payment, then the conditions of giving and receiving, the rights of the spouses written in the contracts, the patron, trustee and witnesses whose names are written in the contracts, The final expressions of those contracts are thus identical to the marriage contract model, which is likely to be attributed to the 4th century AD/10<sup>th</sup> AD, while the divorce contract includes Basmalla, the opening phrase, followed by the husband's name, the divorce term, the wife's name, then the number of divorces, ended with the date and the names of witnesses. The marriage and divorce contracts for the research also did not include Shiite phrases, perhaps because the owners of these contracts belong to the Sunni sect.

The diversity of opening terms of marriage contracts between the words " what was given as a dowry" , "his witnesses know" ,and the word "married", and the opening words used in divorce contracts varied. The first contract included an opening phrase consisting of the name of the said husband, then divorce, followed by the wife's name, followed by the number divorces, while the second divorce contract included the opening phrase. "Divorce", "name of the above-mentioned husband", and then the wife's name, followed by the remaining terms of divorce and the number of divorces.

Postponing the dowry portion and paying it in contracts in certain annual installments is the most common phenomenon in Islamic marriage contracts 1-9 AH/7-15 AD centuries; In the first marriage contract, the total amount is 100 dinars; Ten dinars accelerated, ninety dinars delayed, husband pays 10 dinars a year for nine years, i.e. 377 AH/987 AD This contract also refers to the type of currency with which he

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<sup>1</sup> Aḥmad Muḥammad Šākīr, *Niẓām al-ṭalāq fi’ al-Islām* (Cairo: Maktabat al-Sunna), 1345 AH/1936 AD), 80.

repays his dowry, namely dinars. This also applies to dinars such as pots, weights and high valued golden weights 'ayan. These dinars are likely to be attributed to the age of Aziz Allah (365-386 AH/975-996 AD).

It is clear from the study of the amount of the dowry in the first marriage contract, the subject of the study, and the marriage contracts dated to the Fatimid era (358-567 AH/969-1171 AD) that economic life began to flourish, as evidenced by the rise in the value of the dowry, and this prosperity continued until the era of the Mūstānṣrī hardship (457-464 AH/1065- 1071 AD), during which economic life deteriorated, although an increase in the dowry of some women was observed, but compared to the events of this severity, the actual value of the dowry was very small.

Expressions about the completion of marriage are referring to affirmation and acceptance; Another marriage contract contains simple marriage terms, and the of some marriage contracts reveals the presence of terms referring to the rights of the husband; In the contract of the first marriage, the expression " he has rights on her as she does, he also deserves an extra degree of Allah as Allah Almighty Says “ للرجال عليهن درجة والله عزيز

"...حكيم *But the men have a degree over them [in responsibility and authority]. And Allah is Exalted in Might and Wise. Quran. II/227. ...* ”They comply with the provisions of the Holy Quran, and some marriage contracts refer to the joint rights of spouses. Not only do these contracts contain various expressions regarding the stability of marital life, but they also include the fact that they always refer to her husband and wife and their good relationship with her”

Studies of several marriage contracts have confirmed the writer made sure to mention the name of parentage. The author always mentions the benefactor's name in the marriage contract. The study also revealed diversity in parental loyalty to fathers or uncles.

Non-compliance with marriage contracts in the research document with the number of witnesses; The number of witnesses varies from two to five, perhaps the number of witnesses is due to finding out the validity of the contract, increasing its declaration, securing rights against loss and protecting women's rights and conditions, and honoring the signature of the contract most of its participants, because many witnesses inherited in Egypt before the Islamic conquest. It is also clear from the names of the witnesses that some of their names are similar. Some of them may belong to the same family, which is the family of bin 'Abd al-Bāqī.

The last sentences of some marriage contracts consist of the names of the witnesses and are most common in contracts relating to the period 1-9 AH/7-15AD centuries.

The divorce contracts include a phrase saying “...Ibrāhīm bin Ṣāliḥ bin Burhān bin 'Umar, the above mentioned husband who divorced his wife Juhar , the witness ... the above mentioned Sett Juhar who is divorced...”. Divorce contracts in the research document declared the types of divorces took place in this historic period; whereas the first contract indicates the final divorce formulation which is irrevocable divorce type.

The names of the witnesses; two witnesses were listed in each divorce agreement. The analysis of a few divorce contracts also revealed that, from the Arab conquest through the end of the Mamluk period, closing sentences with witness names and dates were the most common.

**Index:**

**Plate No: II**

**A Model of Paper marriage contract**

**Date:** End of the 4<sup>th</sup> AH or beginning of 5<sup>th</sup> AH/10<sup>th</sup>, 11<sup>th</sup> AD centuries

**Place of Preservation:** Egyptian National Library

**Inventory No:** 980 Front

**Measurements:** Length 17cm

Width 12.7cm

**Name of the husband:** Unknown

**Wife's name:** unknown

**Number of witnesses:** unknown

**Description:** Paper marriage contract model, rectangular, with several holes torn to the right and bottom, contains fourteen lines and is coded with black ink in Nashī script.

**Text:**

١- بسم الله الرحمن الرحيم] هذا ما اصدق فلان بن فلان فلانة ابنت فلانه وتزوجها به

1-In the name of Allah, the merciful, the compassionate , that was given as a dowry *Ṣadāq* so and so to such a woman daughter of so-and-so, and he married her by this dowry<sup>1</sup>

٢- [كذ]ا [و] [كذا] بكذى وكذى دينا[ر]ا [ع]ينا[ذ]هبا وازنه جياذ على ان من ذلك

2-(Sic)<sup>2</sup> and (Sic), by such golden dinars *‘ayn* from a valued types, and a sum submerged

٣- كذا] وكذا] [دينار حالا م]عجلا ومن ذلك وكذى وكذى مؤخرا عليه الى انقضا

3- Such and immediate dowry payment, and such and such deferred dowry payment on him as debt until the upcoming

٤- [كذ]اى وكذ]اى سنين متواليات اولهن شهر كذى وكذى واخرهن كذى وكذى من سنة كذى وكذى

4- so and so a number of years in sequence, the first in a month of So and so and the last month from such a year

٥- على ان يتقى الله عز وجل فيها ويحسن صحبتها ويعاشرها بالمعروف

5- Cohabiting with her on the principals of Allah, lives with her in a good way honorably

٦- كما امر الله عز وجل فى كتابه وسنة نبيه محمد صلى الله عليه وسلم

<sup>1</sup> Grohmann read it “from” *min* but the correction is “by” *bihī*

<sup>2</sup> Grohmann reads it (by such) *bī kaḏā* but the correction is (Sic) or *kaḏa*

6-As ordered from Allah, the Almighty in his Quran and Sunna of his prophet Muḥammad (praise and prayer be upon him)

٧- وله علياها [مثل] الذى لها عليه من ذلك وولي تزويجها اياه فلان بن

7- He has rights on her as she also does, and she is under patronage of so and so son of

٨- فلان بامر[ها ور]اضاها بعد ان شهدت له بذلك شاهدان

8-so and so, with her satisfaction after the contract was witnessed by two witnesses

٩- يعرفانها باسمها وحسبها وهي امراه بالغ بكر صحيحة العقل

9- who know well her name and ancestry, and she is an adult, virgin, with good mentally health

١٠- والى[بن] فتزوجها فلان بن فلان من فلان بن فلان بهذا الصداق

10-and body, and she is married to so and so son of so and so by this dowry

١١- المذكور [فى هذا الكتاب] وامضاه والزمه على نفسه بعد ان قرئ عليها

11-Mentioned in this contract, signed and under his commitment after he reads all in the contract to them

١٢- جميعا جميع ما فيه من اوله الى اخره فاقرا وتفهما وعرفا جميع ما فيه فى صحة

12-from the beginning to the end of the contract, until they approved on it, when they are mentally

١٣- عقلهما ويدنهما وجواز امرهما طايعيننا (كذا) من غير مكروه ولامجبر

13- good also their body fully obedient (sic) from<sup>1</sup> such an obligation

١٤- وذلك [فى] شهر [وكذى] من سنه كذى وكذى شهد على ذلك

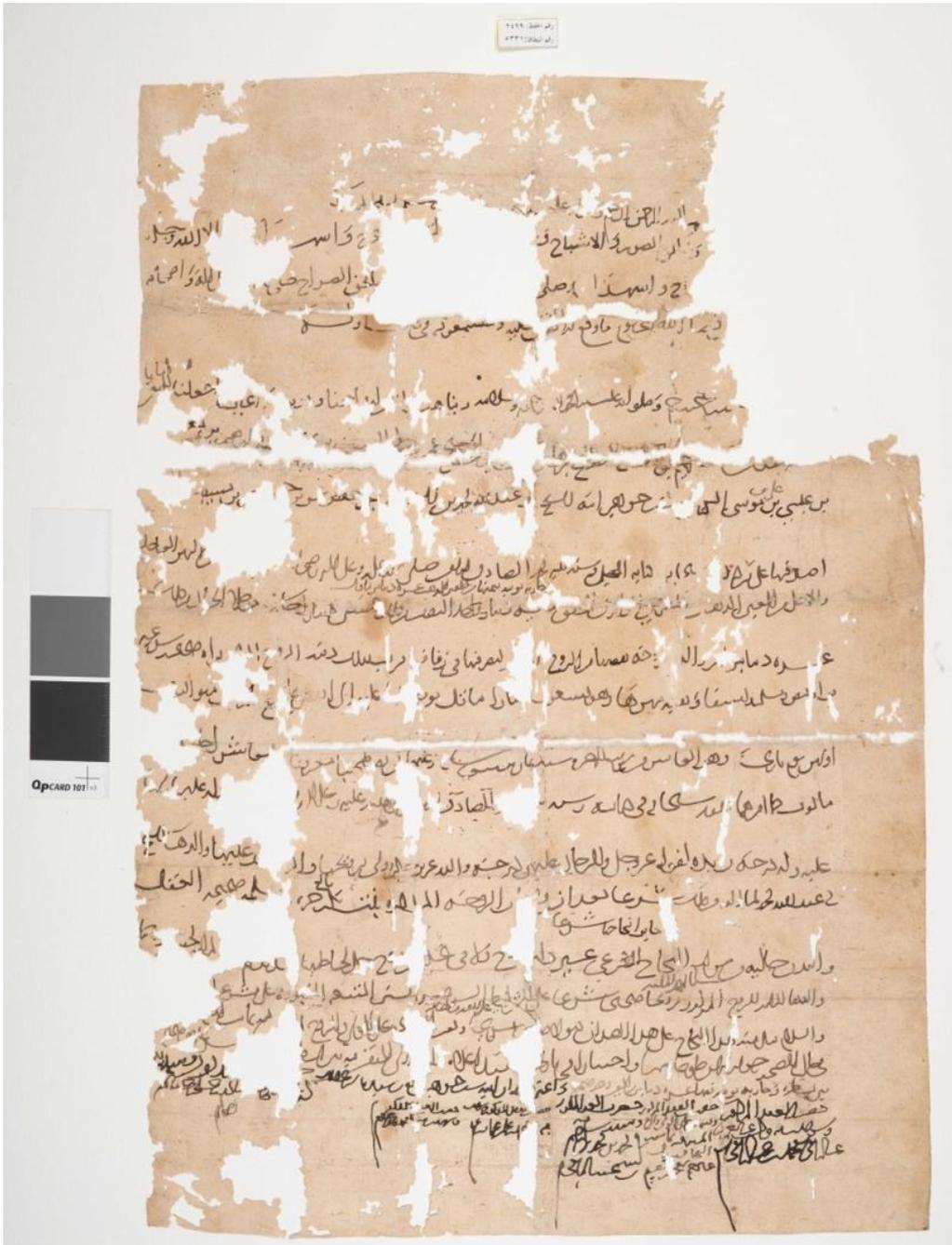
14-That is in the month of so and so from such a year, the witnesses are

**References: This text was previously published in:** ADOLF GROHMANN, *ARABIC PAPYRI IN THE EGYPTIAN LIBRARY* (CAIRO: EGYPTIAN LIBRARY PRESS, 1934-1962), vol.8 draft, 6-9.

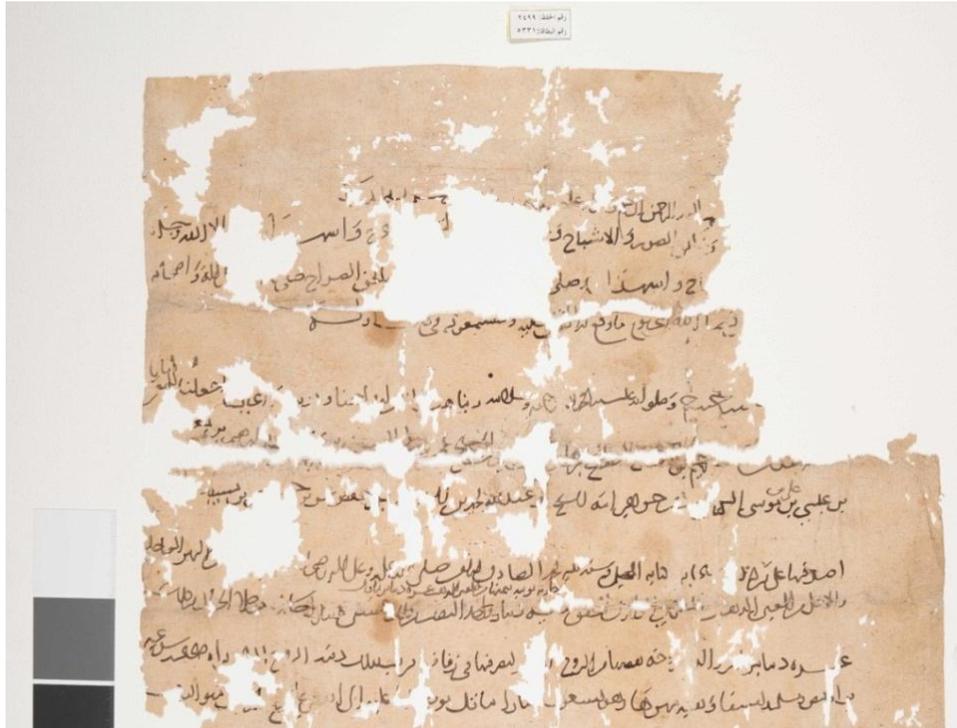
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<sup>1</sup> Grohmann reads it “and” *wa* but the correction is from *man*

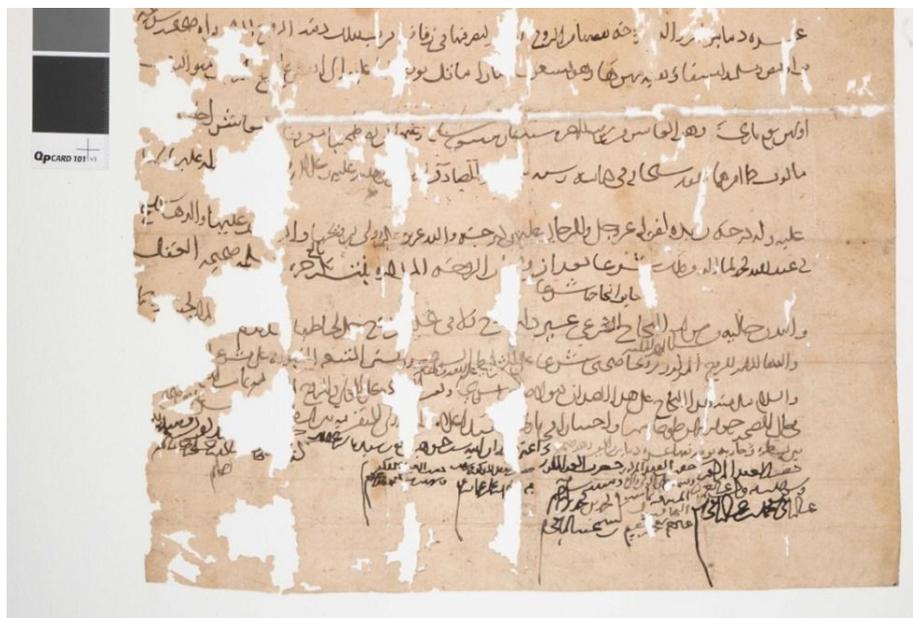
**The plates**



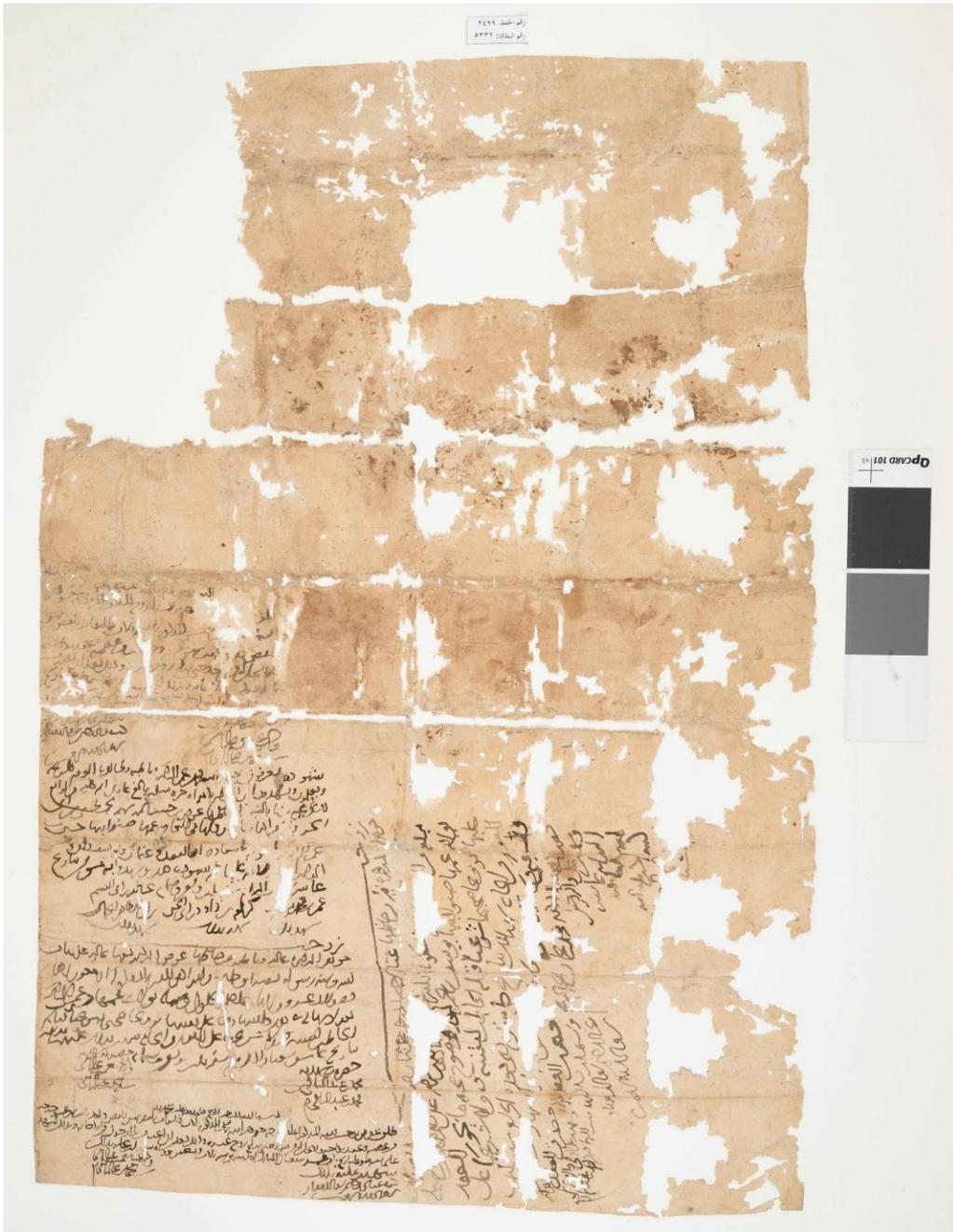
(Pl. I/A) A paper marriage contract dated to Wednesday 10<sup>th</sup> of Rabī' II 386 AH/ 15<sup>th</sup> November 978AD. After Egyptian National Library



(Pl. I/B), Details from a paper marriage contract dated to Wednesday 10<sup>th</sup> of Rabī' II 368 AH/15<sup>th</sup> November 978 AH. After, Egyptian National Library.



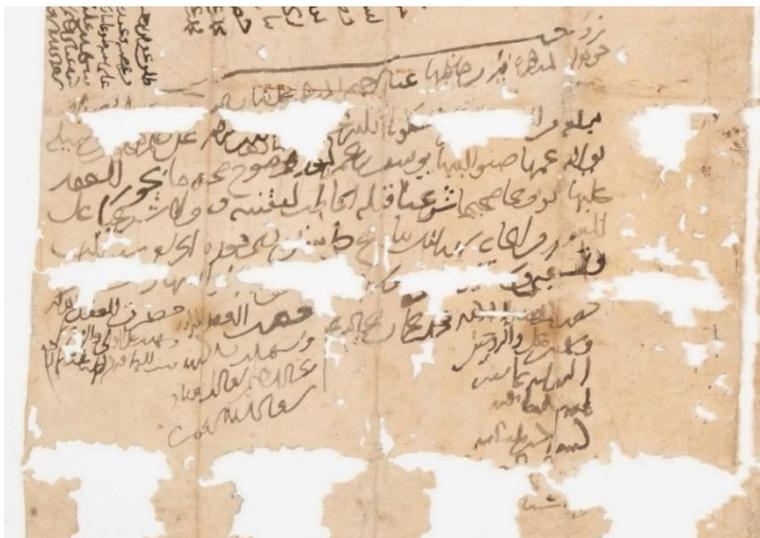
(Pl. I/C), Details from a paper marriage contract dated to Wednesday 10<sup>th</sup> of Rabī' II 368 AH/15<sup>th</sup> November 978 AH. After, Egyptian National Library.



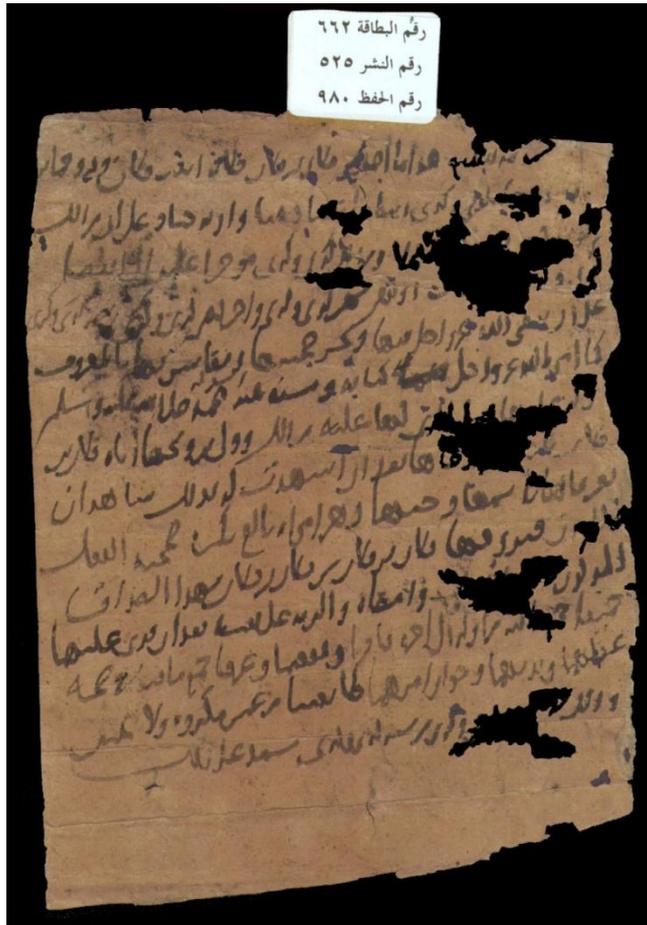
(Pl. I/D) A paper divorce contract dated to 10<sup>th</sup> of Rabī' II 392 AH/26<sup>th</sup> February 1001 AD, then a paper marriage contract dated to 10<sup>th</sup> of Rabī' II 393 AH/16<sup>th</sup> February 1002 AD, Then a paper divorce contract dated to 8<sup>th</sup> Ša' bān 393 AH/12<sup>th</sup> June 1002 AD, then a paper marriage contract dated to 10<sup>th</sup> of du al-Qi' dah 393 AH/10<sup>th</sup> September 1002 AD. After Egyptian National Library.



(Pl. I/E) A paper divorce contract dated to 10<sup>th</sup> Rabī' II 392 AH/ February 1001 AD, then a paper marriage contract dated to 10<sup>th</sup> Rabī' II 393 AH/ 16<sup>th</sup> February 1002 AD, then a paper divorce contract dated to 8<sup>th</sup> Ša'bān 393 AH/ 12<sup>th</sup> June 1002 AD. After Egyptian National Library.



(Pl.I/F) A paper marriage contract dated to 10<sup>th</sup> du' al-Qi' dah 393 AH/ 10<sup>th</sup> September 1002 AD. After Egyptian National Library



(Pl. II) A model of a paper marriage contract giving a probable date to the end of the 4th AH beginning of 5th AH/10th AD century. After Egyptian National Library.



(Pl. III) A Fatimid dinar related to the caliph al-‘Azīz bi’ Allah preserved in the Museum of Copenhagen dated to (368 AH/978-979 AD).

After. <https://www.davidmus.dk>

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