

A Judeo-Arab House-Deed from Ḥabbān (With Notes on the Former Jewish Communities of the Wāḥidī Sultanate)

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A Judeo-Arab House-Deed from Ḥabbān

(With Notes on the former Jewish Communities of the Wāḥidī Sultanate)

BY R. B. SERJEANT

THE Jewish community of Ḥabbān is no more. The Yemenite Jews have emigrated almost wholesale to Palestine, taking with them, indeed, a number of their books and documents, but they cannot now be studied in their homeland. For the further history of the Yemenite Jews Professor S. D. Goitein's article on the "Transplantation of the Yemenites" may be consulted, but my own brief and crowded six days in Ḥabbān during December, 1947, were probably one of the last visits paid by an orientalist to such a curious medieval community. In the melting-pot of the new state of Israel it is probable that the unique culture of the Yemenite Jews will not long survive the passing of the older generation.

It is generally accepted that the Yemenite Jewish communities known to us in the twentieth century were descendants of the pre-Islamic Jews and Jewish proselytes,¹ and I have already set down such reasons as there are for supposing that the Ḥabbān community may be descended from Ḥimyarī proselytes.² The writer Aḥmad Faḍl al-'Abdalī³ holds that "the likelihood is that the Jews of the Yemen are Ḳaḥṭānīs, not Isrā'īlīs as they aver. On the contrary, they are survivors of the people of the Tubba' Yūsuf Dhū Nuwās". Such an opinion is, of course, probably based upon a consideration of literary sources, but as far as I have been able to judge, the Arab does not consider the Yemenite Jew as *racially* different from himself. It may be that when the Jews were expelled from the Hejaz some took refuge with their co-religionists in South Arabia, for al-Shardjī⁴ refers to the Ḳuraizīs, "descended from the

¹ Cf. E. Brauer, *Jemenitische Juden* (bibliog.). Though there is an abundance of material from Jewish sources (cf. E. Brauer, "Bibliographie der Juden Jemens," *Kirjath Sefer* (Jerusalem, 1933-4), x, pp. 119 ff., and current material in subsequent numbers) much of it is not accessible to me. The Arabic material is less well known and it has been drawn upon for these notes. S. Jawneli (cf. Brauer, op. cit., p. xiv), writing in *Davar* on his visit to Ḥabbān, is not available to me.

² "Hūd and other South Arabian Prophets," *Le Muséon* (Louvain, 1953).

³ *Hadīyat al-Zaman* (Cairo, 1351 H.), p. 297.

⁴ *Tabakāt al-Khawāṣṣ* (Cairo, 1903), p. 99. Abū Makhramah (ed. O. Löfgren, Uppsala, 1936-1950), ii, p. 135, names him as the *khatīb* of Aden in 754 H. (A.D. 1353), but says nothing of the Banū Ḳuraizah.

Banū Kuraizah, the well known tribe of the Banū Isrā'il, in a place about a stage from the city of Aden." *Shawkānī*¹ cites a late seventeenth-century treatise on the tradition, "Expel the Jews from the Arabian Peninsula," in which it is argued that it was only required to expel them from the Hejaz, perhaps an endeavour to give legal justification for the existence of numbers of Jews in South Arabia.

The Status of Jewish Communities

Judging by Arabic sources, the Jews of South Arabia were not hardly treated by Muslim rulers, who in general seem to have dealt with them in fairly strict accordance with the provisions of the *shari'ah* relating to the protected faiths. *Nazih al-Mu'aiyad*,² for instance, states that they enjoyed in the Yemen certain rights which Muslims did not possess; they paid *djizyah*, but were exempt from many other taxes which the Muslim *ra'ayā* must pay to the state. *Mohamed Hassan*³ gives the poll-tax in *Ṣan'ā'* as 4 *riyāls* for each male in the Jewish Quarter, assessed by the 'Āmil *Ṣan'ā'* and the *Ākil* (headman) of the *Kā' al-Yahūd*. My own impression is that from an economic point of view the Muslim peasant was often very much worse off than the Jewish craftsman in respect of tax-burdens.

Zaidī law no less than the orthodox *madhhabs* protects the Jew from insult⁴ and attack by a Muslim. If a Muslim insult a Jew he is fined, being forced to slaughter an animal which is distributed to the poor.⁵ If he attack a Jew the latter will say, "Anā fī 'iṣmat al-Imām (or al-'Āmil), I am under the Imām's (or Governor's) protection." Both parties must then proceed to the Imām or 'Āmil and summary justice is dealt.⁶ Hebrew documents were not, however, admitted by the courts⁷ as evidence.

¹ *Al-Badr al-Ṭālī'* (Cairo, 1348), i, p. 230 seq. Perhaps this is the same as that cited in Brock., *Sup.*, ii, p. 74.

² *Nazih al-Mu'aiyad, Riḥlah fī Bilād al-'Arabīyah al-Sa'idah* (Cairo, 1937), i, p. 60. *Anastase Marie de St. Elie*, (edit.) *Bulūgh al-Marām* (Cairo, 1939) also contains some material on the Yemenite Jews. For material (as yet unpublished) in Arabic, see *Rivista d. Studi Orientali* (Roma, 1910), iii, 917.

³ *Qalb al-Yaman* (Baghdād, 1947), p. 166. In Ḥabbān the poll-tax was apparently 16 *riyāls*. Figures for the *Ṣan'ā'* poll-tax, as given by different authorities, do however vary.

⁴ Cf. "An Early *Zaidī* Manual of *Ḥisbah*," *Rivista d. Studi Orientali* (Roma, 1953), p. 29.

⁵ *Nazih al-Mu'aiyad*, op. cit., i, p. 60.

⁶ *Qalb al-Yaman*, op. cit., p. 167.

⁷ Cf. "Divieto agli uffici statali yemeniti di accettare documenti in ebraico," *Oriente Moderno* (Roma, 1938), p. 41.

Outside the centralized Yemenite administration the Jew was protected by the Sultan, or even by the individual tribe or family; such was the case of the Ḥabbānīs (*infra*). The protectors would, of course, be of the arms-bearing classes or perhaps of the religious aristocracy. In South Arabia it is a shameful act for a tribesman to kill a Jew, as it would be to kill a woman. An excellent example of this form of protection in ancient times is to be found in a passage from the *Fākhīr* of al-Mufaḍḍal b. Salamah.¹ A protected Jew of al-Ḥuṣain, the Saiyid of the Banū Sahm, was murdered by the Banū Ṣirmah, so the Sahm in turn slew a protected Jew of the Ṣirmah. Retaliation was then made on three Arab *djirān* of the Sahm and the latter then slew three *djirān* of the Ṣirmah. At this stage the Ṣirmah came to al-Ḥuṣain to discuss the matter. Al-Ḥuṣain replied, "You killed our Jew so we killed your Jew," adding that it would be a pity if two tribes closely related should actually engage each other in war.

The South Arabian Jew was subject to certain sumptuary laws² and to a number of religious restrictions. As I have found evidence that custom imposes certain sumptuary restrictions on the Muslim craftsman and cultivator, it seems to me likely that the arms-bearing tribes and religious aristocracy of South Arabia have laid restrictions of this kind on subjugated peoples and the menial classes from very ancient times. A case in point is the Ḥadramī tradition which ascribes the skirts shortened to the knee, worn by the women, and the tattooing of their faces, to an ordinance of the well-known 'Abbāsīd governor Ma'n b. Zā'idah, who imposed these humiliating conditions on the country in punishment of a rebellion. Be this tradition historical or not, there is clearly a sense of the antiquity of such practices. Perhaps therefore it may be that these sumptuary laws were applied to the Jews as early as the period following the fall of *Dhū Nuwās*.

Individual Jews or communities were not, of course, always safe from occasional acts of fanaticism and, like the Muslim peasant, they must doubtless have been subject at times to unconstitutional exactions. Of the Imām al-Mahdī Aḥmad b. al-Ḥasan (ob. 1092 H. (A.D. 1681-2)) *Shawkānī*³ says: "Among his noble actions and

¹ C. A. Storey, *The Fākhīr of Mufaḍḍal ibn Salama* (Leiden, 1915), p. 103.

² For details see E. Brauer, *op. cit.*, pp. 274 and 268.

³ *Al-Badr al-Tāli'*, *op. cit.*, i, p. 45. It is interesting to compare this with the Jewish account as related in S. D. Goitein, *From the Land of Sheba* (New York, 1947), p. 101.

qualities is the fact that he expelled the Jews whose houses were in Ṣan‘ā’, and they left it in flocks, selling such of their houses as were readily saleable. The Imām ordered the synagogue which they had in Ṣan‘ā’ to be nailed up, and that such books as it contained be taken out, and he poured away the wine which was in the mihrāb. Then in the year 1091 H. he ordered the synagogue to be re-opened and destroyed, and he built in its place the mosque known as Masdjid al-Djalā.’’

On the other hand, the Jews did even play a part in the political life of South Arabia at times, and in fact they were not invariably held to the sumptuary laws.¹ There is, for example, the curious incident of the Jew of Baiḥān who set up as a semi-independent chief.² In Ḥabbān itself a Jewish tradition³ mentions a certain Sulaimān al-Ḥakhām, who rendered assistance to the Muslim ruler when the town was besieged by Badr Bū Ṭuwairiḳ. Jewish sources would no doubt provide many other similar instances.

In folk tales from the Baiḍā’ area the Jew figures as a cunning rogue, a poisoner, and a seducer of Muslim women ; but by contrast a number of writers record that Muslim and Jew lived not unkindly side by side. In Ḥabbān Arab guests seem to have attended Jewish wedding celebrations, and Arabs have described the head of the Ḥabbān community, Yūsuf b. Ibrāhīm, to me as a good fellow. In the Yemen it seems that the life of the two communities was more closely interwoven still.

In brief, while the Yemenite Jews did not enjoy the rights they hold in European society to-day, their position as *Dhimmīs* was generally upheld by the law, and the very existence of such large numbers after thirteen centuries of Muslim rule shows both that little pressure was put on them to alter their faith and that they were a useful asset to the tribes and rulers of South Arabia.

Emigration and Conversion in Ḥabbān

At the time of my visit one Jew had already accepted Islam and there was an interesting case before the *Qādī* of Ḥabbān regarding the custody of his children, as his wife had remained in her ancient

¹ Cf. al-Yāfi‘i, *Mir‘āt al-Djanān* (Ḥaidarābād, 1337-9 H.), iv, p. 349, where mention is made of a Jew riding on horseback, circa 750 H. (A.D. 1349).

² “Materials for South Arabian History,” *Bull. Sch. Or. and Afr. Studies* (London, 1950), xiii, p. 294. This has been dealt with at length from the Hebrew sources by S. D. Goitein in the Lit. Supplement to *Haaretz* of 17th November, 1950.

³ Cf. T. Ashkenazi, *The Jews of Ḥaḍramawt* (bibliog.).

faith. According to the *Ḳāḍī* the decision regarding the custody of the children hinged upon whether the *Ḥabbānīs* were original Jews or Jews who had embraced Islam and then apostatized. I was shown a Jewish boy, son of the convert, who was being taught the recitation of the Koran, being maintained meanwhile by a Saiyid family. If this child were awarded to the father it was intended to send him to study at the *Ribāt*, in *Tarīm*. Even in the lawless and turbulent *Wāhidī* Sultanate of that time there was quite clearly a certain regard for legal nicety where the *Dhimmī* was concerned, perhaps in part religious, in part due to the necessity of circumspection if the Arab Muslim protectors of the parties were not to be involved in feuds.

I am unable to deny or confirm the statement made to *Touvia Ashkenazi* that conditions had worsened since the war, and *Sulṭān Ḥusain b. ‘Abdullāh* (the regent) was pestering the Jews to accept Islam. The news from Palestine had, however, had a deep effect, even in remote *Ḥabbān*, and while I was there the news of the Aden riots arrived by radio and later through caravan or runner, much to the disquiet of the local Jewish community. Ultimately the community either accepted Islam or emigrated, the latter alternative being entirely voluntarily, I believe. The emigrants were mulcted of a portion of their silver bullion by the *Sulṭān*. Hard as this may seem, it is obvious that the departure of considerable quantities of silver from the country would be far from beneficial, and in the *Ḳu‘aiṭī* state there are actual restrictions on its export.

Jewish Settlements in Wāhidī Territory

The field-notes below have now a certain historical interest, more especially as they were made on the occasion of the young *Sulṭān’s* first state tour of the country.

‘Azzān.

One family of Jews is found here, of small stature. The Jewish *ḥākhām* of the family is old and blind. A Jewish boy acts as domestic in the *Sulṭān’s* house.

Al-Ḥawṭah.

Two families of Jewish silversmiths work here, three men in all. They have books which are kept on a wooden stretcher suspended from the ceiling by ropes, including *Torahs* and a *Talmud* printed in Jerusalem as well as *MSS.* bound in an unusual way. A Jewish

boy reads to his father as he works. The MSS. are not on vellum but on paper. They speak in Hebrew but keep their accounts in Arabic in Hebrew character. They offer coffee, and are polite and submissive.

Al-Rawḍah.

Here the local Jews came into the assembly in the principal house to greet the Sulṭān, who had newly arrived ; they drank coffee and then departed, saying practically nothing while they were there and not staying to eat. The exactions the Maṣḥab of al-Rawḍah imposes on the peasants he is also said to apply to the Jews. Here they say Allāh ya'izzak after mentioning the word " Jew " (as in the Yemen ; the intention is to ask the listener's pardon for having mentioned something distasteful).

Ḥabbān.

The Jews were drawn up at the end of the long line of Ḥabbānīs (in order of precedence, Saiyids first) come to greet Sulṭān Nāṣir, who enters with firing of shots and a rattle from the Breda gun. They wear some indigo (nil)—it is said that the Indian nil gives a blacker dye, but the local ḥawīr is more lasting. These Jews have lighter complexions than the Arabs, but are certainly not tall¹ or distinguished in this way from them. None over the age of children wear the zunnār, but dress their hair in the Arab way. Many wear Jewish amulets known as taḥāfiḏ. Among themselves they speak Hebrew ; the Arabs say there is no difference in the colloquial Arabic spoken by the Jews but they remark on a different intonation.² The Ḥākhām is Ibrāhīm b. Yūsuf, rather toothless. The Ḥabbān Jews kiss the hands of all.³ They seem to be treated by the Arabs in quite a well-mannered way. The Jewish Quarter lies just below my window (in the Maṣna'ah). There are no ornaments on the battlements of the houses, but on some houses there are little patterns made with shells set in the mud wall. They burn dung⁴

¹ Contrary to Ashkenazi's informant (*supra*). Having notes on the article with me I particularly remarked on this fact.

² Those present when the Jewish boy converted to Islam recited the Koran made much of the fact that he spoke Arabic without a Jewish intonation.

³ An important issue, for hand-kissing has of late years been the subject of much controversy in politico-religious circles in South Arabia.

⁴ On this subject I should like to have been able to consult a work mentioned by Muḥ. b. 'Alī al-Shawkānī, author of "*al-Badr al-Ṭāli'*", op. cit., ii, p. 221, as composed by himself, *Ḥall al-Ashkāl fī Idjbar al-Yahūd 'alā 'līkāt al-Azbāl*, but no copies of this work are at present known to Brockelmann.

and flat pats of it lie drying on the rocks at the foot of the Maṣna‘ah, but it does not seem to be used by the Arabs here, as far as I can see. They are not agricultural but they keep fowls in a kind of coop made of mud with a wooden lid.

The Jewish cemetery lies south-west of the town ; there are no old inscriptions because, they say, these have been destroyed by Arab children, but as the gravestones are of easily weathering sandstone this may not be true. The Jews, they say, held land once and some still keep the title-deeds, but the land was taken a long time ago by the Dawlah (Sultāns) and all they have now is their cemetery. The large mud karīf once owned by a Jew, and the sāḳiyah leading into it (Sāḳiyah Bā Ṭuwairiḳ), are filled from a bent tunnel hewn in the rock, the tool-marks showing on the side, but it only contains small pools just now.

I spent the afternoon of 8th December with the Jews and was shown various MSS., including two dīwāns. They use a book-rest formed of two crossed pieces of wood. Deeds in Arabic and Hebrew are produced. In the synagogues, of which there are two, are kept rolls of the law wrapped in cloth and with beautiful silver ends. Boys seem to be taught there in the evening. They make ‘araḳ, but this was concealed when a soldier came in, but it is drunk secretly by some Muslims. At the Hanukka feast, which fell when I was in Ḥabbān, the Jewish girls wore all their silver ornaments and glass bracelets of the Am-Sailah type,¹ which were cheap at one time but are now dear as they are old.

There are five sections, called ḳaṣabāt, these are :—

- (1) Shammākh. This is the first and oldest, and is said to be very ancient.
- (2) Ma‘tūf.
- (3) Hilāl. For this section the Political Notebook has Sālim b. Maṣṣūr.
- (4) Maifa‘ī. This is presumably a nisbah from Maifa‘ah.
- (5) ‘Adanī.

Most of the silversmiths of Ḥaḍramawt are said to be converted Jews, for no Jews can enter that country. The Jewish silversmiths are said to travel as far east as Rakhyah, Buḍah, and Bīr ‘Alī, but not to enter Ḳu‘aitī territory.² This may be true, as a family of silversmiths in Shībām is called Āl Bā Shammākh, and the names of

¹ Cf. *JRAS.*, 1938, p. 109.

² So the Political Notebook.

other families of Ḥaḍramī silversmiths, also said to be converted Jews, might possibly be Jewish by origin.

The Ḥabbānī House-deed.

The document *infra* was lent me by Ibrāhīm b. Yūsuf on my last afternoon in Ḥabbān. It illustrates very clearly the interplay of the Dhimmī and Muslim communities in a society which can have altered little since medieval times. The case obviously was quite a *cause célèbre* at the time. I quote from an informant :—

“ Ṣāliḥ b. Yūsuf had a dispute with two sisters of his late father about a house in Bā Ba‘air, the Jewish quarter of Ḥabbān. He sold the house to Mis‘id b. Mḥammad (as they pronounce the names) who resold it on the same day to Ibrāhīm b. Yūsuf. The “ *siyāsah* ” of this procedure was to safeguard the buyer against any claims to be raised against him in the Jewish court of justice. He could then argue that he had acquired the house from a Gentile who was not under the jurisdiction of the Jewish Court. Indeed, the sisters proceeded against Ṣāliḥ for having sold to an ‘Allom’, a term designing a lawless person, any transfer of property to whom would be void. Ṣāliḥ refused, however, to appear before the Jewish court. The case came before the Sulṭān Ḥusain b. ‘Abdullāh, and it was decided after many vicissitudes that the sale was legal, but Ṣāliḥ had to pay Dumāyah (indemnities) and Maḥḥāsir (expenses)—which the husbands of the two aunts of Ṣāliḥ were prepared to accept instead of their share of the house, only after having been ‘softened’ by various terms in jail. The affair nearly ended in a bloody feud between the Hil Mḥarmi‘, the *djārs* of the aunts,¹ and the Hil Yislam b. Manṣūr, the *djārs* of Ṣāliḥ.”

¹ *Djār* means both the protector and the person protected.

Arabic Text

صحيح السلطان علي بن محسن بن صالح الواحدي

(Seals)

الحمد لله رب العالمين. وبعد، لما كان يوم الحد^١ و٣ في شهر محرم عاشور سنة ١٣٥١ الف وثلاثمائة واحد وخمسين، فقد حضر لدى وبين يدي صالح بن يوسف بن هلال بن عوض اليهودي، وقر^٢ علا نفسه اقراراً
^١ الاحد. ^٢ واقر.

صحيحاً شرعياً بآئنه^١ أبا ع إِلا مُسْعِدِ بْنِ مُحَمَّدِ بْنِ أَحْمَدِ بْنِ نَاصِرِ
 الْبَابِ كَرِيٍّ، وَذَلِكَ الْبَيْتَ حَقَّقَهُ الْمَعْرُوفُ، بِحَافَةِ الْيَهُودِ، عُلُوَّهُ وَسُقَالَهُ،
 وَطِينٍ وَعُودٍ، وَحَدِّ وَحُدُودٍ، وَأَبْوَابٍ وَأَخْشَابٍ، وَحَدِيدٍ وَجَرِيدٍ، وَحَجَّارٍ
 وَمِدَارٍ^٢، يَحْدُّهَا بَيْتُ سَعِيدِ بْنِ سِحَاقِ ذِي تَصَلَّا^٣ بَيْتِ بْنِ دُوحٍ، وَيَحْدُّهَا
 سَاسٌ^٤ حَقَّقَهَا مِنْ قِدَا صَرَحَتْ حَسَنٌ لِكَسْرٍ وَمِنْ قِدَا الْحَافَةِ عَلَى
 سَاسِهَا مَا لَهَا مَخْرَجٌ إِلا حَرَمَهَا الشَّرْعِيُّ بَيْنَ اسْوَأْسِهَا الْاَرْبَعَةِ، وَجَمِيعِ
 مَصَالِحِهَا الدَّاخلِ فِيهَا وَالخَارِجِ عَنْهَا، وَمَا يَنْسَبُ إِلَيْهَا شَرْعاً وَعَادَةً. وَذَلِكَ
 بَيْعاً وَشِراً قَطْعاً قَلَاظاً بَتْرًا مُنَجَّرًا، مُسْتَوْفَى الثَّمَنِ مَعْلُومٍ مَقْبُوضٍ بِيَدِ الْبَايِعِ.
 وَقَبْضُ الْبَيْعِ الْمَشْتَرِيِّ الْقَبْضُ الشَّرْعِيُّ، يَتَصَرَّفُ ذِي الْاِمْلَاقِ فِي اِمْلَاقِهِمْ،
 وَذِي الْحَقُوقِ فِي حَقُوقِهِمْ. فَلَا عَادَ بَقَا لِلْبَيْعِ حَقٌّ مِنَ الْحَقُوقِ، صَارَ الْبَيْتُ
 الْمَذْكُورُ مَلِكٌ مِنَ اِمْلَاقِ الْمَشْتَرِيِّ. وَاللَّهِ الرَّقِيبِ. وَكُتِبَ وَشَهِدَ عَبْدُ اللَّهِ
 بْنُ اِبْرَاهِيمَ بْنِ صَالِحِ بْنِ اِبْرَاهِيمَ بْنِ عَمْرِو الشُّبَلِيِّ.

צח מא רקמה
 עבדלה : בריהים
 אשבלי ואנא
 צאלח : יוסף : הלאל

ושהיד עלא דליך חסן ז עוז ז דוח
 וצלם ז חסן ז דוח ואלה כאר לחצרין

بتاريخ^٢ اعلاه. فقد احوال ما في وجه المسطور إلا ابراهيم بن يوسف بن
 لعريق اليهودي واخوانه، عوض، وسالم، وسعيد، حواله صحيحه شرعيه، بقنع
 مسعد بن محمد ورضاه. والله الرقيب. وكتب من تقدم ذكره اعلا.
 والدخلا لوضوع يوسف بن لعريق، السلطان على بن محسن الواحدي
 واخوانه ومسعد بن لحمد البابكري فيما نقط في هذا الخط. والله كافي.
^١ بآئنه. ^٢ واحجار وامدار. ^٣ تصل إلى. ^٤ الساس. بالتاريخ.

Linguistic Notes

Spellings have been left as in the original text, but some of the *tashkil* has been added for clarity or to indicate colloquial pronunciation.

TRANSLATION

Signature of the Sultan 'Alī b. Muḥsin b. Ṣāliḥ al-Wāḥidī.

(Seals)

Praise to God, Lord of the Universe

Now when it was Sunday and the 3rd of the month of Muḥarram 'Āshūr (1), 1351 H. (A.D. 1932), Ṣāliḥ b. Yūsuf b. Hilāl b. 'Awaḍ the Jew attended here before me, and made a valid legal (2) acknowledgment that he in fact sells to Mus'id (3) b. Muḥammad b. Aḥmad b. Nāṣir al-Bā-Bakrī (4), namely—the house in the Jewish Quarter (5) known to belong to him, its upper and lower parts (6), mud and wattle, borne and bounds, doors and timbers, iron and palm-branches, stone and clay; bounded by the house of Sa'id b. Siḥāk (7) that extends to the house of B. Dūḥ, and bounded (also) by its own foundation-walls (8) on the side confronting the courtyard of Ḥasan Laksar (9), and by its own foundation-wall on the side facing the Jewish Quarter. It possesses no extra-mural area, but only the legal area belonging to it (10) comprised within its four foundation-walls, along with all its amenities within and without them (*or* it), and all pertaining to it in law and by usage (11). This is by (12) sale and purchase, executory, outright and unconditional (13), final and completed, and price being paid in full, known, and taken in the hand of the vendor. The purchaser has taken legal possession of the (property) sold, the owners of the properties having control of their properties, and those who hold rights (enjoying the exercise of) their rights. The vendor no longer retains any rights (therein), the afore-stated house having become a property of the purchaser. God is Overseer.

'Abdullāh b. Ibrāhīm b. Ṣāliḥ b. Ibrāhīm b. 'Umar al-Shiblī (14) engrossed (this deed), and testifies to it.

(Hebrew Script)

Ḥasan b. 'Awaḍ b. Dūḥ bears testimony to this, and (also) Sālim b. Siḥāk b. Dūḥ. God is the best of those present.

What 'Abdullāh Brāhīm al-Shiblī wrote is true, and I am Ṣāliḥ b. Yūsuf b. Hilāl.

(Reverse of the above, Arabic script)

On the above date, that which is (contained) in the front page of the document was transferred to Ibrāhīm b. Yūsuf b. La'riḳ the

Jew, and his brothers, 'Awaḍ, Sālīm, and Sa'īd, a valid legal transfer, by consent and approval of Mus'īd b. Muḥammad. God is Overseer.

The above-mentioned person engrossed (this deed).

The protectors of the dependents of Yūsuf b. La'riḳ are the Sulṭān 'Alī b. Muḥsin al-Wāḥidī and his brothers, and Mus'īd b. Laḥmad al-Bā-Bakrī, in accordance with what occurs in this document. God suffices (as witness).

NOTES

(1) For the nomenclature of the Muslim months as used in the Wādī 'Amaḳīn see *Gl. Dat.*, p. 1449. 'Āshūr or Muḥarrām in this district is reckoned the fourth month of the Muslim year.

(2) "Shar'ī" has been rendered throughout as "legal" but its full force in relation to the circumstances under which the contract was concluded would be "in conformity with shar'ah law".

(3) Pronounced Mis'īd b. Mḥammad. So also Muḥsin is always pronounced Miḥsin. I have attempted no consistency in vocalization, employing both classical and colloquial vocalizations.

(4) Landberg, *Arabica V*, p. 226, mentions the Hal Bā Bakr, a sub-tribe of the Sa'd Ḥabbān, with their 'āḳil at Djuwairah.

(5) If my memory is correct the Jewish Quarter lies roughly on the south-west side of Ḥabbān and is overlooked by the neighbouring quarters. In this part of Arabia the aristocracy tend to build on the higher parts of the valley-side while the lower orders on the social scale build beneath them. In Ḥuraiḳah and perhaps other places in Ḥaḍramawt a Miskīn cannot even build a house as high as those of the Sādah. There seems to have been a similar distinction between the pre-Islamic Ḳuraish of the Zawāhir and Bawāṭin. *Arabica V*, p. 216, distinguishes four quarters in Ḥabbān. I was informed that the Miḥḍār Saiyids, the Āl Fad'aḳ Saiyids, the Ṣaban (indigo-workers), the carpenters, Jews, and the Āl Shiblī all had different quarters but that now they were mixed up to some extent.

(6) This legal term implies that the owner has the right to built on top of his house, should he so desire. I was informed that in Wādī 'Amd if you bought land in former times you could only build a single-storey house, but you had to pay a tax for each additional storey you added above that. House-deeds there are said to mention "al-bait hawwuh wa-djawwuh wa-'l-samā lī tawwuh, the house, its air (hawā-hu) and atmosphere and the sky adjoining it". Though

this species of tax is known elsewhere it must have been established in South Arabia from antiquity. In Ṣan'ā' Jewish houses were usually of few storeys; according to Mohammed Hassan, *Heart of Yemen*, p. 168, the Jew's house must be of clay, or one storey of stone and the next of clay.

(7) Siḥāḳ, i.e. Ishāḳ.

(8) For a description of the sās see *Building and Builders in Ḥadramawt*, pp. 276-7. It is the dry-stone foundation upon which an adobe house is built. The deed only mentions three sides; this is, I think, because the fourth side facing the famous Karīf of Ḥabbān attributed to Badr Bū Ṭuwairiḳ was on the edge of a steep cliff. The general plan of the houses is as follows:—

- (A) The court of Ḥasan.
- (B) Ḥāfat al-Yahūd.
- (C) Dār Sa'īd b. Siḥāḳ.
- (D) Bait Dūḥ.

This passage may be compared with Jean David-Weill, *Un nouveau titre de Propriété daté, Mélanges Gaudefroy Demombynes* (Cairo, 1935-45), pp. 141-6, and with a house-deed from the Faiyūm (British Museum, Or 4684, no. xvi) dated 405 H. (A.D. 1014-15), unfortunately so damaged that it cannot be reproduced here *in toto*:—

... بحده وحدوده ومدخله ومخرجه وكل حوله داخل فيه وخارج منه وما
اشتملت عليه حدود اربع حده الاول وهو القبلى . . .

The general substance and style of the document under discussion may be compared also with the prescriptions for the form of legal documents composed by Muḥ. b. 'Umar Baḥraḳ, al-Nubdhah al-Muḥarrirah, Princeton MS. Baḥraḳ was Ḳāḍī in *Shiḥr* in the late fifteenth century.

(9) The Hal Laksar are noted in *Arabica V*, p. 227, as one of the two main sections of Sa'd al-Shu'aib. In Landberg's day the *abū* of this section was Yislam b. Ṣāliḥ.

(10) My informants stated that the ḥaram means the outer sides of a house and a certain extent of ground in front, just a little beyond the walls. I assume that the owner of the house could not actually build on such outside ground. The *makhraḍj* or extra-mural area, on the contrary, might be an open space belonging to

the house, adjoining the street, or even a sort of adobe platform (in Aden, Ḥaḍramawt, "dakkah") lying in front of the house, extending out from the sās. Mr. E. R. Johnson has drawn my attention to an interesting circumstance of recent occurrence in Saiwūn. An Adenese assaulted a Saiwūnī whom he found sitting upon his dakkah, on the grounds that he was making advances to his wife. It appeared subsequently that in Saiwūn a man can sit on another's dakkah without such impropriety, whereas in Aden it is taken as a sure sign of immoral intent! *Al-Fawā'id al-Sanīyah*, fol. 29b mentions a shop (makḥzan) with a dakkah.

(11) Lit. "by custom".

(12) Translated thus in accordance with the text as it stands, but in semi-colloquial documents such as this, an accusative is often written where classical grammar demands a nominative.

(13) It was stated that by "unconditional" (cf. *Gl. Dat.* "tout à fait") the deed asserts that this transaction is a sale and not a mortgage.

(14) Al-Shiblī is the Kāḍī of Ḥabbān of that time, a member of the well-known family of Mashā'ikh.

(15) An endorsement on the back of a deed is a very common way of recording a transfer of property in South Arabia.

Note on the Wāḥidī Sultāns

The ruling Sultān of the Ḥabbān line in Landberg's day¹ was Nāṣir b. Ṣāliḥ who reigned, according to the Political Notebook, from 1314–31 H. (A.D. 1896–1912/13). It seems that his son Muḥsin b. Ṣāliḥ reigned between the years 1308–37 H. (A.D. 1890–1918/19), possibly concurrently with his father, as in ancient South Arabia.² 'Alī b. Muḥsin succeeded until 1365 H. (A.D. 1945–6), and it was during his reign that the above transaction took place. The present Sultān, Nāṣir b. 'Abdullāh, is the nephew of 'Alī b. Muḥsin. The ancestor of the dynasty is claimed by local tradition to be a certain 'Abd al-Wāḥid, who died in 991 H. (1583–4).

The Political Notebook remarks that the Jews generally settle their quarrels amongst themselves, but should that fail, *as it rarely does*, they appeal to the Wāḥidī Sultān (at that time Ḥusain b. 'Abdullāh).

¹ *Arabica V*, p. 180.

² Cf. Jacques Ryckmans, *L'Institution Monarchique* (Louvain, 1951).

GLOSSARY

عاشور *Muḥarram*. Gl. Dat.

عُلُوهُ وَسُفَالُهُ *Top and bottom* (of a house). *Sufālah* is rendered by Gl. Dat., *le bas, la partie inférieure, le dessous*. Cf. 'ulw wa-sufi in A. A. Bevan, "Some Contributions to Arabic Lexicography," *Vol. of Oriental Studies presented to E. G. Browne* (Cambridge, 1922), p. 72.

أسواس pl. ساس Cf. Notes to Translation.

مَدَار pl. أمدار *Clay, adobe* (class). Cf. مَدْرَة *a brick*, مَدَار *a potter*.

من قَدَا Gl. Dat. *du côté de*.

مَخْرَج Syn. ذَكَّة, *extra-mural space or area* belonging to a house.

حَرَم *Legal area of a house*. Cf. Notes to Translation.

قَلَاط Cf. Gl. Dat., قَلَط *tout à fait*. The Leiden Cod. Or. 7100 p. 128 (C. Snouck Hurgronje Bequest) containing Ḥaḍrami colloquial verse, also contains the phrase قَطَاعًا قَلَاطًا

مَنْجَز *Executory*. Gl. Dat., Vb. *achever, finir, terminer*. Cf. Muḥ. b. 'Umar Baḥraḳ, *al-Nubdhah al-Muḥarrirah*, Princeton MS.

ذِي Said to be equivalent to ذَوِي, the latter presumably a colloquial form of ذَوُو.

قُنْع Commonly used in the formula ... بَقْنَع, *by consent of* ... Cf. al-Djāḥiẓ, Ḥayawān (Cairo, 1944), vi, p. 224,

قضى ... بين الجن ... بحكم وأقنعهم

دخيل pl. دخلاء *Guarantor, protector*. Gl. Dat., *associé*.

صُوح *Dependents*. Gl. Dat., *contribules; les gens de la famille et de la tribu*. One says, "كَيْفَ ضُوعَكَ" and "وِشْنُ هَمْ ضُوعَكَ", How is your family? "

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(I am indebted to my colleague Mr. I. Wartski, who drew my attention to, and translated this article for me.)

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שדי

שמע ישראל
יהוה אלהינו
יהוה אחד
שכינת אדוני
צבאות עמנו

Diagram of a silver plaque, a Hebrew amulet seen at Ḍāli' in 1940, probably to be read as above. The Ḥabbān Jews possessed various stones, supposed to have curative properties, which they offered me for sale at prices ranging up to 50 rupees. (Cf. Brauer, op. cit. Index.)