

Planting Productive Trees in the Countryside of Jerusalem during the 17th Century AD in light of Jerusalem Sharia Court's Records

Shadia Hassan Al-Adwan^a, Ekhlas Mohammad Al-Eidi^b, ^aAssociate Professor, Balqa Applied University, Amman University College, ^bAssistant Professor, Balqa Applied University, Aqaba University College, Email: ^aD-Shadiahadwan@hotmail.com, ^bd.ekhlas1979@bau.edu.jo

This study examines the agricultural sector in the countryside of Jerusalem during the 17th century, focusing mainly on the cultivation of productive trees such as figs, olives, grapes, quince, apples, etc... These products represent the mainstay of agriculture in the countryside of Jerusalem during the period of the study. i.e. in the 17th century. The study gives an idea about the types of agricultural lands in Palestine in general and in the city of Jerusalem in particular. The study is based on the descriptive historical approach. The historical data was collected from the records of the 17th-century Islamic Court of Jerusalem, focusing mainly on the documents concerning the cultivation of productive trees in the countryside of Jerusalem and the various dealings that ensued. The findings of the study revealed that there were various kinds of sales and purchases of the productive trees in villages within the countryside of Jerusalem, namely, the direct purchase between individuals, Waqf land, the agricultural properties of orphans, sale in installments, and credit sale. Additionally, the study indicated that olive, figs, and grape trees were the most prevalent productive trees in rural areas of Jerusalem.

Key words: *Planting Productive Trees, 17th Century AD, countryside of Jerusalem, Records of the Jerusalem Sharia Court.*

Introduction

The primacy of the study is derived from the special status of the city of Jerusalem and its place in the hearts of all peoples. Because the majority of researchers have been focusing on political matters, and due to the scarcity of research pertaining the history of agriculture during that period, the study at hand highlights the agricultural conditions in the countryside of Jerusalem. It is imperative to mention as well that the agricultural aspect has been handled by some researchers who investigated the history of Jerusalem in general.

This study is distinguished by its reliance on the primary sources of the subject such as the documents of the Al-Aqsa mosque. These sources and documents are important because they cover the agricultural sector in the late Mamluk period. The records of the Shariah Court in Jerusalem are also considered to be a rich and an accurate source of information which revealed a lot about agriculture in the countryside of Jerusalem.

This study also covers the names of the villages in the countryside of Jerusalem and the distribution of productive trees in these villages. It provides statistics pertaining the trees, and the area of the lands which were planted with olive, figs, apples trees, etc... Additionally, it provides illustrative charts that reveals the distribution of productive crops.

This study seeks to present a research which reflects the great status of ancient Jerusalem, and to shed light on the cultivation of productive trees during the 17th century. The prominence of this research stems from being based on the paucity of this type of studies which mainly depend on primary historical sources.

The Importance of the Records of the Sharia Court of Jerusalem

The importance of the Islamic records as a source of abundant information is undeniable. These available records are sufficient source and constitute a basis for many studies which depict the public life of the population in a certain area. This is mainly because these records contain comprehensive information about people and their disputes at the time.

In a similar vein, the records of the Shariah Court in Jerusalem appeared to cover a large number of public cases, dealing with economic, social, political, military and waqf matters. (S.S Jerusalem,1560,No.41 ,P. 6) Usually, a single record comprises a number of pages ranging from 400 to 900 pages, and may be less which contains several other topics such as lawsuits, (S.S Jerusalem,1533,No.1,P.119) inheritance, custodianship, (S.SJerusalem,1632,No.120,P.27) personal status of marriage, divorce, maintenance, appointment of a custodian for orphans(S.S Jerusalem,1550,No.24,P.163) and criminal incidents. (S.S Jerusalem,1533, No.2, P.399).

The general template of the legal documents begins with a general preamble such as "In the legal Islamic council...." (S.S Jerusalem,1605, No.85, P.85). However, this template was not usually similar in all the documents, but varies considerably depending on the kind of document. (S.S Jerusalem,1605, No.85, P.103).

The subject of this study is based on the sharia records that prevailed in the seventeenth century, focusing mainly on the documents concerning the cultivation of productive trees in the countryside of Jerusalem and the various transactions that ensued.

For example, there were documents that dealt with the sale and purchase of productive trees such as olive, figs, apples, and pomegranates trees. These kinds of transactions were conducted in several ways such as the direct sale, future debt, and selling in installments. Other documents were mainly about issues such as lawsuits and custodianship of orphans.

The Geography of Jerusalem during the 17th Century AD

The borders of Jerusalem, the city with its countryside, were clearly formed in the late Mamluk period (Al-Yaqoob,1996, P.3). It extended from Hebron in the south to Jordan River in the east. Nablus in the north to Ramla in the west (Al-Alymi,2009, P.143) The situation remained the same even after the coming of the ottomans who made tremendous changes in extending the northern borders so as to fit the new administrative amendments (Al-Yaqoob,1996, P.3).

The topography of Jerusalem is very diverse, and lies within the heights of central Palestine, which are steeper from the east, while the slope is less from the west. The most famous mountains were Jabal Al-Tur, and Jabal Al-mukaber (Al-Dabbag,1991. P.15) It is a natural extension of the Nablus Mountains where there is no physical separation between them. There are many valleys in the vicinity of Jerusalem, the most famous of which is the Valley of Hell, which flows into the Dead Sea, Wadi al-Jawz, Wadi Ain Karem, Wadi Al-Qalat and many others (Al-Yaqoob,1996,7).

The plains of Jerusalem are generally few, the most important of which are the plains of The Baqaa, southwest of Jerusalem which are characterized by their fertility (Al-Yaqoob,1996,8).

Types of Land in the Rural City of Jerusalem

The land system existed since the Mamluk period and remained the same during the Ottoman period. The lands in the countryside of Jerusalem were divided into four types (Al-Murr,1923, P.3):

1- The State's Lands: These lands were owned by the Mamluks and then seized by the Ottoman sultans and allocated part of it as (Temarat) pieces of land. (Bakhit, 1982, P.166)

2- Feudal lands: These lands were divided between the villages of Amir Allewa', the villages of Al-Za'amat, and the villages of Temar (Ottoman Constitution, 2004, p.14)

3- Waqf (Endowment) lands: They were divided into two parts:

- Private Property Land: They were pieces of (Waqf) lands which can be disposed of by the one who endowed them. (Al-Yaqoob,1996, p.103) It is known as the inherited (waqfs) endowments.

- The lands that were exempted from the lands' tax: they were owned by the Islamic treasury and thereafter were endowed by the sultans and others. Some of these lands were owned in the Ayyubid, Mamluk, and Ottoman periods (Ottoman Constitution ,2004, p.14).

Taxes on Agricultural Land

Agricultural lands were taxed by the Ottoman government, and there were many taxes on endowment lands:

Tithe Tax: It is a tax taken on governmental land, which were considered to be taxed lands. The one out of ten of the agricultural crops and fruits were taken in the 10th century. It was either 1/10 of the land that was watered by rain, or 1/20 of the irrigated land (Gonduz, 2004, p.24).

Al-Kharaj Tax (Division): This tax was imposed on the land products ¹ where it was paid by the feudalist who paid it to the state (Al-Yaqoob, 1996, p.135). This tax appeared in two systems:

The System of Division (Gonduz,2004, p.54): In the Levant, it was of two types: the first was taken according based on the division of the crops. It was the quarter, third, or half of the crops. The second type was obtained as an already decided share of the (Agjah) regardless of the amount harvested.

The (Demos) System (Gonduz,2004, p.57): The word (Demos) is of French origin and means division, It was a tax paid in cash on the output of the harvested crops with no regard to the amount of the crops.

The taxes on agricultural crops were calculated differently. For example, the tax on olive crops was taken based on two systems: first, if the olive was of a Roman origin, 50% of the harvest was taken by the feudalist owner and a similar share was given to the farmer (Al-

¹ This land, which was left in the hands of the non-Muslim population after the conquest and annexed to the Land of Islam after the reconciliation. They were governmental lands meant for the designation of a certain amount paid annually on the area of the taxed land. (Gonduz,2004, p. 37).

Yaqoob, 1996, p.136). The second type was the Islamic olives in which one (Agjah) for each of the two trees (Bakhit,1982, p. 169). As for the fruity walnuts, two (Agjahs) were taken, the figs one (Agjah) for every four trees, and the rest of the productive trees one for every five trees (Al-Yaqoob, 1996, p.135).

Agricultural Crops (Productive Trees)

Agricultural crops varied in the countryside of Jerusalem during this study period. These crops included the widespread cultivation of grains, vegetables, and productive trees (Al-Yaqoob, 1996, p.105)

Olive Trees

They were considered to be as the most important productive trees cultivated in the countryside of Jerusalem in the 16th century and the later periods. They were of two types: Roman olives (Documents of the Temple Mount, 1353, No.333, p.18), and Islamic olives (S.S. Jerusalem ,1350, No.1, p. 342).

Islamic olive cultivation spread throughout the countryside of Jerusalem, in the villages of Soba (S.S. Jerusalem ,1600, No.82, p. 7) Beit Jala (S.S. Jerusalem ,1600, No.82, p. 6) and Shafat (Conder & Kitchener, 1883, p.16). The Ottoman surveys of the region in 963 Ah/ 1555 A.D. reported that olive cultivation in the Jerusalem countryside was occupying a large area (Wolf-Dieter, &Kamal,1977, p.112). Jabbara bin Atta, for example, from the village of Soba sold Muhammad, chief physician in Jerusalem, one third of the area of Islamic olives he owned for seven Sultanis (S.S. Jerusalem ,1600, No.82, p. 7).

The Figs

The cultivation of fig trees was accompanied largely by the grape trees (S.S. Jerusalem ,1627, No.112, p.7) The Islamic records indicated the villages that were famous for their cultivation, including the villages of Al-Maleha ² and Silwan³ and Soor Baher⁴ (S.S. Jerusalem ,1057, No.139, p. 249).

The Grapes

Grape trees were planted in several villages in the Jerusalem countryside (S.S. Jerusalem ,1607, No.87, p.150), including Tablah (S.S. Jerusalem ,1601, No.83, p. 117) in which

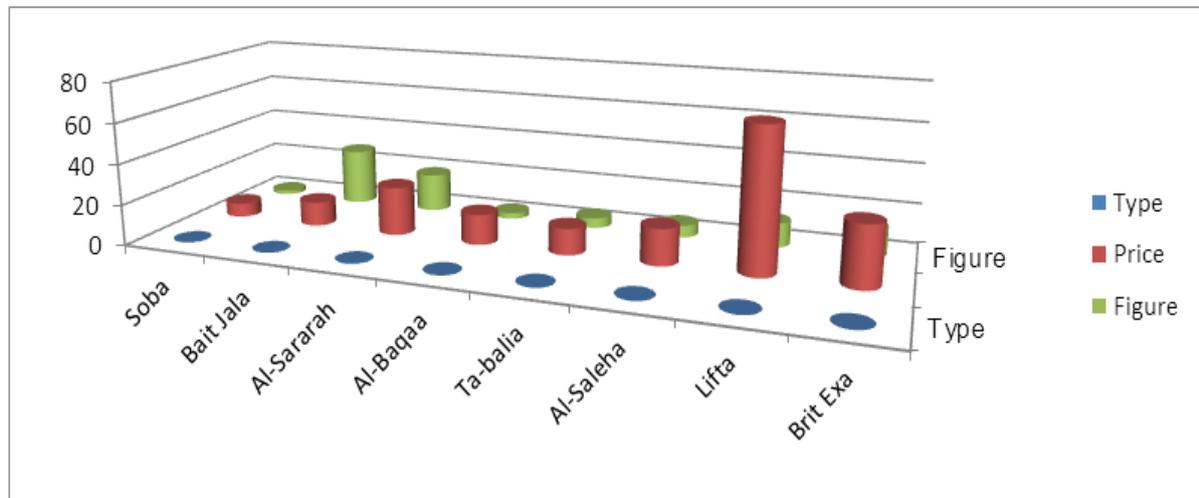
² Al-Maleha Village: A village located southwest of Jerusalem, 5 km away. See: (S.S. Jerusalem ,1538, No.8, p. 376).

³Silwan, a village south of Jerusalem See: (S.S. Jerusalem ,1608, No.88, p. 43). 0

⁴ Soor Baher is a village in the south of Jerusalem, 6 km away (Obaid,2010, p.30)

several kinds were planted there such as Al-Hamdani, Al-Naqbi, Al-Hilwani, Al-Obaidi, Al-Melloy, and Al-Jindali (Al-Yaqoob, 1996, p.107) .

Figure 1. Number of Trees



The previous figure represents the distribution of fig and grape trees in the most productive villages of Jerusalem for these two crops. The figure shows that the highest prices were in the village of Lifta, whereas, the lowest price was in Soba. Additionally, the figure shows that the largest cultivated area was in the village of Al-Sararah and the least was in Soba.

Apple Trees

The cultivation of apple trees was not widespread in many rural villages. It was mainly cultivated in special areas such as Bait Exa⁵ and Bait Safafa⁶ (S.S. Jerusalem ,1665, No.166, p.58).

As for the rest of the productive trees, the Jerusalem countryside was famous for the cultivation of pomegranates (S.S. Jerusalem ,1601 ,No.181,p. 72) pears(S.S. Jerusalem ,1608 ,No.88,p. 108) walnuts(S.S. Jerusalem ,1607 ,No.86,p. 114) peaches(S.S. Jerusalem ,1649 ,No.142,p. 100) almonds, (S.S. Jerusalem ,1603 ,No.84,p. 10) and quince(S.S. Jerusalem ,1649 ,No.142,p. 100).The records gave few references to the cultivation of nuts trees in the village of Sarta⁷ .

This general overview of the cultivation of productive trees in the countryside of Jerusalem. The study at hand is incorporated to track the information registered in the legal records of

⁵ Beit Exa: A village northwest of Jerusalem, 9 km away. (Obaid,2010, p.11)

⁶ Beit Safafa is a village located 6 km southeast of Jerusalem and north of Bethlehem. (Obaid,2010, p.13)

⁷ Sarta: An ancient village in the north of the West Bank, an ancient site where antiquities from the Second Iron Age and artifacts from Byzantine, Umayyad, Crusader, and Ayyubid periods were found. (Obaid, 2010, p.26)

the Jerusalem Court concerning the issues related to the productive trees. The first of these issues is the discussion of the lawsuits filed at the time on multiple disputes concerning productive trees.

Lawsuits with Productive Trees

Several lawsuits were filed to Jerusalem Shariah Court related to the cultivation of productive trees in the city countryside. In one of these cases, Sabah bin Amer of the village of Sur Baher Ali Ahmed bin Ghazi saying that he sold him two carats⁸ of grapes and figs located in the land of Al-Baqaa close to Jerusalem. The agreed price was eight piasters. However, it seemed that the buyer did not pay the seller the price. Accordingly, Sabah demanded Ahmed to pay him the money. Ahmed admitted that he bought the share at the specified price but retracted the purchase and asked to cancel the sale between him and Sabah (S.S. Jerusalem ,1672, No.112, p. 166).

In the same context, Thabet Bin Ahmed of the village of Al-Jadeera⁹ sued Joudah Ben Hilal from the village of Beit Exa. In his lawsuit, he claimed that he deserved half of the olive trees in the village he mentioned, and that Jacob put his hand on three-quarters of the olives, while Thabet insisted that Jacob's share was only a quarter of that (S.S. Jerusalem ,1617, No.92, p. 108).

Some of the cases were related to state officials. One of them was the lawsuit filed by Musleh bin Saleh of the village of Sharafa¹⁰ against Mohammed Agha¹¹ ben Jaafar Bey. The summary of the lawsuit was on a dispute over the division of quotas of all figs, olives and apples, as well as the rose trees located in the village of Al-Maleha. The plaintiff (Musleh) stated that the previous share belonged to the children of Nimr, equivalent to three carats. Saleh Al-Safali's share was similar to that of Ahmed Al-Sheikh, and the heirs of the crown of Al-Arifin Al-Wafi were nine carats, and the share of Musleh remained six carats. The case was focused on the opposition of Mohammed Agha to give the share of Musleh who mentioned that his share was taken from his father and grandfather by the way of the plantation, and therefore, he was the subject of the stake right to own and acquire the property (S.S. Jerusalem ,1681, No.181, p. 426).

Two years after the case was opened, it was brought to the fore again. Omar Bin Hassan sued Musleh who sued Omar in the previous case saying that Omar's share which was in the Land of Salt, and which he accused of putting his hand on, had been bought from the Jew Naseem

⁸ Carat: One part of 24 parts. See: (Hunts,1970 ,p.98)

⁹ Al-Jadeera: Village northwest of Jerusalem. (Al-Yaqoob,1996, p.21)

¹⁰ The village of Sharafa: 5 km west of Beit Safafa and north of Beit Jala.(Al-Dabbagh, 1991, p.175).

¹¹ Agha: A term of Persian origin, meaning "Master" by the Turks, used by the Turks for several connotations, including what was called the Inquisition officers whose work did not need to be readable (Saban,2000, p.15)

Ould Yaacoub, the legal agent for Esther Bent, yaeeesh at a price of fifteen piasters. He added that the share was three carats of grapes, figs, olives and roses. He claimed that Musleh, the defendant, put his hands on his share illegally. When the judge asked the defendant about this, he replied that he had legal evidence and witnesses, namely, Mohammed Rajab and Shaalan bin Mohammed from Bethlehem village. His evidence was that Esther's deceased husband, Yacoub Ould Yasif, had sold according to power of attorney Omar Al-Hassa two years ago for fifteen piasters in Naseem's hand. The court ruled that Naseem should remove his hand off the trees and hand them over to Musleh (S.S. Jerusalem ,1672, No.174, p. 112).

Sale and Purchase of Productive Trees in the Countryside of Jerusalem

The study was able to trace the documents registered in the records of the Shariah courts concerning the sale and purchase of fruit trees in the countryside of Jerusalem. Additionally, it was able to count some of the types of fruits sold as shown in the following table.

Table No. 1:

Number	Village	The type of fruit	Area/carat	Price/piaster/carat
1	Soor Baher	Grapes, figs and olives	9	26 piasters
2	Al-jadeera	Olive	3	26 piasters
3	Al-Maleha	Figs, apples, olives, grapes, and quince	15	115 piasters
4	Tabliah	grapes, olives and figs	18	Sultani gold.
5	Lifta	Grapes, figs, peach, and Quince	24	50 piasters
6	Al-Baqaa	Grapes, Figs, Quince	12	100 piasters
7	Sarta	Pistachios and olives	2	10 piasters
8	Silwan	Figs and olives	1.5	9 piasters
9	Deir al-Sunna	Almonds and figs	?	9 Asadiah
10	Al-Ezeriya	Figs and olives	?	9 Asadiah
11	Al-Sararah	Olives, figs, and buckthorn	?	30 piasters

Sharia court records show different facets of the sale and purchase of fruit trees in villages of the countryside of Jerusalem. Below is a description of those business processes.

Sale of Productive Trees in Installments

The Islamic records in question produced a number of documents that contained transactions of installments sales of productive trees in the countryside of Jerusalem and its villages. The

following document showed the purchase of Abdul Karim bin Mohammed from Abdul Wahid bin Ahmed Al-Sharrouri eighteen carats of the total trees of grapes, figs and olives located in Tabliah in the vicinity of Jerusalem. This property was equal to three out of four of the whole share. The remaining quarter was owned by the seller Abdul Razzaq bin Ezz al-Safafi, with a monthly installment in which he paid each one golden sultani monthly and bringing the full price to eighteen sultanis(S.S. Jerusalem ,1607 ,No.87,p. 150) .

In a second document, Zain Saleh bin Mahmoud and Elias Al-Sagar, the legal representative for his wife, Saliha bint Saleh, from the village of Soor Baher, attended the court. The sale of grasses of blueberries, figs and olives located in the land of Baqaa in the vicinity of Jerusalem at a price of eighteen piasters for four carats. The payment was in installments in which he paid five piasters each month (S.S. Jerusalem ,1647, No.139, p. 249)

The following document included a lawsuit filed by Muhammad bin Ghazal against Ibrahim bin Hassan al-Ramli. The lawsuit stated that Ibrahim had sold to Muhammad and his brother Karam Annaba, Tin, quince, and Peach located in the village of Lifta ¹² for 50 piasters, provided that the payment were to be in installments each year and that would be thirteen piasters (S.S. Jerusalem ,1649 ,No.142,p. 100).

Obviously, it appeared that there was a disagreement between the two parties that evolved to the point of going to court and filing a lawsuit. No more details were available in the document.

Credit Sale of Productive Trees

Some of the sales transactions were conducted based on credit sale. For example, Mustafa bin Mohammed Abdullah bought from the two brothers Mohammed and Halaal sons of Mansour from the village of Al-Maleha, half of his grapes, figs and quinces located in Al-Baqaa land at a price of 100 piasters ¹³ silver and one Asadiah piaster (S.S. Jerusalem ,1649 ,No.142,p. 100).

It was approved by Shams Eddine bin Hussein bin Saam and Amer bin Omran Al-Husseini, acting on behalf of his two sisters Fatima and Adela. He approved that Hussein, the father of Shamseddine, Fatima and Adela, had sold, two years before his death, to Amer bin Imran al-Husseini in 1007/1599 a carat and half of the trees of grapes, figs, and olives from Al-Baqaa land and another share of the same land at a price of nine sultanis and fifteen Egyptian pieces. Hussein gave Amer fifteen sultanis for his debt and Mustafa bin Mohammed Abdullah bought from the brothers Mohammed and Ahlal sons of Mansour from the village of Al-

¹² Fata: Village 5 km west of Jerusalem (Al-Yaqoob,1996, p.21)

¹³ Asadiah: A cash unit equivalent to 40 Egyptians struck during the reign of Sultan Mustafa II in 1694. See:(Artuk, 1970, p.607).

Maleh half of his trees of grapes, figs, and quinces located in Al-Baqaa land at a price of 100 silver and one Asadijah piaster¹⁴ (S.S. Jerusalem ,1604 ,No.84,p. 494).

Sale of Productive Trees Owned by Orphans under Custodianship

Based on documents, the Islamic records included lawsuits and cases aimed at collecting the rights of the orphans in their crops and property. It was known that there were certain procedures for appointing custodians to the orphans in the sharia courts. This was a consistent and an indisputable matter. What matters here was the introduction of examples of legitimate documents concerning the property of orphans in Jerusalem for their land planted with productive trees.

One of these documents was about a lawsuit which was filed by Muhammad bin Salah bin Fawaz against Yaacoub bin Ya'qub Al-Ramli as the legal custodian of the orphan Mohammed bin Mahfouz bin Jamal al-Shami. The document stated that in the middle of the month of Muharram in 1035 Ah / 1625 A.D, the orphan's father Mahfouz sold the custodian, Abd al-Qaddus bin Omar and Saleh Ben Musa, in the presence of witnesses, while he was preparing for hajj, half of his land which was in the village of Sarta and which was planted with olives and pistachios. He also stated that the defendant had put his hand on the land and its fruits. The heirs of Mahfouz and the legal custodian of his son Muhammad Ali Yaacoub objected taking over the land. He also denied the occurrence of the sale. However, the previous witnesses confirmed the sale and the payment of ten piasters as a price to Mahfouz (S.S. Jerusalem ,1627, No.112, p. 288).

Here, it can be noted that there was an overlapping in the ownership of the land, half of which was sold to the legal custodian Muhammad bin Salah, and the other half remained in the share of orphan Mohammed and the rest of the heirs.

The powers of the legal custodian over the orphans were linked to the sale of the land planted with productive trees. For example, Ahmed al-Haroush, the rightful custodian of the orphans of Youssef Qurqur, saleh, Abdullah and Hatov, sold to Khalil bin Saleh ElBaradei, an area of one third, i.e. eight carats in the cultivated land of grapes, olives, and apples located in the village of Tyre Baher. The sale was conducted in partnership with the buyer's wife Khalil who is Fudah daughter of Bisher, at a price of seven Asadijah piasters (S.S. Jerusalem ,1665, No.166, p. 58).

Musa bin Nasser al-Din bin Al-Darmash al-Salwani witnessed the sale of fig and olive trees, by the legitimate custodian Issa bin Ibrahim al-Armash, of the orphans of Nasr bin Al-

¹⁴ Asadi Piaster: A European currency of silver was in circulation in the 6th and 17th centuries AD. It was equivalent to 70 Agjiah. (Pamuk, 2005, p. 190)

Haramash, Salehia and Ramadan. The sold share amounted to an area of one and a half carats out of the entire area of their land located in Silwan(S.S. Jerusalem ,1608 ,No.88,p. 43).

Sale of Productive Trees in Waqf Lands

In the language, the term waqf literally means "confinement and prohibition" or causing a thing to stop or stand still (Ibn Mansoor,1993, p.359). The term refers to the idea that the assets are not permissible for sale, given as gifts, exchanged for money, or being subject for inheritance. They are to be acted upon in accordance with the conditions of the waqf. As such, the property is not to be owned by anyone(Ibn Qadama,1984, p.206) It typically involves donating a building, plot of land or other assets for Muslim religious or charitable purposes with no intention of reclaiming these assets(Trabelsi, 1902, p.3). It is not owned by any of the people, and its aim must be to believe in the benefit of the asset from the beginning to the end on a land side (Al-Sarkhsi,1978, p.47). The wisdom of the legitimacy of the waqf is based on the holy verse (By no means shall ye attain righteousness unless ye give (freely) of that which ye love; and whatever ye give, of a truth Allah knoweth it well. (The Qur'an, Sura al-Omran,verse, 92). Which means that waqf is not an ordinary giving (The Waqfs of Jerusalem in the 18th century,2011, p.52).

The records listed several documents dealing with the productive trees of the Waqf. So that, the court considered the belongings of the land planted with productive trees from the sale and purchase of productive trees. Muhammad ibn Musa ElBaradei made waqf for around half of his own trees of grapes, figs and apples in Ein Jawat, on the Tomb of the Patriarchs in Hebron (S.S. Jerusalem ,1608,No.88,p. 127) This is in terms of public charitable endowments.

The movements of the sale and purchase of productive trees in the Jerusalem countryside also included the land planted with trees owned by the waqfs, such as the habitat of the grapes, figs, quince and the (pine) belonging to the Waqfs of Hamdan Al-Abli in the Bekaa region of Lebanon, to Ahmed Ibn al-Qa'im as the custodian of his brothers Ibrahim and Ali. Although the waqf exists in Lebanon, it is registered in the Jerusalem Sharia court without documents containing more information (S.S. Jerusalem ,1608, No.88, p. 108).

The power given to the one who was responsible for the waqf gave him the absolute right to take care of waqf property itself. Therefore, Sheikh Mohammed bin Afif al-Diri was claimed to be in charge of Waqfs. Judge Younis and who claimed waqf on Sheikh Ibrahim bin Bashir al-Khalili, that the waqf of Ibrahim was thirty-five and a half piasters on all the trees of grapes, figs, and olives in the vicinity of the lands of the Jerusalem. He demanded the amount for the waqf, but Ibrahim denied the claim, and presented the official with a document dated in Ghora d'Qada in 1060 Ah / 1663 A.D. proving the amount in the hands of Sheikh Ibrahim,

and testified both Sheikh Mustafa al-Dajani and Sheikh Ali al-Thawri with the content of the document in the presence of Ibrahim (S.S. Jerusalem ,1663, No.162, p. 48).

One of the benefits of waqfs was the giving of the land which was planted with trees in order to benefit from the production of these trees. For example, sheikh Ahmed benefited from the grape, fig, quince, and apples trees he found in the grassland (S.S. Jerusalem ,1618, No.103, p. 137).

Direct Buy and Sell Transactions

Legal records revealed direct buy and sell transactions between individuals in their personal capacity. This type of documents was very common to appear in the legal records, therefore, the study will address some of the examples of this kind of transactions.

The records mentioned, for example, that Hussein ibn Mohammed Baluta Al-Salwani purchased a land from Salem bin Ghneim who was from the village of Deir Al-Sunna ¹⁵. The land was planted with figs and almond trees in the same village. The agreed price was nine piasters, eight of which were paid and one piaster remained in the buyer's hands (S.S. Jerusalem ,1603, No.84, p. 10).

One of the types of sales that prevailed during the study period was the sale of loyalty ¹⁶. An instance of this type appeared where Ismail ibn Dhiab bought a quarter of his share of grape and fig trees at the price of ten sultani of gold¹⁷(S.S. Jerusalem ,1600, No.82, p. 102).

The purchase movement continued in the countryside of Jerusalem. Muhammad ibn al-Jauni, known as Ibn Al-Ja'ouni, for example, bought 75 percent of his share of olive trees from the land of Al-Qa'ih ¹⁸ for 10 silver coins (S.S. Jerusalem ,1612, No.92, p. 232).

In the same vein, the Captain of the honorable, Abdul Qadir who was Mufti of Hanafi tenet in Jerusalem, bought from Karim Al-Din al-Husseini Al-wafi, for the benefit of his two sons, Ali and Taj Al-Din, the minor and knowledgeable, from his daughter's son, Anisa bint Muhammad ibn Ahmad al-Husseini, trees of blueberries and figs located in the land of the

¹⁵ Deir al-Sunna: From the villages of Jerusalem, which are located on their surface. (Al-Yaqoob,1996, p.23)

¹⁶ The sale of loyalty: a sale in which a promise of loyalty from the buyer is that the seller will return the sale to the seller when the price is returned, and it is called the permissible sale of the transaction, the sale of the trust or the sale of obedience. (Ibn Abidin, 1994, p.545).

¹⁷ Sultan gold: A coin first minted in Constantinople in 1477 and adopted the weight of the Venetian duca as its weight of 61, 4 grams of pure gold, and its production was little until the first quarter of the sixteenth century, and increased significantly during the reign of Sultan Suleiman the Legal, especially with the emergence of gold mines in the Balkans, and the Sultan began to decline since the beginning of the seventeenth century in favor of the Duca. (Pamuk, 2005, p. 123)

¹⁸ The School of Alsalihia: Established by Salah al-Din al-Ayyubi after the liberation of Jerusalem and attributed to him, located at the door of the Asbat and stopped by waqfs.(Abdul-Mahdi, 2009, p.181).

Bimarstan Al-Salahi ¹⁹ in Jerusalem and the Land of Al-mazhariaya²⁰The price was 100 piasters Asadih (S.S. Jerusalem ,1627, No.113, p. 294).

What was highly noted in the following document was the endorsement of Aseel bint AbdelKarim Al-Maghribi on the validity of the sale issued by her father Abdelkarim to his son Ibrahim. The father sold his son trees of vineyard and fig in the land of the Burj Al-Arab in the vicinity of Jerusalem. Then, Ibrahim sold the trees to his mother Zaheda and that was documented in a document owned by Zaheda herself. Therefore, Aseel testified that she had no right to claim the mentioned property (S.S. Jerusalem ,1648, No.141, p.76) This suggests that Aseel had none of the share sold to her brother, and that he might have obtained her share of other property. This was because the share was sold to her brother Ibrahim and his mother Zaheda exclusively.

In the following document, it appeared that there was a variation in the types of trees bought by Musa ibn Musa Al-Muharram from Saliha bint Hassan ibn Bahr al-Din. These trees were seven carats of olive trees, smut, almond, and pistachio trees from the land of walnuts. The price was eight piasters (S.S. Jerusalem ,1607, No.86, p. 114).

Mustafa Ben Ali al-Maghribi purchased from Sheikh Ramadan ibn Ibrahim Al-Nabulsi half of his share of grapes, figs and olive trees located in the land of Fata for sixteen Asadih piasters (S.S. Jerusalem ,1662, No.162, p. 48). Ali bin Salem from the village of Abu Dis bought from Ahmad bin Ali bin Alwan of Silwan village a quarter of the figs and olive trees he owned from the lands of Al-Eizariya ²¹. The price was twenty-nine sultanis, (S.S. Jerusalem ,1664, No.163, p. 28) It was mentioned in the study earlier that the loyalty sale was widely spread in the region. For example, Abdullah son of Issa Al-Khalili Al-Nasrani bought a property from Suleiman bin Mareeb who was from the village of Beit Bazmeel. Based on the loyalty sale, he sold him a quarter of his share of grape, fig, olive and apple trees from the land of Fata at a price twenty-four silver coins. The seller and buyer agreed that Solomon would work in the land and keep ploughing and digging it and build walls around annually. They agreed also that he conducted other works needed for the land so that the share of the buyer, Abdullah, became a quarter of the sold fruits (S.S. Jerusalem ,1667, No.168, p. 123). This was called the "Quarter" system, i.e., the owner provided the farmer with a land equipped with the necessary machinery for cultivating, the shelter, and the food. The farmer's share was a quarter of the agricultural output(Al-Madani,1920,p.18).

¹⁹ The Al-Salahi Bimarstan: Established by Salah al-Din al-Ayoubi in Jerusalem near the Church of the Holy Sepulchre.(Abd al-Mahdi,2009, p. 343).

²⁰ Al-Mazhariaya school is attributed to its waqf, Zainaldin Abu Bakr ibn Mezher, who was imprisoned by waqfs and arrested on science and scholars. (Abd al-Mahdi,2009, p. 150).

²¹ Ezeriya: East Jerusalem is located 3 km away. (Al-Yaqoob,1996, p.23)

It was permissible to appoint a person to buy or sell trees by proxy in the countryside. For example, Ali bin Karimuddin Nimer, Musa and Khalil, sons of Ahmad Al-Telhami, Dhaif Allah bin Ahmad Al-Silwani, and Absa Bint Musa Al-Adhami sold by proxy on behalf of her daughter Hamida bint Muhammad Al-Fakhouri, who was her daughter of David son of Isaac, the Jew, all the olive trees, pomegranate, and almonds of the land of Al-Salihya school. This land contained caves and it was next to the Jewish cemetery. The price was forty piasters (S.S. Jerusalem ,1601, No.181, p. 72).

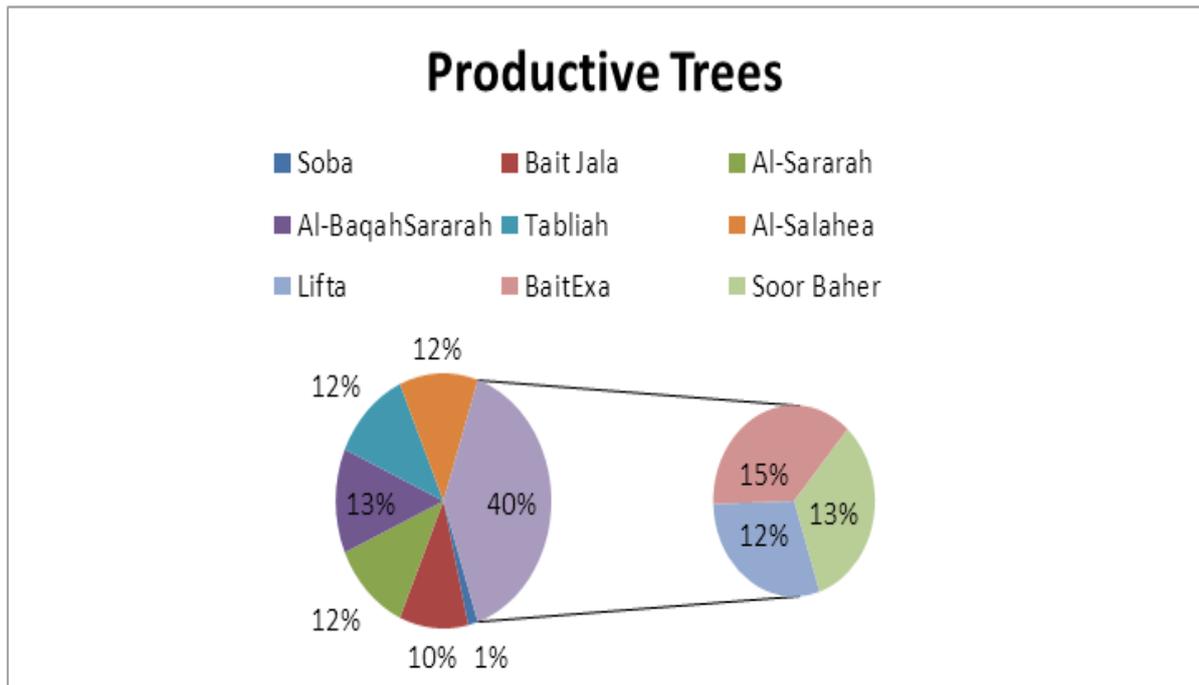
Olive trees were sold from the land of Al-salihya by proxy. For example, Muhammad bin Othman Al-Essawy bought on behalf of his wife, Safia, the daughter of Wali Al-Clary, a land from Saleh bin Mahmoud Al-Clary for the price of twenty-two piasters and five Egyptian pieces(S.S. Jerusalem ,1671, No.173, p. 314).

In Jerusalem, the woman was not far from trading in trees. Maryam bint Ahmed Al-Ayouni Al-Magrabi, bought from Awad bin Awda, half of his share of grapes, figs, olives and smut from the land of the Al-sararah, in the vicinity of Jerusalem. The price was thirty piasters (S.S. Jerusalem ,1681, No.181, p. 426).

Thus, it was observed from a review of the legal documents which were mentioned in the records of the Jerusalem Sharia Court, that there was a diversity in the productive trees that were planted in the countryside of Jerusalem and its various villages.

The cultivation of the productive trees in the countryside of Jerusalem was part of the commercial transactions of sale and purchase of all types. These types were in various forms, such as direct sale, sale of loyalty, and debt sale and installment. It included as well waqfs' and orphans' properties. Fruits in the various villages and its appearance. The participation of women, as demonstrated by some of the documents, was apparent in the active commercial movement in the field of planting productive trees in the various villages and its manifestations.

Figure 2.



The figure above shows the distribution of productive trees in the various villages of the countryside of Jerusalem. It shows that the village of Beit Exa acquired 15% of the cultivation of various types of fruit trees such as almonds, apples, quinces, and peaches. The village of Fata obtained 1% of the cultivation of pistachios, indicating that it was the least common fruit in the countryside. The rest of the villages were close to 12% to 13%.

The following figure charts the circulation of productive trees in their different ways that prevailed during the study period.

Figure 3.

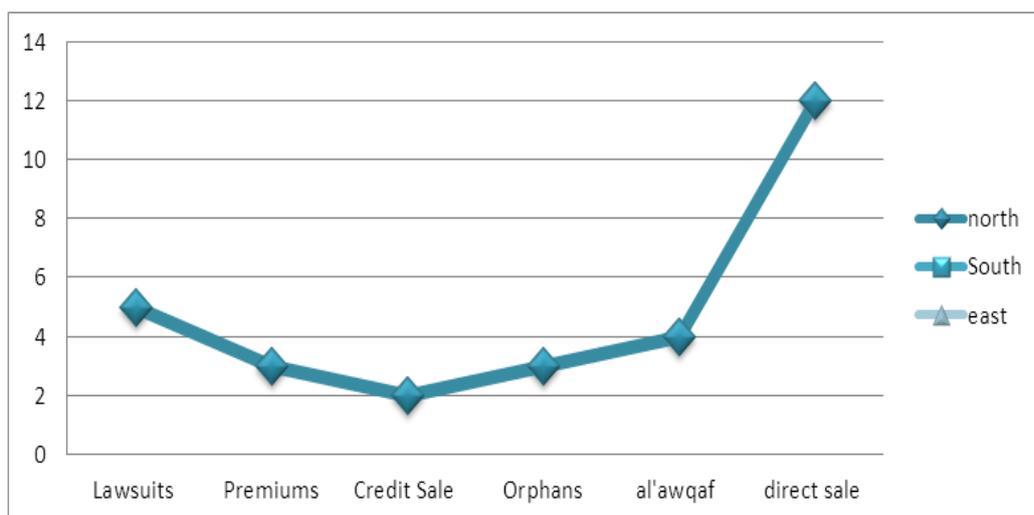


Figure 3 clearly shows the superiority of the direct buy and sale transactions as the most widely traded method, while the ratio of debt sales appeared in low levels. Judicial cases were almost second in place, while the general installments sales curve was close to the orphan property curve. The waqf curve appeared slightly higher. This figure provides evidence that direct selling exceeds all kinds of transactions. This seems to be a natural and predictable conclusion which is justified by the nature of general commercial transactions in the countryside of Jerusalem. These transactions included the sale of productive trees.

Conclusion

The study examined a vital and fundamental topic in public commerce, namely, the cultivation of productive trees in the rural areas of Jerusalem. The study explored the types of agricultural lands in Jerusalem, its countryside, and villages. It was found that the land system was similar to the land system that prevailed during the Mamluk period, most notably the tamar, zamat, and the private and forestry waqfs. The study explored the taxation system applied to the cultivation of productive trees. The land system during the Mamluk period continued to be the same during the Ottoman period. The study reviewed the status of the cultivation of productive trees in the study area, which covered the seventeenth century A.D. The study was conducted based on a close review of the legal documents of the Jerusalem Court. Additionally, it reviewed other specialized sources including Arab and foreign references. These sources were the cornerstone in investigating what was written in the documents.

The study found some of the following conclusions:

- The cultivation of olive trees was the most common type of cultivation in the countryside.
- Agriculture has been characterized largely by mixed agriculture, i.e. more than one species in the land itself.
- The variation in the types of the productive trees in one village.

The Main Sources for the Study

(Documents of Al-Aqsa Mosque, document No. 333, 3 / Dhul Qi'dah / 754 AH / 1353 CE), University of Jordan Library.

(Records of the Sharia Jerusalem Court No. 1,2, 24, 82, 83, 84, 85,86,87, 88, 92,103, 112, 113,120, 139, 141, 142, 162, 163, 166, 168, 173, 174, 181), University of Jordan Library.



REFERENCES

- Abdul-Mahdi, A. (2009). *schools in Jerusalem in the Ayyubid and Mamluk eras - its role in the intellectual movement*. Amman: Ministry of Culture.
- Al-Dabbagh, M. (1991). *Baladna Palestine*. Vol.1,8. Kafr Qaraa: Dar Al-Hoda.
- Al-Madani, Z. (2012). Agriculture in and around Jerusalem in the nineteenth century AD 1800-1900 AD, *the ninth international conference on the history of the Levant, agriculture in the Levant from the end of the Byzantine era until the end of the Ottoman era in 1920 AD*. Amman: University of Jordan.
- Al-Murr, D. (1923). *Rulings on Lands Used in Arab Countries Separated from the Ottoman Sultanate*. Jerusalem: Jerusalem Home Press.
- Al-Sarkhasi, Sh. (1978). *Al-Mabsut*. Correction: Muhammad Radhi al-Hanafi. Offset Edition, Vol.12, Beirut.
- Al-Trabulsi, B. (1902). *Aid in the rulings of endowments*. 2nd edition. Egypt: an Indian press.
- Al-Yaqoub, M. (1996). *Al-Quds Al-Sharif in the tenth century AH / sixteenth century AD*. Vol.1,2. Amman: Jordan Ahli Bank publications.
- Artuk, I. (1970). *Islam Sikkeler Katalogu*. Istanbul: Milli Eđitim Baslmevi.
- Bakhit, M. (1982). *The ottoman province in the sixteenth century*. Beirut: Libraire, du Libanon.
- Conder, C & Kitchener, H.(1883). *The survey of western palestine, memoirs of the topography, Orography, Hydrography, and Archeology*.Vol.3. London.
- Ghanayem, Z. (2012). Agriculture and its problems in the Palestinian village under the Taymar regime. *The Ninth International Conference on the History of the Levant (Agriculture in the Levant from the End of the Byzantine Era Until the end of the Ottoman 1920 AD*. Amman: University of Jordan.
- Gondozi, A. (2004). *The tax legislation of the ottomans*. translation: Fadel Bayat. Amman. Publications of the History of the Countries of the Levant.
- Hunts, W. (1970). *measures and Islamic weights and the equivalent in the metric system*. translation: Kamel Al-Asali. Amman: University of Jordan Publications.



- Hütteroth, W& Kamal, A. (1977). *Historical geography of Palestine. TransJordan, and Southern Syria in the Late 16th Century*, Erlangen: Palm und Enke.
- Ibn Abdin, M. (1994). *rada almukhtar ealaa aldarar almukhtar*. Investigation: Adel Ahmed Abdel-Mawgoud and Ali Muhammad Moawad. Vol.5. Beirut: Dar Al-Kutub Al-Alami.
- Ibn Manzoor, J. (1993) *Lisan Al-Arab*. Beirut: Dar Sader.
- Ibn Qudamah, Sh. (1984). *Al-Mughni*. Vol.6. Beirut: Dar Al-Fikr.
- Obaid,Y.(2010). *Bedouin Cities, Villages and Tribes Sites Directory in Palestine*. Amman: Publications of the History of the Countries of the Levant.
- Pamuk, Sh. (2005). *the financial history of the ottoman empire*. translation: Abd al- Latif al-Haris. Beirut: Dar al-Madar al-Islami.
- Saban, S. (2000). *Encyclopedic glossary of historical ottoman terms*. Riyadh: King Fahd University Press.
- The Ottoman Constitution*. (2004). translation: Nawfal Neamatullah Nawfal. Beirut: literary press.