

II, D. *Internal Yemenite Affairs*II, 35 *Letter of Apology for a Complaint that Maḍmūn had Mismanaged a Trust*

Dhū Jibla, Yemen {ca. 1135}

Mosseri Ia, 26.2 (L 296/2)

This letter is published here on the basis of a copy made in 1926 by Prof. S. L. Skoss, now in the library of Dropsie (CAJS), Philadelphia, copies of items from the Jacob Mosseri Collection, notebooks 3, 37, 38. {This copy was not located there in a recent search. I have checked and corrected the transcription by comparing the photograph of the manuscript in the Institute of Microfilmed Hebrew Manuscripts, Jewish National and University Library, Jerusalem.}

Lines 1–15, 17–19 were published by Mann, "Supplement," 302–3 [= Mann, *Jews*, 2:476–77; see Mosseri Catalogue, 14.] A charm is written on verso.

Here is the description of the manuscript as recorded by Skoss in his own words:

Written on thick brown parchment, very old and much worn out and torn, a $\frac{1}{4}$ inch at its longest and $\frac{6}{8}$ inch at its widest. Both beginning and end torn off more towards the left side. Its whole tissue is very weak, full of holes and hardly holes {held (?) } together. Yet the writing, old orient square, carefully done and quite legible—is surprisingly well preserved considering the poor condition of the parchment leaf. In fact it is read, whenever preserved, without much difficulty. It is distinct and clear and without ligatures. Size of letters $\frac{1}{8}$ inch. Right side margin . . . about $\frac{1}{8}$ inch.

The manuscript probably ended up in the Cairo Geniza because of the charm written on the blank verso. The charm having been in the possession of an India traveler, the leaf reached Cairo.¹

The letter was sent by the Jewish community in the town of Dhū Jibla, some ten miles southwest of the city of Ibb, on the main highway from Aden to Ṣan'a. Dhū Jibla was founded by 'Abdallah b. Muḥammad al-Ṣulaiḥī in the mid 11th century, and named, according to the testimony of the famed Yemenite author, 'Umāra al-Yamanī (1121–74) in his *Ta'rikh al-Yaman*, for a Jewish pottery merchant.² The Ṣulaiḥid queen

¹ {See the introduction to II, 36, on a possible connection with Abraham Ben Yijū, who might have brought this item to Egypt with his papers.}

² See Yāqūt, *Geographical Dictionary*, 2:27. {Cf. Ibn al-Mujāwir, *Al-Mustabṣir*, 2:168–69.}

al-Sayyida al-Ḥurra transferred the capital of Yemen to that city before the death of her husband al-Mukarram (1091).³

Hence it is evident that the Jewish community of the city was also composed mostly of Jews who had moved there from the former capital, Ṣan'a, or from other Jewish communities. Al-Thāri, today a tiny site in the province of Dhū Sufāl in the Ibb district, had a Jewish community until the mass exodus from Yemen. The present writer heard independently from several new immigrants of different origins that it was considered *rōsh gālūt*, 'head of the Diaspora,' that is to say, an ancient city, inhabited by Jews since their arrival in Yemen. Our letter provides evidence that this tradition has a solid basis.⁴

Dhū Jibla itself, which was also inhabited by Jews until their departure from Yemen in 1949/50, was also known as *rōsh gālūt*, and the above-mentioned testimony of 'Umāra probably implies that it had been a Jewish settlement before it became a city and later the capital.⁵

Shab'an cannot be identified with the city of Shibām, as suggested by J. Mann.⁶ {Y. Ratzaby has reported, in the name of 'Magic Carpet' immigrants, that there is a village named Shab'an in the district of al-Sirr. In recent times there were about thirty Jews living there.}

In this letter, the Jews of the new community of Dhū Jibla appeal to their brethren in another community, undoubtedly that of Aden, in what appears at first blush to be a private matter—a suit concerning a deposit entrusted with Bundār, brother of Maḍmūn b. Ḥasan b. Bundār. However, since Maḍmūn was representative of the merchants and 'Head of the Congregations' (see line 18), any criticism of him was of public interest, and the Jews of Dhū Jibla seem to be apologizing in this letter for the wording of the suit that had been brought by three brothers before the Aden rabbinic court. The letter, written in response to a letter from the Aden community (see lines 15–16), is also related to II, 36.

It is worth noting that while Maḍmūn is called here 'Prince of Princes and Head of the Congregations,' he is not termed Nagid, nor is he addressed with such honorifics as 'may his glory increase and his splendor increase.'

³ See Krenkow, "Ṣulaiḥī." {See Smith, "Ṣulaiḥids".}

⁴ For *rōsh gālūt* see further Goitein, *Yemenites*, 200–1 and n. 8, 203 and n. 16.}

⁵ See Goitein, "Communal Life," 45, and esp. 48, n. 16 [= Goitein, *Yemenites*, 201, 203 n. 16; and see *ibid.*, Index, 365].

⁶ Mann, *Jews*, 2:471 (incidentally, Shibām lies west of San'a, not east, as per Mann).

⁷ {Goitein, *Yemenites*, 81, n. 22.}

{The date, ca. 1135, is based on II, 33–34, which also deals with the estate of Bundār b. Ḥasan. Though there was some opposition to designating Maḍmūn ‘Nagid’ (see II, 38–39 and II, 41), the absence of that honorific in II, 35, where he is referred to so deferentially, suggests that it had not yet been awarded to him. But this same consideration with reference to II, 70 and the attempt to establish the approximate date of that award, celebrated especially in II, 40, involve other difficulties discussed there.

An echo of Maḍmūn’s outrage at the insulting behavior of the three brothers can almost be heard in the letter of one of them, Yeshū‘ā b. Jacob ha-Kohen (III, 38), in which he writes—more than sixteen years later—that Maḍmūn’s sons would not communicate directly with him.}

Translation

(1)...⁸ (2) *May He show them* (?)⁹ [...] (3) [*M*]ay our masters, most distinguished of our community, be granted much [blessing and well-being from Him Who makes]¹⁰ (4) *peace in His high places*¹¹ and from those who go up and down on [the stairway...Beth-]El¹² (5) and from the holy Torah, which is the Torah of Jekuthiel¹³ and from the Torah (!)¹⁴ and afte[r] (6) that from your brothers and friends

⁸ The missing lines surely specified the name of the recipient, as below in II, 71, lines 1–15, or IV, 80. {The photograph shows no trace of script here. Probably Goitein’s intention in numbering line 1 was to indicate that at least one line is missing at the beginning of the letter.}

⁹ Hebrew *yr'm*. Mann (*Jews*, 2:476 n. 160) suggested the reading *yr'z*, as an abbreviation, and deciphered the acronym as *yērahāmēnū ēlohēnū selā*, ‘May our God have mercy upon us, Selah!’ However, Skoss also reads the last letter as *mem* and not *samekh* {as is moreover clear from the photograph}, and there are no dots on the letters. In addition, as surmised above, this would be the place for the salutation of the recipients, not the writers, who refer to themselves only later, in lines 6–9. The reading should not, therefore, be altered, but read *yar'ēm*, ‘may He show them (the building of His city and the reconstruction of His Sanctuary)!’ as was common in the style of the times.

¹⁰ As completed—rightly, we believe—by Mann, *ibid.*

¹¹ As per Mann. As usual the writer prays that the addressee be blessed with peace from God, the angels and the Torah before offering his own wishes; for an example, see below, II, 71, line 17.

¹² Or something similar, according to Gen. 28:12, and supported by the rhyme with ‘Jekuthiel’ in line 5. {Goitein completed the whole phrase, but the photograph shows only $\frac{1}{2}$, as I have indicated here.}

¹³ The Torah of Moses. Jekuthiel is one of Moses’ seven names; see Ginzberg, *Legends*, 2:269.

¹⁴ {Two Hebrew words erroneously repeated. There is no sign of erasure.

and servants!¹⁵ And you are the pride¹⁶ of the whole community (7) who are from the city of Ṣan‘a who live in the city of Dhū Jibla,¹⁷ and of the whole community (8) who are from the town of Shab‘ān // and al-Thāri // who live in Dhū Jibla, large and small, (9) old and young, distinguished¹⁸ and lowly.

(10) *Know, our masters—may our God protect you!—that your servants and friends are well in al[l] (11) our limbs/and from all our sides/thanks to the benevolent care/of our God for us¹⁹/and His mercy, which (12) has helped us/and has not left us./We will therefore give thanks and magnify His name, as it is written, “I will thank You, Lord, in the congregation,”²⁰ (13) etc., and it is written, “May His name be exalted above every blessing and praise!”²¹*

We have received the excellent letter (14) of our masters, and we rejoiced in it as one rejoices at reaping time and as one exults when dividing (15) spoils,²² and as one who obtains great spoils.²³ That letter was the most gladdening letter (16) that arrived, and the most pleasing epistle²⁴ that came.²⁵ We, your servants,²⁶ understood what you, our masters, mentioned (17) concerning the letters that had been received by his great and holy excellency, our lord and master,

¹⁵ The Hebrew word used here is *shammāsh* (cf. below, line 10), translating the Arabic *khādīm*, commonly used when the writer wants to say that he is the recipient’s servant. Yemenite writers more commonly use the Hebrew word *mēshārēt*; cf. below, II, 71, line 18; IV, 13v, address, *mēshārētō*; II, 33, line 11; *ibid.*, verso, address; III, 38 (from Dhū Jibla), line 12, *mēshārētkhā*.

¹⁶ Such expressions are common in letters from Yemen. See the note to III, 1v, address, line 2.}

¹⁷ On Dhū Jibla {the original has here and in line 8 Dhī for Dhū, because of the Arabic case ending}, Ṣan‘a and later al-Thāri and Shab‘ān, see above in our opening comments.

¹⁸ {Hebrew *kabbirēhem*, probably inspired by Arabic *kabir*, which can mean ‘large, old, important’; similarly the next word, *ṣe‘irēhem*, cognate of Arabic *ṣaghīr* = ‘small, young, unimportant.’

¹⁹ Ezta 8:18.}

²⁰ Ps. 35:18. The original biblical verse does not include the Tetragrammaton.

²¹ Mann omits the word *kol*, ‘every.’ The verse in Neh. 9:5 reads as follows: “May Your glorious name be blessed, exalted though it is above every blessing and praise!” It is puzzling that the verse is referred to by the word *wēne[‘emār]*, which generally precedes an exact quotation. {Presumably the writers’ memory failed them when they wrote the verse.}

²² Based on Isa. 9:2.

²³ The last phrase is from Ps. 119:162. The combination is not too felicitous, since one does not find ‘spoils’ after they have been divided up. The writer was clearly using an idiom without considering its literal meaning.

²⁴ Arabic *abḥaj khūṭāb*, a common phrase, e.g., II, 17, line 3.

²⁵ Arabic *wafāda*. Skoss copies *wafara*, but the reading is upheld by the rhyme {with *warada*} and the frequency of the phrase; see below, II, 71, lines 19–20.

²⁶ Arabic *al-mamālīk*; I have translated in accordance with the writers’ Hebrew style, see above, lines 6, 10. {As I suggested there, *shammāsh* may be a cognate of the Arabic *khādīm*, so that perhaps ‘your slaves’ would be a more suitable translation here.

our lord Maḏmūn, Prince of (18) Princ[es, H]ead of the Congregations,²⁷ son of his honor, great and holy master and lord Japheth—may his soul be bound up in the bond of life!²⁸—from R. (19) 'Iwād²⁹ and R. Ab[u 'l-]Faraj³⁰ and R. Ḥasan ha-Kohanīm, children of [his honor, great and holy] master and lord, the late³¹ (20) Jacob ha-Kohen, may he r[est in] P[aradise]!

It was said in their letters (approximately)³² that their late father had [entrusted] with the deceased, (21) our lord and master Bundār, may he be resurrected,³³ a deposit, such as for a business deal,³⁴ and it was recorded in [his books].³⁵ (22) And you, our lords, mentioned that their father had come down³⁶ after the passing of our lord, the late Bundār—may the Lord have mercy on (23) him!—to his excellency, our lord his brother Maḏmūn, and that the late Sheikh Jacob ha-Kohen, had searched (24) the account books³⁷ that had belonged to our lord, the late Bundār, as stated by the sons of the late Jacob, //our master//, and he found (25) what he had mentioned, and that our lord Maḏmūn had written him a writ (in his own hand) concerning that, and that witnesses had testified to him, (26) and that the writ and the testimony had been left with them by their late father.

²⁷ Hebrew *sar ha-sarīm we-rōsh ha-qehillōt*. In II, 36, line 13–14, 21, he is called *sar ha-qehillōt*, 'Prince of the Congregations.' He is entitled *rōsh ha-qehillōt* also in II, 37, vs. 17.

²⁸ Cf. 1 Sam. 25:29.

²⁹ Skoss copies 'Adman, but remarks that he is not confident as to the reading. This writer corrected to 'Iwād even before seeing II, 36, line 20, where the name occurs explicitly. {On the name 'Iwād, 'Awād see Goitein, *Yemenites*, 121; idem, *Med. Soc.*, 5:520, n. 36. See also Friedman, *Yemenite Messiah*, 179, n. 195; Ibn al-Zubayr, *Asmā'*, 2057: 'Awwād.}

³⁰ II, 36, line 20: Yeshū'ā, the Hebrew cognate of the Arabic byname Abu 'l-Faraj = 'who has brought (or will bring) salvation.'

³¹ The Yemenites place this word, *hayy* (or *hay*, with one *yod*) {lit., 'live'; also below, lines 20, 22–24, 26}, before the name of a person recently deceased, and it is common in the India Book papers. It should therefore be translated 'the late' or the like. In the colloquial Arabic of the Yemenites we have *hayāt abiy*, 'my late father.' {So above, 384, n. 40; cf. for both forms Goitein, *Yemenites*, 208, n. 28, 277.} Perhaps the expression originates in the BT Berakhot 18a: "The son of a living man" (2 Sam. 23:2 [according to the *ketiv*]) means that even in his death he was called living." {Cf. Ratzaby, *Dictionary*, 91.}

³² The original text reads [*qad*] *yakūn*. The persons who sent this letter had not seen the letters sent to Maḏmūn and therefore report the content as it had been reported to them.

³³ {I believe the text reads *z[khrw] l[hyl]*, 'may he be remembered for resurrection.'}

³⁴ Arabic *mu'āmala*, an investment in a partnership for profit, veiled interest in a legal fashion. {For the *mu'āmala*, see page 226, n. 2.}

³⁵ Restored according to line 24.

³⁶ From Dhū Jibla in the Yemenite highlands, to Aden.

³⁷ {On use of the merchant's account book as legal evidence, see page 202, n.22.}

And we also understood (27) that our lord Maḏmūn had read their letters³⁸ to him concerning this, and sent them an answer, (28) saying: If they have //a writ// and testimony against him,³⁹ let one of them bring that writ (29) and that testimony and sue him (Maḏmūn) according to the laws of *Israel*, and he will give them what is owed them. And you, our lords, mentioned that they⁴⁰ (30) had sent him an answer, in which there were many things that had distressed our lord Maḏmūn (31) and annoyed and angered him. Afterwards, we your servants, were overwhelmed by (32) intense [regret] concerning that correspondence and the [affront...] (33) on the lord Maḏ[mūn [...]]

³⁸ Arabic *kitbathum*, not *kutubhum* as Goitein copied from Skoss; this may be translated as, 'their writing, what they wrote.'

³⁹ Either two documents—Maḏmūn's handwritten statement, and the protocol of a testimony—or his handwritten statement signed by witnesses. See below, II, 36, line 6.

⁴⁰ The three sons of Jacob ha-Kohen.