

is liable to flogging²⁷ (26) And whoever has been excommunicated and dies under excommunication—his coffin shall be stoned.²⁸

(27) See, gentlemen, what an evil tongue has caused, for there is no sin more grievous (28) than that. And slander is the cause of affliction, as they said:²⁹ 'It was taught: R. Eliezer [!] b. Parta (29) says: Come and see how great is the power of an evil tongue! Whence do we know (its power)? From the spies, for if one who (30) slanders³⁰ his fellow man, all t[he more so...] [...] upon him (31) [...]

"It is the custom of the two Academies (i.e., of Sura and Pumbeditha in Babylon) that, although fines cannot be collected in Babylon, the offender is excommunicated until he appeases the complainant." That is to say, whoever fails to appease the complainant and does not pay the appropriate fine is excommunicated. {See next note.}

²⁷ This ruling is also not to be found in Talmudic literature. {See Hai Gaon's responsum concerning a person who insults a Torah scholar, cited in *Kaṣṣor wa-Ferah*, 44: "For he is liable to excommunication and flogging and a fine, to the extent that he can endure."}

²⁸ Based on M. 'Eduyot 5:6, worded slightly differently.

²⁹ Arabic *k.q.* = *ka-qawlihim* {better: *kamā qālū*}. The quote is from Tosefta, 'Arākhin 2:11 (ed. Zuckerman, 545), but with a different opening phrase. Prof. Saul Lieberman believes that the writer was not quoting directly from the Tosefta, since quotations from the Tosefta are quite rare even in *Midrash ha-Gadol*, the comprehensive Yemenite anthology, which was completed long after the date of the present document; it must have been quoted from some Midrash that used the Tosefta. {See Lieberman, *Tosefet Rishonim*, 2:172. As it turns out, Goitein and Lieberman believed that a whole line was missing in our text; see next note. However, as Goitein indeed observed, the opening phrase in the Tosefta is different, as is the continuation. The text cited here seems much closer to that of the parallel *baraita* in the BT 'Arākhin 15a (my thanks to the translator, David Louvish, who drew this to my attention), and the writer may well have omitted a few words here by way of *homoeoteleuton*; the missing text of the Talmud does not amount to a full line: "... slander of trees and stones is punished," etc.}

³⁰ One line has obviously been omitted here, and the text should be completed as follows: "one who slanders [trees and stones is punished, moreover severely and not lightly, all the more so one who slanders]," etc. The reason for the omission is easily discerned: the missing line began with the same words, *shēm ra'*, literally 'an evil report,' as line 30 and ended with the same word, *mōṣī'*, literally, 'brings,' as line 29. {This is a *homoeoteleuton*. Goitein's restoration is not the missing text of the Tosefta as we have it, but (see previous note) the conjectured text, with sufficient words to make up a whole missing line in the writer's hand.}

II, E. Hebrew Poems by Abraham Ben Yijū in Honor of Maḍmūn

II, 37 Praise of Maḍmūn, Defender of the Faithful and Especially of Ben Yijū

{Aden, ca. 1141}

TS 8 J 31, f. 1

This poem was published by Marmorstein, "Geschichte und Literatur," 603. As already noted by Bacher (*MGWJ*, 52 [1908], 245–47) {rather, Brody, "Notizen"} and Mann (*Jews*, 2:477), Marmorstein erred in identifying the time of composition of the poem and the personalities to whom it refers. Moreover, his edition is full of corrupt readings to a degree that renders it completely valueless.

Abraham b. Yijū, the subject of chap. 3, wrote this on a bifolium, folded so as to yield two leaves (four sides). He took greater care in penning this than he did in writing his letters. In the body of the poem he gives his full name as Abraham b. Peraḥya b. Natan b. Yijū *ha-ma'aravī* (= the Maghrebi). An accomplished exporter and industrialist, a respected elder and scholar of sorts, Ben Yijū was not a particularly gifted poet. Nevertheless, he wrote many poems, several of which have been preserved (II, 37–41, III, 29a), one of them in two copies (II, 38–39 {we also have additional manuscripts for the poem in III, 29a and for part of II, 40}). He obviously intended these verses to form a collection, or *dīwān*, of his poems, as can be seen by the way he folded the paper to form a booklet and by his writing *walahu aydān* (= also his) over II, 37, 38, 40, 41. He signs his name in an acrostic: ABRHM ḤZQ YJW; Abraham *ḥazaq* {'may he be strong!,' common in poets' signatures} Yijū.

No. II, 37 provides the official titles granted Maḍmūn: 'Head of the Congregations' (*rōsh ha-qehillōt*, vs. 17)¹ and 'Nagid of the Lord's People' (*negīd 'am yy*, line 6),² as well as the names of his three sons: Ḥalfon, Bundār and Japheth (vs. 49–52).

The most important information concerns the previously unknown presence of the Jewish Karaite sect in Yemen during this period (vs. 25–32).³ It seems that members of the local Jewish community did not actively participate in the dispute with the Karaites and left that task to

¹ {He is called *sar ha-sarīm we-rōsh ha-qehillot* in II, 35, lines 17–18.

² For this title, see 2 Sam. 6:21, 2 Kings 20:5.

³ For evidence of Karaites in Yemen during this period, see page 76, n. 75.

Ben Yijū, who of course had contacts with them in his native country and in Egypt.⁴

Ben Yijū describes his sadness when he had previously been separated from Maḏmūn, obviously referring to the time the writer spent in India (vs. 21). When his adversaries attacked Ben Yijū, Maḏmūn protected him and 'dressed him in his royal garb' (vs. 31, 54).⁵ Maḏmūn's fame was comparable to that of the great rabbi Joseph Ibn Migash (vs. 34).⁶ (Unlike the latter, Maḏmūn was hardly a great scholar, however, as shown by the questions, which he addressed to the Gaon Maṣlīaḥ in no. II, 34.)

Maḏmūn is further praised as a defender of the faith from *mishtaggēa'* (literally, 'one who acts like a madman')⁷ and 'he who lies in ambush' (vs. 37).⁸

{This poem was presumably written after II, 40 (dated ca. 1140), which celebrates the recognition of Maḏmūn as Nagid. Furthermore, the third 'son,' whose birth was anticipated there (vs. 19), is likely to have been the same 'delightful child Japheth' named here (vs. 52) along with his two brothers Ḥalfon and Bundār. Japheth is not mentioned in later documents and may have died in his youth. It is logical to assume that those two were relatively young children as well, and while the way they are described further suggests this (Ḥalfon 'the Prince [*sar*], a pleasant flower' [vs. 49; but *perah* can be used poetically for older children]), this is not definite proof. Goitein's assumption that Ibn Migash (d. 1141) was still alive undoubtedly was based on the way Ben Yijū praised Maḏmūn as 'famous as Ibn Migash' (vs. 34), without any indication that the Spanish rabbi was dead. But in II, 40, Ben Yijū compared Maḏmūn's piety to that of R. Nissim [b. Jacob], who died in 1062, also without any hint that he was not alive. While there is thus no proof, it is nevertheless likely that II, 37 was written ca. 1141; see further II, 40 and II, 70.}

⁴ Ben Yijū reviles his assailants as heretics and fornicators. Goitein notes in his Hebrew comments to the text that their identification as Karaites is largely based on vs. 30: "They reviled me with Mar Zuta, Rav Zuti and Zuti." These names of Talmudic sages all denote 'Mr. Small.' As seen elsewhere, such appellations served the Karaites to denigrate the Rabbanites. In pages 75-76, I suggest a purely personal background for Ben Yijū's vilification by his assailants, not associated with the Karaite schism.

⁵ For the bestowal of robes of honor by officials, see page 428, n. 80. Valuable pieces of clothing that Maḏmūn sent to Ben Yijū as a gift are mentioned in II, 14, lines 15-18.

⁶ The great Spanish rabbi died in 1141, and this verse seems to have been written while he was alive.

⁷ {A circumlocution for an apostate; see Friedman, *Yemenite Messiah*, 99, n. 71.}

⁸ These remarks are based on Goitein's introduction to the text and some of the comments in the Hebrew edition.

II, 38-39 *Encomium Betraying Strong Opposition Met by Maḏmūn*

{Apparently Aden, ca. 1140-44}

II, 38. TS 8J 16, f. 23

II, 39. AIU IV, C, 486

These manuscripts preserve two copies of a poem by Abraham b. Yijū praising Maḏmūn and cursing his enemies. No. II, 38, is clearly written by Ben Yijū, while II, 39, is written in the calligraphic square hand of a scribe. As in II, 37, here too the poet signs his name in an acrostic: ABRHM ḤZQ YJW.

It is noteworthy that the Geniza has preserved two copies of a poem in honor of Maḏmūn. This poem is devoted entirely to one subject: Maḏmūn's enemies, who requited his kindness with treachery (line 8). The opposition is described in general terms, and it is impossible to ascertain whether its background was personal (as in II, 35-36 {III, 11, III, 32}), communal or religious.¹ Nevertheless, the poet emphasizes that Maḏmūn's opponents were compelled to acknowledge his titles *Sar* and Nagid (vs. 14).² {See the introduction to II, 40, for the probable date of composition of this poem.}

¹ {The key to understanding the nature of the opposition may be held in the enigmatic line 6: "All they have is magic (*kishshuf*) and bewilderment," etc.

² These remarks are based on Goitein's introduction to the text in the Hebrew edition.}