

II, J. *Shipwrecked Merchants, Whose Estates were Cared for by Maḏmūn I and His Successors*

II, 70 *Letter from the Rabbinical Court of Fustat to Maḏmūn b. Ḥasan re Estate of Ibn Jumayhir*

Fustat, 1146

TS 13 J 8, f. 17

Ed. Assaf, "Egypt and Aden," 116–19.

The document is a draft of a letter, written in Hebrew {with some Aramaic}, by the rabbinical court of Fustat to Maḏmūn I, with regard to the estate of Ḥalfon ha-Levi b. Shemaryā Ibn Jamāhir,¹ who was shipwrecked near Aden. Ḥalfon is known from VI, 27 and IV, 4–5 {ca. 1131; and other documents}, as a {prominent} India merchant. In VI, 27, margin, lines 7–20, we find him in southern India purchasing pepper for his partner, then in northern India, from whom he, in turn, received Indian textiles.

Ḥalfon apparently was shipwrecked close to the coast of Aden ('in the port,' lines 3, 9). Divers were able to salvage much of his goods. These must have been highly valued, as the proposed trustee, who was asked to represent the estate in Aden and transport whatever remained to Fustat, was offered a tremendous fee of 80 gold pieces (line 25). But it is likely that the drowned man had other assets held by Adenese merchants, whom the trustee was expected to sue. According to VI, 27, Ḥalfon himself had received from his partner 200 Malikī dinars to purchase the pepper.

The dates of Samuel b. Ḥananyā the Nagid of Egyptian Jewry (1140–59) and Maḏmūn b. Ḥasan (d. 1151) allow fixing the approximate time of our document. A more specific date can be ascertained from information concerning the trustee-to-be, Abraham b. Joseph of al-Mahdiyya, Tunisia, who was traveling from Fustat to Aden. From one document, almost certainly to be dated in 1146, he is known as having arrived that year in Aden, and from another as returning to Egypt in 1149 (see 529, n. 21).

¹ {On the spelling of his family name, see below, the note to line 2.

On Maḏmūn's role as representative of the merchants in Aden and his caring for the estate of a trader who drowned, see Goitein, *Yemenites*, 39.²

{Ḥalfon ha-Levi b. Shemaryā was also known by his Arabic name, Abū Sa'īd b. Maḥfūz; see 331, n. 13. If he was the same Abū Sa'īd b. Maḥfūz mentioned in II, 7*v*, line 4, written ca. 1094–6/7, rather than the latter's grandson, for example, he must have been at least 70 years old when he drowned. Goitein (*Med. Soc.*, 5:247), called attention to the surprising fact that another India merchant undertook the difficult journey from Egypt to Aden, when he must have been in his late sixties, if not older. Such arduous travel for an older man might not have been that rare. Also see above, page 255, n. 3.

The dating of this document requires further comment. While it can be established with a high degree of certainty that the proposed trustee Abraham b. Joseph visited Aden in 1146 and returned to Egypt in 1149, he, like other international traders, might have traveled there a number of times. Ḥalfon ha-Levi b. Shemaryā could hardly have drowned much before 1146, however. About two years earlier he was involved in a rather sordid affair with a slave girl in the Sudanese port 'Aydhāb. In the document alluded to (VII, 23), where he is called by his Arabic name Abū Sa'īd b. Maḥfūz Ibn Jamāhir, the date is given with the day of the week and the month, but for some reason the year was omitted. Nevertheless, Goitein's restoration of the date as equivalent to December 19, 1144 is eminently compelling; the reasons for this need not detain us here.³

The conclusion that II, 70 was written in 1146 raises other questions, however. The rabbis of Egypt address Maḏmūn with much deference as 'our prince (*sar*) and great one, our master and lord Maḏmūn, the prince and great one in Israel' (line 5), but they do not call him 'Nagid.' We cannot assume that he was awarded that title only after 1146 as we concluded in connection with II, 35 and II, 36, written ca. 1135, in which that honorific is also lacking. For a variety of reasons it is clear that Abraham Ben Yijū composed II, 40, an encomium in honor of Maḏmūn's appointment as Nagid, ca. 1140, some six years before II, 70. Unless there is some other explanation, we assume that for reasons unknown the judges in the Nagid

² The above and notes accompanying the translation are adapted from the Hebrew edition, which Goitein prepared for the text.

³ See Goitein, *Letters*, 336–37. I am not convinced, however, that the year was omitted because the witnesses had not yet signed (337, n. 8).

Samuel b. Ḥanayā's court in Egypt preferred not ascribing that title to his counterpart in Yemen.⁴

Translation

[A. Request of assistance from Maḏmūn concerning the drowned man's estate]

(1) *We, members of the court, assembled in the presence of our lord, the prince of God in our midst,⁵ our Nagid, Samuel the Nagid—(2) may his name be established forever!—in order to endeavor to deal with the estate of our master and lord Ḥalfon b. Shemaryā ha-Levi, known as Ibn Jumayhir,⁶ (3) who drowned in the Yemenite Sea, so that we might agree on what action to take in order to appoint a trustee, who would take care of the goods (4) and bring them to Egypt, since he left a minor son and two orphan girls and a widow. They require sustenance and (the girls need) a dowry for marriage, when they reach (5) their majority.⁷ We have agreed to hereby present our statement || with permission of our Nagid||⁸ to our prince and great one, our master and lord Maḏmūn, the prince and great one in Israel, (6) etc.,⁹ who lightens the way for others and illuminates the unknown. 'He whose hands are clean,' like him, 'grows stronger.'¹⁰ He will not rest until he settles (7) the matter.¹¹ He has*

⁴ Sometimes the Yemenite Nagid was referred to simply as 'Sheikh Maḏmūn'; see the introduction to II, 74, there referring to Maḏmūn b. David. This would hardly apply, however, where various honorifics and titles for him and others were enumerated, as is the case here.

⁵ Gen. 23:6 is adapted by replacing the word *nesī* with *negid*.

⁶ Spelled here and in some other documents *jmybr*, i.e., Jamēhir, with *imāla*, i.e., pronouncing *ē* for *ā*. {So explained also in Goitein, *Yemenites*, 55; id., *Med. Soc.*, 5:580, n. 58 (as noted there, it is spelled *jmyybr* in TS NS 246.26.12). However, I assume that an *imāla* would reflect the pronunciation of a certain writer (or writers) in general rather than a spelling repeated for a particular word in different manuscripts. In any event, *jmybr* could indicate a diminutive: Jumayhir, a probability demonstrated, in my opinion, by the spelling of the name with double *y*: *jmyybr* in that manuscript (incorrectly cited by Goitein, *Yemenites*, 69, n. 15: *jmybr*).

⁷ According to Jewish law, only the son is a legal heir, but the widow and daughters are provided maintenance from the estate and the girls are given dowries. On the early age of marriage for orphan girls often found in the Geniza, see Friedman, "Marital Age" and for the expression 'when they reach their majority,' *ibid.*, 169, n. 33.

⁸ Samuel b. Ḥanayā.

⁹ The scribe who wrote the final version was expected to fill in the well-known formulae.

¹⁰ {The last phrases are based on Job 41:24, 28:11 and 17:9.

¹¹ Cf. Ruth 3:18.}

been granted the merit to illuminate the eyes of those who are in the dark and to save the lives of orphans and a widow, such as these.

[B. Initial report on the drowning from Muslim merchants]

The following is our statement (8) before [our prince]: Last year we heard a rumor from Gentile traders that the aforementioned man sailed (9) in the sea, that the ship in which he traveled was wrecked and sank || in the port of Aden ||, and that he departed from life leaving it for us and all Israel. They (these merchants) said that the sea cast up his body, that he was buried in Aden (10) and that days later divers salvaged from the sea some of his goods, part of which reached your hands, our prince, because of your authority,¹² (11) before the rulers (or: sultans) of the land seized the goods.¹³ On the basis of these words, which we heard from the Gentiles || at that point ||, we did not consider it proper¹⁴ that we deal with and [...] (12) and take action by appointing a trustee and issuing him a power of attorney || to travel, proceed and undertake, || to take possession of the goods, because we believed that it is impossible that you, our prince, would not (13) inform us of the matter.¹⁵ We decided to wait until your report arrives, out of deference to you, and we determined that we would base on your report our decision on the action to be taken in this affair of the Jewish community.

¹² This apparently refers to Maḏmūn's position as superintendent of the port of Aden.

¹³ {The words *mi-lifnē she-tārḏū*, 'before they seized,' were not read by Assaf and Goitein, and the passage was not explained. Cf. II, 71*v*, margin, line 2 (see 539, n. 50) and VII, 18, line 5, VII, 33, lines 8–9, where it is also stated that the government confiscated the possessions of a drowned merchant. Also see above, page 12. According to Khalilich, *Islamic Maritime Law*, 173–74, Muslim law required passing the possessions of a drowned Jewish merchant to the religious authority of his community, for delivery to his heirs, but sometimes the government confiscated the possessions.}

¹⁴ A non-Jew's testimony can be accepted in such cases. {For the circumstances see BT *Yevamot* 121b and parallels. Maimonides, *Responsa*, 2:410–12, no. 231, from Alexandria 1175, reports an interesting parallel concerning a non-Jewish seaman who buried the body of a Jew washed up on the shores of the Mediterranean after the ship in which he had traveled sank. Maimonides ruled that the non-Jew's account, which included a description of the dead man's face, was sufficient to pronounce his wife a widow, eligible to remarry. See below, lines 16–18.

¹⁵ There might be an intimation of criticism here for Maḏmūn's delay in reporting this urgent matter.

[C. Maḍmūn's letter and testimony of eyewitness Jewish traders]

While (14) we were still discussing the case, your letter, 'adorned with sapphires,'¹⁶ our prince, arrived, in which you reported everything that had transpired. (15) We relied //on your report// and proceeded to search for a trustee, to act on your words //your letter//. Before we accomplished this, there arrived (16) three [[upright]] //Jewish//¹⁷ witnesses, namely So-and-so, So-and-so, and So-and-so,¹⁸ who testified in our presence, saying:

We were indeed fully acquainted (17) with our master and lord Halfon, when he was alive, and //most// familiar with him. When he was cast up from the sea, we saw him and recognized his appearance and looks. His appearance (18) had not been altered, and his face and nose were intact, without change.¹⁹ We were present at his burial.

We accepted their //verball// testimony, and it is (19) c[ertified and verified] in a court record. Their testimony included what you, our prince, wrote, namely that the sultan seized whatever he seized, (20) [but that some of the goods] are deposited with you, our prince.

[D. A trustee departed for Yemen before negotiations over his fee were concluded]

After the report of your letter, our lord, and the report of those witnesses, we (21) proceeded to carry out our search and declared, "Whom shall we send? Who will go for us?"²⁰ We did not find anyone suitable to carry out this impor-

¹⁶ Song of Songs 5:14.} The expression refers to the flowery style of Maḍmūn's letter, which must have been written in Hebrew, as well.

¹⁷ {'Upright' (Hebrew *yōsher*) alone would have implied that the witnesses might have been Muslims. Muslim witnesses were certified as upright and reliable, 'udūl (from 'adl the Arabic equivalent of *yōsher*), and according to the Geonim, the testimony of such witnesses (called *mu'addalūn*) was acceptable in certain cases. (See *Otzar ha-Geonim*, 10:14, no. 32; cf. Goitein, *Med. Soc.*, 2:367-68; Friedman, *JMP*, 2:306-7. In II, 24, lines 16-19: "the documents, which I had made out in Muslim and Jewish (courts), [...] are certified by reliable witnesses [*al-shubūḍ al-'ādila*]." Since a non-Jew's testimony on a Jew's death had questionable legal consequences, the writer clarified his intention, by deleting 'upright' and adding 'Jewish'.}

¹⁸ The actual names were to be supplied in the final copy.

¹⁹ M. Yevamot 16:3, requires such identification of a corpse. {Margariti, "Aden," 333, mistakenly writes that Maḍmūn identified the corpse with the help of an Egyptian merchant.}

²⁰ Cf. Isa. 6:8.

tant task. While (22) we were searching, we chanced upon our lord and master Abraham b. Joseph of al-Mabdiyya, known as Ibn Baqqāl,²¹ who was journeying to Yemen. (23) Some of us, among whom are signatories below, and some of the local elders²² and relatives of the orphans, contacted him and spoke with him about transporting and (24) taking possession of the goods held by you, our prince, and about suing, challenging and litigating with //under your authority, our prince, // anyone who is known to have had dealings with the dead man, in the fashion of all trustees (25) and agents, who take such actions. He demanded of [[us]] //them// a large fee, but [[we]] //they// offered eighty gold pieces²³ for his fee. (26) He categorically refused to accept this. //We believe that because of his great haste, he did not actually mean this; and the matter was not settled. For// when they began negotiating with him, he already had his baggage on the ship, and he had one foot on the ship and one foot (27) on the ground.²⁴ Neither he nor [[we]] //they// had time to resolve the matter. Before [[we]] //they// could blink, the anchor of the ship was raised, and he set out on his journey towards a safe arrival.

[E. Maḍmūn is free to complete negotiations with this trustee or appoint another]

Now—(28) may you be blessed of the Lord!—if you have empowered anyone else, he is acceptable to us and empowered by us, and we consider him (29) to be a trustee appointed by the court, to undertake obligations and benefits, to impose primary and secondary oaths, and to use any stratagems used by trustees of (30) the court. If you have not had the opportunity to do so and agree with us, this man, our master and lord Abraham, mentioned above, is worthy of this, if you can come to an understanding with him.²⁵ We (31) shall agree with you and recognize him as the orphans' trustee, to supervise their affairs in Aden, etc.}

²¹ A seasoned India traveler. Abraham Ben Yijū stresses in his letter, III, 29, dated 1149, to his relatives in Sicily and North Africa, that he was sending it with this fellow Tunisian, and that only he should be trusted to carry their correspondence. Unlike the Judeo-Arabic texts, Baqqāl is here spelled in Hebrew without aleph. {According to III, 12 (datable as 1146), line 34, Abū Ishāq (= Abraham) b. Joseph arrived that year in Aden. In III, 29v, line 1, Ben Yijū wrote that he gave instructions to send his letters with Ibn Baqqāl, and in line 7, he stressed that his relatives should send their replies with reliable people only. For Baqqāl, 'Greengrocer,' cf. Goitein, *Med. Soc.*, 1:152, 426, n. 27.}

²² Hebrew *zeqēnīm* (*zeqēnē hā-āres*) corresponds to Arabic *shuyūkh*, viz., respected merchants.

²³ The Egyptian dinar is intended.

²⁴ Not intended as a literal description of his situation, but rather a translation of an Aramaic idiom {BT Gittin 59a: "One foot on the earth and one foot on the ladder."}

²⁵ Over the fee for his services.}