

From this we surmise and deduce that were she an *emancipated slave girl* or a *proselytized Gentile*, the matter would be decided contrariwise; and the child would be *his son for all purposes* and inherit his father's estate and would be *considered a Jew for all purposes*. We have verified *through valid witnesses* that this son and this daughter are the children of an *emancipated slave girl*. This discussion lacks nothing whatsoever.⁴

I suggest that nos. 3–4 deal with the same case as nos. 1–2. We are thus concerned with a Jew, who purchased a slave girl in India, betrothed her on condition that the betrothal take effect after her emancipation, and she subsequently bore him a son and a daughter. After the legitimacy of the marriage and the status of the children were challenged, legal opinions were produced, which upheld both.

It is tempting to assume that Ben Yijū and his family are the subjects of these legal opinions. As we have seen, the text of the bill of manumission, which he issued his slave girl Ashū in Mangalore, India in 1132 (III, 17), suggests that he may have believed that she assumed the status of a Jewish proselyte when he purchased her. He had two sons and one daughter, but one son died as a young child in India (see III, 41, line 14). When this respectable, wealthy merchant traveled with his family from India to Yemen, local conservative members of the Jewish community may have looked askance at his wife and children and challenged their legitimacy.⁵ Though III, 29bc are in Ben Yijū's handwriting and he did author responsa, I doubt that he authored these rulings. More likely he commissioned them from some legal expert in Yemen or from the Tunisian judge Labraṭ b. Moses, whose praise Ben Yijū sings in the poem (III, 29a), a rough draft of which is found on the reverse side of rulings 3–4, that is on TS G 2, f. 59v. Ben Yijū seems to have arrived in Yemen for an extended visit ca. 1140, the tentative date assigned to the poem in Maḍmūn's b. Ḥasan's honor, and the draft of some stanzas of that poem are written on TS G 2, f. 59v as well. {These responsa may very well have been written about the same time.}

⁴ On the question whether the son would inherit his father, if his mother had been emancipated only after his conception, see the sources in Friedman, *Polygyny*, 300, n. 5.

⁵ As I have suggested interpreting II, 37, lines 25–32; see the discussion above, pages 75–76.)

III, 30 *Letter from Perahyā b. Joseph to Abraham b. Elijah, al-Mahdiyya, Inquiring about Perahyā's Uncle Abraham Ben Yijū*

Mazara, Sicily, 1151/2

Bodl. MS. Heb. d. 66 (Cat. 2878), fol. 139

Perahyā's handwriting, known to us also from III, 43, 45, 50, and 55 {also III, 52, 55a, 56, 57 and other documents}, is somewhat similar to that of his uncle, but more elegant and cursive. As we learn from III, 43, margin, he actually occupied himself with the copying of books. His script in this letter is indeed that used for literary texts.

The style of the letter, at least in the preamble, is unusually elaborate and involved, which is the more conspicuous, as the writer is ignorant of classical Arabic.

The year 911, referred to in line 8, abridged from 4911, is according to the era of the Creation, which was in common use in the western Mediterranean countries. That year began on September 23, 1150 and ended on September 12, 1151. At least a year, but most probably a slightly longer period, had elapsed from the date of Abraham Yijū's letter III, 29, mentioned here in line 9, before the family of his brother Joseph first heard of it in Mazara, a town in the western part of the island of Sicily. On the other hand, we learn here that Mevassēr, Abraham's other brother, had already joined him in Aden, after having received that letter in Messina, the well-known port on the east coast of Sicily. {Cf. III, 41, lines 6–7.}

The most interesting detail to be learned from this letter is the fact that the whereabouts of Abraham Ben Yijū had remained unknown to his brothers 'for ages' *kabrat sinān*, lines 7–8.

There exist three possibilities how this letter, which was addressed to Tunisia, finally reached the Cairo Geniza. The receiver might have forwarded the letter to Ben Yijū (cf. lines 13–15), whose correspondence, as we witness in this volume, was to a large extent disposed of in the Geniza. Or, the addressee, who had returned from the East, made another trip there, passing through Cairo. On the other hand, it is possible, that the letter was not sent at all, because the Yijūs in Mazara had received a message from the two brothers out in Aden, before they had an opportunity to dispatch it. Thus, it reached the Geniza with other papers emanating from the family of Joseph Yijū (chap. 3, sec. F).

{The notation on verso, *tajribat qalam*, 'a pen trial,' seems to be in Perahyā's hand. Accordingly, we can assume that the letter was never sent,

since the writer would have used the empty space to jot these words, only if there were no further need for the letter. Abraham Ben Yijū informed his family that he was sending his letters with Abraham b. *Joseph* of al-Mahdiyya (III, 29*v*, line 1), while here (III, 30*v*) Peraḥyā's inquiry about Ben Yijū's letters is addressed to the otherwise unknown Abraham b. *Elijah* of al-Mahdiyya. It is tempting to speculate that this letter was not sent because Peraḥyā realized he had made a mistake in writing the name of the addressee's father. But the appearance of two Abrahams of al-Mahdiyya in the same context is probably a matter of coincidence only.¹

Contents

- A. Polite preamble (lines 1–5).
- B. Inquiry about Abraham Ben Yijū (lines 5–15).
- C. Greetings and polite conclusion (lines 15–22 and margin 1–17).

Translation of Sec. B

(5) I was obliged² to write to you, my lord, these few, short (6) lines,³ for I heard that you had arrived in your homeland.⁴ Therefore, I wish to ask you (7) whether you are aware of news of my uncle, Abraham, known as Ben Yijū, for he had absented himself (8) from us for ages; then, last year, the year 911, we learned (9) that an epistle of his had arrived in Messina, but fell into the hands of my uncle Mevassēr, who took it <<and set out to meet him>>. (10) We did not see it, nor do we know its content,⁵ but are very eager {alt. tr.: anxious}⁶ to hear (11) about him (Uncle Abraham) {alt. tr.: anything about his circumstances}.

¹ {As we have already seen, in III, 46, lines 27–28, mention is made of 'Abraham of al-Mahdiyya,' without his father's name. Also see 732, n. 36.}

² Arabic *ḍḥit* is perhaps not a scribal error (omission of an *ṯ*), but indicates, perhaps, a dialectal form, *idḥart*. {Cf. Blau, *Grammar*, 81.}

³ Arabic *hādhihi sifrāyn*. Literally, 'two lines'; cf. English 'a couple' and IV, 78*v*, line 14 {*hādḥayn al-ḥarfayn*}. The same expression is found in the writer's letter in III, 45, line 1. {It also appears in his brother Moses' letter in III, 47*a*, line 14. Many additional examples can be cited. For such a use of the dual, see Blau, *Grammar*, 176 and references there to Goitein.

⁴ Obviously Abraham had traveled to the East, as Goitein remarked in the introduction.}

⁵ Mevassēr's failure to transmit to his relatives Abraham's urgent messages in III, 29 is typical of his behavior as described in III, 41.

⁶ {Arabic *mu'allaqin al-qulūb*. The same expression appears, in the same context, in the letter written by Abraham Ben Yijū's nephew Moses, III, 47*v*, line 6. Similarly, when

Therefore, I ask you now, my lord, to kindly send me, your servant, (12) a letter,⁷ informing me whether you know any news of him or not, whether you have seen him, and in which (13) place he is found at present. If you think it possible that I should {lit., 'if you deem appropriate to instruct me to'}⁸ write an epistle, which would be forwarded to him (14) through your endeavors and favor, please, send me a letter to this effect (15) quickly. This will be a kindness on your part, which will be rewarded⁹ and thanked.

no news was heard about a ship that sailed in the Indian Ocean, Buzurg, *'Ajā'ib al-Hind*, 17, describes that *wa-ta'allaqat* (fifth form) *al-qulūb bi-akḥbār al-baḥr*, 'they were anxious about news of the sea.' In Joseph Yijū's letter, III, 57, line 11: *mu'allaq al-khāṭir*. For this phrase see Diem, *Arabische Briefe*, 110.

⁷ Arabic *ruq'a*, also in line 14, lit., 'note,' is used for a letter regardless of its length (IV, 10, is called *rq'* [also a singular form], and contains more than 70 lines). It is also used this way in III, 31, line 22, III, 32, margin and address, III, 57, line 24. During the Fatimid period petitions were called *ruq'a*, even if several pages long (see Khan, *Documents*, 306). The writer also uses the more common *kitāb* in line 13, where I have translated 'epistle,' in order to distinguish the terms. Both words also appear in IV, 10.

⁸ Arabic *wa-'in ra'ayta an ta'murāni*. For *in ra'ā* or *in ra'ayta* phrases in appeals to dignitaries, see Khan, *Documents*, 316; Diem, *Arabische Briefe*, 15.

⁹ By God.}