

## Case II (lines 24–32)

This section opens with the deleted word 'The question.' Obviously, Ben Yijū intended first to copy or to summarize the question addressed to him, before drafting his answer. On second thought, he proceeded immediately to give his opinion.

A document was produced, in which a man called Fayyūmī, since deceased, had made a gift to his daughter, Durra ('Pearl'). The document, according to Ben Yijū, was drawn up in compliance with the accepted rules, but was invalid, as it was signed by a father and his son as witnesses. At the end of this section, Ben Yijū weighs the possibility that Fayyūmī himself had consented to having a father and a son as witnesses. {The continuation is on III, 35.}

## Case III (recto margin)

Of this case, the facts themselves have not been preserved but only part of the discussion. The question was, in which cases a guaranty for a debt required a symbolic act of obligation {*qinyān*}, in order to be legal.

Ben Yijū's opinions are written in a very lively style, which reflects oral discussion. As such, they are a valuable contribution to our knowledge of legal study and practice.

III, 36 *A Court Record and Medical Prescriptions on Cloth Written by Abraham Ben Yijū*

{India, 1132–39, 1145–49}

TS Arabic 41, f. 81

Part of a court record, carefully written on a piece of cloth but almost completely effaced. Verso, two medical prescriptions in Arabic characters, it seems, also in Ben Yijū's hand.

{The very fact that this document was written on cloth is of interest. This indicates that it was written in India, where there was a chronic shortage of paper. As such, the document belongs actually in chap. 3, sec. D, rather than sec. E. Goitein identified Ben Yijū as the writer on the basis of his handwriting. The text of the Judeo-Arabic court record (or: deposition of witnesses) is so effaced that not more than a few consecutive words can be deciphered with any degree of certainty. Nevertheless, the contents are interesting. It notes that someone, presumably a trader, presented a court record, or rather a court ruling (Hebrew *ma'ase*),<sup>1</sup> written in Broach, the well-known port city in northwest India. As such, this document contains unique evidence of some kind of autonomous juridical activity by Jewish traders in at least two different localities in India: Broach and Mangalore—or wherever else Ben Yijū was at the time of the writing. It only stands to reason that the Mediterranean Jewish traders in India set up an ad hoc court system of sorts to adjudicate their disputes there, but I am not aware of other documentation thereof.<sup>2</sup> The dispute between the parties apparently concerned an accusation that one of them had spoken disparagingly about Jewish sages. Unfortunately, because of its fragmentariness, the text conceals the exact nature of the supposed sacrilege.

The other side of the cloth contains jottings of medical recipes described by Isaacs, *Medical Manuscripts*, 30, no. 381. The recipes list Indian spices and other Oriental ingredients. If the handwriting is in fact Ben Yijū's, it would further suggest that this trader also had some medical education. The dates given above are those for which we have evidence that Ben Yijū was in India; see the introduction to III, 21 (page 648).}

<sup>1</sup> {For the meaning of this word, see the note to I, 13, fol. 67, line 16 (page 200, n. 13).}

<sup>2</sup> Cf. 196, n. 1.}