

what I have sent either for our partnership or on my personal account, for, after my arrival in Fustat, I shall stay only a short time, if God wills. You will put me greatly in your debt by this and earn my thanks and good prayers. And act immediately.

### C. VARIOUS BUSINESS NOTES

A little over twenty bales of paper from a partnership of mine had remained in Tyre. I sent them to Ramle, and they have arrived there safely. I also have sent fifteen bales from a partnership with you and shall, God willing, carry all the merchandise with me.<sup>10</sup>

Kindly inform me whether you have received a letter from my lord, the elder Abu 'l-Ḥusayn,<sup>11</sup> stating that the rose marmalade and the lubricating oil<sup>12</sup> are on my private account.

Also, let me know what God has granted you to sell. Write me a letter every week, and in Hebrew script, please.<sup>13</sup> If you have any order to make, please honor me with it. *And may your well-being wax.*

(P.S.) If it is difficult to sell the paper or anything else by weight, and you prefer to sell it at retail,<sup>14</sup> do whatever your propitious judgment suggests to you. But, God willing, act without procrastination.

Kindly inform me, my lord, about the price of Nizāriyya money<sup>15</sup> coined in Damascus, for a friend gave me some to sell on my journey.

<sup>10</sup> These bales (the word indicates that the consignments were sent by boat) had remained in Tyre unsold. On his way to Egypt, the writer would first try to sell some of them in Ramle, Palestine.

<sup>11</sup> Of Damascus, see n. 4, above.

<sup>12</sup> Ar. *duhn*, oil used for ointments, painting, etc.

<sup>13</sup> Mūsā, as a widely traveled merchant, certainly knew Arabic script. But since the clerks writing Arabic often regarded illegibility as an expression of refinement, he preferred Hebrew script, which lends itself less to ambiguity than does Arabic, especially when the latter was written, as was customary, without diacritical marks.

<sup>14</sup> Ar. *bil-takhrīj*, lit., "by taking out," as opposed to "by weight," that is, selling entire bales or packages. In *Tarbiḥ* 37 (1968), 179 I was unable to explain the term (as found in ENA 3793, f. 7, l. 5), because, unlike here, it did not occur in an explanatory context.

<sup>15</sup> The Heb. word used here, *kesāfīm*, means lit., "silver pieces." But I learned from G. C. Miles that Nizār, that is, the Fatimid Caliph al-'Azīz (975-996), coined only gold in Damascus. The writer of our letter inquires about prices in Fustat in order to decide whether he should sell in Tyre, or Ramle, or wait until he came home.

Also the price of the rose marmalade.

My master Abu 'l-Barakāt al-Sharābī, who has lapis lazuli here in Tyre, has five loads of (dried) plums,<sup>16</sup> which find no buyer, in Acre. If plums have a good price (in Fustat), write me if he prefers to transport by land, in which case it will cost first 2 (dinars) per load from Acre to Ramle by sea and the total price to Fustat will come to 5 dinars, more or less. Kindly inform me what I shall do in this matter.

God alone suffices me.<sup>17</sup>

(Address in Arabic characters: same as in no. 15)

(Note of postal agency:)

(From) Najā al-Anṣārī

(To) 'Alī b. Muḥammad and his two sons Muḥammad and Ḥusayn

Please answer immediately.

### 17 PUBLIC APPEAL OF A MERCHANT

1041-1042

This piece is not a letter, but a speech, an appeal made to the rabbinical court of Fustat. But it contains all one expects from a good business letter: rich information on the movement of goods and a strong personal note, introducing us directly to the parties involved.

The plaintiff, Abu 'l-Faraj Jacob Ibn 'Allān, was a big merchant for his time—judging by the volume and value of his consignments

<sup>16</sup> Ar. *ḵhawḵh*, which is "peaches" in Egypt and "plums" in Syria-Lebanon. In *Med. Soc.*, 1, 427, n. 3a I took it as "peaches," since our writer hails from Egypt. But I now prefer "plums," simply because dried plums (prunes) are common, while peaches are not, and our letter is written in Lebanon.

The proprietor was called *Sharābī*, seller of potions; he dealt in lapis lazuli, a half-precious stone serving as an ornament and also for medical purposes. But here he meddled in the difficult fruit trade—and without much success, it seems.

<sup>17</sup> This quotation from the Koran (e.g., 9:129) is occasionally found at the end of a letter.

—but he was unable to prevail against the powerful Majjānīs<sup>1</sup> of al-Mahdiyya, Tunisia, with whom he had many dealings. The Geniza has preserved a letter of the younger al-Majjānī (translated in no. 18, below), which refers to our lawsuit and which indeed throws an unfavorable light on its writer. On the other hand, the remark ascribed in that letter to the Nagid, or head of the Tunisian Jews, to the effect that our Ibn 'Allān was well known as an excitable person, prone to make appeals to the public, is borne out by our document. It is noteworthy that both the plaintiff here and Majjānī in his letter express the highest regard for, and their full confidence in, the integrity and justice of the Nagid and of the chief Jewish judge of Qayrawān, R. Hananel, who was also a famous scholar and author.

Our document—a long sheet containing 120 lines—is but the first leaf of a draft (in the hand of the court clerk Japheth b. David b. Shekhanya), with many words crossed out or added in the margin or between the lines. In addition, it is partly effaced and damaged by holes. Unlike other documents of this kind, which are either in Hebrew or in Arabic, this draft, at least in its first part, is a strange mixture of both languages. This probably represents the plaintiff's own use of words.

Bodleian Library, Oxford, MS Heb. a 3 (Cat. 2873), f. 26.

#### A. ADDRESS BY THE PLAINTIFF, JUSTIFYING HIS RENEWED APPEAL

*This happened in our presence, we, the permanent court of Fustat, and the elders signing at the bottom, on the [ ]<sup>2</sup> day of the month of [ ], in the year 1353 of the era according to which we are accustomed to count in Fustat, Egypt, which is situated on the Nile River: Jacob, bynamed Abu 'l-Faraj, son of Abraham Ibn 'Allān, appeared before us and made the following appeal:*

*"My lords. You remember well that I have appealed to you various*

<sup>1</sup> A family name, derived from Majjāna, a town five days inland from Qayrawān, famous for its saffron. See no. 1, sec. F, no. 13, n. 7, no. 14, n. 6, above.

<sup>2</sup> The space for the day and the month was not filled in, so that the rough copy could not be used as a real document.

*times against M. Yiḥye, son of Moses, Ibn al-Majjānī,<sup>3</sup> who wronged me and robbed me of my money, not fearing God. I appealed to you, as it is proper for a Jewish man to appeal to the judges of the house of Israel and to the communities of Israel to obtain redress of his long-standing grievances. I proved to you the injury done to me by this Yiḥye with well-confirmed documents and honest witnesses and asked you to kindly forward your findings to Qayrawān for the information of the court of the h(onored), g(reat), and h(oly) M(aster) and T(eacher) Hananel, the Rav—(may the) All (merciful) p(reserve him)—and of . . . Jacob, the Nagid of the Diaspora . . . (other titles). For I know their piety and zeal for the cause of God, and their custom—proved by experience—of saving the oppressed from his oppressor, for Heaven's sake only. Everyone knows that they do not show partiality to any man, but fulfill the commandment which says: you shall hear the small as well as the great, you shall not be afraid of anyone.<sup>4</sup>*

"I had also thought that this Yiḥye would reconsider the affair and return to the right way . . . so that I would not be forced to make known his doings to the communities of Israel in east and west, and in particular to the community of Jerusalem<sup>5</sup> and the head of the high council there. I had hoped that he would spare me from disclosing my situation in the meetings of the gentiles and to their judges. You acceded to my request and wrote down your findings, and I dispatched them.

"When, however, the couriers arrived in recent days carrying with them the letters of this Yiḥye, I realized that he has not reformed, but persists in injuring me and argues that I am mistaken . . . Therefore, I have asked you—may God keep you—to make good your promise, to convene the court, so that I may be able to repeat my claims before you. Examine my proofs and draw up a document stating all that is to be established in court on the basis of witnesses and documents, so that I shall obtain my rights and you will receive

<sup>3</sup> In the margin there is an addition, legible only in part, to the effect that the complaint also involved the opponent's father.

<sup>4</sup> Deuteronomy 1:17.

<sup>5</sup> It was not so much the holiness of Jerusalem as the fact that almost every Jewish community in the world had its representatives there, which made an appeal to the public in that town particularly effective.

a reward from Heaven. I want to have several copies, so that I can send them both by land and by sea."

B. GENERAL COMPLAINT ABOUT THE CONDUCT OF  
THE YOUNGER AL-MAJJĀNĪ, INCLUDING ONE  
COMPLAINT CONCERNING A FORMER PARTNERSHIP

Having heard M. Jacob's words, we acceded to his request, and he continued as follows. I have previously explained to you what this Yiḥye, son of Moses al-[Majjānī], has done to me. He sent me letters containing an account of my assets with him; however, when I filed a suit against him, demanding the payment of these assets, he sent me another account, different from the first, by which he misled my representative at the court of the Nagid of the Diaspora—a behavior which is indeed unworthy of a man adhering to the law of the Torah. He also influenced the man in charge of weighing in an illicit way . . . I have many claims against him, including one concerning a former partnership in a consignment of 160 bales of flax.<sup>6</sup> This time, however, I wish to confine myself to my claims in connection with his father, may God have mercy upon him.

C. DEALINGS WITH MAJJĀNĪ, SR.

First, there is a balance of an account which, according to his statement, amounted to 142 dinars. Then, in the year 429 of the era of the Arabs,<sup>7</sup> I sent him in the warship<sup>8</sup> sugar, sal ammoniac, nutmeg paste, nutmeg, violet blossoms,<sup>9</sup> rose marmalade, and . . . In the same year, in the Sheikhi<sup>10</sup> ship, which was bound for Tripoli,

<sup>6</sup> The scribe first wrote 120, which he later changed to 160, without striking out the first number. This was a very large transaction. As we know from other Geniza papers, a bale of flax would fetch between 150 and 250 dinars.

<sup>7</sup> The year 429 of the Muslim era began on October 14, 1037. Thus, the consignments referred to were sent four years prior to this lawsuit.

<sup>8</sup> Ar. *al-ḥarbi*. See Dozy, *Supplément*, I, 265a, and cf. ENA 2712, f. 17, an account containing the date 1059, *ḥarbi al-Mahdiyya* (twice); TS 16.244, l. 21 (here *marḥab al-ḥarbi*), and no. 15, n. 9, above. The goods were sent from Egypt in a warship because of the Byzantine naval attack on Sicily in 1038. See no. 18, introduction, below.

<sup>9</sup> An oil or ointment prepared from violet blossoms.

<sup>10</sup> Probably referring to the elders of the city of Palermo, known as Sheikhs, who took over control of their city at that time of the disintegration of the Muslim rule in Sicily (see Amari, *Musulmani di Sicilia*, II, 483).

but changed its course to al-Mahdiyya, I sent twenty-three bags of flax. There was another consignment, carried by Abū Ishāq, in the ship of the Kuy (Pelican),<sup>11</sup> which also changed its course from Tripoli to al-Mahdiyya. This consignment, too, was delivered to him and I received letters, confirming that everything had arrived, namely brazilwood, "gazelle's dung,"<sup>12</sup> mastic, rose marmalade, violet blossoms, and other goods. I also received letters from him saying that he had sold everything and received its price, which was, after the deduction of the expenses, 37,428 3/4 pieces of silver and 15 1/2 gold dinars.

D. GOODS SENT FROM TUNISIA BY MAJJĀNĪ, SR.

For this merchandise he bought and sent, in three bales, 200 brocade robes; 200 slips; a little over 50 mann of saffron (about 100 pounds); 3 1/3 qintārs of mercury; 264 pounds of cast copper; a crucible for melting copper, weighing 13 pounds; eleven cloaks (*ḳisā*); furthermore: 70 qintārs of antimony and a little over 20 qintārs of copper.<sup>13</sup>

All this was specified in his letters and in the account received by me, which I have asked you to examine and to validate by witnesses. The total value of the goods bought for me by the late Moses b. Yiḥye for the price of the goods sent to him by me, after the deduction of the expenses—forwarded in the three bales, as said before—was 37,115 1/2 dirhems and 160 gold dinars less 2 qirāṭs.<sup>14</sup>

<sup>11</sup> Dozy, *Supplément*, II, 503b. Nickname, or a pelican was painted on the ship.

<sup>12</sup> Gazelle's dung boiled in vinegar was reputed to reduce the swelling when put on an edema (*Ibn al-Bayṭār*, trans. J. V. Sontheimer, Stuttgart, 1842, p. 237). But there was no need of importing it into Tunisia, where gazelles abounded. Therefore, "gazelle's dung" here must be the trade name of an Oriental product derived from its appearance.

<sup>13</sup> As this copper bears no other designation, it might have been hammered copper, as opposed to cast copper mentioned before. See no. 14, above.

<sup>14</sup> Thus, there remained a balance of 313 1/4 dirhems in favor of the plaintiff and of 2 10/24 dinars ((160 + 2/24) - (142 + 15 12/24)) in favor of Majjānī, Sr., which means that only about 5 or 6 dinars were owed by Majjānī. Such comparatively small sums were not paid in cash, but carried over to the following year's transactions.

E. FIVE OTHER CONSIGNMENTS, SENT FROM VARIOUS  
PORTS, SOME OF WHICH ARRIVED IN AL-MAHDIYYA  
AFTER THE DEATH OF MAJJĀNĪ, SR.

Then in the year 430 (began on October 3, 1038), I sent to the address of Moses b. Yiḥye al-Majjānī these consignments:

From Tripoli (Lebanon): Sixty-five pots of rose marmalade and two bales of lac.

From Alexandria: A wickerwork basket of sal ammoniac, in which was also a bag with mace; 12 qintārs of cotton; half a bale of lac, weighing 4 (qintārs) and some pounds, on my own account and the other half on account of my brother Abu Kathīr; three bales of yellow myrobalan, in one of which were flasks of musk;<sup>15</sup> thirteen bales of bandage flax, while Abu Is(mā'il) took delivery of another two.

From Barqa, in the ship of Jabbāra:<sup>16</sup> fifteen bags of flax.

From Tripoli (Lebanon), carried by Abraham b. Isaac al-Qābisī:<sup>17</sup> five bags of flax.

Likewise from Tripoli: three bags of rose marmalade.

In the same year, namely 430, I sent from Syria, in partnership with Ibn al-Hītī:<sup>18</sup> seven mantles<sup>19</sup> made of cotton; two bales of tragacanth gum; one piece of sarcocol.

All these shipments arrived safely in al-Mahdiyya—thank God—after the decease of the aforementioned Moses. His son Yiḥye took delivery of them and sent them abroad with 'Allūsh al-Majjānī who took care of their sale. Therefore, I claim from him the price of all of them in their entirety. First I claim the payments due to me from the transactions of the late Moses b. Yiḥye Majjānī, for I have letters from his son Yiḥye, announcing his father's death and specifying what the latter had bought for the money obtained from the

<sup>15</sup> Musk, a very expensive perfume, was traded in flasks or in little boxes. The word used here: *ṣuḳ* is perhaps the Persian *soḳ* "ear of grain," or small flask. For myrobalan, a popular medical plant, see *Med. Soc.*, II, 367-368.

<sup>16</sup> The notorious pirate. See *Med. Soc.*, I, 327-328.

<sup>17</sup> A family name derived from the town of Gabes in Tunisia.

<sup>18</sup> A family name derived from Hīt, a town on the Euphrates in Western Iraq.

<sup>19</sup> The rare word *hudūm* is used. See Dozy, *Supplément*, II, 570b.

sale of the bandage flax, mentioned before, which was sent to him in the year (430).<sup>20</sup>

F. ATTESTATION BY WITNESSES THAT THE LETTERS  
FROM THE MAJJĀNĪS, PRODUCED IN COURT BY  
THE PLAINTIFF, WERE GENUINE

(In this section, which is only partly preserved, the plaintiff produces three letters, written in Arabic characters and dated according to the Muslim calendar. Four Tunisian merchants, known from other Geniza papers to have been active in Egypt at that time, testify that the handwriting of the first two was that of a person—according to his name, a Jew—who used to do the elder Majjānī's Arabic correspondence with the merchants. One of the four gives similar testimony concerning a third letter, also written in Arabic characters and dated according to the Muslim calendar, which was copied by another Jewish person for the younger Majjānī. In the last preserved line, reference is made to a fourth document produced by the plaintiff.)

18 IN HIS DISTRESS A MERCHANT TURNS TO  
HIS FORMER APPRENTICE AND  
PRESENT PARTNER FOR HELP

Ca. 1040

This letter is noteworthy both for the historical situation and for the personal circumstances which form its background. We are here in the years of the great Byzantine attack on Muslim Sicily, 1038-1042, which led to the fall of Syracuse, Messina, and other towns closely connected with the countries around the southeastern shores of the Mediterranean.<sup>1</sup> Because of the presence of the Byzantine navy the direct route on the high seas from Egypt to Tunisia

<sup>20</sup> Here there is a hole in the manuscript. Bandage flax was mentioned only in the consignment sent from Alexandria in the Muslim year 430.

<sup>1</sup> See Amari, *Musulmani di Sicilia*, II, 438-455.