

O God, in your mercy grant safety for Joseph, son of Khalfa,<sup>1</sup> (*whose*) *s(oul may) r(est in peace)*, to a bundle containing:

32 Tripolitanian cloaks

2 red cloaks

2 hides serving as covers

40 Sicilian cloths wrapped in a washed mantle

4 boxes of saffron

5 Sicilian cloths, a turban made of cotton. All are wrapped in underpants.<sup>2</sup> May God decree safety for it. Amen. O Lord of the Worlds! *And Peace*.<sup>3</sup>

### 78 PROVISIONS FOR A JOURNEY

A stranger writes to a travel companion, who was accompanied by his wife or a servant. Script of early thirteenth century.

Mosseri Collection (Private) L 101.1.

*In (Your) n(ame), o Mer(ciful).*

It so happens that your servant must go on travel today. I am sending to you some chickens and quails as provisions on my way, for I have no one who could prepare them. Please excuse this impertinence and treat me in this matter in accordance with your kind character and noble disposition, for [as the proverb has it] "strangers are kinsmen to one another."

*May the welfare of your excellency increase steadily and forever. Selah*.<sup>1</sup>

<sup>1</sup> Known from other Geniza papers with the family name *al-Qarawī*, from Qayrawān, Tunisia. He lived in the second half of the eleventh century. See ch. iv, introduction, n. 1.

<sup>2</sup> Men did not wear trousers but their underpants were very wide. When no longer in use, they served as wrapping material.

<sup>3</sup> This greeting is addressed to both the bearer and the recipient of the bill.

<sup>1</sup> This enigmatic word, which concludes many Psalms (e.g., Psalms 3, 9, 24) appears often at the end of letters or their introductions.

### 79 THE ABANDONED CONCUBINE

*In the Sudanese port 'Aydhāb*

Probably December 19, 1144

Muslim law entitled a master to use his slave as a concubine. The Church and the Synagogue emphatically denied this license. They permitted sexual relations solely in marriage, and marriage was possible only between free persons. Therefore, a master who fell in love with a pretty slave, had first to free her. But this was not an easy matter, since Christians by statute and Jews by custom were monogamous. Still a considerable number of such cases is attested to by the Geniza papers.

It is natural that social concepts and practices of a majority should influence minorities living within it. Cases of a bachelor living with a slave girl or of a husband absconding with one are reported in the Geniza, although such cases were far rarer in the East than in thirteenth century Spain. See *Med. Soc.*, 1, 134-135.

As to travel, I have found only one case of a man suspected of visiting prostitutes (in Aden, South Arabia) and one, the document translated here, of a traveler accused of having kept a slave as a concubine. An attentive reading of the text shows that the core of the accusation was not the fact of the concubinage, but the mean way in which the girl had been treated. After having borne a son to her master, she was abandoned by him in Berbera, Somaliland, at that time a wild part of Africa. The girl most probably was Indian and a complete stranger in those parts. The matter was aggravated by its religious aspect. The proper thing would have been for her master to free and then marry her. Later, since he was certainly married, he should have divorced her, before or at coming home, and given her means enough for being a good match for a Jewish man of a lower social class. The Geniza contains several marriage contracts of freedwomen marrying men other than their former masters, and bringing in a substantial dowry. See *Med. Soc.*, 1, 145.

By one of those ridiculous coincidences in which the Geniza is so rich, a marriage contract between a freedwoman and a freedman has been found in which it is stipulated that the bride receive as domicile a house connected with the house of Abū Sa'īd Ibn Jamāhir,

the man accused of concubinage in our document. Without wishing to reflect upon the mores of a man dead so long, it is perhaps not farfetched to surmise that another affair of Ibn Jamāhir was brought to a close in a more humane manner by that marriage.<sup>1</sup>

Abū Saʿīd Ibn Jamāhir ("Multitude")<sup>2</sup> was an important merchant of good standing, whom we find repeatedly in India<sup>3</sup> and also in Aden, where he was involved in ecumenical Jewish affairs in the year 1134.<sup>4</sup> Our document is from the Sudanese port 'Aydhāb at a time when Ibn Jamāhir was on his way home.

Ibn Jamāhir's accuser Šāfi was the business agent, and legally slave, of the head of the yeshiva, or Jewish high council, which then had its seat in the capital of Egypt. As such, Šāfi, probably a native of India, was a respected member of the merchants' community, and, as repeatedly found in such circumstances, more Jewish than the Jews.

In order to cleanse himself from Šāfi's accusations Ibn Jamāhir charged him before the governor of the town with calumny. The governor seemingly accepted the word of the influential merchant without making any inquiries and had Šāfi flogged publicly and thrown into prison, from which he was freed only after the payment of a substantial sum. The Jewish merchants present in 'Aydhāb clearly disapproved of Ibn Jamāhir's action. A record of the affair was drawn up, destined, of course, to be submitted to a Jewish court in the Egyptian capital. This document, however, is not signed, which means that it was never produced in court. Ibn Jamāhir must have had second thoughts about the wisdom of his action and probably compensated the slave for his humiliation and his losses.

Ibn Jamāhir, as is proved by the letters in which he is mentioned, was active in the India trade during the fourth and fifth decades of the twelfth century. Abū Saʿīd, the head of the yeshiva, or Jewish high council, can be none else than Abū Saʿīd Joshua b. Dōsā, who is mentioned in a document from the year 1143-1144 as the highest Jewish religious authority in Egypt. In this year Tevet 21 fell on

<sup>1</sup> University Library, Cambridge, TS 15, f. 65, sec. I.

<sup>2</sup> See no. 63, n. 12, above.

<sup>3</sup> *India Book* 28, 298.

<sup>4</sup> *India Book* 86, 87, ed. S. D. Goitein, *Sinai* 33 (1953), 225-237, and *India Book* 254, which is the continuation of no. 86, but was found after 1953.

Tuesday, December 19, 1144, and this date is the most likely for our document, for Abū Saʿīd Joshua was in authority for a very short period only.<sup>5</sup>

University Library, Cambridge, Taylor-Schechter  
Collection, TS 12.582.<sup>6</sup>

*This deposition was made before us, we, the witnesses signing below. This is what happened:*<sup>7</sup>

We were present in 'Aydhāb on Tuesday, the 21st of the month of Tevet of the year [ ],<sup>8</sup> when Abū Saʿīd b. Maḥfūz ("Propitious, son of Protected [by God]"), known as Ibn Jamāhir, appeared before the chief of police,<sup>9</sup> launched a complaint against Šāfi,<sup>10</sup> the "boy" of the elder Abū Saʿīd b. [ . . . ], and appealed for help against him. The chief summoned the slave Šāfi, and the aforementioned Abū Saʿīd procured as witnesses Muslims, some of those with whom he used to associate. They testified in favor of Abū Saʿīd that this Šāfi made false accusations against him, and that Šāfi had said words which cannot be repeated to the aforementioned Abū Saʿīd, that he called him bad names, saying: "You had a slave girl, made her pregnant, and when she bore you a boy, you abandoned her together with her b[oy] in Berbera." Abū Saʿīd appealed to the chief for help and demanded satisfaction from his adversary Šāfi.

Upon this the chief of police sent a herald to assemble the Jews who happened to be in the town and to bring them before him. Some hid themselves, others were brought into his presence by police. When the chief saw that Abū Saʿīd persisted in his demand

<sup>5</sup> Mann, *The Jews in Egypt*, II, 270. The calculation made in *Med. Soc.*, I, 432, n. 10, is wrong.

<sup>6</sup> *India Book* 170, ed. S. D. Goitein, *Tarbiz* 21 (1950), 185-191. Small, but regular script, such as used in court records.

<sup>7</sup> The beginning and end of a record used to be written in Aramaic, the language that had been used by the Jewish courts for over a thousand years. The main text is in Arabic.

<sup>8</sup> The year was filled in when the witnesses signed. Since this document remained unsigned (see below), the space for the year remained blank.

<sup>9</sup> Ar. *wālī*. In a town of moderate size, such as 'Aydhāb, he held also the office of governor.

<sup>10</sup> "Pure, sincere," a common name given to a slave serving as business agent.

for satisfaction, he ordered Šāfi to be flogged. But Šāfi protested, and shouted: "I am the 'boy' of the *Rayyis*,<sup>11</sup> the head of the *yeshiva*," while Abū Sa'īd declared: "I shall not renounce my claim." After the flogging, Šāfi was put in jail in the presence of his adversary, who had appealed to the chief for help, and in the presence of all the Jews who had come to the audience hall.

Before the flogging of the slave Šāfi one of the Maghrebi merchants had gone to the chief's house in order to save the slave. But when Abū Sa'īd Ibn Jamāhir learned that he wanted to save the slave, he began to incite some Muslims against the stranger; they gave him trouble and [threatened] him with fines and other matters, after having made false accusations against him.<sup>12</sup> Šāfi was set free from jail only after incurring loss of money.<sup>13</sup>

This is what happened. We wrote it down during the last ten days of the month of Tevet<sup>14</sup> of the year of the Creation<sup>15</sup> in the city of 'Aydhāb, which is situated on the shores of the Great Sea. Written between the lines: the Jews.<sup>16</sup>

*Correct, valid, and confirmed.*

(Room was left for at least twenty signatures, which may indicate that the Jewish travelers passing through 'Aydhāb contemplated concerted action against the high-handed Ibn Jamāhir. No signature is attached. For a possible explanation see the introduction.)

<sup>11</sup> The Ar. term for the head of the Jewish community.

<sup>12</sup> Ar. *ba'd al-iḵhrāq bih* (fourth for first form, as common). In the edited text *b* is printed for *ḵ*.

<sup>13</sup> He made a deal with the chief of the police. The document purposely remained vague on this point.

<sup>14</sup> At first sight it seems strange that the document, being dated on Tevet 21st, is again dated in a more general way at the end. This was done in order to enable witnesses to add their signatures to the original two signatures required by the law. A similar custom is found in Muslim and in pre-Islamic Coptic documents.

<sup>15</sup> See n. 8, above. The writer of this document was from the Maghreb or from Alexandria, where it was customary to count from the Creation. In the capital of Egypt Jewish documents were dated according to the so-called Seleucid era, which began in the autumn of 312 B.C.

<sup>16</sup> When words were added between the lines in a legal document, the addition had to be indicated as such at its end. The reference is to the last sentence of the second paragraph, where the text originally had: "all those that had come, etc."

## 80 IDENTIFICATION PAPERS FOR A FEMALE TRAVEL COMPANION

A man from Ceuta, Morocco, was imprisoned in Bijāya (Bougie), Algeria, and his goods confiscated, because he had been unable to produce identification papers for a woman accompanying him.

The note is written on a minute piece of thin, dark gray paper, and probably was inserted into a letter as a postscript. The handwriting is that of the thirteenth century.

University Library, Cambridge, Taylor-Schechter Collection, New Series NS J 286.

Furthermore, I inform you that I long and yearn for you. I also inform you that someone arrived here and told us that your son Nissīm traveled from Ceuta to Bijāya, where the governor of the town<sup>1</sup> found that a woman was in his company. He asked him: How is this woman related to you? He answered: She is my wife. However, when he was asked for her (marriage) certificate,<sup>2</sup> he replied that she had none. Upon this the governor took all his goods and put him into prison. Nothing remained in his possession. By God, do not tarry.<sup>3</sup>

Take note of this. Greetings. *And Peace.*

<sup>1</sup> Ar. *ṣāhib bijāya*, which could also mean: the ruler of the town. Most likely the reference is to a governor of the Ḥafṣids. The Ḥafṣids took the town in 1230 (see *El*<sup>2</sup>, III, 66), and, in the early period of their rule, still adhered to the stern regime of the Almohads.

<sup>2</sup> Ar. *aina ḵitābuhā*.

<sup>3</sup> Ar. *tataharrā*, spelled *ttḥr'y*, which spelling has not yet been found by me in other Geniza papers.