

AN INJUNCTION OF A JEWISH-EGYPTIAN COURT OF
THE THIRTEENTH CENTURY.

By DAVID WERNER AMRAM.

AMONG my Genizah manuscripts, some of which I described in the March number, is the document presented here in fac-simile. It is a decree made by the court to enjoin the officials of the congregation from pledging any of the belongings of the synagogue, and is written partly in Hebrew and partly in Arabic, with Hebrew characters.

I am indebted to the kindness of Professor Richard Cothell of Columbia University for a translation, as follows:

"We, the Bet Din and the elders whose names are signed below, say that since difficulties have happened to the Congregation in that certain of the *Kele Kodesh* [sacred belongings], such as the dressings of the *Sefarin* [scrolls of the Law] and their pomegranates and the like, have been given in pledge, and their redemption in a short time has become difficult, thereby causing anguish of mind to some of the Congregation; and since we see that people will in future (on this account) hesitate to donate such objects for the holy *Sefarin*, out of fear that the like will happen; and since we wish to do away with the difficulty above mentioned, we have come to an agreement and have put under the ban the name of anyone who would again give as a pledge one of the things above mentioned or the like—of any of the belongings (*Kele*) of the Synagogues which are in Egypt, for the space of twenty years; believing that this action will be of advantage in the matter. We have set up this document on the last tenth of the month of Iyyar of the year one thousand, five hundred and forty and three (according to the *Shtarot Ezra*), in Fostat of Egypt, which is situate on the River Nile, the domain of our Lord, our Nagid, Abraham, the intelligent Rab, the banner of the Rabbis, the first of his time

and its wonder, the great Nagid—may his fame be great and his honor increase.

"That which precedes we have written and signed that it be for a witness and a proof; all is true and clear, stable and firm."

Nathanel son of Sa'adyah.

Eliyahu son of R. Zechariah (T. N. S. B. H.)

The decree purports to have been made by "the *Bet Din* and the elders whose names are signed below." The *Bet Din*, or court, consisted of three persons learned in the law, and the elders who are mentioned here as associated with the court in the making of this decree seem to have been the elders of the congregation, who have no definite judicial standing like the members of the *Bet Din*, but who, because of their dignity and standing in the congregation, are associated with the members of the court in this proceeding. The fact which led to the making of this decree can readily be ascertained from the decree itself. The officials of the congregation being short of funds, made loans and gave the sacred belongings (*Kele Kodesh*) of the synagogue in pledge. When the debts were due, they were unable to repay them, and the articles pledged were retained by the creditors. Now, as these articles were used during religious services, their absence while in the hands of the creditors caused "anguish of mind to some of the congregation." *Sefarin*, or scrolls of the law, were customarily robed in valuable silk dressings, emblazoned and embroidered with gold, and oftentimes adorned with jewels. The scrolls were hung with breastplates of precious metals containing suitable inscriptions, and having silver bells and pomegranates pendant from them.

The anguish of mind of the pious members of the congregation may have been caused by seeing some of the scrolls of the

law bare of all dressing and ornamentation; or, it may have been the anguish due to the wounded pride of the patrons of the synagogue who had donated these valuable articles, and now found that their pious gifts had been pledged to money lenders.

The pious members brought these facts to the attention of the court, due inquiry was made, witnesses were heard, and the court, after having satisfied itself that the synagogue belongings had in fact been pledged, came to the conclusion, "that the people will in future (on this account) hesitate to donate such objects for the holy *Sefarim* out of fear that the like will happen."

The court, apparently, had no jurisdiction in the premises, to compel the officers of the congregation who had pledged the property to restore it. At any rate they made no decree to this effect. It may be inferred from this that the belongings of the synagogue had been pledged to pay congregational debts and not the private debts of the officers; and furthermore, that it was within the power of the officials of the congregation to pledge its property in this manner; hence the court and the elders did not attempt to interfere with what had already been done, and contented themselves with issuing the decree.

After setting forth the facts as above stated, that such conduct on the part of the officials would cause people to refrain from donating to the synagogue, and averring that it was their desire to do away with this difficulty, they make the following decree: "We have come to an agreement and have put under the ban the name of any one who would again give as a pledge one of the things above mentioned, or the like—of any of the belongings of the synagogue which are in Egypt for the space of twenty years." The threat to put the name of the offender under the ban was equivalent to an injunction, for no one would run the risk of so great a misfortune as being put under the ban of excommunication. The ban, in Rabbinical times, was pronounced according to

fixed and definite rules and in its extreme form resulted in absolutely ostracizing the unfortunate person against whom it was directed. He became an outlaw; all intercourse with him was absolutely forbidden; he was formally cursed; in some instances his entire property was confiscated; and he was subjected to severe corporal punishment.

The ban could only be enforced against the offender if it was published; hence it is probable that this document, after having been drawn up and signed, was publicly read in the synagogue, perhaps on several occasions, and that copies thereof, were sent to synagogues in other towns as far as the jurisdiction of the court extended. In Talmudic times, and in later times also, the ban was frequently used as a punishment in cases in which modern law would prescribe a fine and imprisonment, such as, for instance, the cases of libel and slander, contempt of court, maintaining a nuisance, and the like.

After pronouncing the ban, our document proceeds with these words, "believing that this action will be of advantage in the matter." From what we know of the force and effect of the ban, we have no doubt that this action was of advantage in the matter, and effectually prevented the officials of the congregation from offending in a like manner in the future.

The date of the document is given as the last tenth of the month of Iyyar of the year one thousand five hundred and forty-three, according to the Shtarot era. This corresponds to the fourth day of March, 1231, of the Christian era. Fostat of Egypt, "which is situate on the River Nile," is the name of a town immediately adjoining the city of Cairo, and was the old capital of Egypt. It was destroyed by fire in the year 1168 by the Vizier Shawir in order to prevent it from falling into the hands of the Crusaders. It is said that the city burned for fifty days, and it is probable that the Jews, who had been living there, together with the other inhabitants, moved to the city of Cairo near by.

Whether the city of Fostat was rebuilt after the fire, I have not been able to ascertain; but it seems that the fact that in our document the city of Fostat is mentioned as the place where the document was written, would indicate that the city had been repopulated; or it may be, that the ancient name of Fostat was carried over by the Jews who settled in the neighboring city of Cairo, and retained in their documents as the name of the latter city.

This decree of the court is issued in the name of Abraham who was the son of Moses Maimonides, who is described as "our Lord, our Nagid [prince], Abraham, the intelligent Rab [Rabbi], banner of the Rabbis, and the first of his time and its wonder, the great Nagid,—may his fame be great and his honor increase." After making due allowance for the exaggerated style of the author of this document, it is obvious that Abraham was a man of great importance. The fact is that the Jewish Nagid was recognized by the Caliphs. The Nagid was the religious and judicial head of the Egyptian Jews; he appointed rabbis and other officials of the congregation and was the supreme judge in criminal and civil matters. He was supported by the various congregations and received fees for all legal documents that were issued in his name. Abraham Maimonides succeeded his father, the great Moses Maimonides, as Nagid. Like his father, he was a great scholar and the great physician of the Caliph *El Kamil*, so that in addition to his power as the head of the Jewish communities, he had great influence and power as a statesman and as a member of the royal household. Although a great scholar, he was an insignificant figure in Jewish history compared with his father, Moses Maimonides, whose wonderful intellectual gifts and attainments, whose scholarship and statesmanship and business capacity and medical skill, all combined, strengthened and inspired by a most remarkable originality and intellectual boldness and independence, completely overshadowed those who preceded as well as those who followed him.

Our decree is signed by two men. It is probable that they were elders of the congregation, for otherwise, if the signatures were intended to be those of the *Bet Din* there should have been at least three names. It is possible, however, that this document is mutilated at the end, and that the other signatures have been destroyed, although I am inclined to think from an examination of the edges of the document that it is complete as we have it. It is possible, also, that the two signatures may be those of members of the *Bet Din*, it being sufficient to have two of them sign the document in the character of witnesses, the decree having been made by a full court. The letters T. N. S. B. H. after the last name are the initial letters of a Hebrew phrase which may be rendered "may his soul be gathered into life everlasting." A pious prayer for a deceased father.

Another feature of this document is that although written and published in troublous times, it shows no signs of the excitement that must have affected all the members of the Jewish community as well as their Mohammedan compatriots.

At this time the crusades were being conducted with unabated vigor. The sixth crusade had ended in the year 1229, and the seventh commenced in the year 1230. Only a few years before this document was written, the city of Damietta at the mouth of the Nile had been taken by the Christian invaders, and the entire community massacred. The invaders in turn were driven out by the Caliph *el Kamil*, assisted by a timely overflow of the river Nile. The land was filled with alarm, and war was being continuously carried on between Christian and Moslem. In these wars the Jews fought under the crescent against the cross. The relation between the Jew and Moslem was brotherly, both of them being separated from the Christian through the Trinitarian doctrine, and more especially by reason of the fact that in the eye of the crusader, Jew and Moslem were alike children of the devil, whom it was a sacred duty to destroy. Indiscriminate application of this doctrine

threw the Jew and Moslem closer together, and it therefore does not seem to be remarkable that a distinguished professing Jew like Maimonides or his son should at the same time be one of the chief ministers at the court of a Mohammedan ruler. But of all these events our document says nothing. Beyond the limits of the fighting and out of earshot of the noise of combat, life went on quietly along its accustomed lines; men pursued their daily vocations haled each other

into court and lived their lives as though there was no such thing as the holy sepulchre about which millions of men were contending.

This document, having served its purpose, found its way into the Genizah where it lay neglected for nearly seven hundred years, until it was resurrected by an English university professor, and has now become an object of antiquarian interest.

WHAT'S IN A NAME?

By J. M. PATTERSON.

JOE TROTTER BROWN, the tipstaff, was a student of the Laws,
And all his time was occupied in learning legal saws.
He scorned to live a fameless life — mere lackey of the Court —
And nightly did he lucubrate on Contract, Crime and Tort.
For Joe had sworn right solemnly, forensic renown
Should trumpet to the universe the worthy name of Brown;
And, though his own accomplishments ne'er reached the outer throne,
His genius hatched a brilliant scheme to help his oath along.
So all his little children, as they numerously came,
He christened after jurists in the Pantheon of Fame.
Hence Mansfield and then Webster Brown and Salmon Chase Brown appeared
And Brewster Brown and Blackstone Brown and Story Brown were reared.
P. Henry Brown and E. Coke Brown arrived at man's estate
And Bacon Brown and James Kent Brown filled up the family slate.
Old Joe believed his great-named boys predestined to renown
And that, in time, they'd lift the sod from the buried name of Brown.
But still that great day has not come, and still that worthy name
Is missing from the pedestal within the Hall of Fame;
For Mansfield Brown, the farmer, is the man behind the hoe;
And Webster Brown's a tailor, content to sit and sew;
Salmon Chase Brown's a monger, of fish, both shell and scale;
And Brewster Brown's a maker of choicest brands of ale;
Young Blackstone Brown delivers coal — good anthracite's his line —
And Story Brown is pitching for the Tallahassee nine;
Pat Henry Brown, the lightweight, is a pugilist of note;
And E. Coke Brown's a stoker on a Jersey ferry-boat;
The butcher shop is Bacon Brown's and there he toils each day;
While James Kent Brown makes cock-tails in a Cripple Creek café.