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**The Study of Medieval Jewish Merchants living in Islamic Lands**

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*Serious books are not always the result of systematic endeavors and orderly procedures.*

**S.D. Goitein**

The characteristics that have defined the Jewish people form a continuous, changing, and sometimes amorphous path. Historically the Jews have lived as a minority population and thus their cultural practices have been exposed to the political and social currents of the ruling authority. As the dispositions of empires have changed so have the practices of the Jews inside those empires. Often times Jew's were relegated to certain crafts and trades thereby imposing additional external pressure on their cultural practices. Many historians have come to recognize that the legacy of the Jewish people is intertwined with the context and structure of their commercial enterprises.

Of particular interest are the details of the laws and practices of Jewish merchants whose communities are preserved in documents contained in Cairo Geniza Collection. These archives have given historians a massive collection of records from which they have developed and debated the characteristics of Jewish identity. This paper will examine those Jewish communities while surveying the methodology of the modern historians who first established this area of study. Many thousand preserved documents have provided historians a detailed and complex insight into the customs of Jewish Merchants living under Medieval Islamic rule. To understand this it is important to understand the source from which this history comes from.

The Cairo Geniza Collection is an assorted archive of approximately 200,000 documents spanning a thousand years of history, that were amassed in the city of Fustat

(present day Egypt) beginning in the 10<sup>th</sup> century C.E. <sup>1</sup> More generally the term geniza describes the hiding or storage places used by a synagogue to store the written word. Such collections are actually a byproduct of a deep and commonly held reverence for the god's name<sup>2</sup>. When a document that contains God's name or a some scriptural passage it is no longer treated with the same disregard as ordinary writings; such a document is set aside to await natural disintegration inside a geniza. In Fustat, the arid climate combined with the city's economic centrality has culminated in an unprecedented archive of Jewish life in medieval times.

It is important to understand that these documents were not kept with a regard for future historians, but rather are a consequence of religious practices. This makes the history contained inside them markedly different than conventional historic archives. When the geniza documents were written they served mundane and utilitarian purposes for common people; they are mostly legal documents, marriage contracts, correspondences, and miscellaneous writings.<sup>3</sup> This disregard for future examination provides an honest account of everyday life. The logistics of such a sizable collection forces historians to examine a sample of documents that is relatively small when compared to the entire collection. For example the study of two thousand geniza documents would cover just 1% of the collection. Accordingly modern historians have not been able come to an agreement on a cohesive depiction.

The importance of The Cairo Geniza documents was first established by Shelomo Dov Goitein in the 1950's. For Goitein it was the study of these documents that lead him to explore the history of Jewish merchants; he makes the root of his motivations clear in

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<sup>1</sup> Stillman, Norman, Phillip Ackerman-Lieberman, Yaron Ayalon, and Vera Moreen. "Cairo Geniza." In Encyclopedia of Jew in the Islamic world. 5 vols. Leiden: Koninklijke Brill NV, 2009. 534.

<sup>2</sup> Even today, as a child in Hebrew school I was always instructed to write god as g-d.

<sup>3</sup> Stillman, In Encyclopedia of Jew in the Islamic world, 535

*Letters of Medieval Jewish Traders*.<sup>1</sup> As the first scholar to study these documents Goitein had no structure to build from and as such was not obligated to survey the entire collection. He chose to examine correspondences which he believed detailed how friendships and thus business relationships were structured. Goitein mostly considered correspondences in the form of letters and was foremost concerned with the nature of friendships which he believed to be the basis for business partnerships.

In *Formal Friendship in the Medieval Near East* Goitein investigates the importance of a formal friendship known as a *suhba* and how the institution demonstrates the influence of Islam on Jewish merchants<sup>2</sup>. *Suhba* is an advent of Islam and was originally used to classify the bond between Muhammad and his followers; the bond is authenticated by handclaps.<sup>3</sup> Such a formal institution of friendship provided a method for establishing trust outside of blood relatives which had not existed before Islam. Goitein uses the following excerpt from a lawyer's correspondence in the 11<sup>th</sup> century to demonstrate.

You have asked me which of the two of you loves his friend, *sahib*, more. I see that you love him more. May the Creator make the two of you love each other permanently and may not let any- one take pleasure in your failure.<sup>4</sup>

Goitein's document choice demonstrates that he understood the value of *suhba* for commercial means, but viewed its primary function as spiritual. The excerpt uses the term

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<sup>1</sup> Goytayn, Šelomo D.. "Introduction." In *Letters of medieval Jewish traders* transl. from the Arabic with introductions and notes. Princeton, NJ: Princeton Univ. Pr., 1973. 1-8.

<sup>2</sup> Goitein, Shelomo. "Formal Friendship in the Medieval near East." *American Philosophical Society* 115 (1971): 484-489. <http://www.jstor.org/stable/985841> (accessed April 27, 2014).

<sup>3</sup> *Ibid*

<sup>4</sup> Taylor-Schechter Arabic Box 44, f. 54. A small booklet in the hand of Hillel b. Eli, about whom *A Mediterranean Society* (1971) 2: p. 231, and *passim*. The passages translated are found on fol. 3a, no. 4; fol. 5a, no. 5; fol. 8a, no. 5.

in a far-reaching sense which allows Goitein to keep a focused spotlight on spirituality associated with suhba.

The scope of the historical understanding of suhba begins to widen when Abraham Udovitch continues the study of geniza documents. The first apparent difference between the two authors is that the term suhba does not appear in Udovitch's book, rather he uses the word mu'awada.<sup>1</sup> Udovitch includes a half page of footnotes wherein he recognizes that there exists confusion with regard to the meaning of the term. The exact terminology is less important than the formality of mufawada which Udovitch investigates through legal documents.<sup>2</sup> The concepts that Udovitch detail describe a formalized system of trading in which the laws reflect the actions of the traders. Udovitch maintains that Jewish merchants adapted the formalities of Islam in their business dealings. He makes it very clear that although Jews were considered dhimmis their mufwada had the same legitimacy as that of Muslims<sup>3</sup>. Thus the argument remains that there exist a type of universality in the economic regulations in medieval Islamic lands.

Udovitch further develops an understanding of the methodology that upholds this structure. He argues that this system had legal precedent in Islamic law, but was not enforced by a governing body. The correspondences that he studied intertwined commercial and personal matters in addition to conveying information about third parties. Thus it was a dyadic system in which members conveyed information about the happenings in distinctly separate parts of the organization<sup>4</sup>. In his 1989 doctoral

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<sup>1</sup> Meri, Josef, and Jere Bacharach. *Medieval Islamic Civilization: An Encyclopedia*, Volume 2, 1 ed., s.v. "Jewish Merchants." UK: Taylor & Francis, 2006.

<sup>2</sup> Udovitch, Abraham L.. "The Commenda ." In *Partnership and profit in medieval Islam*. Princeton, N.J.: Princeton University Press, 1970. 203.

<sup>3</sup> Ibid

<sup>4</sup> Lieberman, Phillip Isaac. "Commercial Forms and Legal Norms." *The business of identity: Jews, Muslims, and economic life in medieval Egypt*. Stanford, California: Stanford University Press, 2014. 156-193. Print.

dissertation economist Avner Greif argued that such dyadic ties were also multilateral.<sup>1</sup> In the sense that the group could agree to punish or sanction a member for cheating or other wrong doings<sup>2</sup>.

Greif also saw the letters included information about a third party being passed along. He furthered the understanding of this system by demonstrating that relationships were maintained at the level of the node; through these relationships information was dispersed across a subgroup of merchants. Thus he argued that these subgroups contained their own set of laws that were distinct from Jewish and Islamic tradition.<sup>3</sup> This framework allowed the economy to develop a wage system and disincentivized cheating. He sees that the “...standard story usually falters when trying to describe how economies make the transition from reputation-based personal exchange to law-based institutions.”<sup>4</sup> Accordingly he used the Geniza documents to help bolster the understanding of that transition.<sup>5</sup> Greif is foremost concerned with studying economics and can recognize the important of Geniza documents in that effort. For scholars such as Phillip Ackerman-Lieberman the structure of these merchants’ networks had farther reaching effects.

Lieberman argues that the Jewish subgroups of merchants had formal and distinctly Jewish system of commerce. Lieberman cites Jessica Goldberg as having used a more empirical methodology to determine the formality the relationships depicted in Geniza documents. She determined that “For the content in which ownership is clear, 75 percent of transaction text involves goods belonging to an individual, while some 25

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<sup>1</sup> Lieberman. The business of identity Jews, Muslims, and economic life in medieval Egypt.

<sup>2</sup> Ibid pg 78

<sup>3</sup> Ibid pg 78

<sup>4</sup> Greif, Avner. "History Lessons: The Birth of Impersonal Exchange: The Community Responsibility System and Impartial Justice." *Journal of Economic Perspectives* 20.2 (2006): 221-236. Print.

<sup>5</sup> Ibid

percent involves goods in a partnership.”<sup>1</sup> Lieberman claims that Goldberg’s finding challenged the previous notations established by Udovitch.<sup>2</sup>

Furthermore Lieberman argues that the role of courts and formality has been deemphasized by his colleagues. He claims that previous scholars were discouraged by the monotonous and tedious task of picking through the legal documents pertaining to commercial relationships.<sup>3</sup> Further deterring scholars was a western predisposition to separate the functions of courts and lawyers. Lieberman claims that such relationships were more intertwined in medieval times<sup>4</sup>. Thus Lieberman concluded, “that Jewish merchants actually drew upon the commercial models seen in the classical compendia of Jewish law.”<sup>5</sup> This is contradiction to the earlier notions established by Goitein and Udovitch.

One practice which Lieberman makes his argument on is based on the consequences of a particular type of failed joint venture. Lieberman is concerned with joint ventures wherein one partner invests labor and the other provides financing. He cites Maimonides for having established that a principle investor will have no claim against an agent who fails him, though two investors (one invests time the other with capital) would have equal liability. By contrast the Islamic commenda would require only the partner who invested the capital to bear the cost of failure. Lieberman found that the majority of Geniza investment partnerships followed the principles set forth by Maimonides. In such cases the cost of the failure would be reckoned as a loan from the

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<sup>1</sup> Goldberg, “Geographies of Trade,” 84.

<sup>2</sup> Lieberman, 60.

<sup>3</sup> Lieberman 80

<sup>4</sup> *ibid*

<sup>5</sup> *ibid* 111

partner who invested the capital. Goitein had made the opposite claim and thus Lieberman has discovered a flaw in the theory of his predecessor.

Clearly the process of understanding a data set as massive as the Geniza documents is a difficult and rigorous task. Goitein, Udovitch, Goldberg, and Lieberman have built upon each other's theories thus allowing this author to begin to grasp the difficulties involved in trying to understand history through the Geniza documents. With the advent of digitized Geniza archives it might soon be possible to add an entirely fresh layer of insight to this area. The many interconnecting authors and subjects contained in Geniza documents most certainly form some type of larger social structure. Building a picture of such a social network may cast a broader light on the subject. No matter how brightly technology may illumine these documents there is no doubt that scholars will not cease to find shadowy areas to over which to debate.