

*One Jewish, Islamic, or Mediterranean?
Historiography and the Cairo Geniza*

The Cairo Geniza is, certainly, one of the most important resources for the study of the world of the Islamic Mediterranean. This treasure trove, discovered in the dedicated chamber at the back of the Ben Ezra Synagogue in Fuṣṭāṭ (Old Cairo), contained documents dating as far back as the ninth century and as recently as the nineteenth, when Western scholars began to plumb its depths in order to study medieval Jewish life. S. D. Goitein's estimate (1967¹) of a quarter-million leaves of paper and papyrus in the Geniza dwarfs that of only fifty thousand sheets from the rest of the Islamic world, offered by Adolf Grohmann in 1952.² Although the vast majority of the Geniza leaves represent literary texts,³ the fragments of the so-called documentary Geniza are believed to number around fifteen thousand,⁴ "which appear in a trickle during the second part of the tenth century and become a flood for the subsequent two and a half centuries."⁵

It should be obvious that the greatest contribution made by the Geniza documents is in providing insight into the daily lives of the individuals who composed them. This is because otherwise "documentation for Fatimid rule and for the societies that lived under it is certainly poorer than for a dynasty like that of the Mamluks."⁶ In general, whereas edited literary sources "yield tantalizing bits of data, though seldom enough to permit a fully satisfactory resolution of any major problem,"⁷ the edited nature of literary sources leaves them vulnerable to the challenge that any such source "evolved over time . . . and naturally shows the impact of political, theological, social and other issues that were not important at the time of the event the accounts are supposedly describing."⁸ Furthermore, while

2 Jewish, Islamic, or Mediterranean?

classical literary and rabbinic works may overrepresent the rabbinic and social elite and may or may not even be intended to depict the quotidian reality of their writers in medieval Egypt, scholars generally understand the data found within the “documentary Geniza” to depict accurately the daily life of its writers since the Geniza is simply a repository of documentary fragments rather than an archive or an edited literary collection. A. L. Udovitch, one of the most important Geniza scholars of the late twentieth century, asserts this when he writes that “there is no Heisenberg effect here, that is, the data in the documents are ‘unobserved’ and require no adjustment for distortion as a result of observation.”⁹ It is the “unobserved” or “unedited” quality of the documents, as well as their great breadth of substance (Udovitch also points out that they “derive from . . . a fairly wide range of the social spectrum”¹⁰) that has established the importance of the Geniza documents for the study of the broader world from which the documents emerged. Further, although their writers—and indeed, the vast majority of the *dramatis personae* with which the Geniza documents are concerned—are overwhelmingly Jewish, the question arises of whether and to what extent this rich collection of materials can be used as a source of Islamic as well as Jewish social history. This question is of particular importance for a period in which other sources of documentary evidence are few.

In this chapter, I briefly outline some of the various strands of Geniza study, with an eye toward describing how the documents have been used by scholars as a source of Jewish and Islamic social and economic history. Contemporary Geniza studies may be said to have begun with the visit of Jacob Saphir to the Geniza chamber in 1864 and his subsequent publication of a work describing its contents.¹¹ Yet one of the most prominent strands of Geniza scholars (and perhaps the most prolific strand) is the “Princeton School,”¹² which looks to Geniza documents as an important source (perhaps the most important) describing the Islamic environment as a whole, communicating much “about the rhythms of daily life in the Islamic environment from the data on material culture from the Geniza.”¹³ I focus my energies in this chapter on the Princeton School. One fundamental element found among its members is a willingness to assume a

cosmopolitanism among Jews and Muslims in medieval Egypt that manifested itself in a commonality of practice across “confessional” barriers in one domain or another. Here, the idea of Jewish “embeddedness”—defined by these scholars as “assimilation” or “conformity”—sits in tension with the idea of Jewish “exceptionalism.” That is to say, these scholars understand Jewish embeddedness to imply behavioral conformity with the norms of their broader environment, rather than exceptional behavior through which Jews might have distinguished themselves. Examining the social conditions and the intellectual environments from which these scholars emerged, I show that this dichotomy between embeddedness and exceptionalism emerges not from the documents themselves but rather from the *Bildung* or “character education” of the scholars who studied the documents and their assumptions about Jewish life in the medieval Islamic context.

Challenging the dichotomy between embeddedness and exceptionalism, I propose an alternative to the humanism or cosmopolitanism of scholars such as S. D. Goitein, the twentieth-century doyen of Geniza studies, which allows the Geniza documents to be viewed as the distinctive cultural production of a Jewish community that was embedded in medieval Egyptian culture and economy and yet maintained the possibility of distinctiveness in quotidian life. Focusing on documents concerned with mercantile cooperation, I entertain the possibility that commerce and trade provided the Jewish community with a vehicle for expressing its own cultural distinctiveness. And over the course of this book (particularly in the third chapter), I explore in detail the process through which Jewish economic actors were made aware of traditional rabbinic legal norms concerning matters of commerce. With this in mind, the choice of these Jews to interact with one another in accordance with Jewish law can be seen as deliberate, reflecting a tendency on the part of merchants and traders to adhere to traditional Jewish norms when their colleagues in the broader “Islamic” marketplace may have acted otherwise.

The possibility of Jewish distinctiveness in daily life, particularly in the domain of commercial cooperation, would problematize the use of the Geniza documents as sources for Islamic social history. The joining of embeddedness and assimilation or conformity conveniently

4 Jewish, Islamic, or Mediterranean?

allows the historian to use the Geniza documents as a proxy for the largely obliterated documentary record of the Islamic community; conversely, the possibility of Jewish exceptionalism could lead the researcher in Islamic history to the despairing conclusion that the Geniza is useless for shedding light on the object of his or her study, except where the Geniza documents describe Muslims or Islamic institutions. This book as a whole offers a possible solution to this problem, sketching out how scholars can actually use the distinctiveness of Jewish merchants in the economic domain as a tool for understanding the Islamic environment in which those Jewish merchants functioned. But the history of the humanistic association between embeddedness and assimilation must first be addressed; and such a history must begin with the work of Goitein, whose masterful and extensive scientific study of the documents laid the foundation for the present-day field of “Geniza studies.”

S. D. Goitein:

Humanist and the Doyen of Geniza Studies

The study of the “documentary Geniza” did not start with S. D. Goitein, but he is the undisputed doyen of Geniza studies. Born the scion of a rabbinic family in the town of Burgkunstadt, Bavaria, in 1900, Goitein pursued Islamic studies in Frankfurt and Berlin, though he also pursued in parallel the study of Jewish texts and tradition under the tutelage of Rabbi Nehemias Nobel.¹⁴ Immigrating to Palestine in 1923, Goitein initially taught Bible and history at the Haifa Reali School, moving to the Hebrew University in Jerusalem in 1928, shortly after its establishment. Gideon Libson’s appreciation of Goitein’s scholarship explains that “Goitein’s scholarly work centered not on a variety of different subjects, but on one broad topic, with different branches being nourished by a single root: the Jewish-Arab encounter on all levels and its varying impact.”¹⁵ Surveys of Goitein’s research trajectory—including Libson’s—generally describe a more or less definitive move from one branch of the “Jewish-Arab encounter” throughout his early days and his years in Palestine and Israel to

another branch during his years in Philadelphia (which could be said to have begun with his migration to the University of Pennsylvania in 1957, though this followed shortly after Goitein's year as a visiting professor at Dropsie College in 1953–54)¹⁶ and the Institute for Advanced Study at Princeton, where Goitein served from 1971 until his death in 1985. This shift is reflected in a move from his early works on the foundations of Islam—such as his doctoral dissertation, “Das Gebet im Qoran” (approved under the supervision of Josef Horowitz, a well-known orientalist who would go on to establish the Hebrew University's Institute of Oriental Studies) and his translation of the fifth volume of al-Balādhurī's prosopographical *Ansāb al-Ashrāf* (published in 1936 by the Hebrew University)—to the study of the Cairo Geniza.¹⁷

Thus, although it was not published until 1966, well after Goitein had become established in Philadelphia, his *Studies in Islamic History and Institutions*¹⁸ can be seen as a watershed representing this shift in his research; as Libson writes, “while the first part is based on Muslim sources, the second turns to genizah documents.”¹⁹ This was more than a shift in the sources on which Goitein relied; it also betokened a shift in the object of his analysis from “Islamic”²⁰ to what he himself would come to call “a Mediterranean People.”²¹ It is abundantly clear that he did not intend by this designation “Jews in Islamic Lands,” or even the broader “Jews living in the Mediterranean Littoral.” Rather, he seems to have understood the term to describe (and inscribe) Muslims, Christians, and Jews alike in the region whose inhabitants produced the Geniza documents. Goitein's recognition, from the beginnings of his Geniza studies, of the importance of these documents for deepening his understanding of Islamic history and culture, the object of his early research, is immediately apparent from his publication of a number of articles with titles such as “What Would Jewish and General History Benefit by a Systematic Publication of the Documentary Geniza Papers?”²² and “The Documents of the Cairo Geniza as a Source for Islamic Social History.”²³ At the core of this recognition was his understanding of a “Jewish-Arab symbiosis”²⁴ in which the Jews of the Arab world “drank in everything Arab because

6 Jewish, Islamic, or Mediterranean?

they were sure of their autonomous culture and comfortable in a religious environment that was simply an ‘enlargement’ of Judaism.”²⁵

Appreciations of Goitein’s life—particularly those of Steven Wasserstrom and Gideon Libson—explore the master’s vision of a “creative symbiosis” between Judaism and Islam.²⁶ The term these accounts use to describe Goitein’s approach to medieval Jewish society and its symbiosis with medieval Islam is “humanism,” which bears discussion here. In his posthumously published article “The Humanistic Aspects of Oriental Studies,”²⁷ Goitein explains:

What then is humanism? I use the word humanism in its traditional sense, as it was applied to the great humanists of the fifteenth and sixteenth centuries. In a very general way, a spirit of humanism has been manifest in world history in many places and times, namely, when people were searching for useful knowledge, goodness, and beauty not only among themselves, but wherever they could find them, even among strangers and enemies.²⁸

Thus Goitein saw the search for “self-perfection” as transcending space, time, and the boundaries of nationality and creed,²⁹ and subsequent readers of his work have often pointed out his efforts to push aside these boundaries.³⁰ Further on, I discuss in greater depth his tendency to overlook the passage of nearly a millennium from the period of the Geniza documents until his own, seen most fully in his efforts to thrust insights from his own life experience and time period onto the medieval period. Yet he did not believe that there were no boundaries at all between communities. He reserved for participants in a “humanistic” culture the right to rejoice in their own identity: “There is nothing wrong with a man’s conviction that his religion is the best (at least for himself), as long as this belief does not make him blind to the virtues of others and as long as the supreme values of morality and mercy are not sacrificed to confessional fanaticism.”³¹

Thus, in describing the “genizah man,” Goitein explains that “this person had firm ethical views; his religiosity was simple and healthy, he was sober, pretty much free of superstition, and generally loyal to his own people.”³² By “superstition,” Goitein clearly meant obscurantism, a fealty to unenlightened practices and ideas. Understanding the “genizah man” to be “pretty much free” of such ideas and practices,

Goitein would have had little truck for magic or fancy among the Geniza people. Indeed, Cohen even explains that Goitein

found little expression of magical superstition in the business letters he so painstakingly transcribed and translated. The merchant had to be rational in his pursuit of profit. He was a thinking and calculating man, carefully planning his every move, his every purchase and sale. He relied on his carefully orchestrated partnerships, not on magical powers. If the merchant relied on supernatural intervention, it was on God, alone.³³

Likewise, Goitein focused on the “rational” even within the creative domain of the literary: he describes the sage Abraham Maimonides (1186–1237 CE), in his view the very apogee of Jewish culture in medieval Egypt, as having been so persuasive in his biblical commentary “as to make even its *midrash* (homiletics) seem like *pesbat* (the simple meaning of the text).”³⁴ That is to say, Goitein even saw Abraham’s biblical exegesis—an area in which one might be expected to exercise a great deal of literary freedom and creativity—as “free from superstition,” since it could be understood as nothing more than unpacking the simple meaning of the text.

Further, although Goitein’s “genizah man” might be reasonably expected to maintain loyalty to his own people, this loyalty did not eclipse the perpetual search for ultimate human perfection: Goitein particularly praises Abraham Maimonides’ adoption of Muslim Sufi traditions for his “efforts to shore up these views with ancient Jewish sources and prove their continuity with early tradition.”³⁵ Goitein understood that commonality in language, religion, and culture led the Jewish community to look to their Muslim neighbors for leadership in many areas.

The permeability of interconfessional boundaries implied by this communal search for perfection allowed Goitein not only to discover “nuggets of evidence about Islamic society buried in the Geniza records”³⁶ but also to muse about the possibility that the Geniza could provide more than simply nuggets, and perhaps even descriptions of entire cultural institutions and practices not detailed in the medieval Islamic literary or documentary sources available to him. Although the Geniza documents did not, by and large, emerge from

Islamic hands, nor was their vast majority concerned with individuals who were identifiably Muslim, Goitein understood much of the detail those documents provided to be no less descriptive of Muslims than of the Jews who wrote them. For example, noting a “usual condition” in Jewish marriage documents from the Geniza that the husband agrees not to marry a second wife, Goitein writes: “In the Arabic papyri, the wife sometimes receives the right to ‘dismiss’ the second wife, if she does not please her. I wonder, however, whether the still unpublished Muslim marriage contracts, which are contemporary with the Geniza papers, do not contain the same ‘usual condition’.”³⁷

Importantly, perhaps, Goitein presents this conjecture despite his own admission that this clause was absent from the five published Muslim marriage documents from the thirteenth and fourteenth centuries that he knew.³⁸ He maintained this conjecture despite the silence of these documents by explaining that the prevalence of monogamy “was more characteristic of a progressive middle class than of a specific religious community. It is not excluded that the same practice prevailed at that time in the corresponding layers of Muslim society.”³⁹ In this case, it would seem that he understood behavioral norms to be described by economic strata (these are the “corresponding layers”) rather than religious affiliation. Such an outlook follows what he himself described as “the towering figure of Michael I. Rostovtzeff,”⁴⁰ under whose influence Goitein fell, both in relying heavily on epigraphy and in understanding social divisions to be defined principally by economic class rather than by confessional boundaries.⁴¹ Goitein composed his magnum opus *A Mediterranean Society*⁴² in a manner that presented detail he deemed “sociographic . . . not sociological”⁴³—by which he meant that his work aimed to arrange and present detail from the Geniza documents in order to bring to light his “Mediterranean Society” rather than to draw the lines of cultural border and identity established by distinctive *mentalités* of specifically Jewish or Muslim communities. Indeed, it could be said that Goitein’s humanistic impulse led him to perceive one overarching “Mediterranean” mentalité whose contours were generally smooth, at least across confessional lines. Goitein seems even to have originally intended to title the fifth volume of *A Mediterranean*

Society “The Mediterranean Mind,” though he was later dissuaded from doing so.⁴⁴

Goitein’s examination of documentary witnesses other than the Geniza buttressed his conjecture, leading him to conclude that

I am even inclined to believe that, to a large extent, the Geniza records reflect Mediterranean society in general. When one reads legal documents on the same topic in Arabic, Aramaic, Hebrew and Byzantine Greek, one realizes how similar they are not only in legal conceptions, but even in their very wording. The same applies to business letters and even to private correspondence, as far as we have material for comparison.⁴⁵

Goitein did believe that there were points of discontinuity in that contour, explaining that “specifically Jewish are matters of religious ritual, family law and community life.”⁴⁶ Yet he softened even this assertion, hypothesizing that the information available from the Geniza concerning Jewish communal life that was suggestive of Greco-Roman corporations rather than of classical Islamic literary conceptions of urban society might actually have depicted a broader norm. That is, he challenged “generally accepted views about Islamic society in the High Middle Ages”⁴⁷ in order to see Jewish and Islamic communal life as assuming a common form, since both of these communities were part of the “Mediterranean People.”

Removing “community life” from Goitein’s triumvirate of areas of Jewish distinctiveness would leave ritual and family law as the main, and perhaps the exclusive, areas in which he would draw the line between the lives of the writers of the Geniza documents and those of their Muslim and even Christian contemporaries. Meanwhile, Goitein argued that the frequency and intensity of contacts between Jews and Muslims in economic life encouraged the former to integrate communitywide behavioral norms.⁴⁸

Describing Jewish exceptionalism in the domain of family law, Goitein argued that “the situation was entirely different with regard to family law. These were not man-made financial matters, *tenay mammon*, but biblical commandments, *din torah*. Moreover, Jewish and Islamic family laws and practices differed widely.”⁴⁹ The statement seems to presuppose categories (*tenay mammon* and *din torah*) that he

derives from Jewish law, subtly juxtaposing (presumably minor) “conditions” in financial matters with fundamental principles—though it is not entirely clear that these distinctions would have been drawn by rabbinic jurists of the period. Notably, his statement carefully avoids any discussion of whether taking on these “conditions” as their own would have led Jews to follow Muslim practices that actually contravened Jewish law as such. Rather than weighing in on whether or not Jews would follow such practices, he simply contrasts *conditions* made in financial relationships with ritual or family *commandments* or *law*. In this analysis, he may have been influenced by the talmudic principle *dina de-malkhuta dina* (“the law of the land is the law”),⁵⁰ which allowed Jewish jurists particularly in the diaspora to recognize enactments or customs emerging from a non-Jewish authority as carrying the force of Jewish law. Goitein’s association of “man-made financial matters” with greater legal flexibility echoes this principle, since he would have known from his own talmudic training that *dina de-malkhuta dina* is understood to have applied to certain commercial matters as well as to the general administrative matters of non-Jewish authorities.⁵¹ Thus he essentially conflates the distinction between “conditions” and “law” with the distinction between financial matters and ritual matters. Describing financial matters as conditions and family matters as law, he rejected any Jewish distinctiveness in financial matters and emphasized the distinctiveness of Jewish life in family matters. Although he might have acknowledged the influence of the Islamic environment on Jewish family life⁵² and mused about whether supererogatory conditions in marriage documents were Muslim as well as Jewish, such supererogatory conditions were ultimately not *dinei torah*. But where family matters did fall under the rubric of *dinei torah*, Goitein seems to have understood the Jewish community to have preserved the authority of Jewish law in establishing practice distinct from that of Muslims or Christians.⁵³

Goitein’s view that the practice of family law was distinctive among the Jewish community, and particularly that Jews’ distinctive practice of family law adhered closely to classical Jewish legal norms,⁵⁴ mirrors the claim of prominent scholars of Islamic law that Islamic law held sway over daily life in but a few areas, family law most prominent

among them. This understanding has had a distinguished provenance extending at least to Gotthelf Bergsträsser in the early twentieth century. As detailed by Joseph Schacht, Bergsträsser's approach divides the relationship of Islamic law to daily life into three broad categories: the administrative matters of political authorities, including criminal law, for which "the doctrine of the sharī'a is merely a fiction and retrospective abstraction"; family and inheritance law, for which "the sharī'a . . . had the firmest hold"; and the law of contracts and obligations, which was situated between these extremes and was largely controlled by customary law.⁵⁵ Schacht understood commercial practice in the medieval Islamic world to have been driven by custom rather than by the classical institutions of Islamic law, with law and practice brought into agreement only through the *hiyal* ("legal devices"), which allowed Muslims to circumvent the stringencies of Islamic law while nonetheless obeying its letter.⁵⁶ In describing Islamic law as undergoing a process of dynamic development, and in seeing commercial law as an area that brought together custom and classical institutions, Schacht parried the claims of his predecessor Christiaan Snouck Hurgronje, who explained that "Islamic commercial law remained for the most part a dead letter."⁵⁷ Yet it is important to note that both Snouck Hurgronje and Schacht ascribed a central role to custom as opposed to the institutions of classical law in commercial practice.

Like both Snouck Hurgronje and Schacht, Goitein understood commercial life to be an area in which customary practice held great sway. In describing the daily life of the Jewish community, Goitein understood that Jews would observe conditions established not by the classical institutions of Jewish law but rather by the customary practice of the marketplace as a whole. However, he believed that the area of Jewish practice most closely linked to Jewish law was family law, the very subject area Schacht describes as most closely linked to traditional Islamic law. Goitein, then, can be seen as applying to the Geniza documents, which emerged from Jewish hands, the same categories elaborated by Schacht to describe the relationship of Islamic law and practice. Recognizing Schacht's categories and analysis as underpinning Goitein's analysis, the latter may be seen as having envisioned a common Jewish-Islamic disposition toward distinctive legal traditions

12 Jewish, Islamic, or Mediterranean?

in family law on the one hand, and toward a universal local custom in commerce on the other.

Goitein's sense of a common universal custom was voiced in his statement that "such matters as practices of commercial cooperation, sales, and rents, were developed not so much by Islam as a *religion* as by the interconfessional community of merchants and were accepted as such by the Jewish authorities."⁵⁸ He did acknowledge that economic interactions were part and parcel of religious law⁵⁹—at least, of Islamic law—but he also understood customary practices to have been integrated into those legal norms. Furthermore, the latitude extended to individuals who wished to adopt supererogatory practices or conventions that did not conflict with those legal norms meant that "man-made financial matters" could be considered universally followed *tenay mammon* ("financial conditions"). Yet Goitein went farther. In seeing the high middle ages to be a period of "creative Jewish-Arab symbiosis" during which "traditional Judaism received its final shape under Muslim-Arab influence,"⁶⁰ he understood the Jewish community not only to have incorporated into its practice the customary law of the marketplace but even to have integrated into its own legal codes the norms of Islamic law:

The impact of Islamic law could be felt in different ways. It could be direct by outright adoption of the practices of the environment; indirect, by adjustment of Jewish institutions and concepts to those of Islam. It could be opposed by measures taken by the Jewish authorities or by the actions of private persons while settling their legal affairs.⁶¹

Yet Goitein was careful to frame his discussion of "man-made financial matters" only in terms of "conditions." That is, in understanding custom to inform both practice and codified law, he did not need to claim that the practice of Jews in the commercial marketplace would necessarily have transgressed codified norms *per se*. Rather, as did Islamic law, Jewish law as codified would have accommodated, and essentially canonized, much of the detail of commercial practice; and those areas not falling within the purview of codified law would simply have been those "conditions" that were instead governed by the marketplace of ideas.