

Preface

Are the temptations of the marketplace so powerful that they overcome one's distinctive cultural preferences? Does "acculturation" necessarily mean "assimilation," or do subgroups somehow find a way to maintain their unique identities even when they are highly embedded in a larger society? What role do traditional dictates of such subgroups have in shaping behavior, particularly where local custom diverges from traditional law? What can the documentary evidence of subgroups tell us about the life of the whole?

In this book, I examine these questions in the context of the economic and social life of the Jewish community of medieval Egypt. The first study to focus on the commercial life of this community through the legal documents of the Cairo Geniza—the richest documentary source in the study of the medieval Islamic (and Jewish) world—this study reveals a highly acculturated Jewish community that defined itself through confrontation with, rather than acceptance of, Islamic business practices.

Each of the four chapters in the book addresses a distinct question, all connected with the Geniza and how it can be used to describe not only Jewish economic and social history but also the economic and social history of the Islamic milieu from which the Jewish Geniza documents emerged: How have scholars used the Geniza documents as a tool for understanding the social and economic history of the medieval Mediterranean world? What do legal documents from the Geniza tell us about how Jewish merchants cooperated, and what do these modes of cooperation tell us about Jewish culture in general and "Jewish" identity in particular? What role, if any, did the classical

works of Jewish law play in shaping commercial practice? And, finally, how can documents that emerged from Jewish hands tell us anything about the broader Islamic world as a whole?

The first chapter discusses the historiography of embeddedness, describing how scholars of the Geniza, and particularly those of the “Princeton School” of Geniza studies, have viewed Jewish life and behavior as embedded in the cultural landscape of the medieval Islamic world. This particularly includes an examination of the limits of those cultural connections as well as a study of the scholarly, historical, and even contemporary cultural influences that prevailed on Geniza scholars to represent the Jewish community as an integrated part of the medieval Islamic world. In this chapter, I also point out the overwhelming focus of these scholars on Geniza letters in their research; explaining the richness of letters in yielding detail concerning daily life, I outline their limitations in providing detail concerning economic organization.

The second chapter introduces economic life as a domain for Jewish identity formation, suggesting the possibility that the legal structures of economic partnerships of at least a stratum of Jewish actors more closely resembled normative Jewish legal structures than the corresponding structures seen in Islamic legal codes. Having introduced the possibility, this chapter details a number of characteristics of economic relationships seen in Geniza evidence that not only accord with canonical Jewish legal codes concerning commercial matters but also find resonance in other aspects of Jewish law and culture. Where these characteristics of law and culture deviate from the predominant legal or cultural norms of medieval Islamic society as a whole, the analysis in this chapter shows that these characteristics actually cut across a number of aspects of Jewish life. The characteristics are seen as central to Jewish identity formation, and I show how their adoption in commercial life was a deliberate choice contributing to the manifestation of a distinctive Jewish identity in the medieval Islamic world. To give the reader a feel for the detail from the documents, I have attached an appendix that includes transcriptions, translations, and brief commentaries of fifteen Geniza documents concerning commercial partnerships. The appendix appears at the end of the book, but the detail

it uncovers bears most directly on the material found in the second chapter.

Having shown continuities between normative Rabbanite Jewish legal codes and the practices of Jewish merchants in the medieval period in the second chapter, in the third chapter I address the dialogic relationship between codes and practice. I achieve this by closely reviewing procedure in the Rabbanite courts of medieval Egypt and detailing the decision-making process that underpinned the formation and maintenance of economic relationships. In the chapter, I make recourse to the work of modern legal theorists in the area of mediation practice to help explain that although the detail seen in the commercial agreements of the Geniza does not always accord with Jewish legal norms, Jewish law nonetheless carried a significant normative force in the quotidian life of the community. The dialogical relationship between law and practice will be seen as revealing law in that context to have been both prescriptive and descriptive.

Finally, the fourth chapter traces out the ramifications of the first three chapters for the study of medieval Islamic social and economic history. After showing in the second and third chapter that the Jewish community made recourse to Jewish legal norms as a vehicle for identity formation, in this final chapter I problematize the central assumption of the Princeton School. In place of this assumption, I integrate the data gleaned from legal documents and discussed in the other chapters in order to propose a new model for reading the Geniza documents into medieval Islamic culture. This model is simply an extension of models fruitfully applied by other scholars examining similar questions, notably Robert Bonfil in his study of Jewish life in Renaissance Italy, Rina Drory in her study of Rabbanite and Karaite literary contacts in the medieval Islamic world, and Wael Hallaq in his study of Islamic scribal practice. This model maintains for the Geniza documents a central role in the study of medieval Islamic social and economic history despite the conclusions of the earlier chapters that Jews and Muslims may have had different commercial practices. This model also reveals a constellation of mutual influences among commercial practice as found in the Geniza documents, Islamic law, and the practice of Islamic merchants in the marketplace.

I would hope that this work has something to say to social and economic historians of the medieval Islamic world, since the documents of the Cairo Geniza are a mainstay for them—or, at least, have the potential to be such. But I also hope that it has something to say to scholars studying Jewish history and culture in other historical and geographic locales for whom questions of identity formation and cultural assimilation are of significant moment, since the work demonstrates economic life (often understood as an area of great cross-cultural assimilation, driven more by the desire for profit than by questions of communal identity) to have been a vehicle for establishing and maintaining a distinctive identity. Indeed, it may be that distinct economic practices within the Jewish community played a similar role in other times and places. Finally, scholars of legal history in general, and Jewish law and Islamic law in particular, will be interested in the discussion of the normative force of Jewish law, especially since the discipline of legal studies has long moved in the direction of viewing law as accommodating commercial norms rather than helping to establish them.

It is worthwhile pointing out that I have drawn the lines starkly in this book. My writing might be seen as critical, but I have focused on scholars whose work has profoundly influenced, indeed shaped, my own, and for whom I bear a deep and abiding respect. One might argue that the Princeton School is too small to be anything more than a collection of individuals whose own practice is too varied to constitute a coherent “school.” Likewise, one might point to the difficulties in treating the Geniza corpus as a unified whole, since the documents concern a broad swath of people over a diverse geographical and temporal expanse whose use of language was often fluid, to say nothing of their commercial practices. Yet I have done these things to put an important methodological question in relief. I hope that the reader will find the solutions I suggest to be interesting and perhaps even fruitful, and that they will help engender further discussion in the field.