

Will of a Dying Woman, Freeing Her Two Maiden Slaves and Providing  
for Them for the Rest of Their Lives

T.-S. 13 J 22, f. 2

(This lady was the wife of the judge and prominent public figure, Nathan b. Samuel, whose signature appears on many Geniza documents written in Old Cairo during the years 1122-1154. He bore the title "Diadem of the Hāverin," meaning, approximately, "the most excellent scholar," which was abbreviated, as in this document, to "the Diadem." He was normally addressed by this title (see p.        ).

Our incomplete document is not a formal will, but a memo written down by a person in whose presence the dying lady made <sup>h</sup> her last dispositions. As this was done on a Saturday, when writing is forbidden according to Jewish religious law, it was not possible to record the main points of the will in the presence of the testator, as was usual.

In 1145, a "maid-servant," *wagifa*, three years old and bearing the name Dhahab, "Gold," the same as the first of the two girls mentioned here, was given by the widow of a prominent scholar in Fustat to her brother. The relevant document, T.-S. 12,140, was written and signed by the judge, Nathan b. Samuel, and the persons involved must have been close friends or acquaintances of his. It stands to reason, therefore, that the same person is referred to in the two documents (especially as no other instance of the occurrence of the name Dhahab is known to the present writer from the twelfth century). If so, the background of

T.-S. 13 J 22, f. 2 may be reconstructed as follows: In her old age, the judge's wife, ~~who perhaps was a Christian~~, bought two little slave-girls - most probably, the second, like Dhahab of the 1145 document, was born to a woman serving in a Jewish family - and educated them in the Jewish faith. Overtaken by the sudden approach of death - otherwise the will would not have been made on a Saturday - she made bequests for them, which would enable them to live as free women and, perhaps, also to marry.)

A. On Saturday, the fifteenth of Sivan, I entered with "the Diadem,"  
R. Nathan, son of R. Samuel, the Hāḇēr - m(ay he rest in) E(den),  
into his house, accompanied by R. Judah ha-Kohen, the diadem of the  
Kohanim and their protector, the delight of the Exilarchate,<sup>a)</sup> son  
of the ho(nored), gr(eat) and ho(ly) M. and R. Jacob ha-Kohen, the  
judge - m(ay his end) b(e blessed); furthermore, the elder Abu  
'i-Faraj Ibn al-Ramli,<sup>b)</sup> the Kohen, the ritual slaughterer,<sup>c)</sup> who  
lives near the Bath of the Cook; the Kohen who <sup>gives the priestly blessing</sup> practices continence,<sup>d)</sup>  
the companion of the Ra'is, the Nagid Abū Maḡūr<sup>e)</sup> - may his Rock pre-  
serve him.

B. This house belongs to his wife Sitt al-Ḥusn, the daughter of Sa'āda, known as "the daughter of the hunchbacked (woman)." She was of sound mind, knowing what she said and talked about, and she realized that it was Saturday. Then the Kohen, who <sup>gives the priestly blessing</sup> practices continence, and the

elder Abu 'l-Faraj al-Ramlī were introduced to her, whereupon she asked us to bear witness that as from now on and after her death she had freed her virgin slaves Dhahab and Sitt al-Sunr<sup>f</sup>) and given to them the quarter of the house in the Musāsā<sup>f</sup>) which belonged to her in partnership with the Ra'īs Abu 'l-Munajjā Solomon b. Ḥadāqa - m(ay he rest) i(n) E(den).

- C. Furthermore, she willed one-half of the house, which was her home, to the community,<sup>1</sup> with the proviso that the slavegirls should have the right to stay in the part belonging to the community, namely, in the room in which the will was made, for the rest of their lives on condition that they professed the Jewish faith. *This condition refers both to the gift and to the permission to live in the house.*
- ~~Her house~~ and the ruin opposite the house, together with the other half of the house, were willed by her to her husband, our Teacher Nathan, the Diadem of the Hāvarīm.

- D. It was said that the two Kohanīm, mentioned above,<sup>1</sup>) had been among the signatories of her marriage contract, which stipulated that the "last installment" due to her was fifty dinars, but the contract was not produced at the time the will was made.

- E. She also said that one-eighth of the house behind the mosque, which belonged to her in partnership with the government<sup>k</sup>) - may God strengthen it - and the elder Abu 'l-A'īš b. Tammām - m(ay he rest in) E(den), should be sold and the money used for all the expenses

of her burial,<sup>1)</sup> such as the burial garment, the coffin, the canters, the tomb, the bearers (of the coffin), etc. In case this was not sufficient, a headband, consisting of eleven ornaments, deposited by her with her husband, should be sold and used for the expenses. Her husband, "the Diadem," said: "Yes, it is in my possession."

F. If, however, something should remain from the price of one-eighth of the ~~mentioned~~ house, it shall be given to the slavegirls mentioned above; likewise, all clothing<sup>2)</sup> suitable for women. That which is not suitable for women shall belong to her husband, the "Diadem."

G. As it was Saturday,<sup>3)</sup> we did not make the symbolic purchase from him for his approval of what she had said.<sup>4)</sup>

I put down in writing what I heard from her, so that in case <sup>or he to</sup> she dies and I shall be asked <sup>to give witness</sup> to give witness, I ~~can~~ <sup>shall not</sup> (here the man-  
script breaks off)

forget

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Notes

- a) About the meaning of this title, see p.
- b) A family name most probably derived from Ramle in Palestine and not from the little town of Ramle - today a favorite summer resort - east of Alexandria.
- c) A man performing the ritual killing of animals, Ar. dhabbāh.
- d) ~~A Jewish husband was permitted to practice continence, if his wife consented to it.<sup>5</sup>~~
- e) The Arabic name, known also from Muslim sources, of Samuel b. Hananiah, then the head of the Jewish community in the Fatimid empire (see p. ).
- f) "Gold" (see above) and "The Queen of the copper-skinned." The quarter of that house was given to them as a means of maintenance, while a part of the testator's home was to serve them as domicile (see Section C).  
The name Dhabab occurs again in a marriage contract written in 1292, about 140 years later than our document, when it was borne by a free woman of a noble family (T.-S. 16.76).
- g) A quarter in Fustat, frequently mentioned in the Geniza papers (cf. Ernest James Norman, JQR 18 (1906), p. 28ff).
- h) The paragraph seems to indicate that the husband was entitled to use the part of the house donated to the community during his lifetime, with the exception of the room reserved for the freed girls.
- i) The reference is to the two Kohanim named last. The first Kohen,



Judah b. Jacob, was a notable serving as witness. It is interesting to note that one of the signatories of her marriage contract had not been known to the dying lady and had to be introduced to her (see Section B).

- k) Most probably that property had been confiscated, when its proprietor was dismissed from a government job.
- l) For burial expenses, cf. p. . A Jewish husband was bound to bear the expenses for his wife's burial. The special disposition here was an act of piety on the testator's side.
- m) The word used, qumash, which in a later period was confined to the meaning "textiles," was at the time of our document a general designation for objects other than money. Therefore, it could have also included here furniture and other household goods, such as kitchen utensils. However, the differentiation between qumash suitable for women and men suggests the translation given above.
- n) On Saturday, all transactions, including those of a mere symbolic character, are strictly forbidden.
- o) As the husband is held responsible for the property of his wife, he has to confirm her legal dispositions<sup>s</sup> (see p. ).

Comments

1. Literally, "the sanctuary," Hebrew qodash (see p.       ).
2. Text: yakūnū yahūd al-haiba, a rare expression.
3. See Note 4. Text: yifrōsh (ac. min ha-ishshā, Hebrew). The manuscript clearly has, in the two cases, in which the phrase occurs, a dot above the right side of the letter, indicating that sh, and not s, is to be read. In addition, yifrōs, which, if said of a Kohen, could mean "he spreads out" (his hands for the priestly blessing, see Numbers 6:23-27), is not the word normally used in this connection.



אשר נתן בן שמואל החכם משעריה בצוראמה את שתי שפחותיה ופוקדה

אח בעלה  
ואם הקדש

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- 1 וכלח יום אלסבא אלכאמס עשר פי 2 סיון מע אלגור 4 שמואל החכם 3 גע ומע רבי
- יהודה הכהן נזר 4 הכהנים ומעוזם מדות הנשיאות 5 בר כב בר קר מרינו ורבינו יעקב
- 6 הכהן הדין סט ואלשיך אבו אלפרב 7 אבן אלרמלי ואלכהן אלדבא אלדי ענד 8 תמאם אלדין
- ואלכהן אלדי /מלך/ יפרוש 9 צאנב אלראים אלגביד אבו מנצור 10 יסקין צורו אלי דארה אלתי לסם
- 11 אלחטן בא סעודה אמראמה אל 12 מערופה בבנב אלחריבה ואשחדחנא /עלי נפסחא מהיום ולאחר מיתה
- 14 ודי צח דהנבה קארפה במא מקול 15 ותחכלם וקארפה באלנבאר אנה יום 16 סבת בעדא " ערפוחא
- אלכהן אלדי יפרוש 17 אלמדכור ואלשיך אבו אלפרב //אל/רמלי 18 אלמדכור אנהן עמה ווהבם )))
- 19 ((באר)) לנארה אלכבאר ד"הב וסם אלסמך 20 בעד אן עקחחמא מהיום ולאחר 20 מיתה רבע אלדאר
- אלדי פי אלמסחמא/פי שרכה אלראים אבו אלמנגל שלמה 22 ב" צדקה גבע ואנהא דהבם ללקוש
- 23 גנף גמיע אלדאר אלתי פיה סכנאמה 25 ואן יכונא אלנאר סכאן (פיה) סול 26 מיוחחמא פי גזר
- אלקוש פאלמכאן (1) 27 אלפי כאנא פיה (!) אלחאדה על פנאי אן 28 כאנו (!) יתוד אליהבה ואלסכנא
- ואלכרבה 29 אלתי קבאלת אלדאר מע גנף אלדאר לונגה 30 רבינו נתן נזר החכמים ודכורו אן אלכחנים
- 31 אלמדכורין אסמחמא פי אלכחובה ודלה 32 אן סוכרהא סמסין דינאר ואן אלכחובה סא 33 כאנא
- אנארה פי הו אלוקה (!) וקאלת אן

ע ס ו ד ב

- 1 יואע אלחמן אלדאר אלתי כלף אלבאסע אלתי 2 פי שרכה אלסלפאן אידה אללה ואלשיך אבו 3 אלעלי
- בן תמאם גע יונמק פי כל פא 4 מוחיב (!) מן כהן דמכור ומוזאנין ודען דמאלין 5 דלמיס
- נאציבהא ואן לס יקום בהא מואע אל 6 עזאבה אלתי ענד אלגור נונבא ויופא מנחא 7 סא ינקובתה דהי
- אחדי עשר קטעה דקאל 8 אלגור דונגה געם הי ענדי ואן פגל מן /מלך/ ממך 9 ממך (!) אלדאר
- מדכור (!) פי יופא ללגור 10 אלמדכורחאן וסא כאן מן קמח יצלח 11 ללנסא להמא וסא יצלח
- לביד אלנסא לונגה 12 אלגור וסאן יום אלסבא " אקנייצא מנח 13 עלי אמבא פא דכרמה
- ומא סמעה 14 מנחא אנהא חמי אן מופאמא אן סלב 15 מני אלסחודה /מלך/ לא אנהא