



"Ban in General Terms," Pronounced in Two Countries *against*  
*Persons whose whereabouts were unknown*  
 (Around 1024-9)

Oxf. Bodl. Ms. Heb. a3 (Catal. 2873), f. 3

(The letter is in Hebrew, but the text of the excommunication, quoted in it, is in Arabic. The Hebrew text is printed, with omissions, in MJ II, p. 148-9 as an "Additional Note.")

The sender was Solomon b. Judah, then Gaon, or President of the Academy of Jerusalem and highest religious dignitary of all the Jewish communities affiliated with it; the receiver was the head of the Jerusalemite community of Fustat. In the introductory lines, the Gaon refers to the "terrible news," most probably the atrocities committed by the three Bedouin chiefs who ravaged Palestine and Syria during the years 1024-9 (cf. MJ I, p. 158-9), and remarks that, "for the time being," he was still alive. Then he continues:)

It is the aim of these lines to inform you that Abraham b. Abraham - m(ay he rest in) p(ease) - the physician, known as al-Bagri,<sup>a)</sup> the son of the brother of M. Samuel b. Joseph, known as al-Bagri, appeared before us<sup>b)</sup> and said to us: "My lords, let it be known to you that my uncle, M. Samuel, lent, loaned, and deposited with many people gold, silver, and goods, and when he was gathered in to his rest, he did not leave any heir besides me. However, none of those that were in possession of things belonging to him saw themselves obliged to transfer

them to his heir." Therefore, he asked us to pronounce a ban for his benefit on a Monday and (the following) Thursday and Monday,<sup>o</sup> in the following wording; (continued in Arabic)

on anybody trespassing against the heirs (i) of Abu <sup>o</sup>Ali Samuel b. Joseph al-Bagri; and on him that took anything from his consignments before his death without his instructions; and on him that keeps anything of his belongings, keeping it from its legal proprietor; and on him who has received a lending or deposit or loan from the deceased and does not cede it to his heir; and on him into whose possession anything of the property of the deceased has come through anyone and that has laid hands on it either before his death or after; and on him that, by false pretexts, has appropriated<sup>1</sup> either before or after the death of the deceased anything belonging to him, keeping it away from its legal proprietor; and on anyone who has done any of these things without the approval of the heir; and, in particular, on anyone who owes any right or redress to Ibrāhīm, son of Ibrāhīm al-Bagri, the practising physician, without ceding it to him. (continued in Hebrew)

We acceded to his request, as we saw that he was completely heart-broken and downcast. The ban was pronounced in the synagogue, as he had asked, against anyone who had deprived and robbed him of the heritage of his uncle, in the wording<sup>2</sup> which he requested.

Furthermore, he asked us to write to you to do the same, for he

contends that there are some of his opponents in your place. Perhaps they will hear and fear and so return to him (what is due to him). Please act in this matter, as you are accustomed to do, and give him satisfaction. (There follow three lines of concluding phrases.)



Notes

- a) Family name derived from Basra in Iraq.
- b) The court, over which the Gaon Solomon b. Judah presided, is meant.
- c) For Monday and Thursday as days of assembly, see p.
- d) The Arabic form of the name Abraham.

Comments

- 1. Text: man ta'awala fi shay mimā kāna lahu.
- 2. Mann, MJ II, p. 149, read ki shyn, explaining it as Arabic kull shay, "everything." However, the manuscript clearly has kishm, Hebr. kallashōn, "according to the wording." Besides, an excellent stylist as the Gaon Solomon b. Judah never would have inserted an unnecessary Arabic phrase into a Hebrew sentence.

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Ban in General Terms

as a Means of Retrieving debts

Head of the Yeshiva of Jerusalem sends to Egypt

exact wording of a Ban against Anyone Owning  
Something to the Estate of a Dead Merchant

Bohl. MS Heb. a3 (Cat. 2813), f. 3.