Intertextuality of Translations Into and From Judaeo-Arabic as a Transformative Platform in Jewish-Arabic Universalism: The Case of Legal Monographs of the Late Geonim

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In medieval times, translators of Judaeo-Arabic literature living in Islamic lands were fluent in Arabic as this was the lingua franca and, in many cases, their mother tongue. This is only rarely the case for the contemporary scholar. This creates enormous challenges for the modern translators of their works. However, this challenge is an opportunity to bridge cultural and historical gaps by increased accuracy the hallmark of modern scholarship. This interdisciplinary discourse establishes the co-religious Dasein. The research tools which demand knowledge not only of Jewish sources but rather of Islamic texts allow for greater appreciation of contacting influences. Rav Y. al-Barceloni of the 12th century, among others, translated into Hebrew several works of the Geonim with his own halakhic interpretations, interpolations, and expansions. When scholars come today to comprehend anew, these compilations they paradoxically are more reflective of the original text than scholars of the middle ages who were contemporaneous with these texts. Nonetheless insofar as the translations are into Hebrew, they produce insular affect on the cultural product, leaving it within the Jewish fold. This fact forces scholars who desire to communicate with the broader audience to publish their results in European languages. In mediaeval studies, this is not as often as one thinks.

Keywords: Judeo-Arabic, Muslim law, judges duties, Jewish law, Halakha, GeniZah, fragments, Rav Samuel Ibn Ḥofni, Yussuf Ibn Aknin, Syriac

Introduction

In this short outline of the current research project, the author discusses its vision and objectives, focusing on the phenomena of cultural transformability via the research of monographs of the late Geonim translated from Judaeo-Arabic. As an essential component of human relationships, communication helps resolving issues and conflicts. To ensure the possibility of effective communication, there is a need for a common language upon which fruitful dialogue may occur. Since Arabic is not the mother tongue of many Western scholars whose primary research is conducted in the field of oriental studies, the target languages intermediate the Muslim world and serve as a transformative platform for scientific communication. Therefore, Judaeo-Arabic research serves as an international infrastructure for scholars to integrate between fields of knowledge and cultures; an intersection that, nowadays, is possible thanks to intermediative translational processes.

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Geonica and Individual Legal Writings

The Geonim (Brody, 1993, 2013; Malter, 1921)\(^1\) were prominent Jewish leaders in the Babylonian diaspora from the 7th to the 11th centuries. A sharp shift in the epistemology of the Halakhah distinguishes the late Geonim of Babylonia (10th-11th centuries) from their predecessors. The successors of Se’adyah Gaon (882-942) specialized in the composition of individual, legal-halakhic codices. These late monographic works contrast with the collective oral traditions that comprise the earlier geonic corpus. Therefore, the “judges’ duties” genre as the legal and jurisprudential climax of this monographic genre, and all other works in the juridical field should be viewed as derivative legal aspects of this highly conceptualized, instructive genre. The Geonim were widely accepted spiritual leaders in Babylonian academies and, therefore, of the worldwide Jewish community in the early Medieval Era. They wielded secular authority over the Jews in Islamic lands. Se’adya, and his successors, Rav Hai ben Shira Gaon and Rav Samuel ben Ḥofni, specialized in writing professional monographs on a variety of topics, mostly in civil law, which encompasses the genre “judges duties” that the author studies in the research project (Ariel, 2017).\(^2\)

Manual for Judges

This genre of manuals on judges’ duties has not yet been the subject of focused scholarship, mainly due to the lack of research tools available to the scholarly community in the past. The books in this genre show a close affinity with the world of Muslim jurisprudence, relying meta-halakhically on Kalām theology—the main philosophical-rationalistic direction of the Islamic Middle Ages—and are well-integrated into the general Arabic genre Adab al-Qādi (Shahar, 2008; Ackerman-Lieberman, 2011). Among these books, the current research project specifically focuses on discussing remnants from three hitherto almost completely unknown books: (a) Kitāb lawāẓim al-fākkām (Book of Judges’ Duties), by Rav Samuel Ibn Ḥofni Gaon, Sura, c. 997-1013; (b) Kitāb adab al-Qādi (Book of Jurisprudential Education), by Rav Hai Gaon, Pumbedita, 998-1038; and (c) Faṣl fī adāb al-dayyānin (Chapter on the judges’ good manners) from Tibb al-Nuḫūs (Hygiene of the Souls), by Rav Yosef, son of Yehuda Ibn Aknin al-Barcelona. Most of these works were lost immediately after the very early stage of their dispersion (Brody, 1998).

Translation of Geonic Monographs

The reconstruction and translation project of retrieved legal-jurisprudential works from the Cairo Genizah has systematically begun with the Wissenschaft des Judentums. It has gained momentum in the past several decades due to the flourishing field of Judaeo-Arabic research and the establishment of the Society of Judaeo-Arabic Studies (SJAS), which was founded in Chicago in 1984, and which, today, continues in Jerusalem under the Machon Ben Zvi Institute. The modern research provides scholars around the world with a well-established scholarly infrastructure for academic dialogue about Judaeo-Arabic literary tradition. The translation is one of the most essential components in this modern forum for dialogical research, since it requires a full comprehension of the nature of the Arabic language and its enormous richness.

\(^1\) The term “Gaon” stands for the Terminus Technicus “Rosh Yeshivat Geon Y’kov”, the head of the Babylonian academy. The relevance of this term is that the aforementioned individual was a spiritual-theological guide of the diaspora and, thereby, a halakhic authority.

\(^2\) Neri Y. Ariel, Manuals for Judges (adab alQadah): A Study of Genizah Fragments of a Judeo-Arabic monographic legal genre (Ph.D. diss., Hebrew University of Jerusalem, forthcoming). For preliminary remarks, see Neri Y. Ariel (2017).
While, in medieval times, translations from the Judaeo-Arabic served mostly traditional Jewish savants, today they strive to serve the scholarly community. Medieval translators of Judaeo-Arabic literature living in Islamic lands were fluent in Arabic as this was the lingua franca and often also their mother tongue. Isaac B. Reuven al-Barceloni of the 12th century, among others, translated several works of the Geonim into Hebrew using his own halakhic interpretations, interpolations, and expansions (Ta-Shma, 2004). Those scholars were proficient both in the lingua franca and in the target language, mostly Hebrew. In those cases, the translation was from a secular common language into a sacred language. The original language, Judaeo-Arabic, mediated the Halakhah mainly to the Jewish intellectual elite, transforming Jewish tradition mostly for Jews perplexed in the general Muslim Zeitgeist. This, however, is not the case with translating works from Judaeo-Arabic in modern times, since the above-mentioned linguistical background of those medieval translators is rarely the case for contemporary scholars: Most of them are not native Arabic speakers; rather, they are native of different languages—mostly modern Hebrew, English, and diverse Western European languages, such as French and German. This implies enormous challenges for the work of modern translators.

Judaeo-Arabic literature survived in an extremely scattered form; therefore, modern translators must conduct intensive pre-translatory philological inquiries before the original sentence is even eligible for eloquent translations. The problems associated with translations already begin with the morphological and syntactical fields, e.g., the multiple choice for both the Hebrew transcription as well as the openness for a broad spectrum of Arabic vocabulary and vernaculars. Even after these philological difficulties are bridged, the language is still a serious boundary for most scholars. On the other hand, today’s scientific translations have a clear advantage to be well established; they are more precise and loyal to the source language thanks to scientific infrastructures that is in increasing development nowadays: The online availability of the Cairo Genizah (Ben-Shammai, 2011), as well as further “Genizot” that have been discovered in the meanwhile and preserving further texts to compare; digitalized manuscript collections are also researchable, advanced search tools, helpful modern dictionaries (Blau, 2006; Friedman, 2016) grammar books (Blau, 1961) and further intensive scholarship made on these materials. The discoveries in the Genizah and the developments of these research tools have made room for flourishing modern translation work in the last few decades (Brody, 2015; Stampfer, 2008; Meacham, 1998; Abramson, 2012; Libson, 1999). These translations are essentially different from medieval translations, since they have academic intentions and pretensions par excellence; but here is an interesting complication to be pointed out: Whereas the intentions of the vast majority of these translations are to be seen as modern, as internationally understood and widely acknowledged in the scientific community, de facto, a significant part of them is most useful not for the general intellectual public but for the learned Jewish scholar, who is textually well-trained with the halakhic tradition. Nonetheless, insofar as the texts have been translated into Hebrew, they have an insular effect on the cultural product, leaving it eventually within the Jewish fold. This fact forces scholars who desire to communicate with a broader audience to publish their research results in Western languages. In the jurisprudential genre under discussion, this does not occur as often as one might think, since many of the translations were made from the source language (Arabic) into the Holy language (Hebrew) similar to the translations during the middle ages. However, the modern opportunity for intellectuals to meet and discuss translations from classical Judaeo-Arabic into western/modern languages in an international context is

3 The term “Genizah” refers to the Hebrew common name of the phenomenon of burying torn writings. There is no good English translation for this kind of “storage” of sacred scripts that were damaged due to multiple use. The term “Genizot” refers to additional storage that existed in parallel to the Cairoer storage.
highly appreciated for cultural and political reasons. Meetings of intellectuals from diverse religious backgrounds were quite common phenomenon in the Middle Ages and were possible through the *Madjalis* (literally: “proceedings”, “sittings”)—well-developed institutions formed for this intellectual purpose. Today, these opportunities unfortunately take place somewhat more rarely (Rosenkranz, 2004).4

The works in the center of this research that are objects for translation were written in an Islamic environment; therefore, they should be naturally and optimally understood by native Arabic speakers. The contribution of natives to the comprehension of the original language would be enormously meaningful. On the other hand, native speakers are frequently unaware to complexed possibilities in the classical Arabic, such as the possible multiple choices to translate a certain word, phrase, or a context. Therefore, the modern scholarship of translation from Judaeo-Arabic is a literary-cultural intersection that also opens for natives a more broaden, reflective, and introspective understanding of their own multifarious language and prosperous culture.

This literary challenge offers an opportunity to bridge cultural and historical gaps. This interdisciplinary research utilizes an intermediative translational process that establishes a co-religious *Dasein*—an intimate dialogue not only of coreligionists—for a sincere theo-legal discourse. This discourse is therefore especially fruitful in the case of Judaeo-Arabic due to its doubled and compound identity.

**Instead to Summary: Expectations for the Future**

Today, when scholars come to comprehend these monographic legal compilations of the middle ages, they, paradoxically, tend to be more reflective of the original text than scholars of past times who were contemporaneous with these texts. Modern translations from mediaeval Judaeo-Arabic works play a transformative role in the comprehension of primary sources of Jewry, Jewish culture, and religion but without contextualizing them on the background of their Muslim environment these translation projects are somehow missing. The retrospective reflection on late Babylonia of the Middle Ages, via translation works of compiled texts that have never been an issue for focused research, facilitates a common legal discourse bridging the gap between deeply conflicted yet well-connected cultures. In this sense, these translations should not be only traditionally seen as transferring texts from the source language to a target language; rather, they are a transformative medium for shared ideas, culture, and Jewish-Muslim discourse that is possible due to a common philosophical-theological dialogue.

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4 In our time worth to mention in this regard are, for example, the meetings of RdR-Forum, Heidelberg (http://www.hfjs.eu/rdr) and the Forum “Dialogperspektiven” led by ELES: https://eles-studienwerk.de/category/dialogperspektiven/.
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