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Conceptions of Gentiles in Halakhic Literature from Christian Spain

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Responsa and law codes by the thirteenth-century Catalan rabbi Moshe ben Nahman (Nahmanides) and Shelomo Ibn Adret make frequent reference to gentiles but hardly ever address Christians or Muslims as such. This silence about Christianity and Islam stems neither from ignorance nor self-censorship but rather from the ways in which these and other medieval European rabbis conceptualized the distinction between Jews and non-Jews. By emphasizing observance of biblical law as the most important characteristic of Judaism, Ibn Adret and his colleagues render detailed information about non-Jewish religions legally irrelevant while also offering a powerful polemical defense against Christian missionary efforts. The pervasive influence of theological and polemical notions about non-Jews on medieval halakhic literature complicates efforts to derive social historical data from these sources.

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Imagine, for a moment, that our only source of historical information about non-Jews in the Middle Ages came from halakhic literature such as codes and responsa. We would have plenty of references to gentiles, but what would we know about Christianity or Islam? The answer is: virtually nothing. My task for the next twenty minutes or so is to explain this answer and its implications—both for understanding Rabbinic conceptions of gentiles and for using responsa to reconstruct medieval Jewish–gentile relations. This paper represents a preliminary probe into its subject matter, and will focus specifically on the thirteenth-century responsa of the Ramban, Rabbi Moshe ben Nahman, and the Rashba, Rabbi Shelomo Ibn Adret, along with the latter’s code, *Torat ha-bayit*.

Literature from Christian Spain offers an especially valuable set of sources through which to analyze halakhic conceptions of gentiles. This material is more voluminous than geonic responsa, and less idiosyncratic than the work of Maimonides. Daniel Lasker has suggested that Ashkenazic rishonim, with the exception of a handful of “professional polemicists,” were generally unfamiliar with Christianity, to say nothing of Islam.¹ Such is clearly not the case in thirteenth-century Christian Spain, where Jews not only lived alongside Christians and Muslims but were also regularly subjected to missionary sermons. Nahmanides and Ibn Adret, moreover, both participated in Dominican-sponsored disputations and composed defenses of Judaism that reflect knowledge of Christianity. Ibn Adret also wrote a defense of Judaism in response to the Islamic polemics of the 11th-century Ahmad Ibn Hazm. The familiarity of the Ramban and the Rashba with beliefs and practices associated with Christianity and Islam, however, has no discernable impact on their responsa or *Torat ha-bayit*. Neither Nahmanides nor Ibn Adret regards the details of non-Jewish religions as halakhically relevant.

The responsa of the Ramban offer an accessible introduction to the Rabbinic conceptions of gentiles expressed in halakhic literature. Nahmanides did not write very many responsa: only 88 appear in the Assaf edition. Of these, nine make reference to gentiles (1, 2, 44, 46, 62, 63, 70, 71). This proportion is consistent with the patterns I’ve seen when probing the responsa collections of Maimonides and various Ashkenazic rishonim; I haven’t conducted a scientific survey, but it seems that roughly 10% of the responsa in most collections I’ve examined refer to gentiles. Nahmanides’ responsa are also typical in that

¹ “Jewish Knowledge of Christianity in the Twelfth and Thirteenth Centuries,” in D. Engel, L. Schiffman, E. Wolfson, eds., *Studies in Medieval Jewish Intellectual and Social History: Festschrift in Honor of Robert Chazan* (Leiden: Brill, 2012), 97–109.

they don't devote any attention the beliefs and practices of gentiles: the only salient fact about non-Jews is that they aren't Jewish. For that reason, Nahmanides teaches, gentiles are subject to laws different from those that apply to Jews alone, on topics as diverse as commercial transactions and illicit sexual relations. The legal questions raised by gentile courts—may Jews take recourse to them? are the documents they notarize valid?—similarly stem from the simple fact that these courts are not Jewish. From his references to gentiles alone, one would not know whether Nahmanides lived in Christian Spain or Islamic Spain, Ashkenaz or Mars: the non-Jews he addresses are nondescript because their religious identity has no halakhic implications.

The Rashba, a disciple of Nahmanides, was extraordinarily prolific in the field of *she'elot u-teshuvot*: over 4,000 responsa appear in the current editions.² Once again, at least 10% of these responsa address gentiles in some manner, although in most cases the involvement of a gentile has no impact on the legal issues at stake. Where the gentile is legally relevant, that relevance nearly always stems from the mere fact that gentiles aren't bound by *halakhot* that apply to Jews alone. So, for example, Ibn Adret addresses the question of whether Jews may make use of the garments gentiles give them as collateral for a loan: what if these garments contain *kilayim*, the forbidden mixture of linen and wool? (4.83) There's nothing halakhically wrong with a gentile wearing garments containing *kilayim*, but this very fact poses a problem for Jews who come into possession of gentile garments. Similar issues are posed when a gentile gives a Jew a gift on yom tov (e.g., 4.47, 5.210),

² Ibn Adret's responsa were published in seven volumes during the pre-modern period. These texts have now been supplemented with responsa culled from manuscripts and responsa previously ascribed to Nahmanides. Citations below, to the editions found on the Bar-Ilan CD-ROM unless otherwise noted, refer to manuscript responsa with the prefix "8" and responsa ascribed to Nahmanides with the prefix "9."

performs work for a Jew on Shabbat (e.g., 4.277, 4.284, 5.211), buys the *hametz* of a Jew before Passover (9.168), dwells in an otherwise Jewish alley (9.214), and so on. Even discussions about the validity of gentile testimony rest on the non-Jewishness of the witness rather than any other factor. Ibn Adret, like Nahmanides, pays virtually no attention to the religious beliefs and practices of the gentiles who play a role in his responsa.

Ibn Adret, moreover, makes a point of treating all gentiles alike with respect to the *halakhah*. On several occasions, the questions posed to Ibn Adret distinguish Muslims from Christians while the response itself elides the distinction. Thus, for example, a petitioner inquires whether an ill Jew may ask his Muslim servant to light a fire for him on Shabbat. The Rashba responds that the laws of the *Shabbes goy* apply to all gentiles without distinction (1.59). A different petitioner presumes that Muslim slaves fall into the same category as the *'eved kena'ani*, most likely because of the fact that both are circumcised. The Rashba rejects this logic and places Muslim slaves in the category of the *'eved 'arel*—the gentile or, literally, uncircumcised slave—on the grounds that Muslims do not perform circumcision for the purpose of conversion to Judaism whereas the *'eved kena'ani* does (1.99). In several other cases in which the petitioner refers specifically to Muslims, Ibn Adret's response instead refers to these non-Jews as gentiles: the fact that the individuals in question adhere to Islam rather than Christianity or Greco-Roman paganism is legally insignificant (9.23, 9.128; see also 6.140). Ibn Adret does distinguish Muslims and Christians on the one hand from freethinking athiests on the other, but that distinction has no halakhic implications and serves primarily as a means of denigrating philosophers (1.414, 1.418).

Two of Ibn Adret's responsa preserve in passing data about practices associated specifically with Muslims, but the point of this information is to provide evidence for cultural

realia that shape Jewish practices in Muslim societies. In a responsum about a married man who impregnated and then sought to marry his Jewish servant, Ibn Adret acknowledges the common practice of polygyny among Muslims in the context of addressing Maimonides' permission of the practice (4.314). In response to a query from Narbonne about a sandal used for the *halitzah* ceremony, Ibn Adret cites Alfasi's discussion of a similar sandal common within Muslim society (8.230). It's striking that in both of these cases Ibn Adret draws on earlier written sources rather than first-hand knowledge of Muslims in the Crown of Aragon.

In all, hundreds of Ibn Adret's responsa relate to gentiles, covering dozens of halakhic issues. One out of every five pages of his *Torat ha-bayit ha-arokh* refers to gentiles, mostly in conjunction with laws about food and wine. Among all of these texts, Ibn Adret addresses precisely two subjects that relate directly to distinctly Islamic behavior. Of these, the second also relates indirectly to Christian practices. Nowhere does Ibn Adret address distinctly Christian behavior in a direct fashion.

May a Jew who slaughters animals in the Muslim market accommodate the demands of these customers by facing the *qibla*, that is, toward Mecca, when performing the act of slaughter? To the best of my knowledge, Ibn Adret is the first Rabbinic authority to address this question. The Rashba responds by forbidding this practice, but he's careful to explain that facing the *qibla* while slaughtering an animal is not an act of idolatry. The Jew himself, after all, does not ascribe significance to the direction he faces, and the intentions of the customer are legally irrelevant in assessing the behavior of the slaughterer. Nevertheless, Ibn Adret agrees with his anonymous petitioner that accommodating the demands of Muslims in this manner constitutes a violation of the principle that Jews ought not observe

gentile practices (1.345; cf. 1.786). Notice that Ibn Adret takes no stand on whether the practice of facing the *qibla* constitutes an act of idolatry when performed by Muslims. Even in this case, Islamic practices are significant solely because they're non-Jewish practices: Islam itself remains insignificant.

The same, I believe, can be said about the second subject matter in which the behavior of Muslims plays a crucial role in Ibn Adret's formulation of *halakhah*, namely the status of Jewish wine touched by a gentile. To explain how Ibn Adret treats this subject, however, I need to provide some historical background. The Talmud presumes that a gentile who comes into contact with Jewish wine is likely to offer a portion of the wine in an idolatrous libation. The Talmud therefore rules that Jews may neither drink such wine nor even derive any benefit from it by, for example, selling it to a third party. Various Talmudic authorities, however, exempt from this stringent prohibition wine that was touched by gentile newborns or resident aliens, those who formally renounce idolatry: Jews still may not drink wine touched by such gentiles, but they may sell it.

Various geonim ruled that Muslims are equivalent to newborns because neither intends to offer an idolatrous libation when touching Jewish wine. According to Rav Hayya Gaon, the distinction between Muslims and other gentiles stems from the fact that Muslims don't offer wine libations as part of their worship while other gentiles, including Christians, do (*Eshkol* 2:74). The great Tosafist Rabbi Yitzhaq of Dampierre, however, demonstrated that the geonic analogy is flawed: what matters, according to the Ri, is that infants have no intention to touch wine at all whereas Muslims, like other adult gentiles, intend to touch the wine regardless of why they intend to do so (Tos. AZ 57b, s.v. *le-apoqei*). Maimonides, meanwhile, offered an alternative rationale for the distinction between Muslims and other

gentiles that bears no relationship to whether gentiles use wine in their rituals. The Rambam emphasized the fact that Muslims, unlike Christians and other gentiles, are monotheists and are therefore equivalent to resident aliens because they renounce idolatry (MT, M.A. 10.7). According to Maimonides, the beliefs associated with Islam have halakhic significance when it comes to determining the status of wine touched by Muslims.

Ibn Adret follows Maimonides in justifying the distinction between Muslims and other gentiles on the basis of the resident alien precedent; he could hardly do otherwise in the wake of Rabbi Yitzhaq of Dampierre's rejection of the geonic rationale for this distinction. Ibn Adret, however, does not follow the Rambam's unusual practice of ascribing significance to Islamic beliefs in God's unity, nor does he repeat the Rambam's assertion that Christians are idolatrous on account of their belief in the divinity of Christ. Rather, Ibn Adret follows the geonim in emphasizing that Muslims don't offer wine libations (*Torat ha-bayit ha-arokh* 5.1, 40a-b; cf. Resp. 4.107, 8.63).

In a recently published article, I make the case that Ibn Adret misunderstands the Rambam's innovative treatment of this subject.³ While this is certainly possible, I've now come to realize that Ibn Adret may have intentionally misinterpreted the Mishneh Torah. Maimonides, after all, insists that Islamic beliefs and practices have halakhic significance, a principle that Ibn Adret seems unwilling to accept. Ibn Adret instead focuses on what Muslims do *not* do, namely offer wine libations. More precisely, Rashba emphasizes the fact that the geonim presume for halakhic purposes that Muslims don't offer wine libations: what

³ "Fusion Cooking in an Islamic Milieu: Jewish and Christian Jurists on Food Associated with Foreigners," in D. Freidenreich and M. Goldstein, eds., *Beyond Religious Borders: Interaction and Intellectual Exchange in the Medieval Islamic World* (Philadelphia: University of Pennsylvania Press, 2012), 144–60.

matters ultimately, according to Rashba, is not what Muslims do or don't do, but rather what halakhic authorities say about Muslims.

And what does Ibn Adret himself say about Christians? Nothing, really. He neither follows Maimonides in asserting that Christianity is tantamount to idolatry nor does he follow Hayya Gaon in asserting that Christians offer idolatrous wine libations. After all, Ashkenazic authorities beginning with Rabbenu Gershom held that the contemporary worship practices of gentiles need not be regarded as idolatrous (Resp. 21). Rather, the most Ibn Adret is willing to say is that "among the gentiles are some who offer libations," language that may or may not refer to Christian priests (*Arokh* 5.4, 52a). Ibn Adret is unwilling to draw distinctions among different types of gentiles beyond those already established by authoritative predecessors, and he's content to conclude that so long as some non-Muslim gentiles somewhere engage in idolatrous wine libations, the full force of the Rabbinic prohibition against wine touched by gentiles applies.

Hartley Lachter has made the case that Spanish kabbalists talk about Christianity even when they don't mention Christians.⁴ I've found the opposite to be true about Spanish halakhists: even when they address Christians and Muslims, they don't talk about Christianity or Islam. If the writings of Nahmanides and Ibn Adret were our only source of information, all we would know about Islam is that Muslims don't worship idols, at least not through the medium of wine libations, and regard the *qibla* as having special significance. We would also know that some Muslims are polygynous and some make an unusual type of sandal. We would know nothing about Christianity. This silence may stem in part from self-

⁴ "Kabbalah and Counter-Theology in the Middle Ages," Association for Jewish Studies, 44th Annual Conference (Chicago, Dec. 18, 2012).

censorship, or perhaps selective preservation of responsa. It seems unlikely, however, that concern over prying Christian eyes plays a significant role here: this factor can't account for the near silence regarding Islam. Lack of attention to the religious beliefs and practices of non-Jews, moreover, characterizes all of the Ashkenazic responsa collections I've examined, including those of Rabbenu Gershom, Rashi, and Meir of Rothenburg. In an important forthcoming essay, Ephraim Kanarfogel brings to light Ashkenazic texts that directly address the legal status of Christianity and its ritual objects, but these are rare exceptions to the general silence of rishonim from Christian Europe with regard to the substance of non-Jewish religions.⁵ Censorship, whether internally or externally imposed, can't account for this silence.

A better explanation can be found in Ibn Adret's polemical defense of Judaism against Christianity. Although this essay appears in editions of Ibn Adret's responsa (8.368; §37 in the Dimitrovsky ed.), it lacks the standard characteristics of a *teshuvah*: there's no addressee or question, and the essay—actually, a compendium of originally distinct documents—doesn't address matters of *halakhah*. After his poetic preface, Ibn Adret describes what he regards as the fundamental difference between Judaism on the one hand and Christianity and Islam on the other. All three, unlike the philosophers, acknowledge God's revelation to Moses and accept the truth of the Torah. Only Jews, however, regard Biblical law as eternally binding: the Muslims believe that the law was superseded, while the Christians insist that Biblical laws must be interpreted as metaphors or as temporary injunctions or as having new meanings. Harvey Hames observes that this same set of distinctions appears in Ramon

⁵ "The Image of Christian in Medieval Ashkenazic Rabbinic Literature," in J. Galinsky and E. Baumgarten, eds., *Jews and Christians in Thirteenth-Century France: Culture, Society and Mutual Perceptions* (Basingstoke: Palgrave Macmillan, forthcoming).

Martí's *Pugio fidei* and suggests that Ibn Adret employs it in response to Martí's work.⁶ Even so, I would contend that Ibn Adret fully embraced this approach to understanding the distinctions between religious communities. After all, the Rashba appeals to this classificatory paradigm not only in response to Christian polemicists but also in his response to Ibn Hazm and, in passing, in his own polemics against philosophers (8.367 [§36 in the Dimitrovsky ed.], 1.414, 1.418). The paradigm, moreover, has deep roots within Jewish thought: Judah Halevi's *Kuzari*, for example, highlights Christian and Islamic reverence for the Torah, while Talmudic and Ashkenazic authorities regularly define gentiles as those who don't follow Biblical or Rabbinic *halakhah*.

Ibn Adret's emphasis on observance or nonobservance of the law as the most important distinction between Jews and gentiles accounts perfectly for the portrayal of gentiles in his responsa and *Torat ha-bayit*. The only thing that matters about gentiles is that they don't follow *halakhah*. Further information about the beliefs and practices of gentiles is only relevant insofar as that data happens to affect the applicability of *halakhah* to Jews. For that reason, Ibn Adret sees no need to share his knowledge about Christianity or Islam within his halakhic writings. It seems probable that the same logic, and not a lack of familiarity, also accounts for the silence about Christianity and Islam in the responsa of Nahmanides and the Ashkenazic rishonim. Indeed, such silence constitutes a powerful defense against Christian missionaries: anyone who denies the eternal authority of Biblical law ipso facto fails to do God's will and needs not be taken into account.

Theological and polemical notions about non-Jews, I would suggest, have a pervasive impact on discourse about gentiles in halakhic literature. This dynamic poses significant

⁶ *The Art of Conversion: Christianity and Kabbalah in the Thirteenth Century* (Leiden: Brill, 2000), 252.

challenges to using such texts as a means of better understanding medieval Jewish–gentile relations. The responsa on gentiles by Nahmanides and Ibn Adret, after all, say almost nothing about Christians or Muslims in the Crown of Aragon and, with the possible exception of the *teshuvah* on the *qibla*, could just as easily have been composed in Ashkenaz. While it’s certainly possible to derive region-specific social historical data from these and other responsa, any such effort must be undertaken with great care. We should not be surprised, however, that medieval rabbis, no less than their Christian counterparts, portray adherents of foreign religions in an ideologically-charged manner largely divorced from contemporary reality.

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