

“Ones Possessed of Religion”: Religious Tolerance in The Teachings of The Me’iri

Moshe Halbertal

Abstract: A detailed analysis of R. Menachem Ha-Me’iri approach to understanding to talmudic restrictions on interaction with gentiles. The Me’iri reformulated the conception of idolatry, contending that it had disappeared from everywhere except the ‘extremities’ of civilization. Hence the traditional laws limiting Jewish economic intercourse with non-Jews as well as the halakhic inequalities between the legal rights of Jews compared to those of non-Jews in principle do not apply to either Christians or Moslems. Rather, those gentiles participate in the community of legitimate religious peoples. The author demonstrates how the Me’iri’s legal tolerance was informed by his philosophical orientation drawn from the Maimonidean philosophic tradition.

Biography: Dr. Moshe Halbertal, a member of *The Edah Journal* Editorial Board, is Professor of Jewish Thought at the Hebrew University of Jerusalem and Director of the *Beit Midrash* at the Shalom Hartman Institute.



“Ones Possessed of Religion”: Religious Tolerance in the Teachings of the Me’iri*

Moshe Halbertal

In dealing with relations between Jews and gentiles, Rabbi Menachem Ben Shlomo Ha-Me’iri (1249–1315) of Provence took up a subject with a long history of treatment by the halakhic authorities who preceded him. His unique approach in this area offers an instructive example of the integration of philosophy and *halakhah*.

The halakhic consideration of relations with gentiles had taken place in the 11th century, more than two hundred years before the Me’iri’s time. From the beginning of Jewish settlement in Christian Europe, Jewish communities formed economic relationships with their Christian neighbors that were inconsistent with talmudically dictated restrictions on business dealings with non-Jews, such as the ban on commerce with non-Jews on their festival days, the ban on selling their ritual objects, and the ban on commerce whose profits would accrue to the Church. These limitations foisted economic difficulties upon the Jewish communities in Christian Europe, which in turn set their own rules of conduct *vis a vis* Christians.

The German and French halakhists adopted varied and

complex strategies for bridging the gulf they confronted between communal practice and *halakhah*. As a first step, Rabbeinu Gershom Me’or Ha-Golah claimed that the halakhic prohibitions remained intact, but local halakhic authorities should avoid vain efforts to enforce them: “Better that Israel sin unknowingly than knowingly.” Nevertheless the communal practice gained halakhic legitimacy through various explanations offered by Rabbeinu Gershom and the halakhists who succeeded him. One position reasoned that the prohibitions had been decreed in different circumstances, at a time when the Jewish community was large enough to be economically self-sufficient—and that situation no longer existed within the small *Ashkenazi* communities. Another position, also relying on changed circumstances, sanctioned the customary conduct “because of hatred” (“*mi-shum eivah*”).¹ Still other authorities sought to limit the applicability of these prohibitions by means of local, novel reinterpretations of the talmudic passages that had generated the restrictions.² All these halakhic strategies shared a common component: Each halakhic authority refrained from drawing a distinction in principle between Christianity and the idolatrous religions toward which

*This essay is a translation of major portions of Chapter 3 of “*Bein Hokhmah Le-Torah*,” by Moshe Halbertal, Jerusalem, 2000 (Hebrew University Magnes Press). Translation by Joel Linsider

¹ That is, adhering to the prohibitions could promote hatred of Jews on the part of Gentiles. —*Translator*

² For an in-depth consideration of the medieval halakhists’ approach to these issues, see J. Katz, *Bein Yehudim Le-Goyim [Between Jews and Gentiles]*, Jerusalem, 5721 [1960/61], chapters 3–4, and J. M. Ta-Shema, “*Yemei Eideihem*” [“Their Festival Days”], *Tarbits* 47:197–210 (5738 [1977/78]).

the halakhic restrictions had been formed.³ At most, they distinguished between the Christian multitudes and the Christian religion. Relying on the argument in the Talmud Bavli that, “Gentiles outside of the land of Israel are not idolaters. Rather, they adhere to their ancestral customs” (*Hulin 13b*), these halakhists determined that because the local gentiles were not devout, some of the prohibitions on commerce did not apply to them. Nevertheless, they held that even though Christians were not devout in their religion, Christianity itself was idolatrous.⁴ As Jacob Katz has shown, this complex position of the *Ashkenazi* halakhists grew out of their desire to preserve the huge disparity between monotheistic Judaism and idolatrous Christianity while simultaneously easing the economic burden that resulted from defining Christianity as idolatrous.

Religious tolerance in the Me’iri’s teachings has been the subject of scholarly examination, but the nexus between his halakhic position and his general worldview and its sources has never been adequately clarified. Scholarly consideration began with a detailed analysis by Jacob Katz, who viewed the Me’iri as adopting a unique, comprehensive position based on a fundamental theological concept. The Me’iri’s predecessors had proposed various solutions to bridge the gulf between widespread medieval *Ashkenazi* practice and the halakhic limitations on

contact with gentiles. However, none of them took a position that distinguished fundamentally between idolatry and Christianity. If such a distinction appeared at all in halakhic literature, it was limited in its use to particular times and places, and it provided no basis for a definitive and generalized permissive ruling. The Me’iri was the first to draw this fundamental distinction, and the permissive ruling he proposed was accordingly definitive and independent. It followed neither *post facto* from the community’s practice, nor did it depend on other permissive rulings. Finally, it extended beyond the permissive rulings issued by the halakhic authorities who preceded him.⁵

Efraim Urbach took issue with Jacob Katz’s position, contending that the Me’iri’s distinction between idolatrous religions and Christianity could already be found in the writings of his predecessors. In his view, the Me’iri merely coined a new term for non-idolatrous religions: ‘nations restricted by the ways of religion’ (*‘umot ha-gedurot be-darkhei ha-datot*). Similarly, contended Urbach, the Me’iri permitted nothing more than had his predecessors, and that was the true measure of his ruling. Inasmuch as no halakhic consequences flowed from the Me’iri’s new formula, no substantive change can be said to have taken place by reason of his position on religious tolerance.⁶ Responding to Urbach’s critique, Katz and

³ An exception is the position, common among the Tosafists, permitting accepting a gentile’s oath [even though the gentile may take the oath in God’s name while having another divinity in mind] because that sort of association is not forbidden to gentiles. Katz’s view, that this position should not be seen as negating the idolatrous nature of Christianity, strikes me as the proper explanation for the permissive ruling. See J. Katz, “*Sheloshah Ma’amarim Apologetiyim Be-Gilguleihem*,” [“Three Apologetic Essays and Their Transformations”], in *Halakhah Ve-Qabbalah [Halakhah and Received Tradition]*, Jerusalem, 5746 [1985/86 pp. 278–279–4; Ta Shema, *id.*

⁴ For this distinction, see the *responsa* of Rabbenu Gershom Me’or Ha-Golah, #21. R. Gershom permits taking priests’ vestments as collateral on the theory that idolatrous religious articles are proscribed only after having actually been used in idolatrous worship, a category from which he excluded contemporary Christian worship: “Inasmuch as gentiles outside the land of Israel are not idolaters, even though they perform idolatrous practices, it is not considered idolatry.” In the ensuing sentence, however, he argues that a crucifix itself is considered idolatrous inasmuch as it is proscribed from the moment it is made: “But an idolatrous object itself is forbidden, as it is taught, a gentile’s idolatrous object is forbidden whether or not it is actually worshipped.” R. Eliezer b. Nathan of Mainz applied this concept not as an established legal principle but as a position to be applied on the basis of empirical examination (*Sefer Ha-RabN*, p. 288).

⁵ J. Katz, “*Sovlanut Datit Be-Shitato Shel Rabbi Menahem Ha-Me’iri be-Halakhah U-Ve-Filosofiyah*” [“Religious Tolerance in Rabbi Menahem Ha-Me’iri’s Halakhic and Philosophical System”], *Tsiyyon* 18:15–30 (5713 [1952/53]) (also in *Halakhah Ve-Qabbalah [Halakhah and Received Tradition]*, Jerusalem, 5746 [1985/86], pp. 271–291).

⁶ A. A. Urbach, “*Shitah Ha-Sovlanut Shel Rabbi Menahem Ha-Me’iri: Meqorah U-Migbelotehah*” [“Rabbi Menahem Ha-Me’iri’s Approach to Tolerance: Its Sources and Its Limits”], *Peraqim Be-Toledot Ha-Hevrah Ha-Yebudit Bi-Yemei Ha-Beinayyim U-Va-’Et Ha-Hadashah Muqdashim le-Y.* Katz [Chapters in the Social History of the Jews in Medieval and Modern Times, dedicated to J. Katz], ed. by A. Etkes and Y. Salmon, Jerusalem, 5740 [1979/80][*id.*,

Gerald Blidstein showed that the Me'iri's unique formula indeed extended his permissive ruling's range beyond that of his predecessors' rulings, and its wider scope was not confined to the practical and apologetic needs of the community.⁷

My purpose is to present sources not yet analyzed in the literature and that support Jacob Katz's position. Most of the study will be devoted to clarifying the term "nations restricted by the ways of religion," in the broad and systematic context of the Me'iri's position, and to explicating the Me'iri's concept of historical progress, which distinguishes between ancient nations and those of his time.

[A]

The Me'iri's position can be analyzed by delineating three categories that touch on the *halakhah's* relationship to gentiles. The first category encompasses prohibitions on commerce with gentiles that flow from the concern that such commercial contacts promote and indirectly facilitate idolatrous ritual, or cause Jews to benefit from idolatrous ritual or its apparatus. The prohibition on trading with a gentile on his festival day, lest he proceed to thank his gods for profit gained through the transaction, provides a paradigm for prohibitions designed to distance Jews from any even indirect contact with idolatrous ritual. With respect to the gentiles of his day, the Me'iri relaxed the prohibition on trading with a gentile on his festival day, the prohibition on trading with a gentile when a portion of the profit is taxed for ritual necessities, the prohibition on selling ritual necessities such as incense or frankincense to a gentile, the prohibition on letting a house to a gentile lest he bring into it idolatrous worship, the prohibition on deriving benefit from ordinary gentile wine (*setam*

yeinam), which was decreed out of concern about wine that had definitely been meant for libations (*vadai yeinam*), and the prohibitions on expansively greeting a gentile and entering a gentile's house to greet him on his festival. The Me'iri permitted these six activities in his day, and applied the prohibitions only to the ancient, idolatrous nations.

Each halakhic authority refrained from drawing a distinction in principle between Christianity and the idolatrous religions

The second area to be considered is the *halakhah's* attitude toward a gentile's juridical rights and obligations. This category focuses on the legal and personal standing of the gentile, not on indirect contact with ritual. A prime example is the gentile's liability to fully compensate a Jew for damage caused by his animal to a Jew's property, in contrast to the Jew's exemption from any corresponding liability to the gentile when the Jew's animal causes damage. The Me'iri treated the gentiles of his day no differently from Jews with respect to obligations and rights in the following matters: compensation for property damage, the prohibition on robbery, the obligation to return lost property, the obligation to rescue from harm, granting gratuitous gifts, the obligation to help in loading a beast of burden⁸, the prohibition on excessive profit, the imposition of equal punishment for killing a gentile, the prohibition on delaying payment to a hired worker, the violation of the sabbath to save human life, the authorization to sell armaments to a gentile, and the authorization to stable an animal in a gentile's inn. According to the Me'iri, the discrimination that pervades the *halakhah* with respect to these rights applies only to the ancient nations, which are "not restricted by religious practices".

Mehqarim Be-Mada`ei Ha-Yahadut [Essays in Jewish Studies, ed. by Haar and Frankel, Jerusalem 5758 (1997/98), pp. 366–376.] See also Ta Shema id. and. "He'arah le-He'arah" ["Shedding Light on a Remark"], *Tarbits* 49:218–219 (5740 [1979/80]).

⁷ J. Katz, "Od `Al `Sovlanuto Ha-Datit Shel R. Menahem Ha-Me'iri" ["Further Comments on 'R. Menahem Ha-Me'iri's Religious Tolerance'"], *Tsiyyon* 46:243–246 (5741 [1980/81]) (also in *Halakhah Ve-Qabbalah* [supra Katz 5713], pp. 307–311. G. Blidstein, "Yabaso Shel R. Menahem Ha-Me'iri La-Nokhri: Bein Apologetiqa Le-Hafnamah" ["The Relationship of R. Menahem Ha-Me'iri to the Gentile: Between Apologetics and Internalization"], *Tsiyyon* 51:153–166 (5741 [1980/81]).

⁸ Cf. Deut. 22:4—*Translator*

In the Me'iri's view, contemporary gentiles are fully equal to Jews in these respects.

The third category encompasses measures to distance Jews from gentiles, tied to the ban on intermarriage. An example is the prohibition on drinking ordinary gentile wine. In this area, the Me'iri left all the prohibitions in place, applying them to the gentiles of his day as well.⁹

These three categories are not necessarily tied to one another. For example, one could reason that commerce with Muslims should be permitted even if it is connected with ritual, as Muslims are not idolaters and their ritual is not idolatrous, yet Muslims should be no different from other gentiles with respect to their legal rights and obligations. Maimonides, for one, did not extend the first category of concern to Muslims, since they are not idolaters. He permitted commerce with them on their festival days even while forbidding it with respect to Christians. At the same time, he drew no distinctions

between Muslims and other gentiles with regard to portions of the second category, and the rights he denied to idolaters he denied to other Noahides as well, even monotheists.¹⁰

A fundamental question arises concerning the linkage between the two areas, i.e. ritual related prohibitions on contact and the delineation of juridical obligations and rights. Does the discrimination that dominates talmudic *halakhah* with respect to the rights of gentiles flow from their being idolaters, implying that a different rule governs gentiles who observe the seven Noahide commandments and that were a group of gentiles found that does not practice idolatry, its status in both areas would change simultaneously? An alternative is that the denial of gentile rights follows directly from the fact that they are gentiles, rather than idolaters. If the latter, the inapplicability of the first area of concern to a group of non-idolatrous gentiles has no effect whatsoever on the second area. In other words: Is the discrimination between monotheists and

⁹ "The remaining similar prohibitions, whether related to the derivation of benefit or to eating, are among those that were decreed because of concern about intermarriage, and they are equally applicable to all nations." (*Beit Ha-Behirah, Avodah Zarah*, A. Sofer ed., p.59.)

¹⁰ An examination of Maimonides' rulings in various areas of juridical rights and obligations reveals several instances of halakhic inequality between Jews and non-Jews, even where the latter are monotheists. (It is important to note that in these instances, the Me'iri differs with Maimonides, as we shall see below.) These include the obligation to return lost property (*Hil. Gezeilah Va-Aveidah* 11:3); the prohibition on excessive profit (*Hil. Mekhirah* 13:8); the exemption of a Jew from punishment for killing a gentile (even though the act itself is forbidden) (*Hil. Rotseiah U-Sheimat Ha-Nefesh* 2:11); the obligation to help load a beast of burden (*id.* 13:1); the exemption from double compensation in cases of theft (*Hil. Geneivah* 2:1); the exemption from paying an additional one-fifth in cases of denied bailment (*Hil. Gezeilah Va-Aveidah* 7:7); the Jew's exemption from compensating a gentile for damage caused by the Jew's property, in contrast to the gentile's obligation to provide full compensation to a Jew for property damage caused by the gentile's property (Commentary on the *Mishnah, Bava Qama* 4:3; *Hil. Nizvei Mamon* 8:5). In cases of robbery, however, Maimonides rules that Jews and gentiles are subject to the same rule: "It is forbidden as a matter Torah law to rob in any way, and even a gentile idolater may not be robbed or despoiled; and if one has robbed or despoiled [anyone], he must return [the property]" (*Hil. Gezeilah Va-Aveidah* 1:2).

In all of the *halakhot* that point to discrimination between Jews and gentiles, the printed version of the Mishneh Torah uses the term "idolater" [*acum*], an acronym for "worshiper of stars and constellations"; but in the best manuscripts of the work, the term used is "gentile" [*goy*]. One cannot infer, however, merely from Maimonides' reference to "goy," that he is speaking not only of idolaters but of monotheistic gentiles as well; for even when it is clear that he is speaking of idolaters, he uses the term "goy" (*Hil. Avodat Kokhavim* 9:3). One may therefore ask whether Muslims, whom Maimonides does not number amongst "*acum*," are also to be discriminated against with respect to the items enumerated above. From the explanations that Maimonides provides for his various rulings, it appears that the juridical discrimination between Jews and gentiles is based not on the fact that the former are monotheists and the latter idolaters, but on the understanding that gentiles—monotheists included—are not encompassed within the biblical terms "your peer" or "your fellow." Maimonides accounts in this way for the discriminatory *halakhot* that relate to excessive profit, lost property, and bloodshed. The discriminatory provisions extend not only to monotheistic gentiles, but even to resident aliens, as can be inferred from the law of murder: because resident aliens are not within the category of "your peer," one who kills a resident alien is relegated to divine justice and the human court imposes no punishment. It thus appears that according to Maimonides, even monotheists such as Muslims are subject to juridical discrimination; for if resident aliens are not within the category of "your peer," monotheistic gentiles are excluded from it *a fortiori*. In some *halakhot* in the Mishneh Torah, Maimonides applies the same rule to Jews and resident aliens. He forbids distorting a court ruling with respect to a resident alien (*Hil. Melakhim* 10:12), and there is equality between resident alien and Jew with respect to withholding a worker's wage (*Hil. Sekhirut* 11:1). In addition, Maimonides permits a gratuitous gift to a resident alien (*Hil. Avodat Kokhavim* 5:1). One may reasonably argue that the equivalence between Jew and resident alien in these areas is limited to resident aliens in the technical-formal sense, as Maimonides defines it in *Hil. Melakhim* 8:10, and does not, therefore, encompass all monotheistic gentiles.

pagans or between Jews and gentiles? The question focuses on whether the line in *halakhah* distinguishing Jew from gentile rests upon the premise of an ontological gap between Jews and gentiles, or upon the difference between the monotheist's way of life and the idolater's. Clarifying the source of this discriminatory line with respect to rights has profound implications for who bears the inequality—gentiles generally or only idolaters. Similarly, there is a significant moral difference between how the discrimination is justified under each of the two possibilities. This is not the place for a comprehensive consideration of the question based on talmudic sources¹¹, but delineating these two categories of the *halakhah's* attitude toward gentiles is important for an understanding of the Me'iri's position.

[B]

An examination of the Me'iri's writings discloses a striking consistency in his treatment of the two categories. Scholars of the Me'iri have focused on the term “nations restricted by religious practices” as his central and innovative concept, but the Me'iri himself never mentions it in connection with his permissive rulings in the area of indirect contact with idolatrous ritual. Allow me to detail, one by one, the cases in the first area.

In considering the prohibition on commercial dealings with a gentile on his festival day, the Me'iri says, “It appears to me that these matters all pertain only to worshippers of idols and their forms and images, but that nowadays, these [commercial] activities are wholly permitted” (*Beit Ha-Behirah Avodah Zarah*, A. Sofer ed., p.4). Again, on the same subject: “For it is the common practice in all lands to trade with those among whom they dwell, in all commodities and all manner of commerce, even on their holiday. It seems certain that the reason is

that these rules were enacted only for their [i.e. talmudic] times, when the worship of idols was widespread for sacrifice and thanksgiving, as you see in the reference to their festival days, for they worshipped the heavenly host, the sun, the moon, trees, and stones” (*id.* p.9). The Me'iri thus distinguishes between ancient times, when idolatry was prevalent, and his own era. When doing so he nevertheless makes no mention of the distinction between nations restricted by religious practices and nations not so restricted. In that same context he tries to overcome the explicit talmudic reference to Christians being amongst those with whom one may not trade on their festival days:

As for the statement in the *gemara* that “a Christian [*notsri*] is always forbidden [to be traded with],” I interpret it as derived from “watchers [*notsrim*] who come from a far country,” as stated in Jeremiah [4:16], who referred to that nation as *notsrim* after [Babylonian King] Nebuchad Nezzar ; and it is known that there was an image of the sun in Babylon and the entire nation of Nebuchad Nezzar worshipped it. And you already know that the sun serves on the first day [Sunday] in the enumeration of the beginnings of days, and that day accordingly was called *notsri* on account of its connection to Nebuchad Nezzar because of its association with the sun's dominion, all of which is obvious and clear. (*id.*, p. 4.)

The Me'iri's interpretive agility in his effort to distinguish between the Christians and the ancient idolatrous nations reaches its pinnacle in his interpretation of the term *notsri* in the Talmud. In his view, the Christians (*notsrim*) referred to in the Talmud are none other than the Babylonians, the nation of Nebuchadnezzar, and the “First Day” (Sunday) referred to in that context is not the Christian holy day but a First Day on which the

¹¹ This subject requires a study of its own, but it is important to note that the existence of a non-Jewish monotheistic group, considered another religion, was not known before the time of the *tana'im*, so it is possible that the question never even occurred to them. Still, the issue may be evaluated from two other aspects: the attitude toward resident aliens, and the various justifications presented in the Talmudic material for discrimination.

Babylonians worship the sun.¹² The step of determining that the Christians of his day were not idolaters is taken as well in other passages dealing with the prohibitions that flow from concern about indirect contact with idolatrous ritual. For the same reason, the Me'iri thus relaxes the prohibition on profitable commerce for gentile ritual necessities: "We have already explained that rules such as this were instituted in their times, when those gentiles were devout in their idolatry, but now idolatry has come to an end in most places, and there is accordingly no need to be stringent with respect to them in the manner of the old innovations and general embellishments" (*id.*, p.28). Here too the Me'iri determines that idolatry has come to an end, and he makes no mention of the formula, "nations restricted by religious practices."

With respect to the prohibition on selling items that might be used for ritual needs, the Me'iri says: "There are some who rigorously forbid some of these activities in places where idolatry remains, as we have explained. Yet it appears that these matters should generally be permitted, though a sensitive person (*ba'al nefesh*) will restrain himself" (*id.*, p.32).¹³ As for the prohibition on letting a residence to a gentile lest he bring idolatry into it (thereby violating "Thou shall not bring an abomination into thy house." [Deut. 7:26]), he says, "As far as issuing a ruling, this ban was instituted only in the land [of Israel] and in the period we have referred to, but outside of the land [of Israel] and in our times, it is permitted to let even a dwelling, and even to do so in a neighborhood and block [in which Jews reside]. [This is true] all the more so in places where idolatry is not found, for the essence of this

prohibition relates to those idolaters who kept idols in their homes and burned incense and sacrificed to them there" (*id.*, p.48). Here are his comments regarding the prohibition on deriving benefit from ordinary wine of gentiles, something decreed because of concern over wine definitely meant for libations: "In my view, those places where idolatry endures remain subject to the stringency applicable to the earlier [peoples]."

It thus appears that nowhere in his treatment of contacts with gentiles that are forbidden because of indirect ties to idolatry does the Me'iri use the formula "restricted by the ways of religion." He maintained that the gentiles of his day were not idolaters—in contrast to the ancient nations that did worship idols—and contacts connected with the rituals of contemporary gentiles are therefore not forbidden.

The Me'iri does raise the distinction between "nations restricted by the ways of religion" and "nations not [so] restricted" in the context of the second category, that of juridical rights and obligations. In his view, the halakhic inequality with respect to the rights of Jews and gentiles applies only to gentiles who are not restricted by the ways of religion. An extensive description of these nations can be found in the Me'iri's comments permitting Jews to sell to gentiles of his time items that can be used as implements of destruction and to stable animals in their inns. He forbids these activities only with respect to nations not restricted by the ways of religion, as he says: "All of these people possess no religion in the world and submit to the fear of no divinity, instead burning incense to the heavenly bodies and worshipping idols; therefore, they are

¹² With respect to the Me'iri's interpretation that the *notsrin* referred to in the talmudic tractate are sun-worshipping Babylonians rather than the Christians of his day, see also: "and on the first [day] is explained in the *gemara* as 'because of the *notsrin*,' which I take as meaning the Babylonians, whom they greatly feared, and he refers to them as *notsrin* because of Nebuchadnezzar, as we explained in connection with the verse 'watchers come from a far country.' And it is well known that a great image connected with sun worship was worshipped at that time in Babylon, and they observed a festival on the first day...and I have already provided a similar explanation of their statement, in the first chapter of *Avodah Zarah*, that 'a *notsri* is always forbidden'" (*Beit Ha-Behirah, Ta'anit*, A. Sofer ed., p.97). On this identification by the Me'iri, see L. Zalcman, "Christians, *Notserim* and Nebuchadnezzar's Daughter," *JQR* 81:411–426 (1991).

¹³ With respect to prohibiting benefit from ritual apparatus, see also: "And even with respect to these [rules related to benefit from ritual necessities], there is reason to question the prohibition, and we have already written in Chapter 1...that these matters [the sale of ritual necessities] should generally be permitted, though a sensitive person will restrain himself" (*Beit Ha-Behirah Avodah Zarah*, A. Sofer ed., p.189). As Jacob Katz has pointed out, while the Me'iri's relaxation of the other prohibitions is absolute, his relaxation of the ban on ritual necessities is hesitant.

unconcerned about any sins” (*Beit Ha-Behirah Avodah Zarah*, A. Sofer ed., p.39). Elsewhere he adds regarding the obligation to rescue a gentile: “Here, too, one must assess, as we have already discussed, what kind of gentile is under consideration. What I mean is that of idolaters it is said that they were not restricted by the ways of religion. On the contrary, every sin and everything repulsive is fit in their eyes. As the foremost of the philosophers has already said, ‘Put to death one who has no religion’” (*id.*, p.59). Hence the halakhic inequality of rights applies only with respect to nations that are not restricted by the ways of religion or, in a parallel term that the Me’iri uses, those who “possess no religion.”

A general formulation of the principle is found in the Me’iri’s comments on the obligation to return a gentile’s lost property and the prohibition of robbery: “Thus, all people who are of the nations that are restricted by the ways of religion and worship the divinity in any way, even if their faith is far from ours, are excluded from this principle [of inequality]. Rather, they are like full-fledged Jews with respect to these matters, even with respect to lost property and returning assets gained through error and all the other matters, with no distinction whatsoever” (*Beit Ha-Behirah Bava Qama*, K. Schlesinger ed., p.330).¹⁴ In his view, the halakhic dividing line is not between Jews and gentiles in an ontological sense, but between nations possessed of law and lawless nations, i.e. between barbarism and civilization.

The Me’iri calls the principle into play in a systematic manner with respect to compensation for property damage:

If the ox of a Jew gores the ox of a gentile, [the Jew] is exempt [from paying damages] because of the [limiting] law of “one’s peer” [‘re’ehu], but if a gentile’s ox gores a Jew’s, the gentile pays full damage, regardless of whether the ox is known as a goring ox or not.¹⁵...But according to what the *gemara* says, this pertains specifically to nations not restricted by the ways of religion and proper conduct. ...Accordingly, all those who adhere to the seven [Noahide] commandments are treated in our [courts] as we are treated in theirs, and we do not accord ourselves favorable treatment. It therefore goes without saying that the same thing applies to nations restricted by the ways of religion and proper conduct (*id.*, p. 122).¹⁶

The Me’iri reiterates this principle in his consideration of the following subjects: the prohibition on withholding the wages of a hired worker,¹⁷ the authorization to give a gratuitous gift,¹⁸ the obligation to assist in loading a beast of burden,¹⁹ the prohibition on excessive profit,²⁰ and equal punishment for killing a gentile.

The Me’iri’s rulings with regard to equal punishment for Jews and gentiles is particularly interesting against the background of the Talmud’s consideration of the issue

¹⁴ See also the formulation by the Me’iri with respect to returning lost property: “Nevertheless, only the lost property of your brother is referred to [“so shall thou do with every lost thing of thy brother’s which he hath lost and thou hast found”—Deut. 22:3]; but the reference is to everyone who is restricted by the ways of religion. (*Beit Ha-Behirah* on Tractate *Bava Metsi’a*, K. Schlesinger ed., Jerusalem 5723, p.100.)

¹⁵ The Me’iri is here paraphrasing *Mishnah Bava Qama* 4:3. In the usual case, where both plaintiff and defendant are Jews, the defendant pays only half-damage if the ox is not known as a one that gores. —*Translator*

¹⁶ This passage implies that nations restricted by the ways of religion enjoy a higher status than those of Noahides who observe the seven Noahide commandments.

¹⁷ *Beit Ha-Behirah Bava Metsi’a*, K. Schlesinger ed., p.416.

¹⁸ *Beit Ha-Behirah Avodah Zarah*, A. Sofer ed., p. 46. See also *Beit Ha-Behirah Hulin*, A. Lis ed., Jerusalem 5735, p.434.

¹⁹ *Beit Ha-Behirah Bava Metsi’a*, K. Schlesinger ed., p.118.

²⁰ *Id.*, p.219.

and Maimonides' ruling regarding the punishment for killing a gentile. One can infer from the *tosefta* that inequality of punishment for killing a gentile applies even where the gentile observes the seven Noahide commandments: "How do we treat the spilling of blood? If a gentile spills a gentile's blood or that of a Jew, he is liable; if a Jew spills a gentile's blood, he is exempt" (*Tosefta Avodah Zarah* 8:5). According to a *baraita*, a Jew who kills a Noahide is liable in accordance with heavenly law (*dinei shamayim*), but is not put to death by the earthly court, and Maimonides indeed so holds.²¹ The Me'iri, however, interprets the *baraita* as follows: "A Jew [who kills] a gentile who does not fulfill the seven [Noahide] commandments is exempt, for [the gentile] is an idolater..., but if he is among those who fulfill the seven commandments, he is included amongst those possessed of religion. Even the greatest of the compilers²² wrote that withholding his wage violates the positive commandment of 'in the same day that shalt give him his hire' [Deut. 24:15]." In his view, the *baraita* deals only with an idolater, but a Jew who kills a Noahide possessed of religion is liable in court. The Me'iri recognizes the forced nature of his interpretation and cites Maimonides as support. Critically he does not cite Maimonides on the self-same subject, for he is well aware of Maimonides' holding that a Jewish killer is exempt even if the gentile victim is a Noahide [who observes the Noahide commandments]. He therefore reaches out to Maimonides' ruling with respect to the withholding of wages. Beyond that, the Me'iri warns the reader: "Even though the passage implies something different, be careful not to err and interpret it otherwise" (*Beit Ha-Behirah Sanhedrin*, A. Sofer ed., pp.226–227).²³

As we have already seen, the claim is that even a group that is non-idolatrous remains excluded from halakhic rights equal to those of Jews. Indeed, the asymmetry with

respect to punishment for shedding blood (a gentile who kills a Jew is liable; a Jew who kills a gentile is exempt) is applied by the *tosefta* even to a gentile who observes the seven commandments, and Maimonides was of that opinion as well. There thus exists a halakhic position that takes the inequality between Jew and gentile as found in the Talmud with respect to a substantial segment of juridical obligations and rights as a distinction between Jews and other nations, not between monotheists and pagans. The Me'iri's innovation in this area is the unequivocal claim that the distinction is between idolaters and worshippers of the Divine. He further transforms the distinction between idolaters and worshippers of the Divine into a distinction between "nations that are not restricted" and "nations that are restricted". In his view, the justification for this discrimination is not rooted in some need to penalize idolaters and deny them their rights because they do not believe in a true divinity. Rather, advances the Me'iri, it is because idolatry generates a society lacking fear of God and lacking law, and such a society is not protected by law.²⁴

The halakhic dividing line is not between Jews and gentiles in an ontological sense, but between nations possessed of law and lawless nations.

Especially important is the Meiri's comparable treatment of Jew and gentile with respect to the obligation to return lost property, the obligation to help load a beast of burden, the prohibition on excessive profit, equal compensation for property damage, and equality of punishment for bloodshed. In all these instances, the existing discrimination had been justified by reference to limiting family-related

²¹ See above, n.10.

²² The Me'iri's term for Maimonides.—*Translator*

²³ See Blidstein *op. cit.* p.158.

²⁴ Formulations such as this appear explicitly in the Me'iri: *Beit Ha-Behirah Yoma*, Y. Klein HaKohen ed., p.212; *Beit Ha-Behirah Bava Qama*, K. Schlesinger ed., p.330; *Beit Ha-Behirah Ketubot*, A. Sofer ed., Jerusalem 5707, pp.67–68.

Scriptural terminology: “your peer” (*rei`akha*), “your brother” (*ahikha*), and “your fellow” (*amitekha*). An explicit statement of this point may be found in the Me’iri’s comments on the prohibition of excessive profit: “Anyone disciplined by religious practices is within [the protection of the ban on] excessive profit, but idolaters are not within the scope of brotherhood for purposes of being included within the law against excessive profit in a commercial transaction. The Rabbis established the principle, ‘Do not wrong one another.’ [(Lev. 25:17), the Scriptural basis for the prohibition on excessive profit] to mean, ‘You shall not wrong one who is with you in Torah and commandments’” (*Beit Ha-Behirah Bava Metsi`a*, K. Schlesinger ed., p.219). According to the Me’iri, those who are restricted by the ways of religion are included within the term “your fellow (*amitekha*),” which is interpreted in the Talmud as “one who is with you in Torah and commandments” (*Bava Metsi`a* 59a). The Me’iri defines people possessing religion to be Israel’s partners in Torah and commandments, and he brings them into the circle of brotherhood for purposes of juridical standing. By this remarkable step, the Me’iri cancels the juridical distinction between Jew and gentile and replaces it with a distinction between one possessing religion and one lacking it.²⁵

A broader analysis of the Me’iri brings to light sources not yet considered in the scholarly literature that show just how far beyond his predecessors the Me’iri took his concept

of equality. The first source relates to the *halakhah* establishing that the sabbath may not be desecrated to save the life of a gentile.²⁶ The Me’iri elucidates this *halakhah*, which had been a source of discomfort to halakhic decisors in the preceding generations, in a manner consistent with his fundamental approach: “[In a case of] danger to human life [*piquah nefesh*], we do not rule in accordance with the [status of] the majority.²⁷ How [do we apply this principle]? Given a courtyard inhabited both by Jews and by idolaters for whose rescue we are not commanded to desecrate the sabbath, *for they have no religion...*” (*Beit Ha-Behirah Yoma*, Y. HaKohen Klein ed., p.212). In another formulation: “The ancient worshippers of heavenly bodies, for whom we are not commanded to desecrate the sabbath, *inasmuch as they lack any religion and have no regard for the obligations of human society...*” (*id.*). In the Me’iri’s view, the prohibition on desecrating the sabbath to save the life of a gentile applies only to gentiles not possessing any religion. As far as I know, this fundamental conception of the authority to desecrate the sabbath to save human life does not predate the Me’iri, and his permissive ruling in this regard shows the broad applicability of his principle.

Further evidence, not yet considered by scholars, of how far the Me’iri went in extending his permissive rulings beyond the merely pragmatic can be found in his halakhic decision regarding a Jew’s obligation, when standing before a house of idolatry in all its glory, to express wish-

²⁵ The authority to charge interest to a non-Jew constitutes an exception to this equal juridical status of Jew and gentile, for the Me’iri does not revoke the distinction between them in this area. See, on this, Urbach, *op cit.* Even here, however, the Me’iri’s concept was unique. Following R. Abraham ben David and other early authorities (*risbonim*), he disagrees with Maimonides, who, in view of the scriptural statement “you may deduct interest from loans to foreigners” [Deut. 23:19; the Heb., *la-nokhri tashikh*, can be read as permissive or mandatory], posits a positive commandment to lend to a gentile on interest. These *risbonim*, following a passage in the Babylonian Talmud (*Bava Metsi`a* 70b), understand “*la-nokhri tashikh*” [which is phrased positively rather than negatively] as subjecting interest taken from a fellow Jew to the status of something violating a positive commandment. A Jew is not commanded to lend on interest to a gentile, however, even though the Torah permits him to do so. The Me’iri goes a step further, taking the position that “*la-nokhri tashikh*” imposes a positive commandment to lend to a gentile in order to sustain him. Doing so is an aspect of the obligation to give charity; for on the Me’iri’s approach, a Jew is obligated to provide economic support to all who are “restricted by the ways of religion.” The distinction in this regard between Jew and gentile is only that the obligation to lend without interest extends to Jews alone and not to gentiles. The Me’iri thus turns on its head Maimonides’ understanding of “*la-nokhri tashikh*” as an obligation to oppress the gentile. See *Beit Ha-Behirah Bava Metsi`a*, K. Schlesinger ed., p.267; and, for a thorough consideration of the issue, see Blidstein *op cit.*

²⁶ See, for example, Maimonides, *Mishneh Torah, Hil. Shabbat* 2:20.

²⁷ That is, if a group of people are in danger, and only a minority or them are people for whose safety it is permitted to violate the sabbath, we nonetheless violate the sabbath instead of relying on the statistical probability that the person in jeopardy is of the majority.—*Translator*

es for its destruction. A *baraita* contrasts the gratitude that a Jew must proclaim in the presence of Jewish dwelling places with the contempt he must express before dwelling places of idolaters: “Our rabbis taught: One who sees Jewish dwellings peacefully settled says, ‘Blessed be He who establishes the homestead of the widow’ [cf. Prov. 15:25]; one who sees them destroyed says ‘Blessed be the true Judge.’ [One who sees] dwellings of idolaters peacefully settled says, ‘The Lord will tear down the house of the proud’ [*id.*]; one who sees them destroyed says, ‘The Lord is a God of retribution; the God of retribution has appeared!’ [Ps. 94:1]” (*Berakhot* 58b). In the ensuing passage, the Talmud formulates the contempt that a Jew must articulate when in the presence of graves of idolaters: “[One who sees] graves of idolaters says ‘So your mother will be utterly shamed[; she who bore you will be disgraced] [Jer. 50:12].”

In this matter as well, the Me’iri distinguishes Christians and Christianity from the ancient idolatrous nations: “One who sees Jewish synagogues peacefully settled says, ‘Blessed be He who establishes the homestead of the widow’; one who sees them destroyed says, ‘Blessed be the true Judge.’ [One who sees] peacefully settled dwellings of idolaters and other believers in ancient faiths, who were not restricted by the ways of religion (and who are always referred to in the Talmud as ‘the nations of the world’), says, ‘The Lord will tear down the house of the proud’; [one who sees them] in their destruction says ‘The Lord is

a God of retribution.” With respect to one who sees graves of the nations of world, he continues: “One who sees graves of the nations of the world, that is, of idolaters of the sort we have described, says, ‘So your mother will be utterly shamed, etc.’” (*Beit Ha-Behirah Berakhot*, p.207).

This determination by the Me’iri has deep symbolic meaning, transcending all the distinctions he draws in other areas. When all is said and done, the verbal contempt that a Jew filtered through his lips on seeing Christian houses of worship was his only available form of expression in the face of a hostile Christian world whose might, compared to his own weakness, prevented him from disclosing his own hostility more bluntly and directly. Moreover, carefully nurtured verbal hostility can serve not only as a weakling’s weapon of last resort, but also as a force for accentuating the divide between the Jewish and Christian communities—a divide that might otherwise be overcome by the intricate array of economic relationships between them. The Me’iri’s annulling the idolatrous standing of Christian houses of worship shows that his purpose was to instill in the innermost layers of consciousness the distinction between the ancient and the “restricted” nations, and not merely to take advantage of that distinction as a way to avoid actions likely to anger the sovereign nation. Blessings and curses are matters of the lips and heart; and the Me’iri’s rulings on these issues far transcend the calculus of economic benefits that guided other medieval halakhic authorities.²⁸

²⁸ Another distinction uniquely drawn by the Me’iri between the ancient idolatrous nations and the gentiles of his time demonstrates how the change in the basic image of the gentile was internalized—a process not limited to demands of economic life. The *halakhah* at issue relates to a seller’s responsibility to compensate a purchaser of chattels in a case where a third party presents a persuasive claim that the purchased object had been stolen from him. The talmudic sage Ameimar (in accordance with whose view the *halakhah* was fixed) took the position view that in a case where the third-party claimant is a gentile, the seller is not obligated to compensate the buyer. The rationale for this ruling appears in the Talmud: “For any idol worshiper is presumed a malfesor, as is written [Ps. 144:8], ‘whose mouth speaks falsehood, and their right hand is a right hand of lying’” (*Bava Batra* 45a). Maimonides (*Hil. Mekhirah* 19:4) and other *rishonim* rule this way even where the gentile presses his claim against the purchaser in accordance with gentile law. But the Me’iri qualifies the rule as follows: “In all these cases [the seller must compensate the buyer] only when the sold item was taken away from the buyer by a Jewish court on the basis of Jewish testimony, but if it was taken from him in the courts and through the testimony of one of the ancient nations that worship idols and have no fear of religious punishment, the purchaser has no recourse against the seller” (*Beit Ha-Behirah Bava Batra*, p.256). Ameimar’s determination that any idol worshiper is presumed a malfesor applies in the Me’iri’s opinion only to the ancient nations that have no fear of religious punishment; but if it were proven in a gentile court of his day, under its law, that the object had been stolen from the gentile, the seller would bear the responsibility of compensating the buyer. The Me’iri is the only halakhic authority to qualify this talmudic *halakhah*, which shows that because it does not touch upon basic communal needs, the other *rishonim* were not impelled to qualify or circumvent it. The Me’iri’s qualification of the ruling derives from his unique stance, which adopts a different image of the gentile and effectuates that image in *halakhah*.

The Me'iri thus does not rest content with providing a sweeping, systematic explanation for permissive rulings related to economic and functional relationships. His concept is broader, reaching out to diminish inner hostility and effect a change in consciousness itself. This expansion is articulated in a further permissive ruling, also unique to the Me'iri among medieval halakhic authorities, related to extending greetings to a gentile. The Talmud permits extending greetings to a gentile for the sake of peaceful relationships, but it forbids expansive greetings to a gentile at any time as well as entering his house to greet him on his festival day, even if the greeting is not expansive. If a Jew happens to encounter a gentile on his festival day, he should greet him halfheartedly and gravely. Rashi notes that expansive greeting to a gentile is forbidden because “*Shalom*”²⁹ is a name of God and should not be associated with a gentile.³⁰ The prohibition on entering a gentile's house to greet him is explained by the argument that the gentile might thank his gods for having been honored by the greeting. But the Me'iri offers different explanations for the prohibitions on expansive greeting and on greeting on the gentile's festival day. In his view, the limitation on greeting is tied to the dangerous implications of social contact with pagans:

We do not refrain from greeting idolaters, but it is not proper to greet them at greater length than is usual and customary, which is what I term “expansive greeting.” For one who extends greetings at greater length than the norm shows greater affection and involvement, and you already know that idolatry was appealing to many...Accordingly, some of our great sages would initiate greeting to an idolater, for the one who initiates the greeting provides a basis for the other to respond in kind, and by initiating a greeting that is merely in accordance with the norm, one can invite a similar response and avoid excessive involvement. But if one were to await the other's

initial greeting, the latter might come forward with an affectionate and effusive greeting that would have to be reciprocated, leading the two to become unduly friendly and close, and forming a model that others might emulate. But expansive greeting in accordance with the norm is not suspect, even though it is expansive...And this relates to what we have already written concerning the Rabbis' ban on entering a gentile's home on his festival day to greet him, for he may recount the nature of the festival, being celebrated for the sake of some particular heavenly body or sacred figure, and [the Jew], through all the chattering about it, may be ensnared. But if he encounters the gentile in the marketplace he may greet him even on his festival day, albeit not in a manner that expresses affection or attachment, lest the gentile, having both the opportunity and the eagerness to recount the might of his idol, continue on to do so. But, in any event, none of this applies to nations restricted by the ways of religion and believing in the existence, unity, and power of God (may He be blessed), even if they go astray with respect to some matters according to our beliefs. (*Beit Ha-Behirah Gitin*, ed. by K. Schlesinger [Jerusalem: 5735], pp.257–258.)

The Me'iri determines that the prohibitions on greeting a gentile expansively and entering his home to greet him on his festival day do not apply to the Christians of his day but only to the ancient, idolatrous nations. This novel permissive ruling is all the more interesting because the Me'iri—contrary to Rashi's view—relates the origin and nature of the prohibitions to the limitations on affectionate or intimate relationships with gentiles that might bring about risky influences. The Me'iri understood the term, “expansive greeting” [*kefilat shalom*], not in its direct, literal sense of “repeatedly stating a greeting” but as an affable expression of affection and attachment. In his

²⁹ The word used in the greeting.—*Translator*

³⁰ See Rashi on *Gitin* 61a, *s.v.* “*Ve-Sho'alin Bi-Shelomam*”.

view, it would be permissible to extend expansive greeting in the merely literal sense even to ancient idolaters. But this understanding of the prohibition makes the meaning of his permissive ruling with respect to Christians all the more powerful. By permitting a Jew to greet a Christian expansively and enter a Christian's home on his festival day to greet him, the Me'iri allows for a range of affectionate social contacts that go far beyond the expedient relationships that other halakhic authorities wanted to make possible. The types of activity permitted by the Me'iri take away from Jewish-Christian relationships in this area the cold sense of estrangement that the *halakhab* sought to create by setting fixed forms for greeting a gentile.

The Me'iri defines people possessing religion to be Israel's partners in Torah and commandments, and he brings them into the circle of brotherhood for purposes of juridical standing.

Another halakhic area to which the Me'iri applied his general distinction, also not considered in the literature, pertains to the prohibition on preparing food for a gentile on a Jewish festival [*yom tov*]. Even though a Jew is permitted to prepare food for consumption on *yom tov*, the Talmud, following halakhic *midrashim*, limits that authority through a close reading of the verse "...only what every person is to eat, that alone may be prepared for you" (Ex. 12:16): "R. Akiva says, even food for a domestic animal is intended, so what is the significance of 'for you'? [It implies] for you—but not for idolaters.³¹ And why do you see fit to include dogs but exclude idolaters? I include dogs because you are responsible for their sustenance, but I exclude idolaters because you are not responsible for their sustenance" (*Beitsah* 21b). According to Rabbi Akiva's view, it is forbidden to prepare food for a gentile on *yom tov* because he is not within the category of "for you" referred to in the verse, and a Jew is not responsible for his

sustenance. Following that view, the Talmud determined, in the name of Rabbi Joshua ben Levi, that it is forbidden to invite a gentile to a meal on *yom tov*: "One may invite a gentile on the Sabbath, but one may not invite a gentile on a festival, lest he cook additional food" (*id.*). The Me'iri inquires into the meaning of the prohibition on preparing food for a gentile on *yom tov*:

The reason for the prohibition on preparing food for a gentile is that it is a forbidden labor and not within the exemption for food needed for consumption, inasmuch as we are not responsible for their sustenance, for the gentiles referred to in the Talmud are those who adhere to the ancient idolatrous beliefs. But, you may ask, does it not appear that we are responsible for their sustenance, given the statement, in the first chapter of tractate *Shabbat*, that one may place food before a gentile in a courtyard on the sabbath? The reason for that seems to be that we are responsible for their sustenance, in light of the statement that we support destitute gentiles along with destitute Jews, for if that were not the case, even placing food before them on the sabbath would be forbidden, as stated in the final chapter of tractate *Shabbat*: "One does not place food before a swine in a courtyard, because you are not responsible for its sustenance," thus showing that we are responsible for the sustenance of gentiles. But Tosafot answered that we are only somewhat responsible for their sustenance, for the sake of peaceful relations, and for that reason we may provide them on the sabbath food that had already been prepared, which entails only some extra effort [of the sort forbidden on the sabbath] only by the rabbis; but actual labor [forbidden by Torah law], such as preparing food for them on *yom tov* is forbidden, as we have written. (*Beit Ha-Behirah Beitsah*, ed. Y. S. Lange and K. Schlesinger (Jerusalem:5729), pp.117–118.)

³¹ The version available to the Me'iri was "for you, but not for gentiles [*goyim*]." Other versions read "for you, but not for gentiles [*nokhrim*]."

The Me'iri determines that the prohibition on preparing food for a gentile on *yom tov* applies not to the Christians of his day, but to “those who adhere to the ancient idolatrous beliefs.” This permissive ruling has ramifications in the daily lives of Jews, and it relates to a Torah law prohibition the violation of which is punishable by flogging! According to the Me'iri, a Christian is within “for you,” the class of people for whom food may be prepared on *yom tov*. He relies on the talmudic authorization to prepare food for those whose sustenance a Jew is responsible for, and in his judgment that includes the Christians of his time.

Having established the distinction between Christians and ancient idolaters with respect to the preparation of food for consumption on *yom tov*, the Me'iri turns to the question of why it was forbidden to prepare food on *yom tov* for ancient idolaters, inasmuch as Jews were responsible for their sustenance as well. He proves this by reference to the authorization, found in tractate *Shabbat*, to place food before a gentile in one's courtyard on the sabbath, such that the gentile will eat it there not take it out into a public domain. He quotes the Tosafot, who determine that the effort involved in placing the food before the gentile was permitted on the sabbath because a Jew is responsible for a gentile's sustenance, in light of the determination that “we sustain destitute gentiles together with destitute Jews for the sake of peaceful relations.” The Me'iri, who understands the principle of “for the sake of peaceful relations” as having been established with reference to the ancient idolatrous nations, wonders on this basis why it was not likewise permitted to prepare food for an idolater on *yom tov*. He bases his answer on the same passage in Tosafot, which claims that the pursuit of “peaceful relations” can waive a [rabbinic] prohibition on expending unwarranted extra effort on the sabbath but not a [Torah] prohibition relating to actual labor on *yom tov*. As Tosafot puts it: “Inasmuch as we sustain destitute gentiles along with destitute Jews for the sake of peaceful relations, it is as if you are responsible to some extent for the gentile's sustenance for purposes of expending on the

sabbath extra effort that would otherwise be rabbinically forbidden. But for purposes of performing actual labor on *yom tov*, which is prohibited by Torah law, you are not considered to be responsible for his sustenance.” (Tosafot, *Shabbat* 19a, *s.v. Notenin*). The Me'iri thus does not use the principle of peaceful relations with reference to the Christians of his day, for its force extends only to the authorization of expending extra effort. According to the Me'iri, the authorization to prepare food for a gentile on *yom tov* stems from the understanding as a matter of principle that the Christians of his day are within “for you,” the class for whom needed food may be prepared, and the Torah prohibition on other cooking and baking does not apply to them.

A comparison between the Me'iri's approach to the question of preparing food for a gentile on *yom tov* and that of other Ashkenazic halakhic authorities reveals the wide gulf between them. The other authorities consider the question primarily with respect to live-in gentile servants in Jewish homes. Rabbi Eliezer of Worms, author of *Ha-Roqeiah*, distinguishes between inviting a gentile to a Jew's home on *yom tov*—forbidden, lest the Jew put up an additional pot of food to cook—and allowing gentiles to eat from the pot of food intended for the Jewish household members and to which additional food had been added for the gentiles. Inasmuch as servants in Jewish homes eat from what has been added on their account to the food prepared for the household, there is no concern about feeding them on *yom tov*. As Rabbi Eliezer says:

A woman may fill a pot with meat [on *yom tov*] even if she needs only one piece. It is likewise permitted to cook for one's gentile servants in one's own pot, but it is forbidden to do so in another pot, given “for you, but not for gentiles,” and one does not invite a gentile on *yom tov* lest he prepare additional food for him in another pot, for it is forbidden to roast or cook or bake for idolaters or for dogs. (*Ha-Roqeiah, Hil. Yom Tov* 298.)

This move is typical of how Ashkenazic halakhic authorities treated relations with gentiles. The permissive ruling by Rabbi Eliezer of Worms is based not on any distinction in principle between Christians and the gentiles considered in the talmudic passage, and he in no way alters the Christian's standing as an idolater. Rather, in order to solve a problem in the day-to-day life of a Jewish household, he resorts to a different Talmudic ruling with respect to food preparation on *yom tov*, which permits cooking a full pot of meat on *yom tov* even if there is immediate need for only one piece. This permissive determination was made without any direct connection to the question of preparing food for gentiles, and it is invoked here with the help of the distinction between a visiting and a resident gentile.³²

Rabbi Eliezer ben Yoel Ha-Levi cites, in the name of Rabbi Samuel ben Rabbi Natronai, another rationale for the Ashkenazi practice of feeding Christian servants on *yom tov*: "And our teacher Rabbi Samuel ben Natronai explained that we are responsible for our maid-servants' sustenance just as we are for that of our dogs, and he ruled, in accordance with Rabbi Akiva, that it is permitted [to feed them]" (Rabbi Eliezer ben Yoel Ha-Levi, 3, p.755). According to Rabbi Samuel ben Natronai, food may be prepared for maid-servants even without recourse to the device of adding food to a pot that has been put up for Jews, inasmuch as Jews are responsible for their maid-servants' sustenance. This formulation bears a certain resemblance to the Me'iri's; and the Me'iri himself, in his *novellae* on *Beitsab*, cites this position.³³ But the Ashkenazi halakhic authorities limited the permissive ruling to servants in Jewish households and did not apply it to Christians in general; as was their wont in such mat-

ters, they did not adopt a sweeping permissive ruling based on a substantive distinction between the gentiles to whom the Talmud related and those of their own time. The permissive rulings they provided were localized, tailored to the circumstances of the community.

In contrast, the Me'iri applies the principle of "you are responsible for their sustenance," and issues a sweeping permissive ruling that encompasses all contemporary gentiles, not only servants. In his scheme, a Jew is not responsible for the sustenance of the ancient idolaters—the gentiles that the Talmud generally deals with—but the Christians of his time are encompassed within the reach of "for you." Beyond that, while the Ashkenazi halakhists permitted sending food to a gentile on *yom tov*, they did so on the basis of the principles of "peaceful relations" and "avoiding hatred." Accordingly, they permitted only the [rabbinically prohibited] exertion of extra effort and did even that only in time of need.³⁴ The Me'iri, who reserves the category of "peaceful relations" for the ancient nations, totally annuls the prohibition on preparing food for Christians.³⁵ There is a deep halakhic difference between the principled category postulated by the Me'iri and the pragmatic assessment of the risks of hatred conducted in the medieval halakhic literature; and it is made manifest in his permitting an activity that appears on face value to be prohibited by Torah law.

In the Me'iri's view, the authorization to prepare food for a gentile on *yom tov* rests on two premises: (1) that the prohibition from the outset was directed only toward idolaters; and, (2) that Christians of his time are not within the class of idolatrous nations. Beyond his innovation that Christians are not within the class of idolaters, one could

³² The Rosh (Rabbeinu Asher) reiterates the method of *Ha-Roqeiah* for reaching this result. See the Rosh on *Beitsab*, 14.

³³ See *Hidushei Ha-Meiri 'al Masekhet Beitsab*, Berlin, 5619, 41b, s.v. *Motsi ani et ha-goyim she-ain mezonotan 'alekha*.

³⁴ On that issue, see the comments of Rabbi Isaac ben Moses, author of *Ha-Or Zaru'a*, *Hil. Shabbat* 53. See also the *novellae* of the Rashba [Rabbi Solomon ben Adret] on *Shabbat* 19a, s.v. "*Mahu de-teima ha ramei aleih*" and the quotation there from the Rabad [Rabbi Abraham ben Daud].

³⁵ On the premise that the category of "for the sake of peaceful relations" is applied not with respect to nations restricted by the ways of religion but only to the ancient nations, see *Beit Ha-Behirah Gitin*: "For the sake of peaceful relations, one does not block poor gentiles, including those not restricted by the ways of religion, from gleaning [in Jewish-owned fields]; and in the *gemara* it likewise is said that we sustain destitute gentiles together with destitute Jews and tend to their ill together with the Jewish ill" (p.250).

quibble with the claim that the prohibition on preparing food for a gentile on *yom tov* is limited to idolaters. No limitation of that sort is to be found anywhere in the medieval interpretive or legal literature; and we indeed hear of no halakhic authority permitting the preparation of food on *yom tov* for a monotheistic Muslim. The Me'iri, on the other hand, uses this permissive ruling as a means for broadening the shared community. With respect to the preparation of food on *yom tov*, the group encompassed by the Torah's "for you" includes the non-idolatrous nations.

The Me'iri's consistency in implementing the distinction between the restricted and unrestricted nations, and his use of that distinction in a manner going far beyond addressing the community's pressing economic needs, appear pointedly in his treatment of the *halakhah* pertaining to the personal status of gentiles. The *halakhah* determines that gentile brothers from a common father who convert to Judaism are not bound by the law of *yibbum*,³⁶ inasmuch as there is no paternity for a gentile. The attachment requiring *yibbum* requires fraternity on the father's side, and even if the mother of twin brothers converted to Judaism while pregnant, the brothers are not bound by the *yibbum* requirements. The Talmud offers the following rationale for that *halakhah*: "We learn from this that the Merciful One made a gentile's progeny legally fatherless [lit., ownerless], as is written [Ezek. 23:20], 'whose flesh is as the flesh of asses, and whose issue is like the issue of horses'" (*Yevamot* 98a). The progeny of a gentile is ownerless and is like the progeny of an animal; the tie between father and offspring is biological only. This understanding has important halakhic ramifications related to family law, for it negates the paternal status of a gentile by regarding him as a beast-like creature lacking any family ties. The Me'iri comments as follows on this

passage in the Talmud: "The law is that anyone who is an idolater and not within the realm of religion is like a beast, as to which we are unconcerned about paternity" (*Beit Ha-Behirah Yevamot*, ed. S. Dikman, Jerusalem 5722, p.354). This comment means that the law negating paternity with respect to gentiles does not apply to the restricted nations of his time but only to the idolatrous nations. The link between the natural and the barbaric that defines the gentile as a beast applies only to ancient nations lacking law. The Me'iri is the only medieval halakhic authority to distinguish between contemporary and ancient nations in this regard, for his attitude toward the question is one of principle and is not caught up in the practical needs that flow from economic and political dependence on gentiles. The question of whether the *yibbum* requirements apply to the twin sons of a Christian mother who converted to Judaism while pregnant has nothing to do with the pressing matters of Jewish-gentile relations. Nevertheless, the Me'iri determines that these brothers are subject to the *yibbum* requirements; for from his perspective, if a gentile is possessed of religion, there is no justification for relating to him as to an animal.³⁷

The prohibition on desecrating the Sabbath to save the life of a gentile applies only to gentiles not possessing any religion.

A daring expansion of the community's boundaries appears as well in the Me'iri's interpretation of the principle of "Israel is not subject to the stars" (*ein mazal le-yisra'el*) (*Shabbat* 156a). The Me'iri, who opposes absolute astrological determinism, says: "And they declared the rule that 'Israel is not subject to the stars' and mean by the name 'Israel' those who are restricted by the ways of religion" (*Beit Ha-Behirah Shabbat*, p.615). And

³⁶ Levirate marriage, generally providing that if a married man dies childless, his surviving brother must either take his widow as a wife (*yibbum*) or release her (*halitsah*). For simplicity, the present translation uses the term "*yibbum* requirements" to refer generally to both courses of action.—*Translator*.

³⁷ The medieval *rishonim* applied this rule to gentiles in their time, and Rabbeinu Tam made broad halakhic use of this principle. See *Ketuvot* 3b, Tosafot s.v. "Ve-lidrosh leho."

in a parallel passage in *Hibbur Ha-Teshuvah*: “For inasmuch as the conclusion is prepared to be good or evil, every person possessed of religion will remove himself from preparation for evil by restricting himself with the restrictions of his ethical qualities, and that is what the sages of blessed memory refer to when they say ‘Israel is not subject to the stars,’ which is to say everyone restricted by religious ways, for his restrictions will free him from what might have been decreed for him by simple causation (p.637). One restricted by the ways of religion, whether Jew or gentile, is not given over to the arbitrariness of the astrological signs.³⁸ The Me’iri in this instance applies the distinction between “restricted” and “unrestricted” nations in a purely theological context, having nothing to do with compulsion or censorship. Beyond that, the basic commonality among all those of religion—Jews and non-Jews alike—turns them all into “Israel” for this purpose. The special status ascribed to Israel by this adage—that unlike other nations, is subject only to the direct providence of God and not to the rule of astrological signs—becomes the inheritance of all nations restricted by the ways of religion. In this way, the awareness of being chosen that inheres in being liberated from the rule of astrology is expanded to encompass not only Israel but all who are restricted by religion. These passages related to tractates *Yoma*, *Berakhot*, *Gitin*, *Beitsah*, and *Shabbat*, show the great disparity between the Me’iri and the areas considered by his predecessors, all of which had been

defined by economic pressures and the need for self-censorship.³⁹

The Me’iri thus employs two distinctions: first, between the ancient nations that worshipped idols and the nations of his day, who were not idolatrous; and, second, between nations not restricted by the ways of religion and nations that are so restricted, or, in his alternative formulation, between nations that do not possess religion and nations that possess it. He uses these two distinctions in a far more general and sweeping way than did his predecessors. When considering permissive rulings related to contacts with gentiles that might entail indirect ties to idolatry, he relies exclusively on the first distinction. It is no coincidence that the second distinction, between restricted and unrestricted nations, never appears in the context of revoking prohibitions involving indirect contact with idolatry. The claim that a particular nation is restricted by the ways of religion and avoids robbery or bloodshed or bestiality would not be enough to permit commerce with it if its worship ritual is idolatrous. To permit commerce, it is necessary to determine that the nation is not idolatrous. Indeed the Me’iri so maintains. Nevertheless he finds a causal connection between the two distinctions: The nations that are not idolatrous are those that are restricted by the ways of religion. This causal link appears in his comment that “all of these [nations], because they are possessed of no religion in the world and do not yield to

³⁸ The Me’iri’s interpretation of the adage “Israel is not subject to the stars” is based on the comments of Samuel Ibn Tibbon, who likewise takes it to mean that Israel has no astrological determination because they were given the Torah, through which they can change their inborn natures. But Samuel Ibn Tibbon does not extend the idea from Israel to all those possessed of religion: “And they all said ‘Israel is not subject to the stars,’ that is, the forces that God imparted to the stars to enable them to more or less determine human qualities are effective only with respect to the nations of the world, which lack Torah and commandments, as Scripture states [referring to celestial bodies], ‘which the Lord your God has allotted unto all the peoples’ [Deut. 4:19]. That is, [the nations] act in accordance with their natural qualities, which derive from their temperaments, which derive from the higher forces...but Israel does not tend to do so, for God gave it Torah and commandments through which an individual with bad qualities derived from the higher forces can overcome and change those qualities.” (Commentary on Ecclesiastes, MS Parma 272, p.74a.) Ibn Tibbon, who claims that the nations of the world follow their natural qualities, preserves the distinction between Israel and the nations. The Me’iri thus makes use of an idea that Ibn Tibbon articulates with respect to Israel but expands it to encompass all who are possessed of religion, regarding them all as, in effect, possessed of Torah and commandments.

³⁹ Regarding the prohibition on revealing the hidden aspects of the Torah to a gentile (*Hagigah* 13a), the Me’iri says: “And one does not hand over the hidden aspects of the Torah to a gentile, that is, one who worships idols and the heavenly host, for inasmuch as he denies the fundamental principle, how can he be taught Torah? And of this it is said [Ps. 147:19–20], ‘He declares his word to Jacob...He has not dealt so with any nation....’” (*Beit Ha-Behirah Hagigah*, p.28.) The Me’iri thus applies his rule as well to an area related not at all to trade or communal needs but to handing over the hidden aspects of Torah. Because he follows Maimonides and identifies *ma’aseh merqavah* with metaphysics, it appears that the Me’iri was interested in authorizing the exchange of ideas that was being carried on between Jewish and Christian intellectuals regarding creation mysticism (*ma’aseh bereshit*) and *merkavah* mysticism—i.e. physics and metaphysics.

fear of the Divinity and, instead, burn incense to the heavenly bodies and worship idols, pay no heed to any sin” (*Beit Ha-Behirah Avodah Zarah*, A. Sofer ed., p.39). I will analyze below the meaning of this determination in its broader context. For present purposes, we see the Me’iri’s view is that because idolaters uphold no concept of a divinity that exercises providence and imposes punishment, they lack all fear of the Divinity. Since they are unrestricted by the ways of religion, they fail to refrain from the most reprehensible acts.

The Me’iri’s rulings on these issues far transcend the calculus of economic benefits that guided other medieval halakhic authorities.

The Me’iri’s conception incorporates several important fundamental innovations. The first is the reason for his sweepingly permissive ruling with respect to the halakhic prohibitions on indirect contact with idolatrous ritual: the determination that idolatry is a phenomenon that has departed the world or been marginalized. The Me’iri extends this principle to areas unrelated to the economic interaction between the Jewish community and its Christian surroundings, permitting us to see in his view a broader conception of the historical progress made by faith.

The second innovation relates to the link between his permitting contacts with contemporary gentiles on the grounds that they are not idolaters, and the substantive change in how their juridical status is conceived. This link rests on the determination that idolatrous nations are nations lacking fear of the Divinity and, therefore, that they do not recognize the concept of sin or transgression. Thus there is a two-way causal connection between a nation’s idolatry and its lack of restrictions by the ways of religion.

The third innovation is the Me’iri’s concept that the Talmud’s inequality between Jew and gentile with respect to personal and property rights arises from the parallel

distinction between restricted nations and those unrestricted, not from any ontological distinction between Jew and gentile or even between idolaters and worshippers of the Divine. By establishing the inequality on this new basis, the Me’iri limits its application to the ancient idolatrous nations and also provides it an inner rationale. The inequality reflects a sort of measure-for-measure attitude toward the undisciplined nations: There is no obligation to treat lawless nations in accordance with legal constraints. The Me’iri applies this distinction between restricted and unrestricted nations to matters going beyond the constraints that vexed his predecessors, such as danger to life on the sabbath, as well as the preparation of food for a gentile (*Beit Ha-Behirah, Beitsab*, Linge ed., pp.117–118.) and the daring reading of “*Ein Mazal le-Yisrael*” as a statement granting direct divine concern to all who possess religion (*Beit Ha-Behirah, Shabbat*, p.615).

To examine the philosophical and theological origins of the Me’iri’s determination that idolatry no longer exists and his assumptions regarding the concept of “restricted by the ways of religion,” it is necessary to study his use of the terms “possessed of religion,” “ways of religion,” or “religious ways” in contexts independent of the halakhic standing of gentiles. These terms appear numerous times in such contexts throughout the Me’iri’s writings and those passages help illuminate his intention in coining the terms “nations restricted by the ways of religion” and nations “possessed of religion,” and enable us to understand the broader context of his position.

[C]

The concept “one possessed of religion” (*ba’al dat*) has its source in a distinction widely drawn by Maimonides’ philosophical heirs—Samuel Ibn Tibbon, Moses Ibn Tibbon, and Jacob Antoli. “Possessed of religion” denotes a person whose faith and actions are based not on inquiry (*iyyun*), but on an accepted belief in a divinity that exercises providence and imposes punishment. According to the philosophers, religion is a necessary condition to the existence of the social order, for in contrast to those

“possessed of wisdom” (*ba’alei hakhma*), the masses are motivated primarily by the hope of reward and the fear of punishment. Belief in *creatio ex nihilo* (*hidush*) is the central metaphysical premise that characterizes those possessed of religion and that makes religion possible. It is therefore fitting that a philosopher treat as esoteric everything connected with positions that negate *creatio ex nihilo*, providence, and recompense. A society lacking religion is a dangerous society, as stated by the philosopher whom the Me’iri quotes in his comments on those restricted by the ways of religion: “Put to death one who has no religion.” Here we can recognize the influence of the concept of religion that flourished in the philosophical tradition preceding the Me’iri, and it is not surprising that he refers to the philosophical statement in what is clearly a halakhic analysis.⁴⁰ The Me’iri differed from his predecessors in how he ranked one possessed of religion and one possessed of wisdom, yet he derived the concept of religion and its essential nature from the philosophical tradition that preceded him. For the Me’iri, the concepts “possessed of religion” and “ways of religion,” when considered in broad theological contexts, are always linked to a belief in *creatio ex nihilo*, providence, and recompense, or to actions intended to strengthen that belief.⁴¹ These constitute the central core of the realm of religion as defined by the Tibbonides. The Me’iri uses

these terms frequently, but for present purposes allow me cite only a few paradigmatic examples.

In the first part of his “Essay on Repentance” (*Hibbur Ha-Teshuvah*), the Me’iri describes the beliefs that allow for the existence and benefits of repentance as beliefs belonging to one possessed of religion:

But my intention in this chapter is only to caution the sinner not to give up on repentance, whether by failing to believe in it or by fearing that it will not be accepted because of the multitude of his sins. Both of those foreign and evil notions will lead their adherents to hold fast to their wickedness. For the belief in the benefits of repentance, as described by the rabbi, the guide of righteousness [i.e. Maimonides] in one of his chapters, is among the factors without which people possessed of religion cannot get along.... But by believing in the benefits of repentance and the damage caused by its absence, he will be strengthened in the true knowledge that God, may He be blessed, oversees our ways and has the power to punish us and cause us loss if we disobey Him and to do well by us if we serve Him; and he will then strive to mend his ways. (pp.22–23.)

⁴⁰ For the origin of the term, see *Otsar Nehmad*, B, (Vienna 1857), p.197. This text, which is part of the “Passages Copied from *Moznei Ha-Iyyun* of Abu Hemed Al-Gazali,” warns the philosopher of his obligation to belong to the normative community of a particular religion; for a man with no religion is worthy of being put to death. According to this source, religion is something apart from the rational beliefs of the philosophers. (The attribution of *Moznei Ha-Iyyun* to Al-Gazali is in doubt. See A. Altman “The Ladder of Ascension,” *Studies in Mysticism and Religion Presented to Gershom G. Scholem*, Jerusalem 1967, pp.8, n. 28.

⁴¹ The Me’iri wrote a tract called “*Ketav Ha-Dat*” [“Essay on Religion”], which was lost. He describes its purpose as follows: “It occurred to me to commit to writing, in this chapter, most of the Toraitic beliefs worthy of being taught to one’s children, so that the necessary faith in the reality of religion will be engraved on their hearts. I planned to pay no attention to philosophical views and opinions or to matters established by syllogism (*muqashim*) or proof (*moftiyyim*), but only to the received religious, Toraitic belief [...] and to make it a complete account of what one must believe in accordance with the religious ways, I planned a separate booklet, which I named “*Ketav Ha-Dat*” (*Beit Ha-Behirah Sanhedrin*, A. Sofer ed., p.327). “Religion” and “religious ways” thus refer to the beliefs that are received without inquiry or philosophical reasoning; and not for naught did the Me’iri entitle his essay “*Ketav Ha-Dat*.” In interpreting the statement in tractate *Qidushin* that “there is no this-worldly reward for observing the commandments,” the Me’iri observes: “even though the author of this statement is of the opinion that there is no this-worldly reward for the commandments, the principal point and basis of religion is for its adherents to come to accept that even in this world there is reward” (*Beit Ha-Behirah Qidushin*, A. Sofer ed., p.202). The Me’iri’s biting reaction against a talmudic expression of determinism that could impede repentance and prayer can be found in *Beit Ha-Behirah Mo’ed Qatan*: “one should never keep oneself from acts of compassion or from prayer, and one should understand and know that prayer and acts of righteousness will affect one’s fate (*mazal*) and the array of consequences in all situations. And one should pay no heed to their statement [in the Talmud] that ‘the welfare of my children and my sustenance depend not on merit but on fate,’ for it the statement of an individual only, and the ways of religion can in no way tolerate for it” (ed. by B.Z. Rabinowitz Teumim and S. Strelitz, Jerusalem 5728, p.153). See also *Beit Ha-Behirah Ta’anit*, A. Sofer ed., p.31; *Beit Ha-Behirah Sotah*, A. Lis ed., p.6, s.v. “*Mifnot Ha-Dat*”; *Beit Ha-Behirah Beitsah*, Linge ed., p.153.

The benefits of repentance assume a belief in providence and recompense, which are necessary conditions to the existence of people possessed of religion. These beliefs cannot be attained through reason, but must be received through a tradition. In his comments on the structure of the Book of Ecclesiastes, the Me'iri uses the expression "ways of religion" to describe the unprovable domain of belief, which cannot be contradicted by logic: "It is known that the intention of King Solomon, of blessed memory, in this book was to bolster the ways of religion and the received tradition and to teach that no proof can stand in its way nor any logical argument turn it aside" (p.669). The Me'iri thus uses the concepts, "possessed of religion" and "the ways of religion," i.e. his central concepts pertaining to gentiles, in the broader context of his system as well. From contexts independent of gentiles, we learn that these concepts clearly grow out of the Maimonidean philosophical tradition. Religion does not reflect the philosophical core common to intellectuals of all religions. Its concern is rather with the domain of religious *praxis*, which grows out of beliefs that inquiry cannot prove.

A clear example showing that religion is not part of the

philosophical/analytical stratum is Ibn Kaspi's usage of the adage, "Put to death one who has no religion." In describing his opposition to scholars (*me'ayyanim*) who disparage the commandments, Ibn Kaspi says:

My son, there are two types among our people who adopt contemporary traits. Do not walk their path and let your foot avoid their ways. The first type are the philosophizers among our people who have not served their full apprenticeship... yet cast scorn on the words of our sages of blessed memory and treat casually the commandments that call for action (*mitsvot ma'asiyyot*) ... I swear by the Eternal, that Aristotle and his associates and students all caution us to observe everything in the Torah and in the words of the prophets and especially to be careful with respect to the commandments calling for action. As Plato said: "Put to death one who has no religion." (*Sefer Ha-Musar*, p.67.)

The philosopher must participate in the domain of religion, which is encompassed not within the analytical core shared by those possessing wisdom, but within the dimension of religious *praxis*.⁴²

⁴² Instructive examples of the evolution of the concept "those possessed of religion" within the world of Provencal *halakhah* can be found in the works of two halakhists, Rabbi Meir ben Simeon, who preceded the Me'iri, and Rabbi David ben Samuel Ha-Kokhavi, the Me'iri's contemporary. Rabbi Meir ben Simeon, who polemicized against philosophers who denied *creatio ex nihilo*, describes them in this manner: "And this is the truth regarding the belief of some philosophers who adhere to no religion and fail to acknowledge *creatio ex nihilo*, or the providence of the creator with respect to good or evil acts, or reward and punishment, thereby destroying all of the proofs of the Torah in all respects and permitting to themselves all evil deeds, including adultery, robbery, and murder" (*Milhemet Mitzvah*, ms. Parma 155, 26a). In this passage, which predates the writings of the Me'iri, R. Meir ben Simeon employs motifs familiar from the Me'iri: religion is defined as belief in *creatio ex nihilo*, providence, and recompense, and one who lacks religion is one who permits all possible vile acts. But Rabbi Meir ben Simeon ascribes that position not to ancient idolatrous nations but to the philosopher, who is also amongst those who deny *creatio ex nihilo*. The Me'iri, as noted, associates the category with ancient nations, rather than with the philosopher; for, in his view, the philosopher recognizes that the masses need religion and the philosopher himself is disciplined by internally generated moral commands, rather than by fear of religion. Rabbi David Ha-Kokhavi, who approached the Me'iri's formulation but did not use it to bring about an interpretive change, writes as follows regarding the commandment to kill all males in a nation against which permissive war is waged: "And the true received tradition tells us that we do not make peace with them unless they have accepted the seven [Noahide] commandments; for they have already been commanded in that regard, and only if a man [accepts them] is he worthy to be called a man and to be the subject of mercy. But if they refuse to accept the seven commandments, it is commanded to kill all their males, for their refusal demonstrates the evil of their nature and their lack of any religion. And, similarly, the philosopher said 'Put to death one who has no religion'" (*Sefer Ha-Batim, Migdal David - Sefer Mitzvah*, ed. M. Hirshler, Jerusalem 5743, p.245). Ha-Kokhavi defines the nations that refuse to accept the seven commandments as those that have no religion, but he appears not to invoke the category to distinguish between the ancient nations and the gentiles of his time. This position is reflected in his treatment of the obligation to help unload a gentile's animal: "But there is no obligation to help with a gentile's animal other than 'because of hatred'" (*id.* p.252). Additional evidence for the similarity between Ha-Kokhavi and the Me'iri on this point can be found in Ha-Kokhavi's formulation that "everyone possessed of religion will believe in God's providence with respect to all his deeds, that is to say, in the material world, and the philosopher has already said, 'Put to death one who has no religion'" (*Migdal David - Sefer Emunah*, p.103).

The domain of religion forms the basic layer of beliefs on which the existence of a disciplined community is founded. This domain is the common province not of those possessed of wisdom but of religious believers as a whole, who have faith in a creating, overseeing, and recompensing God. The Me'iri's religious tolerance grows out of his recognition of a religious domain held in common by Jews, Christians, and Muslims, and from the fact that the value of the common domain is rooted in its necessary contribution to the creation of sound societies. The Me'iri occasionally portrays this realm in radical terminology, referring to the brotherhood of those possessing religion or to the applicability to all such people of the name "Israel." His conception of the common base of all religions is reflected most astonishingly in relation to an apostate (*mumar*) who moves from one religion to another. As Jacob Katz has pointed out, according to the Me'iri an apostate (*meshumad*) is not one who has changed his religion but one who lacks any religion.⁴³ A Jew who converts from Judaism to Christianity is not subject to the rule of, "one who is pushed down [into a pit to die] but is not taken out." By virtue of being a Christian, he remains within the core that is common to Judaism and Christianity: Both are possessed of religion. The apostate

who must be put to death is one who has thrown off the yoke of all religion in general:

Heretics (*minim*) and non-believers (*epiqorsim*) may be directly harmed; and informers (*masorot*) are permitted [to be harmed] though their property may not [be used]; and one who apostatizes to idolatry is within the class of the heretics. But all of this is so only when the rubric of "Israel" continues to apply to them, for anyone who is within that rubric and disavows and desecrates the religion is subject to severe punishment, for he has become a heretic and is as one who has no religion. But one who has completely left the rubric [of Israel] and become a member of another religion is considered by us to be the same as any other member of the religion he has joined. (*Beit Ha-Behirah Horayyot*, A. Sofer ed., p.275.)⁴⁴

Intolerance for idolaters has its source, therefore, not in their being members of another religion, but in their being members of no religion at all because they are not restricted by the ways of religion. The Me'iri is the first thinker to suggest a concept of inter-religious tolerance

⁴³ J. Katz, "Sovlanut Datit Be-Shitato Shel Rabbi Menahem Ha-Me'iri be-Halakhah U-Ve-Filosofiyah" ["Religious Tolerance in Rabbi Menahem Ha-Me'iri's Halakhic and Philosophical System"], *op.cit.*, p.27.

⁴⁴ In a non-halakhic context as well the Me'iri depicts an apostate not as a Jew who has gone over to another religion but as one who has left religion altogether and therefore resembles an idolater. He interprets the verse "lest there should be among you man or woman...that bless himself in his heart, saying 'I shall have peace...that the watered be swept away with the dry'" [Deut. 29:17-18] as dealing with an apostate: "the dry" refers to the assemblage of ancient nations, who had no tradition of religious ways but continued to follow their natures, distancing themselves from nothing that their eyes craved, which caused them to hunger and thirst, in the manner of 'hunger satiates him.' And he refers to one who leaves the bounds of religious ways and casts off the yoke of the commandments in that his mind does not cool in its pursuit of pleasures that he indulges through compulsive need...and of his leaving all religion and his participation with the nations of those days who lacked any tradition of the covenant of Torah" (Essay on Repentance, pp.597-598). A parallel formulation from the halakhic realm, concerning the attitude toward one who converts from Judaism, can be found in *Beit Ha-Behirah Avodah Zarah*, A. Sofer ed., "And these matters all [apply] only while he remains within the rubric 'Israel,' and because he denies and desecrates the religion, his punishment is very severe. But anyone who has left the Jewish religion and entered within a different religion is treated by us as any other member of that religion" (p.61). An interesting parallel to the definition of an apostate as one who has no religion at all can be found in a poem by Levi ben Abraham, "*Batei Ha-Nefesh Ve-Ha-Lehashim*": "It is proper to kill every heretic (*min*) without religion." The poet appends the halakhic concept of "heretic" to the philosophers' statement "put to death anyone who (*mi*) has no religion," thereby giving the heretic an identity strongly resembling the Me'iri's definition. By adding the letter *nun* to the word *mi*, he expresses the Me'iri's halakhic position. This poem was published by Y. Davidson, "Levi ben Avraham, *Batei Ha-Nefesh Ve-Ha-Lehashim*, Bulletin of the Institute for the Study of Hebrew Poetry (Berlin 5689), canto 1, line 131. The Me'iri attributes his position on the apostate to his teacher, Reuben ben Hayyim. It is reasonable to believe that the position was shared by the Me'iri and Levi ben Abraham, for the Me'iri's teacher was also the teacher (and uncle) of Levi ben Abraham.

built on the functional value common to all religion. His tolerance thus extends to other religions, but not to people lacking any religion whatsoever.⁴⁵

Creating a common core shared by religious people in general requires a mind-set different from the one that distinguishes between true and false religions, which is the distinction that underlies intolerant points of view. The ability to break free of the distinction between true and false religion and create a generic rubric of “religion” that encompasses various particular traditions (including the religion of Israel) grows out of a conception of the important functional role played by religion, or the “ways of religion,” in Judaism, Islam, and Christianity. This core, common to all those possessed of religion, is fundamentally independent of questions of truth and falsity. It does not arise out of any logical argument, but is distinguished primarily through its ability to create a disciplined society. It must be stressed that the Me’iri does not base his tolerance for other religions on a non-particularist core of philosophical truth, on which thinkers of all religions agree. Such a core does not engender religious tolerance, for it emphasizes the metaphysical truths of a conception of the Divine, such as the simple unity of God. Those are the possession of only a limited group, and are certainly not shared generally by Christian believers.⁴⁶ It is precisely the focus on the religious core shared by all believers that

enables the Me’iri to avoid detailed questions of metaphysical truth, which inevitably lead to intolerance of the sort manifested by Maimonides.⁴⁷ The Me’iri derived his conception of the functional importance of the religious core from the Provencal philosophical tradition that preceded him. Again, however, he was unique in applying it to the issue of the halakhic attitude to gentiles and in concluding that discrimination with respect to rights and responsibilities extends only to those gentiles not found within the category of those possessing religion. This progression in the Me’iri forms an instructive paradigm of the interaction of *halakhah* and philosophy.

[D]

The distinction between restricted and unrestricted nations is causally connected to the more fundamental distinction between the ancient nations that worshipped idols and the nations of the Me’iri’s time that did not do so. As we have seen, the latter distinction was the basis for permitting contacts with gentiles of the Meiri’s time that had been forbidden because they might entail indirect support for or benefit from idolatrous ritual and its apparatus. But how did the Me’iri understand the nature of idolatry? What is the source of his theory of progress that claims that idolatry has departed the world or is relegated to its margins? Just as the clarification of the concepts, “ways of religion” and “persons possessed of religion” is found in passages containing theological statements not

⁴⁵ Only hundreds of years after the Me’iri were the bounds of tolerance extended to encompass people without any religion at all. John Locke, perhaps the foremost thinker on tolerance, is intolerant in his statements about atheists. Even in relatively late stages of Western thought, societies without any religious belief whatsoever are considered endangered societies. See, for example, Spinoza’s concept of the beliefs that are necessary conditions for social order. (*Theological-Political Tractate*, trans. [Heb.] by H. Wirshovsky, Jerusalem 5722 [1961/62], pp.151–152.)

⁴⁶ In the area of absolute faith, the Me’iri regards the Torah of Israel as superior to the beliefs of Christianity, as he says: “But in any event, the nations that are restricted by the ways of religion and believe in the existence of God, may He be blessed, and in his unity and power, are not subject to these [rules applicable only to idolaters] even though they go astray with respect to some matters according to our beliefs” (*Beit Ha-Behirah Gitin*, K. Schlesinger ed., p.258); “Thus, all who are of nations that are restricted by the ways of religion and that worship the divinity in any manner are not within this rule [applicable only to idolaters], even though their faith is distant from ours” (*Beit Ha-Behirah Bava Qama*, K. Schlesinger ed., 330).

⁴⁷ Maimonides saw in Christianity an idolatrous religion. See *Mishneh Torah*, *Hil. Avodah Zarah* 9:3; Commentary on the *Mishnah*, Tractate *Avodah Zarah*, 1:3. A further essential difference between Maimonides and the Me’iri relates to whether there is room for a religion outside of the normative structure set by the Torah of Moses. Maimonides argues that gentiles are not permitted to create a religion for themselves. (*Hil. Melakhim*, 10:9.) In contrast, the Me’iri bases the status of gentiles on their being possessed of religion. Their difference of opinion finds expression in their opposing interpretations of the statement “a gentile who observed the sabbath is liable to be put to death” (*Beit Ha-Behirah Sanhedrin*, A. Sofer ed., p.229). For a broad treatment of this issue, see G. Blidstein, “Maimonides and Me’iri on the Legitimation of Non-Judaic Religion,” *Scholars and Scholarship: The Interaction Between Judaism and Other Cultures*, ed. L. Landman, New York 1990, pp.27–35.

dealing directly with prohibitions on commerce with gentiles, the Me'iri's concept of progress can be clarified by passages reflecting more general theological contexts.

In his "Essay on Repentance," the Me'iri identifies four stages of belief—the sensory (*murgash*), the self-evident (*mefursam*), the syllogistic or rationally derived (*muqash*), and the received through tradition (*mequbbal*). He identifies the ancient nations with the first two stages:

It is well known that in ancient times, false ideas were widespread, for they believed only in what was perceived by the senses or was self-evident or axiomatic; and this is the view attributed to generation of the Tower of Babel.⁴⁸ Because they did not conceive of the existence of anything non-corporeal (*nifrad, nivdal*), they denied the existence of God and instead worshipped the heavenly objects. Were they to see a ladder standing on the ground with its top reaching heavenward, they would not see the Lord of Hosts standing upon it, and they would not believe in His *sancta*. This is what the sages of blessed memory meant when they said that the intention of the Tower builders was to place an idol at its top with a sword in its hand to kill Him, as it were, for "killing" is the sages' way of portraying the absence of existence of something real.... It is an allegory meaning that the Babel generation lacked any notion of the existence of things that were neither perceived by the senses nor self-evident. However one who inquires (*ba'al mehqar*) will exert the effort to believe in what reasoning generates and proves, and will thereby come to a belief in some of the firm bases of the Torah, such as the existence of God and all non-corporeal objects. (Essay on Repentance, pp.255–256.)

Again, in his Commentary on Psalms, the Me'eri writes:

For beliefs must be arrived at through one of four ways: sense perception, self-evident claims, or received tradition [*sic*]. In ancient times, there were flawed opinions that believed only in what could be perceived through the senses or what was axiomatically self-evident ... and they accordingly denied the existence of God or anything non-corporeal as well as all the disciplines of religion; [only] a few such continue to inhabit some remote places. However the philosopher exerts through inquiry the effort to believe in what comes to him through syllogism and proof. Even so, man's beliefs could not be perfected until the Torah came. One who accepts it takes on the yoke of the kingdom of heaven, and believes, in addition to the foregoing, in everything that the ways of religion require him to believe in a comprehensive way that lacks nothing. (Commentary on Psalms, p.47).

The Me'iri's wording in the Commentary on Psalms ("They accordingly denied the existence of God or anything non-corporeal as well as all the disciplines of religion.") clearly identifies the ancient nations who believe only in what the senses can perceive as the "nations unrestricted by the ways of religion" that appear in his halakhic writings.

As is evident from the foregoing passages, these nations are situated at the first stage of cognition, where there is no belief in the existence of any independent non-corporeal entity. As the Me'iri puts it, they deny "the existence of anything non-corporeal." The stage going beyond beliefs dependent on sense perception begins with the rational philosopher who comes to recognize the existence of an

⁴⁸ The common Hebrew term actually used by the Me'iri is "the generation of the division" (*dor ha-pelagab*), i.e., the division of humanity into speakers of different languages, the outcome of the Tower of Babel enterprise. For ease of English expression, it will be rendered "the Babel generation." —Translator

independent, non-corporeal transcendental cause and therefore believes in the existence of God. The ancient nations were fetishists who failed to recognize the existence of a transcendent, non-corporeal cause in the universe. That is, they lacked a concept of God.

In Aristotelian terms that the Me'iri employs elsewhere, the ancient nations' physics reached the realm of the spheres, but they failed to recognize the realm of the non-corporeal forms and the first cause. In portraying the beliefs of the ancient nations that deny the existence of anything non-corporeal, the Me'iri occasionally uses an allegorical understanding of the story of the Tower of Babel, at whose summit the builders placed an idol brandishing a sword,⁴⁹ and he contrasts it with Jacob's ladder. Like the tower, the ladder describes the levels of existence; but unlike the fetishists of the Babel generation, Jacob saw God standing atop the ladder. The distinction between pagans and monotheists here is the distinction between materialist worldview and a metaphysical outlook that acknowledges the existence of non-corporeal forms. On the basis of this conception of idolatry, the Me'iri determined that idolatry has departed the world, since all [contemporary] religions recognize the existence of a non-material, transcendental cause that exercises providence and recompense. The distinction between paganism and its negation lies neither in the details of the various religions' concepts of God's unity, nor in the difference between polytheism and pure monotheism. Were that the distinction, Christianity would be considered an idolatrous religion. It is because the Me'iri identifies the ancient nations with materialism and fetishism that he can determine with certainty that Christianity is not an idolatrous religion, since it too recognizes a transcenden-

tal, non-material cause. The Me'iri then argues that the idolatrous nations, which deny the non-corporeal and lack any concept of God, lack as well any fear of God that forms the basis for "the restrictions of religion."

The concepts "possessed of religion" and "ways of religion," when considered in broad theological contexts, are always linked to a belief in creatio ex nihilo, providence, and recompense, or to actions intended to strengthen that belief.

A comparison of the Me'iri's comments on the ancient nations with those in Samuel Ibn Tibbon's essay, "*Ma'amar Yiqqawu Ha-Mayim*," reveals that the latter is the source of the Me'iri's concept of progress. One can readily enumerate their common basic elements: (1) the allegorical understanding of the Tower of Babel, whose summit reaches the heavens. This symbolizes the limit of the Babel generation's understanding, namely the world of the spheres that excludes non-corporeal forms; (2) the shared interpretation of the sword referred to in the *midrash*, and the explanation of "killing" as intellectual denial; (3) the contrasting parallelism between Jacob's ladder, on which angels ascend and descend and on whose summit God stands, and the Tower; and (4) the basic picture of a progression from a materialistic understanding to one that recognizes the existence of a transcendental reality. All of these show clearly that the Me'iri derived his concept of progress from the philosophical tradition of Provence. Samuel Ibn Tibbon used this concept to justify revealing the secrets of the Torah—an application that the Me'iri himself, as a follower of the moderate Maimonidean school, opposed. The Me'iri, however,

⁴⁹ The concept of progress is tied more than once in the Me'iri's writings to the allegorical interpretation of the Tower of Babel story: "as you know, the ancients denied the existence of the non-corporeal, as is hinted at in the belief of the Babel generation" (Introduction to *Beit Ha-Behirah*, p.12); "and we have already pointed, in some of our writings, to the Babel generation, who properly understood the lower world but erred in their understanding of the world of the spheres and of primordial material and were completely unaware of the non-corporeal world" (Commentary on Proverbs, p.281, and, in greater detail, Introduction to Tractate *Avot*, p.12). In his "Essay on Repentance," the Me'iri comments that the source of religion in general is in the Torah of Israel, from which it was transferred to the nations: "and this worthy knowledge is unique to us alone and not to other ancient nations would not have come to other nations except by their imitating the principles of our perfect Torah" (p.305). See also Commentary on Psalms 45:15 (p.96).

extended the same concept of progress to the halakhic problem of how to relate to gentiles, and used it to forge an absolute distinction between the ancient nations and those of his time.

Notwithstanding the concept of progress that he developed, the Me'iri was of the opinion that idolatry had not totally departed the world. It could still be found at the "extremities" of the inhabited world: "In my opinion, all those remote places in which idolatry remains are subject to the strict rulings applicable to the early [nations]" (*Beit Ha-Behirah Avodah Zarah*, p.214). He gave the distinction between restricted and unrestricted nations definitive geographic expression, with civilization found at the "center," and barbarian nations lacking any civilizing laws to be found at the margins.

Here, too, the Me'iri makes stunning halakhic use of a widespread medieval image. The concept that wild,

lawless nations exist on the fringes of the settled world is referred to in Jewish sources that pre-date the Me'iri,⁵⁰ and is tied to theories of climate that were widespread in the Muslim and Christian worlds during the Middle Ages.⁵¹ Until the Me'iri, however, no halakhist using the term had identified the gentile or idolater of the talmudic tradition with these fringe nations. After creating the juridical category of the brotherhood shared by Jews, Christians, and Muslims, the Me'iri drives the concept of the threatening "Other" away from the Jew's society. The enemy as defined in Jewish tradition continues to exist. Its existence may be required for the community's self-definition, but it is cast out to the margins of the settled world. The Me'iri's unique use of the concepts "possessed of religion" and "religious ways" and his idea of progress provide an instructive example of how a philosophical conception intertwined with halakhic analysis can lead to a changed interpretation of earlier halakhic sources.

⁵⁰ Maimonides mentions the fringe nations and even describes them as nations lacking religion (*'amim le-lo dat*), a term that appears in Samuel Ibn Tibbon's [Hebrew] translation [of Maimonides' Guide for the Perplexed]. This description appears in the parable of the palace, in which human beings are ranked in terms of their proximity to the center, represented by the palace. Those who are totally outside the realm are described in these terms: "They are the people who have no belief of religion, either by way of inquiry or by way of received tradition—those wandering in the north at the ends of the Turkish realm and the Kushites wandering in the south, and those similar to them who are among us in these climes. They are in the same category as dumb creatures and do not attain, in my view, the status of human beings" (Guide for the Perplexed 3:51). See also Nachmanides' comments in the homily *Torat Ha-Shem Temimah*, in *Kitvei Ha-Ramban* (Chavel ed.), vol. 1, p.242.

⁵¹ On theories of climate in the Middle Ages see A. Melamed, "*Erets Yisra'el Ve-Ha-Tei'orah Ha-Aqlimit Bi-Yimei Ha-Beinayim*" ["The Land of Israel and the Medieval Theory of Climate"], *Erets Yisra'el Be-Hagut Ha-Yehudit Bi-Yemai Ha-Beinayim* [The Land of Israel in Medieval Jewish Thought], ed. M. Halamish and A. Ravitzky, Jerusalem 5751 [1990/91] pp.52–78, and *id.* n.1.