

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

Rabbi Menachem HaMeiri employs unique and radically universalist rhetoric when discussing Talmudic laws that distinguish between Jews and Gentiles. Most strikingly, Meiri argues that Gentiles who are “גדורים בדרכי הדת” (bounded by the ways of religion) are effectively Jewish for the purposes of numerous halakhic civil laws. This category seems clearly intended to include his Christian contemporaries, and can best be understood as a social construct that classifies such Gentiles as civilized rather than as barbarians. Meiri maintains this position even with regard to laws that the Torah limits to interactions among רעים or אהים, and even when the Talmud explicitly excludes עובדי זרה from their ambit.

Scholars long debated whether Meiri’s rhetoric was halakhically productive, or instead merely gave conceptual coherence to a set of existing and already halakhically validated communal interactions with Christians that deviated from the Talmudically prescribed treatment of עובדי עבודה זרה¹. Dr. Moshe Halbertal’s **Between Torah and Wisdom**² brings new evidence to make a compelling case that Meiri applied this

¹ Professor Moshe Halbertal (see below n.2) cites

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);

A. A. Urbach, “*Shitat 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-Yehudit 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.*, *Mehqarim Be-Mada’ei Ha-Yahadut* [Essays in Jewish Studies, ed. by Haar and Frankel, Jerusalem 5758 (1997/98), pp. 366–376.];

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, “*Yahaso Shel R. Menahem Ha-Me’iri La-Nokhri: Bein Apologetika Le-Hafnamah*” [“The Relationship of R. Menahem Ha-Me’iri to the Gentile: Between Apologetics and Internalization”], *Tsiyyon* 51:153–166 (5741 [1980/81]).

His bibliography unaccountably does not include my revered teacher Rabbi J. David Bleich, “Divine Unity in Maimonides, the Tosafists and Meiri” in **Neoplatonism and Jewish Thought**, ed. Len E. Goodman, (SUNY Press 1992) pp.237-254.

² **Between Torah and Wisdom: Rabbi Menachem ha-Meiri and the Maimonidean Halkhists in Provence**, [Magnes Press 2000], chapter 3. The relevant chapter is translated in Edah Journal vol. 1, available at www.edah.org. I found no relevant differences between the Hebrew original and the generally excellent translation, and will cite to the translation in this article. However, readers of the English should be aware that on page 6, the section from Beit haBehirah to Avodah Zarah p. 28 rendered as “in the manner of the old innovations and general embellishments” should actually be “in the manner of the old Talmudic novellae and the Tosafists at all”.

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

principle in halakhically creative fashion, in particular showing several cases in which Meiri seems to have come to unprecedented halakhic conclusions.

What is not clear, however, is whether Meiri’s halakhic creativity is self-conscious³, i.e. whether he understands himself to be departing from, extending, or merely following precedent. The first part of this paper addresses that issue.

Meiri’s penchant for distinguishing among Gentiles is not coextensive with his use of *גדורים בדרכי הדת* and comparable terms, and extends to cases for which that rationale seems inadequate. Dr. Halbertal argues⁴ that a set of such cases demonstrates that Meiri had a second, perhaps even more radical, basis for distinguishing halakhically among Gentiles, one that explicitly evaluated Christianity from a religious rather than a social standpoint. He contends that Meiri concluded that Christianity is not halakhic *עבודה זרה* and Christians are not *עובדי עבודה זרה*⁵. The second part of this paper discusses whether this second axis of evaluation is creative either halakhically or rhetorically, and whether it in fact led Meiri to the conclusion that the religious practice of his Christian contemporaries was not halakhic *עבודה זרה*,

1. Bounded by the Ways of Religion

I found 34 places in which Meiri uses the description *גדור בדרכי הדת* and its variants in his various commentaries⁶, including 32⁷ halakhic contexts. He acknowledges rejecting all precedent in none of these, nor does he acknowledge in any of these cases that his ruling opposes normative communal behavior. It seems to me unlikely that he was aware of but failed to cite relevant precedents that opposed his ruling.

³ We can ask as well whether his rhetorical creativity is self-conscious, but I have found no way of testing this.

⁴ As did Bleich *op cit*.

⁵ Bleich concludes that Meiri said this only about Christian heretics whose beliefs “although erroneous, did not do violence to the doctrine of Divine Unity”, such as neo-Arianism and Adoptionism, although he concedes that it is quite difficult to explain why Meiri would have taken their beliefs to be standard for Christianity.

⁶ (All references to Meiri in this paper are based on the list of relevant citation in the Appendix.)
3, 8, 10, 11, 13, 14, 17, 20, 22, 24, 25, 33, 34, 36, 38, 40, 41, 42, 47, 49, 52, 57, 60, 61, 72, 89, 90, 92, 93, 95, 98, 99, 100, 107

⁷ All listed in note 6 except #8 and #17

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

There is accordingly no clear evidence that Meiri consciously used this principle to generate creative halakhic rulings. Rulings that appear creative to us may have seemed to him clear derivations of principles established in precedent.

It is however possible that Meiri sometimes encoded self-conscious creativity by choosing to imply, rather than state, the exclusion of some Gentiles from a particular law. Meiri does this in his apparently most radical halakhic claims about personal status and interpersonal obligations –

- a) that twin converts in utero with a Gentile father are related to one another for the purpose of the halakhot of levirate marriage, and
- b) that Shabbat must be violated, *מעיקרא דדינא*, as a matter of law rather than for pragmatic reasons, to save the lives of Gentiles who are *בדרכי הדת*, rather than out of fear of arousing hatred.

This reading would force us to reevaluate the significance of Meiri’s creative halakhic statements and to question whether he encouraged or permitted anyone to act on their basis. It is therefore worth our while to examine these texts closely.

- a) The first is from his commentary to Yebamot 98a:

זה שביארנו שאין אבות לגוי לא מחשש שסתמן זונות הן ואין הולד נידון אחר הבעל אלא אפילו היו שני אחים תאומים שנתגיירו שאי אפשר לתאומים אלא מאב אחד וכדקיימא לן טפה אחת היא שנחלקת לשתיים או שהיו בעל ואשתו חבושים בבית האסורין שהדבר ידוע שאביו של זה הוא אביו של זה כך הוא הדין כל שהוא מעובדי האלילים ואינו בגדר הדתות הרי הוא כבהמה שאין חוששין בו לזרע האב כלל⁸:

That which we have explained, that there is no paternity for a *goy*, is not out of concern that their standard woman is adulterous, and the progeny cannot be presumed to issue from the husband. Rather, even if two twins converted (for it is impossible to have twins except from the same father, as we hold that twins result from one drop of male generative fluid that has been split), or if a husband and his wife were imprisoned in jail (so the matter is known that the father of this brother is also the father of the other brother), the law is this - anyone who is from the worshippers of idols and is not within the bounds of the religions is like cattle, that with regard to him we have no concern at all for the seed of the father.

The halakhic situation Meiri comments on is complex, and I will explain it in detail.

⁸ Yerushalayim 354; NY 353 adds [ו]כלל

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

Levirate marriage applies when one brother dies childless, but only when the brother is from a common father; a common mother is irrelevant. Mishnah Yebamot 7:1 rules accordingly that converted brothers are not included with this statute, as converts are considered to have no legal connection to their biological families. This rule applies even if the mother converted while pregnant with the older brother. A beraita extends this rule to a case of twin brothers converted in utero, but comments that such brothers are considered to have a common mother and therefore may not marry one another’s ex-wives. Rava then adds that the rationale behind these rules is not a lack of confidence that one can know the paternity of a born Gentile, as they apply to cases of twins where there is no room for doubt, but rather because “The Torah declared their seed ownerless, as Scripture writes “and issue of horses is their issue”.

The plain reading of the Talmud, clearly articulated by Rashi, is that converts are legally separated from their Gentile fathers in two distinct ways. First, the standard convert is regarded as a newborn child, with no relations whatsoever. Second, even in cases where the convert has maternal relationships, as for example if the mother converted while pregnant, the Gentile father’s biological paternity is legally dismissed. The ground for this dismissal appears to be explicit dehumanization.

Meiri’s comment does not seek to undo the rule that ordinary converts are considered newborns. Rather, he says that the rule that paternity is dismissed even when maternity exists applies to cases in which the father was an idolater unbounded by the ways of religion. The implication – and again, this is only implied – is that a Gentile father who was “bounded” would maintain his paternity. In other words, the contextual halakhic impact of Meiri’s statement is limited to the case of twin brothers converted in utero, with one of them dying childless. It is difficult to see him as contradicting precedent here, as the odds of there having been a precedent directly on point appear quite low.

However, the logic of the discussion applies equally to another case in which maternity certainly exists, namely when a Jewish woman is impregnated by a Gentile. Meiri’s rationale would yield the result that brothers from such an intermarriage, assuming the father was “bounded”, were paternally related and obligated in levirate

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

marriage, or its alternative chalitzah. This case seems much more likely to have actually occurred, but I can find no discussion of it preceding the twentieth century. Note also that in his comments to Ketubot 3b Meiri says that the effect of the statement “made his seed ownerless” is exclusively to remove all relationship between converts and their biological families, without reference to the children of intermarriage.

Meiri’s introduction of the argument here is also most peculiar. All through his analysis of the Talmudic discussion he used the generic term "גוי", and at several points in his comments he gives legal consequence to the claim that “everyone knows that Gentiles have no legal paternity”, namely that one need not rabbinically legislate fraternity for converts lest people analogize from them to born Jews. The logic of this argument would compel him to argue that his distinction among Gentiles in this regard was widely known and accepted.⁹

Finally, we must note that Meiri’s argument here is part of a complex set of statements as to whether and when human beings can be treated as animals. On Ketubot 3b he emphasizes that sexual relations, even with idolaters, are considered human sexual relations; on Taanit 21a he says that we fast in case of a plague among idolaters because “even though we regard them as cattle, since their bodies are no different than ours we fast”; on Pesachim 49b he describes an *am haaretz* as one who is “drawn after his nature like cattle”; and on Shabbat 155b he says, with enigmatic halakhic import, that human beings must be considered different than animals for the purposes of feeding on Shabbat.

The upshot of all this is that Meiri’s statement has very limited application in its immediate context, and even in that context seems to depend on the dubious assumption that it reflects a well-known consensus. Meiri nowhere draws the possible broader halakhic effects of his statement, and on Ketubot 3b seems to disavow them. It is therefore possible that Meiri expresses his position only by implication because he understands his position to be original, and therefore highly tenuous.

⁹ It is also necessary to mention the possibility that this is a copyist’s insertion for the censors. While, as R. Bleich writes, the number and occasional obscurity of Meiri’s comments distinguishing among Gentiles make a claim that all are contrived deeply improbable, perhaps the knowledge of his broad position made copyists more likely to insert apologia. Note that the two editions of Meiri to Tractate Yoma contain at least one relevant and possibly significant difference, as will be noted in the next section. R. Bleich concludes that these specific examples are likely responsive to “the hovering hand of the censor”.

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

b) The second is from his commentary to Yoma 84b

פיקוח נפש אין הולכין בו אחר הרוב כיצד חצר שהיו בו ישראלים ועובדי (הכוכבים והמזלות הקדמונים) [האלילים] עמהם שאין אנו מצווים לחלל שבת עליהם אחר שאין להם שום דת (כלל וגם אין חוששים לחובת חברת האדם) ונפלה עליהם מפלת מפקחין על הכל ולא סוף דבר בשישראל רוב או כשהם מחצה שספק נפשות להקל אלא אף בתשעה מהם גוי' וישראל אחד ביניהם

With regard to “watching over life” we do not follow the majority. What case illustrates this? If there were a courtyard which contained Jews, and (the ancient) worshippers of (stars and constellations) [idols] among them, whom we are not commanded to violate Shabbat for them since they have no religion (at all and also have no concern for the obligations of human fellowship)¹⁰, and something fell on them, we “watch over” for all of them, and this is true not only if Jews are a majority or half, where we could say that “when there is doubt about life we rule leniently”, but rather even if nine of them are Gentiles and there is one Jew among them.

Here the implication is that Jews are obligated as a matter of law to save Gentiles even if doing so involves violating Shabbat. This seems to violate the ruling on Avodah Zarah 26a that Jews must not violate Shabbat to assist birthing Gentiles if they can do so without arousing hatred. Meiri comments there that popular practice disregards this prohibition, and indeed the whole set of prohibitions found there regarding Jews and Gentiles, and justifies this by stating that the Talmudic prohibition referred only to those not “bound”. Similarly, he comments on Pesachim 21b that Jews are not obligated to preserve the lives of Gentiles who are not “bound”. His positions seem coordinated and consistent.

A closer look, however, shows that Meiri’s halakhic position may not be unique. Both on Avodah Zarah 26a¹¹ and on Pesachim 21b¹² Meiri’s two categories are not גדורים and non-גדורים, but rather גרי תושב and non-גדורים. The position that Jews are obligated to

¹⁰ The 1885 edition contains these words, but the 1975 edition removes them and suggests that they were deliberately added in the former. The editor of the latter connects this to a set of other differences, and suggests that they reflect deliberate emendations by copyists, whereas his edition is a faithful replica of the more reliable (now-destroyed) Ms. Parma. I cannot think of an effective means of evaluating this claim.

¹¹ ואף בזו של גוים צריך אתה לבחון מה שהקדמנו באיזה גוי הוא אומר כן ר"ל שבעובדי האלילים נאמר שלא היו גדורים בדרכי הדתות ואדרבה כל עבירה וכל כיעור יפה בעיניהם וכבר אמר ראש הפילוסופים הרגו מי שאין לו דת הא כל שהוא מעובדי האלהות אע"פ שאינו מכלל הדת אינו בדין זה חלילה וחס וכבר ידעת בגר תושב והוא שקבל עליו שבע מצות שאתה מצווה להחיותו:

¹² כבר ביארנו במסכת עבודה זרה שהגויים ר"ל שהם מעובדי האלילים שאינם גדורים בגדר שום דת בעולם אין אנו מצווים להחיותם ומאחר שכן אף מה שאסור לנו אין נותנין להם בחנם שהרי אנו גוזלין בכך גר תושב שאנו מצווים להחיותו אחר שהוא מקיים שבע מצות של בני נח והוא שפירשנו בנבלה לגר בנתינה ולגוי במכירה ומ"מ פירשו בתוספתא שאם היה שכנו או חברו מותר מפני שהוא כמוכרו לו:

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

save גרי תושב is found in Maimonides Laws of Shabbat 2:12 and many other medievals. Maimonides, it is true, immediately qualifies this obligation by stating that it does not legitimate violations of Shabbat, but this is not clear in Nachmanides' 16th Added Mitzvah in his strictures on Maimonides' Book of Commandments, and it is not clear why it should be assumed. In any case, the principal of משום איבה certainly permitted much if not all activity necessary to preserve Gentile life on Shabbat, so it is unclear what practical effect Meiri's ruling would have had if followed.

We must note again that Meiri does not claim here that Jews can violate Shabbat to save all Gentiles who are “bounded”, but rather גרי תושב. The meaning of that term in Meiri, and whether he uses it consistently, deserves rigorous investigation¹³, but it seems clear to me that it marks a more limited population than גדור. Meiri's statement here may then be of a piece with his general halakhic attitude toward Gentiles, but it is tailored to match precedent rather than a mechanical application of a general principle. It is also possible that Meiri chose to make his point by implication rather than directly so that he would not have to explicitly mark which gentiles could and could not be saved, and thereby deliberately left room for Halakhah to develop more liberally than the practice and precedent of his time.

One more note: Understood most radically, Meiri here takes something Talmudically permitted (at least partially) משום איבה and permits it on principle. There has been much contemporary discussion of whether it is necessary to view משום איבה and מפני דרכי שלום as pragmatic rather than moral principles, and Meiri's view of these principles also deserves extensive investigation. His comments with regard to burying Gentiles found on Shabbat 93b seem to me a fruitful starting point for such inquiry, which I hope to pursue elsewhere.

In conclusion: Investigation of two of Meiri's apparently most original and radical claims indicates that he always paid close attention to precedent, and raises the possibility that when knowingly diverging from precedent he deliberately expressed this

¹³ I hope to engage in this investigation soon

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

divergence only by implication¹⁴. This suggests that he saw his other halakhic statements regarding Gentiles as fully in accord with precedent.

2. Christianity and Avodah Zarah

Meiri’s term “bound by the ways of religion” is a behavioral description, one that distinguishes between civilized people and barbarians. By using it, Meiri is not claiming that Christian doctrine or worship are not technical violations of Jewish law, in particular those under the rubric of עבודה זרה.

Rabbi Yehudah Herzl Henkin (שו"ת בני בנימין ג:לה) makes a strong prima facie case that Meiri’s positive attitude toward Christians does not extend to excluding them from the category of עובדי עבודה זרה. He notes that Meiri fails to exclude Christians and Christianity from a variety of rules aimed against עבודה זרה and עובדי עבודה זרה, even where, as for example in his discussion of סתם יינם on AVODAH ZARAH 57a and 64b, he explicitly discusses the status of Muslims. I add that removing Christian practice from the realm of עבודה זרה would yield the halakhic result that converting to Christianity would not be יהרג ואל יעבור for Jews, and this seems an unlikely position for a rabbi to take in medieval Christian Europe.

These are arguments from silence¹⁵, and would be insufficient to stand against positive evidence to the contrary. Dr. Halbertal contends that such evidence can be found in a set of lenient halakhic positions Meiri takes regarding prohibitions falling into the category “contact with or support for idolatrous ritual”. He writes that Meiri never uses the behavioral term “גדורים בדרכי הדת” when discussing these issues, but rather exclusively uses religiously evaluative terms, generally negation of “עבודת אלילים”, to exclude Christians from their ambit. This indicates that Meiri is aware that these

¹⁴ I am pleased that my friend and colleague Rabbi Dov Linzer has reached the same conclusion.

¹⁵ Note in addition that in his comments to Sanhedrin 38a and Shabbat 116a Meiri attacks those who use Scripture to prove their mistaken religious notions, which he describes inter alia as מנינות השניות and מנינות המינות. This latter may be a reference to dualists, and it may further be that nonChristians actually cited Scriptural proofs against Judaism, or that Meiri refers here solely to Talmudic stories about dialogues with pagans. It is to my mind not impossible, however, that he refers to believers in multiplicity, and counts Christians in that category.

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

exclusions cannot be justified on the basis of the civilized/barbarian distinction, but rather require explicit treatment of Christianity per se.

Dr. Halbertal provides initially a list of six occasions, discussing seven halakhot, that fall into this category; he then discusses five of the occasions in detail; and subsequently discusses the sixth together with a seventh not on the original list.

Here are his initial cases,

“With respect to the gentiles of his day, the Me’iri relaxed

- 1. the prohibition on trading with a gentile on his festival day,**
- 2. the prohibition on trading with a gentile when a portion of the profit is taxed for ritual necessities,**
- 3. the prohibition on selling ritual necessities such as incense or frankincense to a gentile,**
- 4. the prohibition on letting a house to a gentile lest he bring into it idolatrous worship,**
- 5. 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**
- 6a. the prohibitions on expansively greeting a gentile and**
- 6b. 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.”¹⁶

The seventh case, not included in this list, is not applying the blessing over destroyed Avodah Zarah edifices to Christian houses of worship.”¹⁷

I contend that the linguistic pattern he puts forth as evidence is not consistently maintained, and would not be significant in any case. Here’s why:

- 1. If we look at the seven occasions Dr. Halbertal discusses, we find that the term "גדורות" בדרכי הדת appears in both the sixth and seventh.**

גיטין סב.

עובדי הגלילים אין נמנעין משאול בשלומן ומכל מקום אין ראוי להאריך עמהם בדברי שלום ביתר מן הרגיל וחוי לתחום שלום מנהג וזהו הנקרא אצלי כפילת שלום שכל שאדם מאריך בשאלת שלום על הרגיל מורה חבה יתרה ושיכות וכבר ידעת שעבודת הגלילים היתה מושכת את הלב הרבה מצד תועלות שהיו משיגים בעבודתם כמו שאמר מן אז חדלנו כו' חסרנו כל וכן באחרון של סנהדרין ק"ב ב' אמרי בענין מנשה אלו הוית בההיא שעתא נקטת שיפולא

¹⁶ Halbertal p.3

¹⁷ Halbertal p.10

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

ואזלת בתרה ומתוך כך היו מגדולי החכמים מקדימים שלום להם מפני שהמקדים נותן דרך למשיב להשיב לו כדרך ששאל והיה מקדים לקרא לו כמנהג כדי שישב לו כפי קריאתו ולא יכנס עמו בשיכות יתר מדאי ואלו היה ממתין שיהא הוא מקדים לו שמא יקדמו בדברי חבה והתעלסות אהבים והיה הוא צריך להוסיף לו באותו הדרך עד שמתוך כך היו מתאהבים זה לזה ודעתם מתקרבת יותר מדאי והיו האחרים למדים מהם והולכים אחריהם אבל כפילת שלום כפי הרגיל אין בו חשש אע"פ שכופלו וכדרך שאמר באחד מהם שהיה אומר שלמא למר שלמא למר כלומר שלא היה נכנס עמהם בדברים אחרים אלא שלום מנהג ואין לפרשו שלבו היה על רבו כמו שגדולי הרבנים מפרשים שהיה אסור לגנוב דעתן של בריות אפי' של עובדי גלילים כמו שהתבאר במקומו ונמשך למה שכתבנו מה שאמרו שביום אידם לא יכנס לביתו ויתן לו שלום שאף הוא מספר לו ענין האיד הנעשה לשם כוכב פלני או מזל פלני או קדש פלני ושבו בכך וכך ולבו מגמגם בדבר ושמה יבא לידי תקלה אלא שאם מוצאו בשוק נותן לו שלום ואף זה ביום אידם מיהא לא בסבר פנים המראים חבה והתדבקות שמא מתוך פנאי שלי ותשוקתו בספור כח גליליו ימשך עמו **ומכל** מקום אמות הגדורות בדרכי הדתות ומאמינים במציאותו ית' לאחדותו ויכלתו אע"פ שמשבתשין בקצת דברים לפי אמונתנו אין להם מקום בדברים אלו:

ברכות נח:

הרואה בתי כנסיות של ישראל ביישובן אומר ברוך מצייב גבול אלמנה בחורבנן אומר ברוך דיין האמת בתי עובדי האלילים ושאר בעלי האמונות הקדומות שלא היו **גדורות בדרכי הדתות** והם הנזכרים בתלמוד תמיד בלשון אומות העולם כל שראה אותם ביישוב ובשלוה אומר בית גאים יסח ה' בחורבנן אומר אל נקמות ה':

2. The first five cases all occur in the commentary to זרה עבודה זרה. In his comments to כו, Meiri uses the term in his general description of which Gentiles the Tractate refers to.

עבודה זרה כו.

הרבה ראינו שמתפלאים על שבזמנים אלו אין אדם נזהר מדברים אלו כלל ואנו כבר ביארנו עיקר כונת הספר על איזו אומה היא סובבת כמו שיעידו ימי אידיהן שהזכרנו שהם כלם לאמות הקדומות שלא היו **גדורות בדרכי הדתות** והן אדוקות ומתמידות בעבודת האלילים והכוכבים והטלזמאש שכל אלו וכיוצא בהן הם עיקרי ע"ז כמו שהתבאר ומ"מ לענין חשש איסור שבת וחשש איסור מאכלות ומשתאות כיון נסך וסתם יינם ושאר איסורין הדומים לאלו הן שנאסרו בהנאה הן שנאסרו באכילה הן מאותם שגזרו עליהם מחשש חתנות כל האומות שוות בו חוץ מאיסור הנאה בסתם יינם לדעת רוב מפרשים כמו שיתבאר במקומו במסכת זו ומעתה יהו דברים אלו מיושרים על לבך ולא נצטרך להשיבם בכל דבר ודבר אלא שתהא אתה בוחן באיזו אתה מפרשם על האמות הקדומות ובאיזו אתה מפרש על כלל הכל ובין ותדע:

Not that in another general description, in the introduction to Tractate Avodah Zarah, he uses only איללים. It seems hard to give his uses or nonuse of the term in Tractate Avodah Zarah any weight.

3. Overall, I find Meiri distinguishing among Gentiles on 110 occasions¹⁸. The term גדורות occurs in only 35 cases. (In 53 cases he uses only איללים. The remaining cases use terms such as גר תושב.) So the absence of the term in 5 cases is not significant.

4. Meiri does not “relax the prohibitions” in all five cases. Rather:

¹⁸ See Appendix

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

in case 4 he cites a lenient precedent and agrees with it;

in case 1 he cites both lenient and strict precedent, and sides with the lenient;

in case 3 he cites both lenient and strict precedent, and sides with the lenient, but with a qualification, and introduces the distinction among Gentiles as grounds for stringency;

in case 5 he cites both lenient and strict precedent and sides with the strict; and

in case 2 he is creatively lenient, but on grounds unrelated to his categorization of Gentiles.

In other words, Meiri has no creative halakhic positions based on his attitude toward Christianity and Christian worship per se. (6 and 7 may be creative¹⁹, but as Meiri uses גדריות with regard to them, he presumably justified them on the basis of the civilized/barbarian distinction.)

But this last conclusion raises a new difficulty. Dr. Halbertal argued that Meiri's lenient positions on these issues must have rested on a unique determination that Christianity and Christian worship were not Avodah Zarah. Now that we have shown that some of these positions were based on precedent, what are we to conclude about the general medieval rabbinic attitude toward Christianity?

Here we must note²⁰ that there is one precedent for Meiri's apparent toleration of Christianity per se, the Tosafist position regarding the acceptance of oaths from Christians. Meiri in fact quotes this rationale without comment.

תוספות מסכת סנהדרין דף סג עמוד ב

אסור לאדם שיעשה שותפות – אמר ר' שמואל

כ"ש שבועה עצמה דאין לקבל הימנו

ור"ת אומר

מותר לקבל הימנו השבועה קודם שיפסיד

כדאמר בפ"ק דמס' ע"ג (דף ו:) דמלוה ע"פ נפרעין ממנו מפני שהוא כמציל מידם

ולא חיישין דילמא אזיל ומודה

ואע"ג דהתם ספק והכא ודאי

¹⁹ I have not done an exhaustive or systematic survey of rishonim to determine the extent or lack thereof of Meiri's halakhic originality on all these issues. Based on my own limited research, I am confident that such a survey would make a major contribution to our understanding of Halakhah in medieval Europe.

²⁰ As Dr. Halbertal acknowledges in footnote 3

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

מ"מ בזמן הזה

כולן נשבעים בקדשים שלהן ואין תופסין בהם אלהות

ואע"פ שמה שמזכירין עמהם ש"ש וכוונתם לדבר אחר מ"מ אין זה שם עבודת כוכבים גם דעתם לעושה שמים

ואע"פ שמשתיפין שם שמים ודבר אחר

לא אשכחן דאסור לגרום לאחרים לשתף ולפני עור ליכא דבני נח לא הוזהרו על כך.

מאירי סנהדרין סג:

גדולי הרבנים כתבו שמאחר שאסור להשתתף עם הגוי מחשש שמא יתחייב לו שבועה

כל שכן שלא לקבל ממנו שבועה אם נתחייב לו בה

ואחרונייהם חולקים עליהם לומר

שלא נאסר אלא לכתחלה

אבל אם כבר נשתתף ונתחייב לו מותר לקבלה

וכעין מה שאמרו מלוה על פה נפרעין מהן מפני שהוא כמציל מידם

ואע"פ שהוא הולך ומודה לע"ז בכך

וכן כתבו שבזמן הזה מיהא

רוב העולם מכוונין בשבועותיהם לשם בורא העולם ואין כאן ע"ז

ואע"פ שנשבעין לפעמים בשם קצת מתים מהם חשובים אצלם מ"מ אין תופסין אותם בשם אלהות ואין כאן ע"ז:

And armed with that knowledge, we can go back and see that his rationales for leniency in the three examples in Masekhet Avodah Zarah are merely paraphrases of the Tosafists or of Nachmanides, and his formulations are not more radical than the original.

The Center for Modern Torah Leadership

"Taking Responsibility for Torah"

www.torahleadership.org

Thus with regard to case 1

מאירי

בזמנם שהיתה עבודת האלילים מתפשטת להקרבה ולהודאה

וכמו שתראה בזכירת ימי האייד שלהם

וכן שהיו עובדים לצבא השמים לחמה ולבנה ולמזלות ולעצים ולאבנים

תוספות

משום דעכ"ם שבינינו קים לן בגוייהו דלא פלחו לעבודת כוכבים

רבינו ירוחם - תולדות אדם וחווה נתיב יז חלק ה דף קנח טור ב

ופרש"ם בשם זקנו רש"י ובזמן הזה הכל מותר אפילו ביום אידם

שגויים בזמן הזה לאו עובדי עבודה זרה הם אלא מנהג אבותיהם בידיהם

ואין לאסור משום דבר הנאסר במנין

כי מתחלה לא נאסר אלא לעובדי עבודה זרה ולא היתה הגזירה לאותם שאינם אדוקין

And with regard to case 2

מאירי

שהיו אותם הגויים אדוקים בעבודת האלילים אבל עכשיו פסקה עבודת האלילים מרוב המקומות

רמב"ן

ועוד אמרינן דהני גוים לא אדיקי בע"ז כולי האי ולא אזלי ומודו ולא מקרבי מידי לע"ז אלא חמרא

דמנסכי קמה פורתא

And with regard to case 4

מאירי

זה עיקר איסורו לאותם עובדי האלילים שהיו אליליהם בבתיהם ומקטרים ומזבחים להם שם

תוספות

שהעובדי כוכבים שבינינו אינם מכניסין לבתיהם עבודת כוכבים בקביעות אלא כשיש שם מת או

שנוטה למות וגם אותה שעה אינן עובדין אותם מותר

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

And yet surely the Tosafists and Ramban saw Christianity as Avodah Zarah, and their language clearly implies this.

The argument about the Tosafist position has historically revolved around the line in Tosafot regarding accepting oaths על השיתוף מוזהרים על השיתוף. In that regard, while acknowledging the enormous scholarship backing each side of the dispute, I find convincing the position that this line is unconnected to Avodah Zarah or Trinitarianism at all, but rather refers to the technical issue of swearing by G-d and something else in the same oath. What is worth noting is that Meiri’s citation utterly ignores that line, and instead focuses on the previous line²¹.

I think Meiri correctly realized that the previous line is actually far more astonishing, and here again, the formulations of at least some Tosafists are more radical than Meiri’s citation:

Meiri

מיהא רוב העולם מכוונין בשבועותיהם לשם בורא העולם ואין כאן ע"ז

Tosafot

ואע"פ שמה שמזכירין עמהם ש"ש וכוונתם לדבר אחר מ"מ אין זה שם עבודת כוכבים גם דעתם לעושה שמים

Rabbeinu Yerucham

וכתב ר"י כי יש התר אחד בזמן הזה כי נשבעין בקדשים שלהם הנקרא עון גליון ואין תופסין בהן אלהות ואע"פ שמזכירין שם שמים וכוונתם לישו הנצרי מ"מ אין מזכירין שם עבודה זרה וגם דעתן לעושה שמי' וארץ ואף על גב דמשתפין שם שמים ודבר אחר לא מצינו שאסור לגרום לאחרים לשתף וגם משום ולפני עור לא תתן מכשול ליכא דלא הוזהרו בני נח על השתוף ע"כ

What does this mean? How can the Tosafists claim that an oath deliberately sworn by Jesus of Nazareth is not AVODAH ZARAH?

I suggest that Dr. Halbertal’s claim regarding Meiri is in fact true of all the Tosafists, namely that trinitarianism per se is not Avodah Zarah, since it posits no conflicting wills within the Divine²². (Note that Seder Mishnah²³ suggests this as well with regard to Rambam, on the

²¹ The significance of this line is noted by Dr. David Berger in **Formulating Responses in an Egalitarian Age**, ed.

²² Professor David Berger suggested in response to my presentation at the AJS Conference 2007 that the Tosafists may be making the much narrower claim that the technical prohibition of פ"ך לא ישמע על פ"ך is not violated by causing a Gentile to use the name of J., as since J. can refer to the Creator, it is not a name that is unequivocally זרה. Thus a Jew would not be violating that technical prohibition by causing the Gentile to swear, even though the Gentile would in fact be committing an act of זרה. If I understand his argument correctly, it seems to me incorrect, as it would yield the conclusion that the Jew was in violation of עור לפני עור after all.

²³ footnote

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

basis of the verse Shma Yisroel constantly being the proof-text for the obligation to believe in G-d’s unity.) Nonetheless, the Tosafists certainly held that Christian worship was Avodah Zarah, if perhaps only, as suggested by R. Henkin, because it involved bowing to crucifixes and belief in transubstantiation.

Conclusion:

We have demonstrated that Meiri reaches no theologically original conclusions about Christianity, and that he was a careful halakhist who understood himself as following precedent in the area of Jewish-Gentile interaction. Nonetheless, Meiri’s legal formalization of prior ad hoc leniencies, his systematic application of the principle that he saw as underlying those leniencies, and the rhetorical force with which he advocates, celebrates, or mandates that Halakhah and the halakhically observant community treat Jews and Gentiles alike, are highly significant and unique contributions.

Meiri’s radicalism consists of arguing that technical Avodah Zarah, or Avodah Zarah without *toevah*²⁴, does not justify human discrimination. People and communities must be treated in accordance with their behavior *בין אדם לחבירו*, and in the arena of human rights, *מצות בין אדם למקום* matter only insofar as they affect one’s behavior in society.

²⁴ I owe this formulation to Joshua Harrison.

The Center for Modern Torah Leadership

“Taking Responsibility for Torah”

www.torahleadership.org

Appendix – Citations from Meiri relevant to this article.

- 1) Berakhot 25b "לא"
- 2) Berakhot 58a "ראה"
- 3) Berakhot 58b "הרואה בתי"
- 4) Berakhot 58b "הרואה קברי"
- 5) Shabbat 93b "אף"
- 6) Shabbat 116a "ספרי"
- 7) Shabbat 155b "נותנים"
- 8) Shabbat 156a "מפנות"
- 9) Pesachim 6a "ומה"
- 10) Pesachim 12a "וכן"
- 11) Pesachim 21b "כבר"
- 12) Pesachim 25a "זה"
- 13) Pesachim 49b "עם"
- 14) Yoma 84b "פיקוה"
- 15) Yoma 85a "עיר"
- 16) Beitzah 21b "ממה"
- 17) Beitzah 25b "מפנות"
- 18) Taanit 21a "מכה"
- 19) Taanit 27b "אנשי"
- 20) Yebamot 47a "כבר"
- 21) Yebamot 48b "כבר"
- 22) Yebamot 98a "זה"
- 23) Yebamot 114a "כבר"
- 24) Ketubot 3b "אשת"
- 25) Ketubot 15b "מחצה"
- 26) Ketubot 98b "כל"
- 27) Ketubot 111a "לעולם"
- 28) Nedarim 62a "ולענין"
- 29) Sotah 9a "כבר"
- 30) Sotah 47a "לעולם"
- 31) Gittin 43-45 "הפיל"
- 32) Gittin 43-45 "גוי"
- 33) Gittin 59a "אין"
- 34) Gittin 59a "כבר"
- 35) Gittin 60a "מחזיקין"
- 36) Gittin 62a "עובדי"
- 37) Gittin 79 – 80 "אמר"
- 38) Kiddushin 17b "הגוי"
- 39) Kiddushin 73b "אסופי"
- 40) Bava Kamma 37b "שור"
- 41) Bava Kamma 83a "זה"
- 42) Bava Kamma 113b "נמצא"
- 43) Bava Kamma 113-114 "כבר"
- 44) Bava Kamma 113-114 "היה"
- 45) Bava Kamma 113-114 "טעות"
- 46) Bava Metzia 2a "אמר"
- 47) Bava Metzia 2a "המציאה"
- 48) Bava Metzia 24a "המוצא"
- 49) Bava Metzia 30b – 31a "היו"
- 50) Bava Metzia 32b "ממה"
- 51) Bava Metzia 32b "היה"

The Center for Modern Torah Leadership

"Taking Responsibility for Torah"

www.torahleadership.org

- 52) Bava Metzia 59a "כל"
- 53) Bava Metzia 111b "אפילו"
- 54) Bava Batra 21a "מדבריה"
- 55) Bava Batra 24a "זה"
- 56) Bava Batra 38a "הסכימו"
- 57) Bava Batra 45a "כבר"
- 58) Sanhedrin 40a "והמשנה"
- 59) Sanhedrin 44a "עובדי"
- 60) Sanhedrin 57a "הגניבה"
- 61) Sanhedrin 57b "וכן"
- 62) Sanhedrin 63b "אסור"
- 63) Sanhedrin 63b "גדולי"
- 64) Sanhedrin 64a "מעשה"
- 65) Sanhedrin 76b "עובדי"
- 66) Sanhedrin 72b "זה"
- 67) Sanhedrin 78b "המשנה"
- 68) Sanhedrin 79a "זה"
- 69) Sanhedrin 81b – 82a "הבא"
- 70) Sanhedrin 81b -82a "פגיעת"
- 71) Sanhedrin 90a "הרשעים"
- 72) Makkot 7b "כל"
- 73) Makkot 8b "אמר"
- 74) Makkot 9a "עובדי"
- 75) Makkot 9a "גר"
- 76) Makkot 9a "אף"
- 77) Avodah Zarah, preface, "אמר"
- 78) Avodah Zarah, preface, "והפרק"
- 79) Avodah Zarah 2a "יש מקשים"
- 80) Avodah Zarah 2a "יש בדברים"
- 81) Avodah Zarah 2a "אמר"
- 82) Avodah Zarah 2a "ומעתה"
- 83) Avodah Zarah 6b "למטה"
- 84) Avodah Zarah 11b "ימי"
- 85) Avodah Zarah 13a "ירוד"
- 86) Avodah Zarah 13b "הגוים"
- 87) Avodah Zarah 14b "דברים"
- 88) Avodah Zarah 15b "זמנים"
- 89) Avodah Zarah 15b "כותיים"
- 90) Avodah Zarah 20a "כבר"
- 91) Avodah Zarah 20b – 21a "ולענין"
- 92) Avodah Zarah 20b-21a "ובכל"
- 93) Avodah Zarah 22a "והמשנה"
- 94) Avodah Zarah 26a "הרבה"
- 95) Avodah Zarah 26a "הגוים"
- 96) Avodah Zarah 26b "ישראלים"
- 97) Avodah Zarah 26b "משומד"
- 98) Avodah Zarah 26b "נעשה"
- 99) Avodah Zarah 27a "והקזה"
- 100) Avodah Zarah 42b "הסכימו"
- 101) Avodah Zarah 46a "עובדי"
- 102) Avodah Zarah 57a "ישמעאלים"
- 103) Avodah Zarah 57a "רוב"
- 104) Avodah Zarah 64b "גר"

The Center for Modern Torah Leadership

"Taking Responsibility for Torah"

www.torahleadership.org

- 105) Avodah Zarah 64b "מהו"
- 106) Avodah Zarah 64b "לפי"
- 107) Horayot 11a "כל"
- 108) Chullin 13a "זהו"
- 109) Chullin 114b "כל"
- 110) Chullin 133b "אבל"

-