

Speaking of Text

A WEEKLY EXPLORATION OF THE JEWISH BOOKSHELF



Maimonides and the Merchants

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Maimonides and the Merchants: Jewish Law and Society in the Medieval Islamic World (University of Pennsylvania Press, 2017)

In my new book, I explore a relatively unknown aspect of Maimonides's Mishneh Torah, his comprehensive code of Jewish law. The study offers insight into Judaism's continued evolution to account for wider societal trends and illustrates how the personal experience of lawmakers influences law.

Maimonides was a member of a learned merchant family. After the family settled in Egypt, Maimonides's brother, David, carried on the family business, trading between Egypt and India. His death in a shipwreck in the Indian Ocean was a personal tragedy for Maimonides. Maimonides was intimately familiar with what it meant to be a merchant at that time, not only from his family experience, but also from receiving and answering halakhic questions from merchants.

The world in which he lived had a far more complex economy than that of the Talmudic period, when Jews were engaged mostly in farming and small crafts. With the coming of Islam they branched out into new areas, especially long-distance trade. These practices are abundantly attested in the business letters and legal documents preserved in the Cairo Geniza.

The Babylonian geonim, who lived in the early Islamic period before Maimonides's time, adjusted Jewish law to accommodate the practices of Jewish merchants. My research into the Mishneh Torah disclosed further adaptations, previously unnoticed by scholars, by which Maimonides updated Jewish law to meet the needs of contemporary Jewish traders. Among other things, he made it possible for Jewish courts to enforce a form of commercial agency (authorizing others to act on one's behalf) unknown in the Talmud but practiced extensively in the Islamic marketplace and adjudicated in Islamic courts. This enabled Jewish merchants to conduct their commercial lives within the compass of Jewish law, without needing to resort to Islamic courts.

The findings of my study open the door to further investigations of the Mishneh Torah that may reveal other ways in which the great master adapted Talmudic law to fit the realities of the Islamic world.

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Shabbat Shekalim Mishpatim 5778

שבת שקלים
משפטים תשע"ח



Kashrut and Refugees

Rabbi Julia Andelman, Director of Community Engagement, JTS

There's an old joke based on the three appearances of the commandment "You shall not boil a kid in its mother's milk"—the first being in this week's parashah, Mishpatim (Exod. 23:19). The narrow prohibition against "eating the flesh of an animal together with the milk that was meant to sustain it" (*Etz Hayim*, 474) was expanded over time into a vast array of laws regarding the separation of all dairy and all meat:

God says to Moses: You shall not boil a kid in its mother's milk (Exod. 23:19).

Moses replies: Oh, you mean we should never eat *any* meat with *any* dairy?

God says: You shall not boil a kid in its mother's milk (Exod. 34:26).

Moses replies: Oh, you mean we should wait three to six hours between eating meat and dairy?

God says: You shall not boil a kid in its mother's milk (Deut. 14:21).

Moses replies: Oh, you mean we should have two separate sets of dishes for meat and dairy, separate pots and pans and utensils, and separate sponges?

God says: Fine, have it your way.

The joke allows us to laugh at our tendency toward legal obsessiveness and stringencies, and also subtly celebrates our interpretive creativity in transforming one short verse into tomes of law that impact our homes, wallets, and interpersonal behavior in drastic ways. But, in highlighting our particularly Jewish way of dealing with textual repetition, it also brings to light a stark contrast between how we have responded to this repeated commandment and to another one in our parashah.

In the previous chapter, the Torah instructs us, "You shall not wrong a stranger in your midst or oppress him, for you were strangers in the land of Egypt" (Exod. 22:21). It continues, "You shall not ill-treat any widow or orphan" (v. 21), and then enjoins us to take particular care when engaging in business dealings with the poor, given their financial precariousness (vv. 24-26). Taken together, this series of exhortations makes clear that we must take care of the most vulnerable individuals in our society—the marginal, the insecure, those who lack safety nets to fall back on in hard times. The Talmud notes that the prohibition against oppressing a stranger is repeated at least 36

times in the Torah (BT Bava Metzia 59b). This is many times more than the prohibition against boiling a kid in its mother's milk, of course. And yet—no tomes of law, no obsessive legalism or interpretive creativity ensure that this mitzvah, clearly of paramount importance to God, is woven inextricably into the fabric of everyday Jewish life. So perhaps this joke should cause us to step back and notice that, somehow, we may have gravitated toward mitzvot that are logistically complex but psychologically, relatively speaking, simple.

In recent months, however, the mitzvah of caring for the stranger has turned into an important part of my life and that of my synagogue community (Congregation Beth Sholom in Teaneck, New Jersey). In the fall of 2015, the world was awakened to the severity of the global refugee crisis by the heartrending photograph of the body of Aylan Kurdi, a three-year-old Syrian refugee, washed up on a Turkish beach after the tiny inflatable boat his family had tried to escape in capsized. Aylan's mother and brother also drowned. My own son was three years old at the time, and the picture haunted me—and many others. Jewish organizational leaders began to educate themselves. In hastily prepared High Holiday sermons, rabbis (myself included, at JTS services) began to call attention to the more than 60 million people displaced from their homes by conflict (now above 65 million), the worst refugee crisis in world history. Finally, I reached out to some fellow members of my synagogue to open a conversation about how our community might help.

Two years later—after much conversation and research, the formal constitution of a social justice committee, extensive community organizing, and the formation of a partnership with the International Rescue Committee—our synagogue's volunteer team welcomed a large refugee family who had escaped conflict in their home country, and took upon ourselves the mitzvah of caring for the stranger through a long-term, multi-faceted relationship with one family. Our work with them runs the gamut: educational concerns for both adults and children; medical issues; food, clothing, toiletries, and other necessities; pre-employment training; advocacy with landlords, government agencies, and other parties; and massive cultural displacement, especially for the women and girls in the family. Dozens of volunteers have been involved in countless ways. For all of us, our commitment to this project is a quintessential expression of our Jewishness.

We have explained to the family, devout adherents of a different religion, that we are doing this as Jews, on two levels. The first is the mitzvah that obligates us. The second is our personal histories and our history as a people, which bring home for us the life-or-death stakes of that obligation. Every story the family tells us of their own narrow escapes from danger, their own confusions about American life, their own frustrations about not speaking English fluently or not being able to support themselves yet, resonates with our own family stories. My great-grandmother fled Russia and came here alone at the age of 12, solely responsible for her younger

sister, working three jobs and sleeping only on the subway rides in between until she was, many years later, able to start her own business in the garment industry. My work on this project is in her memory and, even more so, in memory of the many who never made it here—those whose refugee journeys ended very differently.

Earlier in the parashah, there is a now-defunct law harkening back to a time when Israelites owned slaves (Exod. 21:20-21). “When a man strikes his slave...if he survives a day or two, he is not to be avenged, since he is the other's property” (his delayed death reveals that the master intended to punish, not kill, him). The law is understood to refer to a non-Israelite slave, based on the phrase “he is the other's property”—for an Israelite slave (or, more accurately, indentured servant) would not be considered the property of another Israelite (Mekhilta). This is obviously not in keeping with our universally anti-slavery values. And yet, it has something to teach us, for the Torah reveals a telling difference between how we instinctively relate to our own and to the other. To be blunt, we sometimes fail to see people who are different from us—in skin color, language, country of origin, or way of life—as being fully human. We limit our empathy for them. Rabbi Jonathan Sacks, in a piece that helped magnify the urgency of the refugee crisis in the Jewish community, wrote:

I used to think that the most important line in the Bible was “Love your neighbour as yourself”. Then I realised that it is easy to love your neighbour because he or she is usually quite like yourself. What is hard is to love the stranger, one whose colour, culture or creed is different from yours. That is why the command, “Love the stranger because you were once strangers”, resonates so often throughout the Bible. It is summoning us now. (“Refugee crisis: ‘Love the stranger because you were once strangers’ calls us now”, *The Guardian*, 6 September, 2015)

The laws of kashrut do come up in the context of our work with our refugee family. In keeping with the spirit of hospitality that is core to their culture, they serve us delicious food with every visit, and we have had to respectfully remind them that we can't eat their meat. Their religion also includes strictures related to meat, and it has been challenging for them to understand that our laws are not the same. But what we really share with this family—far beyond parallel sets of dietary laws—is that we are all part of a global, multi-generational chain of people who care for strangers. And if this core religious obligation isn't occupying at least 12 times more of our time and energy than the separation between meat and dairy is, then perhaps we are misunderstanding what the Torah is trying to teach us about how the mitzvot—and *which* mitzvot in particular—should shape the contours of our Jewish lives.

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