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## CHAPTER 10

## Fusion Cooking in an Islamic Milieu

Jewish and Christian Jurists on  
Food Associated with Foreigners

DAVID M. FREIDENREICH

The fact that Maimonidean writing is so often characterized, in Ben Jonson's phrase, by "a newness of sense and antiquity of voice" is the crucial determinant, eclipsing the formalization of genetic-literary relationships. His literary and conceptual apparatuses are purposely fused. Proper study of the *Mishneh Torah* thus necessitates tireless sleuthing, a deliberate and disciplined search for sources, together with an ever-deepening empathy for the modes of abstraction and conceptualization. In the final analysis, however, the attempt to uncover and understand "Maimonides' mind" must be paramount, for the originality of the "Maimonidean mind" was ensconced in the smooth anonymous texture of the work.<sup>1</sup>

The principle that intellectual activity is shaped by the milieu in which it occurs receives strong confirmation in medieval philosophical literature by Jews and Christians who lived in lands dominated by Islamic culture. Sarah Stroumsa vividly depicts the intellectual marketplace in these lands as a whirlpool whose current transports and transforms ideas irrespective of the religious community in which they originate: "Like colored drops falling into a whirlpool, new ideas were immediately carried away by the stream, coloring

the whole body of water while changing their own color in the process."<sup>2</sup> Because Christian and Jewish philosophers were full participants in what scholars have dubbed "the Islamic philosophical tradition," their works cannot be fully understood in isolation from that broad intellectual tradition. These philosophers were, in a sense, "Islamic" as well as Jewish or Christian; the confession-specific terminology commonplace in modern scholarship is inadequate when it comes to capturing the complexity of this medieval reality.

Our profession-specific terminology is similarly inadequate, as medieval "philosophers" in the Islamic world engaged in a range of intellectual activities that transcends modern disciplinary boundaries. Among these activities is the study of law. In contrast to philosophy, law in premodern Islamic lands is a genre of thought beholden to an explicitly confessional intellectual tradition. If the medieval marketplace of ideas can be likened to a whirlpool, the currents of legal thought can be said to flow in narrow channels bounded according to individual religious communities—at least in theory. We shall see that the reality is somewhat more complicated. Legal literature, moreover, is "traditional" not only in its appeal to sources from a single normative tradition but also in its conservative rhetoric. The authority of a work of law derives in no small measure from its claim of fidelity to the normative tradition in which it grounds itself. Ideas from outside that confessional tradition lack normative authority.

Some of the most prominent medieval intellectuals were both active participants in the transconfessional Islamic intellectual marketplace and masters of the law within the circumscribed chambers of the Jewish or Christian—or Islamic, in the narrow sense of the term—house of study. This essay examines the work of two such masters, Gregorius Barhebraeus and Moses Maimonides, each of whom draws on ideas and models from his Islamic milieu in the course of codifying Christian or Jewish law. The essay focuses on a pair of passages about restrictions governing food associated with adherents of foreign religions, laws that express conceptions regarding the distinctiveness of one's own religious community.<sup>3</sup> These passages reflect the intermingling of ideas derived from both confessional and transconfessional intellectual traditions. Analysis of the confluence of these distinct currents reveals the minds of these jurists at work. To shift our metaphorical vocabulary from the realm of water to that of food, these case studies show our jurists to be cooks who employ a wide range of locally available ingredients and draw on both ancestral and regional recipes to create their own brand of intellectual fusion cuisine.

This essay endeavors to uncover the principles of fusion cooking employed by Barhebraeus and Maimonides, which is to say the ways in which

these jurists select and utilize both elements native to their own legal tradition and elements derived from their Islamic milieu in the formulation and expression of explicitly Christian or Jewish norms. Its emphasis on the thought processes that underlie legal texts, what Isadore Twersky refers to in the epigraph as the “Maimonidean mind,” stands at the core of what William Ewald calls “comparative jurisprudence.” Ewald uses this term to describe the study of law from a culture other than one’s own in order to obtain knowledge of how participants in that legal system think about their own law (as opposed to, say, in order to obtain information about the contents of a foreign system’s laws regarding any given subject). Ewald’s approach emphasizes that law is “a cognitive phenomenon, . . . not just a set of rules or a mechanism for the resolution of disputes, but a style of thought, a deliberate attempt, by people in their waking hours, to interpret and organize the social world: not an abstract structure, but a conscious, ratiocinative activity. So viewed, law becomes part of a larger framework of cognition, and it both shapes and reflects the metaphysics and the sensibilities of the age.”<sup>4</sup> The principles of fusion cooking this essay identifies, therefore, are also relevant for understanding non-legal intellectual activity within the medieval Islamic world including, I suspect, the intellectual activity of non-philosophers.

In order to understand how Barhebraeus and Maimonides fuse elements from distinct intellectual traditions within a single coherent cognitive framework, we first need to be able to identify the source of each element. Ewald offers a helpful technique for accomplishing this task. In order to demonstrate the fundamental differences between modern German law and the classical Roman law on which it is based, Ewald imagines what a sixth-century Roman law student, “Romulus,” would make of the nineteenth-century German law code and the way it is studied and applied. The aspects of German law that Romulus would fail to understand are, by definition, influenced by sources other than Roman law itself.<sup>5</sup>

This essay engages in a similar exercise, namely the reading of law codes in the company of individuals familiar with only one of the intellectual traditions in which our medieval jurists participate. First, we will examine Barhebraeus’s *Ktābā d-Hudāye* in the company of “Muhammad,” an imaginary Muslim jurist well versed in the Shāfi’ī legal tradition but ignorant of canon law. Having examined how an outsider might have reacted to a Christian law code, we will then examine the way in which an insider did in fact understand a Jewish law code. We will read a passage from Maimonides’ *Mishneh Torah* alongside Solomon Ibn Adret, a medieval scholar from outside the

Islamic world fluent in Rabbinic literature but unfamiliar with Maimonides’ intellectual milieu.

Both case studies demonstrate the degree to which these law codes draw not only on Christian or Jewish ideas but also on those of Islamic origin. The *Ktābā d-Hudāye* and the *Mishneh Torah* are thus “Islamic” in the broad sense of that term (what Marshall G. S. Hodgson dubs “Islamicate”). The passages we will examine, however, simultaneously give voice to the distinctly Christian and Jewish nature of these codes; indeed, both authors would bristle at the suggestion that their works contain “Islamic” ideas. The essay concludes by examining this apparent paradox, with particular attention to a key element of Islamic thought that Barhebraeus and Maimonides deem inappropriate for inclusion in their works. Our texts, I will suggest, capture an important facet of the way medieval intellectuals conceptualized the borders between their respective religious traditions.

\* \* \*

The scholar commonly known in the West as Gregorius Barhebraeus was born in 1225/26 in Melitene, a town in eastern Anatolia; his patronymic, Bar ‘Ebrāyā, may reflect the family’s origins in the town of ‘Ebrā, just across the nearby Euphrates.<sup>6</sup> Barhebraeus was a polymath whose dozens of works include texts on theology, philosophy, history, grammar, and medicine, among other topics. Barhebraeus was fluent in Arabic—he translated a philosophical treatise by Ibn Sīnā into his native Syriac—and he was evidently quite familiar with the scholarship of his Islamic milieu, both “secular” and “religious” (to use two more contemporary terms ill suited for medieval realities). Barhebraeus served as Maphrian of the Syrian Orthodox Church, the second-highest position in the ecclesiastical hierarchy, from 1264 until his death in 1286. It was during this period that he composed his *Ktābā d-Hudāye* (Book of Directions), the most comprehensive Syrian Orthodox code of law; Western scholars often refer to this work as the *Nomocanon* of Barhebraeus.

Early Orientalists already recognized the considerable influence of Islamic intellectual currents on Barhebraeus’s works in general and on the *Ktābā d-Hudāye* in particular. As Carlo Alfonso Nallino made clear in the 1920s, the structure and much of the content of this work parallels that of the *Kitāb al-Wajīz* by the Shāfi’ī philosopher-jurist Muḥammad ibn Muḥammad

al-Ghazālī (d. 1111).<sup>7</sup> Nallino's conclusions have been widely accepted without serious reconsideration of the evidence.<sup>8</sup> In a recent dissertation on the subject, Hanna Khadra affirms that Barhebraeus relies on a law code by al-Ghazālī but asserts that this code was not *Kitāb al-Wajīz*, the shortest of al-Ghazālī's three codes, but rather the midsized *Kitāb al-Wasīf*.<sup>9</sup> Reading the work of Nallino and Khadra, one might readily conclude that the chapters on civil and criminal law in the *Ktābā d-Hudāye* constitute little more than Islamic law translated into Syriac and that, with respect to these subjects, Barhebraeus functions as a wholesale importer of originally non-Christian ideas. Our imaginary Shāfi'i companion, Muhammad, would beg to differ.

If Muhammad were given an Arabic translation of the *Ktābā d-Hudāye*, he would have no trouble navigating this work: Barhebraeus employs the same organizational structure developed by al-Ghazālī for his own law codes. This parallel structure holds not only at the level of chapter subjects but even within many chapters, including the one we will examine, "On slaughter, hunting, and distinctions among foods."<sup>10</sup> "There are four elements of slaughter," Barhebraeus writes at the start of this chapter: "the person performing the act of slaughter, the animal being slaughtered, the instrument used for slaughter, and the act of slaughter"; the author proceeds to address each element in turn.<sup>11</sup> This organizational structure, unparalleled in earlier Christian works of law, matches precisely the way in which al-Ghazālī discusses this subject matter.<sup>12</sup> It is clear that Barhebraeus expresses his ideas about the laws governing animal slaughter—and, as Nallino and Khadra demonstrate, laws regarding other subjects as well—within a framework established by his Muslim counterpart.

Nallino asserts that Barhebraeus imports not only the framework of his discussion of laws regarding animal slaughter from al-Ghazālī but also the entirety of its contents; this assertion apparently rests in no small measure on a mistaken assumption that there is no native Christian tradition of dietary regulations.<sup>13</sup> Muhammad, however, would actually find himself in unfamiliar territory. According to al-Ghazālī, the act of slaughter may be performed by "any mentally competent Muslim or *kitābī*," which is to say, any adherent of a religion based on a divinely revealed scripture (the Qur'an, the Gospels, or the Torah). Al-Ghazālī emphasizes that Jews and Christians may slaughter animals for Muslim consumption but that Zoroastrians and idolaters may not. He proceeds to address borderline cases involving Zoroastrians: What if the butcher is the offspring of a religiously mixed marriage? What if a Muslim and a Zoroastrian are partners in the act of slaughter or go hunting together? After thus elaborating upon the requirement that the butcher adhere to a

divinely revealed religion, al-Ghazālī explains that the requirement of mental competence excludes madmen and children who have not reached the age of rational discernment; acts of slaughter performed by discerning youths and by the blind, however, are permissible. Barhebraeus, in contrast, stipulates that butchers "must be mentally competent Christian laypersons."

Muhammad would recognize the requirement of mental competence, which Barhebraeus also stipulates excludes young children and madmen. He would likely scratch his head upon encountering the requirement that the butcher not be a priest or deacon, as Islamic law does not recognize the existence of clergy as a professional category bound by distinctive restrictions. What would most confuse our Muslim jurist in Barhebraeus's discussion of these laws, however, is the requirement that the butcher be a Christian. Sunnis uniformly hold that Muslims may, in principle at least, eat the meat of animals slaughtered by any adherent of a divinely revealed religion, in accordance with the Qur'anic dictum, "the food of those who were given the Book is permitted to you" (Q. 5.5). This verse, moreover, also declares that "your food is permitted to them," which is to say that God has permitted Jews and Christians to eat the meat of animals slaughtered by Muslims. Why, then, does Barhebraeus limit the performance of animal slaughter to Christian butchers? On the basis solely of his own Islamic legal tradition, Muhammad would be unable to comprehend this passage of the *Ktābā d-Hudāye*.

Barhebraeus explains that "our Holy Fathers prohibited eating the meat of animals slaughtered by members of other faiths, especially by pagans—that is, idolaters and Zoroastrians. The meat of animals slaughtered by Jews is worse than the meat of animals slaughtered by Muslims because [Jews] deceive the minds of believers. Nevertheless, Paul, the Apostle of God, ruled regarding times of scarcity for believers that they may eat anything sold in the marketplace without inquiring." The contents of this passage are distinctively Christian. Concern about meat slaughtered by pagans, especially in idolatrous contexts, appears in the New Testament (Acts 15:29; see also 1 Cor. 10:14–21) and in the Syrian Orthodox *Synodicon*, a collection of legal texts whose contents may have been known to Barhebraeus.<sup>14</sup> Jacob of Edessa (d. 708), a renowned Syrian Orthodox authority, prohibits Christians from eating meat slaughtered by pagans in non-idolatrous contexts but, on the authority of Paul, freely permits such behavior in cases of necessity.<sup>15</sup> In an especially stern responsum, Jacob also prohibits Christians from consuming food and drink prepared by Jews, excepting only cases of pressing need.<sup>16</sup> Al-Ghazālī's law codes, in contrast, make no distinction between the food of

Jews and Christians or, for that matter, their meat and meat prepared by a Muslim.<sup>17</sup>

Barhebraeus's fusion of an organizational structure drawn from the Islamic legal tradition and norms drawn from the Christian legal tradition would be readily apparent to a Shāfi'ī law student reading an Arabic translation of the *Ktābā d-Hudāye*. If Muhammad were to compare Barhebraeus to a cook, he might say that Barhebraeus employs a traditionally Islamic recipe but uses distinctly Christian ingredients. What Muhammad would fail to realize, because he lacks the proper perspective to notice this fact, is that Barhebraeus employs distinctively Islamic ingredients in this passage as well. Barhebraeus distinguishes "pagans—that is, idolaters and Zoroastrians"—from Jews and Muslims and declares that the prohibition of non-Christian meat applies "especially" to the former category. This distinction, which lies at the core of Islamic comparative religion in general and Islamic law regarding animal slaughter in particular, is unknown to many earlier Syrian Orthodox authorities, who equate Muslims and pagans in their legal writings.<sup>18</sup> Barhebraeus's specific reference to Zoroastrians, whom earlier Christian authorities simply refer to as "pagans,"<sup>19</sup> also appears to reflect the influence of a distinctively Islamic pattern of thought. Recall that al-Ghazālī, like many of his Muslim counterparts, treats Zoroastrians as the paradigmatic exemplar of foreigners whose act of slaughter renders meat prohibited for Muslim consumption. Barhebraeus's stipulation that the butcher must be mentally competent may also constitute an "Islamic ingredient" in the *Ktābā d-Hudāye*, although there is certainly nothing confessional, or even especially original, about this regulation.<sup>20</sup>

In short, Barhebraeus not only uses the structure of an Islamic law code to organize his avowedly Christian legal text but also employs legal material of both Christian and Islamic origins. Barhebraeus must have made a conscious decision to appropriate the organizational structure used by al-Ghazālī for his own code. Whether he noticed the subtle ways in which Islamic ideas about foreign religions shaped his own is less certain. Either way, Barhebraeus claims that his legal statements stand in perfect accord with those of "the Holy Fathers" and "Paul, the Apostle of God"; nowhere in the *Ktābā d-Hudāye* does Barhebraeus acknowledge his debts to al-Ghazālī or any other Muslim figure.<sup>21</sup> If pressed on this issue, Barhebraeus would likely deny that the ideas he adopts from texts by Muslims are distinctively "Islamic," just as he would dispute the notion that the "Islamic philosophical tradition" in which he participates is Islamic in any confessional sense of the term.

Barhebraeus, master of the Christian legal tradition he inherited, is also a man of his times, and the ideas of his majority-Muslim intellectual milieu are his own. These ideas shape the very categories in which Barhebraeus thinks about traditional Christian laws regarding animal slaughter and regarding non-Christians more broadly. The *Ktābā d-Hudāye*, therefore, gives voice to ideas of non-Christian origin. By doing so anonymously and by fusing these ideas with those found within the Christian legal tradition, Barhebraeus implies—and, it appears, believes—that these "Islamic" ideas are of a piece with the ideas expressed by earlier Christian authorities. Twersky's observation that "the originality of the 'Maimonidean mind' was ensconced in the smooth anonymous texture" of the *Mishneh Torah*, a text "characterized, in Ben Jonson's phrase, by 'a newness of sense and antiquity of voice,'" applies admirably to Barhebraeus and the *Ktābā d-Hudāye* as well. Attention to the ideas Barhebraeus selects for inclusion in his law code and the manner in which he fuses them together reveals the mind of this "Islamic" Christian jurist at work.

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Moses Maimonides (1138–1204), like Barhebraeus, was a scholar of philosophy, theology, and medicine, an active participant in the Islamic intellectual marketplace who was recognized in his lifetime and beyond as a leading legal authority within his own religious community. Raised in Spain under the Almohad regime, Maimonides ultimately moved to Cairo, where he wrote the *Mishneh Torah* (Repetition of the Torah, ca. 1180), regarded as one of the most important and influential systematic codes of Rabbinic law.<sup>22</sup> Maimonides, like Barhebraeus, integrates ingredients of Islamic origin into his code; failure to appreciate the source of these ingredients can result in a misunderstanding of Maimonides' ideas.<sup>23</sup> The *Mishneh Torah's* discussion of wine associated with non-Jews is a case in point, as we shall see by reading a passage from this discussion alongside Solomon Ibn Adret (d. 1310), a prominent Rabbinic authority who lived in Christian Spain.<sup>24</sup>

As Maimonides explains, "Wine that has been offered in idolatrous libation is prohibited for the derivation of benefit, and one who drinks any amount of it deserves lashes for violating a Biblical precept." Talmudic Sages, he continues, ruled that "All wine which a gentile has touched is prohibited lest he offered it in libation, because gentiles constantly think about idolatry."<sup>25</sup> Not only does

the Talmud forbid Jews from consuming wine touched by gentiles, Jews also may not derive benefit from such wine—for instance, by selling it or watering their plants with it—even if the wine in question was made by a Jew. The stringency of the wine taboo reflects the Sages' uncompromising opposition to idolatry, as well as their presumption that gentiles must think about idolatry at least as much as the Sages dwell on their own religion. This prohibition against deriving benefit from wine touched by gentiles is unrelated to the Rabbinic prohibitions against drinking with or consuming various foods prepared by non-Jews, prohibitions Maimonides believes are designed to prevent social and, ultimately, sexual intercourse between Jews and gentiles.<sup>26</sup>

Talmudic Sages, it is important to note, presume that all gentiles are idolaters and ascribe no legal significance to the differences between Christians, Zoroastrians, and adherents of traditional Greco-Roman religion. Only wine associated with a monotheistic "resident alien" (*ger toshav*) is exempt from the Talmudic prohibition against the derivation of benefit. In the Babylonian Talmud, discourse about resident aliens is hypothetical: the Sages presumed that no actual community of gentiles qualified as resident aliens. Maimonides, however, defines Muslims as resident aliens and thus transforms practical law regarding the derivation of benefit from wine associated with gentiles:

The wine of a "resident alien"—one who accepts the seven Noahide laws [among which is the prohibition of idolatry], as we have explained—is prohibited for consumption but permitted for the derivation of benefit; one may leave [Jewish] wine alone with him temporarily but may not store it in his possession. The same applies to all gentiles who are not idolaters, like these Muslims: their wine is prohibited for consumption but permitted for benefit, as all the Geonim taught. Christians, however, are idolaters, and their ordinary wine is prohibited for benefit.<sup>27</sup>

Maimonides' statement about the status of wine associated with Muslims appears to fit comfortably within the Rabbinic legal tradition. After all, it summarizes the Talmud's statement about resident aliens (bAZ 64b) and makes reference to the teachings of the Geonim, heads of the Babylonian Rabbinic academies during the eighth through the eleventh centuries. In fact, as we shall see, Maimonides expresses a radically different understanding of this law than do his predecessors.

Solomon Ibn Adret, among the most influential medieval authorities on the subject of Rabbinic dietary regulations, saw nothing out of the ordinary in this passage from the *Mishneh Torah*. In his own discussion of foreign wine, Ibn Adret summarizes Maimonides' statement as follows:

A resident alien, as we have said, does not render wine prohibited for benefit by touching it; similarly, the wine he makes is permissible for benefit. On the basis of this precedent, the Geonim permitted the derivation of benefit from wine touched by those Muslims, as they are not idolaters. The wine of all [gentiles] who are not idolaters may not be consumed on account of their daughters, as the first decree [regarding foreign wine] prohibited only consumption and did so on account of their daughters, as I explained above. The prohibition against deriving benefit [from foreign wine], which a subsequent court promulgated out of concern regarding libations, applies only to idolatrous gentiles who offer libations, not to those who are not idolaters.<sup>28</sup>

Although Ibn Adret does not refer to Maimonides by name, his reliance on the *Mishneh Torah* is evident from his discussion of the resident alien, his assertion that the Geonim applied the resident alien precedent to Muslims, and his definition of Muslims as "not idolaters." Each of these elements is unusual within medieval Rabbinic literature, and the combination cannot be coincidental.

Ibn Adret defines gentiles whose wine is exempt from the prohibition against benefit as those who do not offer idolatrous libations, and he cites Muslims as the paradigmatic example of this class of non-Jews. Ibn Adret understands the *Mishneh Torah* to make the following pair of claims, which he treats as effectively equivalent:

1. Because Muslims are not idolaters, the Geonim permit deriving benefit from wine touched by Muslims on the basis of the Talmudic dictum permitting the derivation of benefit from wine associated with resident aliens.
2. Because Muslims do not offer wine libations, the Talmudic prohibition against deriving benefit from foreign wine does not apply to Muslims.

On close inspection, however, it becomes apparent that these claims are not at all equivalent: the first relates to Islamic beliefs while the second relates

to Islamic practices. Neither claim, moreover, appears in the *Mishneh Torah*. The second statement reflects the opinion of the Geonim but is not expressed in the *Mishneh Torah*, while the logic underlying the first statement is not Geonic but rather is original to Maimonides.

Ibn Adret's statement that the Geonim regarded Muslims as analogous to resident aliens is incorrect: Geonic responsa regarding Muslim wine make no reference to the resident alien precedent or, for that matter, to the notion that Muslims are not idolaters. Rather, the responsa that permit deriving benefit from wine touched by Muslims do so on the grounds that Muslims, unlike other gentiles, do not offer wine libations. In the words of the eleventh-century Hayya (Hai) Gaon, "It is clear that wine is not at all associated with their worship and they consider it to be sinful. Therefore we do not hold stringently in this matter and are not concerned about the potential of libation." This leniency does not apply to wine touched by Christians "because they do offer wine libations."<sup>29</sup> Geonim preserve the prohibition against consuming wine touched by Muslims by appeal to a Talmudic statement that this prohibition applies even to wine touched by a newborn idolater, someone who clearly does not offer libations either (bAZ 57a). If Jews may not drink wine touched by a newborn idolater, the Geonim argue, surely they may not drink wine touched by an adult Muslim.<sup>30</sup> Responsa regarding wine touched by Muslims, moreover, make clear that the Geonim consider Islam to be a form of idolatry; in the words of Naḥshon Gaon, "Muslims are idolaters without realizing it."<sup>31</sup>

Maimonides, who acknowledges the Geonic use of the newborn analogy in one of his own responsa, makes no reference in the *Mishneh Torah* to this analogy or, for that matter, to wine libations.<sup>32</sup> The *Mishneh Torah* focuses not on the ritual practices of non-Jews but on their beliefs. Unlike his Geonic predecessors, Maimonides declares in no uncertain terms that Muslims "are not idolaters." Maimonides affirms this point in a responsum to Obadiah the convert: "Those Muslims are not idolaters at all. Idolatry has long since been torn from their lips and their hearts, and they ascribe unity to God, the exalted, in a fitting and flawless manner."<sup>33</sup> Emphasizing the monotheistic nature of Islam, Maimonides compares Muslims to resident aliens rather than newborn idolaters. Maimonides' condemnation of Christianity as idolatrous is similarly grounded in Christian belief rather than Christian practices.<sup>34</sup>

Maimonides states, accurately, that the Geonim agree with his ruling on the status of wine touched by Muslims (i.e., that Jews may benefit from it but not drink it). Maimonides does not claim that the Geonim would endorse the method by which he reached this position, namely by appeal to the resident

alien precedent. He may well hope, however, that many of his readers would fail to notice the originality of the *Mishneh Torah* on this point: this passage exemplifies the "newness of sense and antiquity of voice" that modern scholars have observed in Maimonides' careful use of anonymity in his writing.

Ibn Adret is among those who fail to notice Maimonides' originality. Carried along by the current of the Rabbinic legal tradition, Ibn Adret mistakenly assumes that Maimonides, like his Geonic predecessors (and European counterparts), is interested in what gentiles do rather than what they believe. Ibn Adret embraces the *Mishneh Torah*'s unprecedented analogy of Muslims and resident aliens, perhaps because French Tosafists found a fatal flaw in the Geonic equation of Muslims and newborns.<sup>35</sup> He fails, however, to appreciate the implication of Maimonides' analogy, namely that monotheism or the lack thereof constitutes a valid criterion for establishing legal distinctions among different groups of non-Jews. This failure to understand Maimonides should alert us to the possibility that the *Mishneh Torah* draws here on ideas that stem not from the Rabbinic legal tradition but from Maimonides' Islamic intellectual milieu.<sup>36</sup>

Maimonides, unlike either his Talmudic and Geonic predecessors or his European contemporaries and successors, grants legal significance to the differing beliefs associated with different gentile religions. The criterion Maimonides uses to classify foreigners—either truly monotheistic or idolatrous—corresponds with the standard advanced by Muḥammad Ibn Tūmart, the ideological founder of the movement aptly named "Almohad": *al-muwahḥidūn*, those who insist upon the oneness of God. Ibn Tūmart asserted that recognition of God's non-anthropomorphic unity derives purely from logical reasoning, not from divine revelation; it is, therefore, both accessible to and incumbent upon all humanity.<sup>37</sup> The Almohads, who employed theological tenets as rallying cries for their political movement, imposed their brand of pure monotheism upon all of their subjects, Maimonides among them, and required them to memorize Ibn Tūmart's credal statements.<sup>38</sup> Sarah Stroumsa has identified a number of ways in which Maimonides' works, including the *Mishneh Torah*, reflect Almohad ideas.<sup>39</sup> It would seem that Maimonides also embraced the following Almohad notions: that strictly non-anthropomorphic monotheism constitutes a fundamental characteristic in the classification of humanity, that monotheism is accessible to those who have not received God's true revelation, and that the difference between monotheists and non-monotheists bears legal significance. These ideas are distinctly Islamic, as opposed to universally philosophical or traditionally Jewish, components of the intellectual milieu in which Maimonides



lived and thought. Nevertheless, they are integral to Maimonidean theology and to Maimonides' conception of non-Jews. For this reason, these ideas prompt Maimonides to interpret the received Rabbinic legal tradition regarding the wine of non-Jews in an original manner.

Maimonides holds that the distinction between monotheists and idolaters is of legal significance but recognizes that this distinction does not coincide with the traditional Jew-gentile dichotomy. Consequently, Maimonides feels the need to carve out a special place for monotheistic gentiles within Rabbinic law and to adjust the prohibition against foreign wine accordingly. The impetus for this task derives from factors outside the Rabbinic legal tradition, but Maimonides accomplishes it within that tradition's narrow boundaries by means of his creative reapplication of the resident alien precedent found in the Talmud itself. Like Barhebraeus, Maimonides adopts ideas from his Islamic intellectual milieu, fuses them with ideas native to his own legal tradition, and expresses the resulting conception of religious foreigners and their food through a judicious combination of anonymity and references to authoritative predecessors, a combination that masks the newness of this conception. Analysis of this passage from the *Mishneh Torah* reveals Maimonides as a master of intellectual fusion cooking, an "Islamic" yet thoroughly Jewish jurist.

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Both Barhebraeus and Maimonides think about their own Christian and Jewish legal traditions in a manner that reflects their internalization of aspects of the Islamic milieu in which they lived. They employ patterns of thought that originated among Muslim intellectuals and adapt traditional laws to accommodate their own Islamically influenced ideas about religious foreigners. Their fusion of confessional and transconfessional ingredients reflects the degree to which the *Ktābā d-Hudāye* and the *Mishneh Torah* are "Islamic" codes of law, in the broad sense of that adjective.

One who imagines Jewish, Christian, and Islamic thought to exist within discrete domains might say that Barhebraeus and Maimonides are smugglers of intellectual goods across the borders separating these intellectual traditions one from the next. This conception of interaction among Jews, Christians, and Muslims prompts Nallino's analysis of "Islamic law in the Syrian Christian *Nomocanon* of Barhebraeus," as well as Abraham Geiger's famous question, "What

Did Mohammed Take from Judaism?" and it remains commonplace in contemporary scholarship. The metaphor of smuggled ideas, however, is problematic or, at the very least, deeply ironic. After all, the passages we have examined reveal our jurists as guardians of communal borders who endorse a form of social segregation as a means of preserving their community's distinctive identity.

Daniel Boyarin describes the founders of what became orthodox Christianity and Rabbinic Judaism as border guards who unwittingly function as the smugglers of ideas across the boundary they seek to protect.<sup>40</sup> Barhebraeus and Maimonides, however, appear to be aware of the role that ideas of Islamic origin play in their work. Barhebraeus's decision to employ al-Ghazālī's organizational structure for the *Ktābā d-Hudāye* must have been conscious. Maimonides' awareness that his Almohad-influenced conception of Islam differs from that of his Geonic predecessors is evident in the fact that he seeks out a new Talmudic proof text to underpin this conception. If our philosopher-jurists knowingly smuggled ideas across the very border they guarded, we would expect them to offer some sort of justification for their activity, yet they do not. The reason for this silence, I would suggest, is that Barhebraeus and Maimonides define "Islamic" in a different manner than the one to which modern academics are accustomed.

Academics tend to define as "Islamic" the ideas, practices, phenomena, and so forth that originate among avowed Muslims. The medieval intellectuals we have examined in this essay, however, do not share our concern about the question of origins but rather focus on the essence of the ideas they encounter. For Barhebraeus and Maimonides alike, ideas that are (or can become) compatible with the Christian or Jewish intellectual tradition are, ipso facto, Christian or Jewish. It is this orientation toward ontology rather than genealogy that underpins the whirlpool-like intellectual marketplace in which these philosophers participated, an environment in which ideas, constantly in flux, could easily cross confessional boundaries. Ibn Tūmart's conception of monotheism, from Maimonides' perspective, is not "Islamic," it is true; al-Ghazālī's approach to legal codification, Barhebraeus might say, is not "Islamic," it is useful. As Ivan G. Marcus observes in his study of medieval Ashkenazic Jewry, "Jews absorbed into their Judaism aspects of the majority culture and understood the products to be part and parcel of their Judaism."<sup>41</sup> Within the ontologically oriented paradigm embraced by medieval intellectuals like Maimonides and Barhebraeus, only ideas that conflict with the Jewish or Christian intellectual tradition are "Islamic." We should not be surprised that such ideas are absent from the *Mishneh Torah* and *Ktābā*



*d-Hudāye* alike. An example of such a narrowly “Islamic” idea, namely the concept of “People of the Book,” illustrates this point.

Recall that al-Ghazālī, who in this respect is representative of the Sunni legal tradition as a whole, permits without reservation Muslim consumption of meat from animals properly slaughtered by a Jewish or Christian butcher. Al-Ghazālī does so on the basis of the fact that this butcher is a *kitābī*, someone who adheres to a religion set forth in a divinely revealed scripture. Whereas most Sunni laws regarding non-Muslims emphasize the inferiority of *dhimmīs* to their Muslim overlords, the law regarding meat prepared by Jews and Christians elevates People of the Book above other non-Muslims within a multi-tiered confessional hierarchy.<sup>42</sup> The parity between Scripturists and Muslims with respect to the act of animal slaughter renders Jews and Christians “Islamic” in a limited sense: they, too, adhere to a religion set forth by God through the agency of an authentic apostle. Maimonides and Barhebraeus refuse to embrace this notion of limited parity among the so-called People of the Book and, indeed, reject the concept of “People of the Book” itself.<sup>43</sup>

Maimonides maintains the traditional distinction between Jews and non-Jews expressed in Rabbinic prohibitions against gentile food. Jews, he allows, may derive benefit from Muslim wine because Islam is monotheistic. Nevertheless, Jews still may not drink the wine of Muslims nor may they consume a host of other foodstuffs prepared by gentiles, Muslims included, “lest Jews intermingle with them in ways that result in marriage.”<sup>44</sup> Jews must maintain their distinctive identity within the broader society irrespective of the theology embraced by non-Jews. Maimonides, moreover, accords Muslims a relatively elevated status among non-Jews on account of their monotheistic beliefs, not their adherence to a “Book.” As Ibn Tūmart and his followers emphasized, recognition of God’s absolute unity may be obtained by means of logical reasoning alone, without the aid of a divine revelation. This conception of rational monotheism, consistent with scripture but ultimately not derived from scripture, is evident in the opening chapter of the *Mishneh Torah* as well.<sup>45</sup> It enables Maimonides to acknowledge the legitimacy of Islamic theology even while rejecting Islam’s claim to receipt of a divine revelation. Emphasis on strict monotheism also allows him to reject the legitimacy of Christian theology while acknowledging Christian acceptance of the authentic revelation that is the (Jewish) Bible. Maimonides holds that possession of an authentic scripture does not affect one’s legal status, although it does enable Jews to persuade Christians of their erroneous beliefs by means of scriptural disputation.<sup>46</sup>

Barhebraeus, like Maimonides, embraces in a limited fashion the Islamic notion of a multi-tiered confessional hierarchy, but he, too, refuses to adopt the Sunni stance that this abstract notion should be expressed through the permission of food prepared by certain types of religious foreigners. Barhebraeus offers no rationale for the prohibition of meat from animals slaughtered by Muslims beyond the generic prohibition of foreign meat articulated by “our Holy Fathers.” In doing so, Barhebraeus follows the traditional Syrian Orthodox practice of equating Muslims and pagans for normative purposes even while he acknowledges the differences between these categories. Barhebraeus does justify his especially strong condemnation of meat prepared by Jewish butchers. Jews, he explains, “deceive the minds of believers,” apparently through their claims regarding the meaning of scripture; Barhebraeus seems to agree with Maimonides that scriptural disputation gives Jews an opportunity to best Christians.<sup>47</sup> Because Jewish dietary practices directly challenge Christian beliefs about scripture, Barhebraeus and other Christian authorities imagine Jewish food to be especially threatening to the Christian faithful. Muslims, one should note, do not pose a comparable threat to Christians precisely because they are *not* “People of the Book” in any relevant sense of the term.

Al-Ghazālī and other Sunni jurists, in contrast, do not perceive distinctively Jewish (or Christian) practices as threatening to Islamic truth claims. Rather, Muslim acceptance of meat that Jews slaughter in accordance with the strict rules God imposed upon the Israelites serves an Islamic agenda by enabling Muslim polemicists to gloat about the relative leniency of the Qur’an, which permits a wider range of meat than does the Torah.<sup>48</sup> The limited legitimacy Muslim authorities accord Judaism and Christianity, moreover, reinforces Qur’anic claims that God’s final revelation builds upon and supersedes the Torah and the Gospels. “People of the Book,” in the Qur’an and in medieval thought, is a distinctly Islamic conception that serves a confessionally specific purpose.

Both Maimonides and Barhebraeus, for different reasons, reject the limited legitimization of other religious traditions implicit in this conception as “Islamic,” foreign to their own Jewish or Christian beliefs. Each gives voice instead to a distinctly Jewish or Christian conception of humanity, albeit one that reflects the internalization of ideas that originated among Muslim intellectuals. Maimonides’ world, like that of the Talmudic Sages, consists of Jews and gentiles, but Maimonides distinguishes monotheistic gentiles from idolaters in a manner foreign to his predecessors. Like the Church Fathers of antiquity, Barhebraeus perceives a world made up of Christians, gentiles, and

Jews and expresses particular concern about the last of these categories; Barhebraeus, however, also distinguishes between Jews and Muslims on the one hand and idolaters on the others.

As academic scholars, we may profitably view these medieval intellectuals and their codes of law as "Islamic" in certain respects, but we should not forget that our authors did not think about their own work in this manner. If we ascribe confessional adjectives to ideas on the basis of their origins, Barhebraeus and Maimonides function simultaneously as smugglers and as border guards, selectively introducing ideas of Islamic origin into the circumscribed confines of Christian or Jewish legal thought. This metaphor, however, emphasizes the presence of a border that our authors did not perceive in the same way we do. Perhaps, therefore, the metaphor of fusion cooking is more helpful: our authors, masters of multiple culinary traditions, selectively and creatively utilize the ingredients and resources at their disposal to create a banquet for members of their own religious community that is both soothingly traditional and refreshingly contemporary. The choices made by our cooks reflect their simultaneous commitment to their respective communities' intellectual heritage on the one hand and to the truth and value of many ideas that originate within their Islamic intellectual milieu on the other. Neither, however, would call the latter set of ideas "Islamic."

55. David Berger, *The Jewish-Christian Debate in the High Middle Ages: A Critical Edition of Nizzahon Verus with an Introduction, Translation, and Commentary* (Philadelphia: Jewish Publication Society of America, 1979), 20–21.
56. See now the studies collected in Freudenthal, *Science and Philosophy in Ashkenazi Culture*.
57. See my “Arabic and Latin Cultures.”

## CHAPTER 10. FUSION COOKING IN AN ISLAMIC MILIEU

1. Isadore Twersky, *Introduction to the Code of Maimonides* (New Haven, Conn.: Yale University Press, 1980), 60.
2. Sarah Stroumsa, “The Muslim Context of Medieval Jewish Philosophy,” in *Cambridge History of Jewish Philosophy: From Antiquity Through the Seventeenth Century*, ed. Steven Nadler and T. M. Rudavsky (Cambridge: Cambridge University Press, 2009), 55.
3. For a more extensive study of such restrictions, see David M. Freidenreich, *Foreigners and Their Food: Constructing Otherness in Jewish, Christian, and Islamic Law* (Berkeley: University of California Press, 2011).
4. William Ewald, “Comparative Jurisprudence (I): What Was It Like to Try a Rat?” *University of Pennsylvania Law Review* 143 (1995): 1940.
5. *Ibid.*, 1991ff.
6. On Barhebraeus, see Hidemi Takahashi, *Barhebraeus: A Bio-Bibliography* (Piscataway, N.J.: Gorgias Press, 2005).
7. Carlo Alfonso Nallino, “Il diritto musulmano nel Nomocanone siriano cristiano di Barhebreo,” *Rivista degli Studi Orientali* 9 (1921–23): 512–80, reprinted in *Raccolta di scritti editi e inediti*, vol. 4, *diritto musulmano, Diritto orientali cristiani* (Rome: Istituto per l’Oriente, 1942), 214–90; citations below refer to the original pagination. Familiarity with Islamic law was commonplace among medieval Christian scholars active within the Islamic world; see David M. Freidenreich, “Muslims in Eastern Canon Law, 1000–1500,” in *Christian-Muslim Relations: A Bibliographical History*, vol. 5, ed. David Thomas et al. (Leiden: Brill, forthcoming), and the works cited there.
8. See, e.g., Arthur Vööbus, *Syrische Kanonensammlungen: Ein Beitrag zur Quellenkunde* (Louvain: Secrétariat du Corpus SCO, 1970), 2:551–52; Herman G. B. Teule, “Barhebraeus’ Ethicon, al-Ghazzālī, and Ibn Sīnā,” *Islamochristiana* 18 (1992): 74; and Takahashi, *Barhebraeus*, 67.
9. Hanna Khadra, “Le Nomocanon de Bar Hebraeus: Son importance juridique entre les sources chrétiennes et les sources musulmanes” (Ph.D. diss., Pontificia Università Lateranense, Rome, 2005). The titles of Ghazālī’s three codes, *al-Wajīz*, *al-Wasīf*, and *al-Basīf*, literally express their relative sizes.
10. Gregorius Barhebraeus, *Nomocanon*, ed. Paul Bedjan (Paris: Harrassowitz, 1898), 458–67 (chapter 35). This chapter of the *Ktābā d-Hudāye*, which appears in the context of chapters related to civil law, contains “the only systematic presentation of

canon law in matters of diet that we possess from the Syrian churches,” according to Michael Cook, “Early Islamic Dietary Law,” *Jerusalem Studies in Arabic and Islam* 7 (1986): 264.

11. Barhebraeus, *Nomocanon*, 458. All translations in this essay are original.

12. See al-Ghazālī’s *Kitāb al-wajīz*, in ‘Abd al-Karīm b. Muḥammad al-Rāfi‘ī, *Kitāb al-‘azīz: sharḥ al-wajīz* (Beirut: Dār al-Kutub al-‘Ilmiyya, 1997), 12:3; and Muḥammad b. Muḥammad al-Ghazālī, *Kitāb al-wasīf fi al-madhāhib* (Cairo: Dār al-Salām, 1997), 7:101–2.

13. Nallino, “Diritto musulmano,” 567. The classic studies of Christian dietary regulations remain Karl Böckenhoff, *Das apostolische Speisegesetz in den ersten fünf Jahrhunderten* (Paderborn: Ferdinand Schöningh, 1903); and Böckenhoff, *Speisesatzungen mosaicher Art* (Münster: Aschendorffschen Buchhandlung, 1907).

14. Arthur Vööbus, ed., *The Synodicon in the West Syrian Tradition*, CSCO, Scriptorum Syri, vols. 161–64 (Louvain: Secrétariat du Corpus SCO, 1975); see Canons of the Testament of Our Lord, c. 38 (161:45, 162:61), and Canons of the Synod of Ancyra, cc. 4, 6 (161:94–96, 162:102–3). Khadra, “Le Nomocanon,” 189–91, and Walter Selb, *Orientalisches Kirchenrecht, band II: Die Geschichte des Kirchenrechts der Westsyrier (von den Anfängen bis zur Mongolenzeit)* (Vienna: Verlag der Österreichischen Akademie der Wissenschaften, 1989), 155, identify the *Synodicon* as one of the sources familiar to Barhebraeus. Herman G. B. Teule, “Juridical Texts in the *Ethicon* of Barhebraeus,” *Oriens Christianus* 79 (1995): 23–45, however, argues that the latter work displays no familiarity with the *Synodicon*.

15. Jacob of Edessa, Responsum 17 to John the Stylite, in Vööbus, *Synodicon*, 161:254 (English trans. 162:232); Jacob cites 1 Cor. 10:25. Khadra, “Le Nomocanon,” 183n642, states that Jacob is the most frequently cited authority in the *Kitāb al-Hudāye*, although this claim appears to rest solely on a study of the first eight chapters of the work, which address distinctly ecclesiastical matters.

16. Responsum 3 to Thomas the Recluse, in Vööbus, *Synodicon*, 161:257–58 (English trans. 162:235). Jacob declares that those who eat such food “shall be cast out from the Church of God and from association with the faithful as one who is impure and despised and abominable, and they shall be numbered among the Jews until they purify themselves through repentance.” (This translation is my own.)

17. In doing so, al-Ghazālī glosses over extensive discussions within Sunni legal literature of such questions as whether one may purchase meat prohibited under Jewish law from a Jewish butcher and whether one may purchase meat that a Christian slaughters in the name of Christ. See Freidenreich, *Foreigners and Their Food*; Freidenreich, “Five Questions About Non-Muslim Meat: Toward a New Appreciation of Ibn Qayyim al-Ġawziyyah’s Contribution to Islamic Law,” in *A Scholar in the Shadow: Essays in the Legal and Theological Thought of Ibn Qayyim al-Ġawziyyah*, ed. Caterina Bori and Livnat Holtzman, *Oriente Moderno* 90.1 (2010): 43–64.

18. See David M. Freidenreich, “Muslims in Canon Law, ca. 650–1000,” in *Christian-Muslim Relations*, vol. 1, ed. Thomas et al. (Leiden: Brill, 2009), 99–114. Christians also regularly equated Jews and pagans. For example, canon 25 of the Council of ‘Ishoyahb I, held in Ctesiphon in 585, condemns Christians who “celebrate festivals with Jews, heretics,

and pagans or accept something sent by them from the festivals of other religions”; see J. B. Chabot, *Synodicon Orientale* (Paris: C. Klincksieck, 1902), 157–58 (French trans. 417–18). More broadly, see Averil Cameron, “Jews and Heretics—A Category Error,” in *The Ways That Never Parted: Jews and Christians in Late Antiquity and the Early Middle Ages*, ed. Adam H. Becker and Annette Yoshiko Reed (Tübingen: Mohr Siebeck, 2003), 345–60. Whereas Barhebraeus compares Jews unfavorably to Muslims, Jacob of Edessa would apparently have compared Jews unfavorably to pagans (Muslim or otherwise); see Jacob’s responsa on pagan and Jewish foodstuffs, cited above.

19. See, e.g., the reference to “pagans” in the canon cited in the previous note, convened in the capital of the Sasanid Persian Empire.

20. I am unaware of earlier Syrian Orthodox regulations governing the mental competency of butchers, but this does not prove that Christians were unfamiliar with such a rule before they encountered it in Islamic legal literature. The principle that madmen and unqualified minors are unfit to perform the act of animal slaughter, already attested in early Rabbinic literature (*Mishnah Hullin* 1.1, *Tosefta Hul.* 1.3), may well have been widespread in Near Eastern cultures.

21. Khadra, “Le Nomocanon,” 198–99, echoing Nallino, “Diritto musulmano,” 526. On the influence of al-Ghazālī on Barhebraeus’s oeuvre, see Teule, “Barhebraeus’ *Ethicon*.”

22. For a brief introduction to Maimonides and his work, see *Encyclopaedia Judaica*, 2nd ed., 13:381–97. On the *Mishneh Torah*, see especially Twersky, *Introduction*.

23. On the sources Maimonides employs in the *Mishneh Torah*, see Twersky, *Introduction*, 49–61; Twersky’s summary remark about the importance of attention to these sources is the epigraph to this essay. Twersky refers briefly to “non-Jewish sources: medical literature, works on astronomy, mathematics, and geometry, and the whole range of classical philosophy” (59) but not to aspects of strictly Islamic thought. Gerald J. Blidstein, “Where Do We Stand in the Study of Maimonidean Halakhah?” in *Studies in Maimonides*, ed. Isadore Twersky (Cambridge, Mass.: Harvard University Press, 1990), 27–29, identifies the relationship between Maimonidean law and Islamic law as a desideratum for future scholarship; one such study, which focuses on aspects of civil law, is Gideon Libson, “Parallels Between Maimonides and Islamic Law,” in *The Thought of Moses Maimonides: Philosophical and Legal Studies*, ed. Ira Robinson, Lawrence Kaplan, and Julien Bauer (Lewiston, N.Y.: Edwin Mellen, 1990), 209–48.

24. For an examination of the ways in which Ibn Adret reinterprets texts produced in an Islamic milieu in light of the Christian environment in which he lived, see Martin Jacobs, “Interreligious Polemics in Medieval Spain: Biblical Interpretation Between Ibn Ḥazm, Shlomoh ibn Adret, and Shim‘on ben Ṣemaḥ Duran,” *Jerusalem Studies in Jewish Thought* 21 (2007): 35\*–57\*.

25. Moses Maimonides, *Mishneh Torah* (Jerusalem: Shabse Frankel, 1975), *Hilkhot ma‘akhalot asurot* 11.1, 4. Many earlier editions of the *Mishneh Torah* preserve the censored European text, which omits or alters Maimonides’ statements regarding Christians.

26. Maimonides addresses the latter set of prohibitions in *Hil. ma‘akhalot asurot* 17.9, where he clarifies that the prohibition of drinking with gentiles applies “even in a place where there is no concern regarding wine offered in idolatrous libation.”

27. *Hil. ma'akhalot asurot* 11.7; Maimonides' definition of the resident alien (*ger toshav*) appears in *Hil. 'avodah zarah* 10.6. Among other discussions of this passage and its relationship to Maimonidean attitudes regarding Islam, see David Novak, "The Treatment of Islam and Muslims in the Legal Writings of Maimonides," in *Studies in Islamic and Judaic Traditions*, ed. William M. Brinner and Stephen D. Ricks (Atlanta: Scholars Press, 1986), 236–37; and Eliezer Schlossberg, "Yaḥaso shel ha-Rambam el ha-Islam," *Pé'amim* 42 (1990): 42–45.

28. Solomon Ibn Adret, *Torat ha-bayit ha-arokh* 5.1, in *Torat ha-bayit ha-arokh ve-ha-qasar*, ed. Moshe ha-Kohen Baron (Jerusalem: Mosad ha-Rav Kook, 1995), 2:401–2.

29. This responsum is preserved in Abraham b. Isaac of Narbonne, *Sefer ha-eskol*, ed. Chanokh Albeck and Shalom Albeck (Jerusalem: Reuven Mass, 1934–38), 2:74.

30. See *Halakhot pesuqot min ha-Geonim*, ed. Joel Miller (1893; New York: Menorah, 1957), 22, §25.

31. *Sefer ha-eskol*, 2:78. See also the responsum cited in the previous note.

32. Responsum 269, in Joshua Blau, ed., *Teshuvot ha-Rambam* (Jerusalem: Meqitse Nirdamim, 1957), 515–16. Maimonides indicates that the newborn analogy was cited by the petitioner; in his reply, Maimonides does not address the rationale for leniency with respect to wine made by Muslims but rather emphasizes that consumption of such wine remains prohibited.

33. Responsum 448, in Blau, *Teshuvot ha-Rambam*, 726.

34. "Know that the Christians, who in their various sects espouse false claims regarding the messiah, are all idolaters . . . and one should interact with them in accordance with all laws governing interaction with idolaters." Maimonides, *Commentary on the Mishnah, 'Avodah Zarah* 1.3, in Deror Fiqsler, *Masekhet 'Avodah Zarah 'im perush ha-Rambam: Mahadurah mevó'eret* (Jerusalem: Ma'aliyot, 2002), 8; cf. *Mishneh Torah, Hil. 'avodah zarah* 9.4.

35. As R. Jacob of Ramerupt observes (bAZ 57b, s.v. *le-apoqei*), adults act with intention when touching containers of wine, even if that intention has nothing to do with idolatrous motives; newborns, in contrast, do not act with intention at all. On this distinction and the circumstances that compelled it, see Haym Soloveitchik, *Yeinam: Saḥar be-yeinam shel goyim 'al gilgulah shel halakhah be-'olam ha-má'aseh* (Tel Aviv: 'Alma, 2003), 122–24.

36. Alternatively, it is possible that Ibn Adret willfully misinterprets Maimonides' opinion on this subject, rejecting it as a deviation from the Rabbinic legal tradition. An example of this response to the *Mishneh Torah* among later interpreters and codifiers is discussed by Isadore Twersky, "Some Non-Halakic Aspects of the Mishneh Torah," in *Jewish Medieval and Renaissance Studies*, ed. Alexander Altmann (Cambridge, Mass.: Harvard University Press, 1967), 118, reprinted in *Studies in Jewish Law and Philosophy* (New York: KTAV, 1982), 75.

37. This rationalist conception of monotheism, highlighted by Ibn Khaldūn in his history of the Berbers, finds especially clear expression in Muḥammad Ibn Ṭufayl's *Risálat Ḥayy ibn Yaqzān*, whose Andalusian author (d. 1185) served as personal physician to the Almohad caliph Yūsuf Abū Ya'qūb.

38. Madeleine Fletcher, "The Almohad Tawhīd: Theology Which Relies on Logic," *Numen* 38 (1991): 110–27.

39. Sarah Stroumsa, *Maimonides in His World: Portrait of a Mediterranean Thinker* (Princeton, N.J.: Princeton University Press, 2008), 53–83.

40. Daniel Boyarin, *Border Lines: The Partition of Judaeo-Christianity* (Philadelphia: University of Pennsylvania Press, 2004).

41. Ivan G. Marcus, *Rituals of Childhood: Jewish Acculturation in Medieval Europe* (New Haven, Conn.: Yale University Press, 1996), 12. Marcus highlights the ways in which Ashkenazic Jews "assimilated reworked aspects of Christian culture, in the form of a social polemical denial, into their Judaism." The present study suggests that the phenomenon of "inward acculturation" Marcus describes manifests itself in non-polemical contexts as well.

42. See David M. Freidenreich, "Christians in Early and Classical Islamic Law," in *Christian-Muslim Relations*, vol. 1, ed. Thomas et al. (Leiden: Brill, 2009), 83–98.

43. On the specifically Islamic origins of this concept, see Guy G. Stroumsa, "Early Christianity—A Religion of the Book?" in *Homer, the Bible, and Beyond: Literary and Religious Canons in the Ancient World*, ed. Margalit Finkelberg and Guy G. Stroumsa (Leiden: Brill, 1993), 153–55.

44. *Hil. ma'akhalot asurot* 17.9. In this passage, Maimonides emphasizes the need to avoid social interaction with gentiles as a means of preventing intermarriage. In responsum 269 (Blau) and *Ma'akhalot asurot* 11.10, however, Maimonides offers a simple expedient to enable Jews to drink with Muslims without contravening the law. He provides similar loopholes with respect to the prohibition of Muslim bread in *Ma'akhalot asurot* 17.12–13 on the grounds that symbolic acknowledgment of the prohibition is sufficient to prevent intermarriage.

45. *Hil. yesodei ha-Torah* 1.

46. On scriptural disputation with Muslims and with Christians, see responsum 149 in Blau, *Teshuvot ha-Rambam*, 284–85.

47. Barhebraeus was presumably unaware of the fact that twelfth- and thirteenth-century canon law commentators in Latin Europe also justified traditional Christian prohibitions against Jewish food and commensality with Jews by reference to Jewish abuse of scripture and the associated risk that Jews might "deceive" Christians. See David M. Freidenreich, "Sharing Meals with Non-Christians in Canon Law Commentaries, circa 1160–1260: A Case Study in Legal Development," *Medieval Encounters* 14 (2008): 41–77. On Barhebraeus's contact with Latin Christians and their thought, see the discussion and bibliography in Takahashi, *Barhebraeus*, 35–37.

48. See Ze'ev Maghen, *After Hardship Cometh Ease: The Jews as Backdrop for Muslim Moderation* (Berlin: Walter de Gruyter, 2006).