

JUDEO-CHRISTIAN COMMERCE ON CHRISTIAN HOLY DAYS IN MEDIEVAL GERMANY AND PROVENCE

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The ban on commerce with non-Jews on their religious festivals was assumed as a matter of course during the Tannaitic period, although it was of limited scope, and any disagreement concerned itself with details only. The reason for this was that, by selling to, or buying from a Gentile, the Jew causes him to rejoice momentarily and, thereby, he may give thanks to his pagan deity on its holy day. Thus, Rabbi Ishmael prohibits trade on both the three days preceding the festival and on those following, while the Sages only apply the prohibition to the three days preceding. The Sages also disagreed as to the exact scope of the term, "their festival days," although the rule accepted by the Mishnah was: "These are the holidays of the Gentiles: Kalendra (Roman New Year), Saturnalia, Kratesis, the anniver-

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Translation by Jonathan Chipman.

The publication of the Hebrew original of this article in *Tarbiz* aroused considerable discussion in the scholarly world. See Jacob Katz' comments in *Tarbiz* 48 (1979), pp. 374-376, and Dr. Ta-Shma's reply in *Tarbiz* 49 (1980), pp. 218-219. On the closely related question of R. Menahem ha-Meiri's attitude to Christianity, see Ephraim E. Urbach, "Rabbi Menahem ha-Meiri's Theory of Tolerance: Its Origin and Limits," (Heb.) in *Studies in the History of Jewish Society... Presented to Prof. Jacob Katz*, Jerusalem, 1980, pp. 34-44 and Katz' response in *Zion* 46 (1981), 243-246. Summaries and/or full translations of this material will appear in future issues of *Immanuel*.

saries of death.”¹ The Mishnah also imposed a separate prohibition upon participation in fairs, which were indirectly involved with idolatry.² According to G. Alon, these rules “created substantial obstacles to international commerce in the country” and he speculates that “it is difficult to imagine that these prohibitions took hold in all of Israel.”³ To the contrary, “over the course of generations one finds considerable struggle concerning this *halakha*, with a marked tendency towards leniency.” Thus, we find the ruling of the *tanna* Nahum the Medeian, who lived outside of Palestine, that “in the Diaspora commerce is prohibited for only one day prior to their holidays,”⁴ and subsequently the *amora* Samuel ruled that “in the Diaspora (i.e. Babylonia) only the festival day itself is subject to restriction.”⁵ The *amoraim* also allowed commerce in non-permanent goods, and the receiving of gifts from non-Jews on their holidays, “in order not to give them cause for hatred,” in those cases where such an outcome was probable. Through these and other developments, the obstacles against smooth and continuous commercial contacts were removed, and the development of economic ties between Jews and Gentiles in Babylonia was made possible. From the sources, it is clear that the many leniencies grew out of economic need, and reflected a living reality of free Jewish-Gentile trade on religious festivals, not much attention being paid to this prohibition in actual Babylonian practice. In any event, this rule lost its religious meaning as a result of the far-reaching changes in the pagan world during the 2nd and 3rd centuries, and the social function of the prohibition as a bulk against intermingling with Gentiles was assumed by other regulations of a more direct character.

The situation of Medieval European Jewry was similar. The Rabbinic literature available to us bears unanimous testimony to the fact that, in the Diaspora of Germany and France and their offshoots, this prohibition was never observed in practice, and the normal, accepted custom was to trade with Gentiles on their festival days exactly as at any other time. Moreover, while the Talmud recognizes a certain bare minimum of prohibitions on Gentile holidays, and criticizes those who violate them, life had its own way in the Middle Ages until no trace of the original prohibition was left.

This glaring contradiction between *halakha* and reality, unknown in other areas of practical life among Jews, forced the Torah scholars in Ashkenaz

1. See Mishnah, Avodah Zara 1:1-3.

2. *Ibid.*, 1:4.

3. Gedaliah Alon, *Toldot ha-yehudim be-erets Yisrael be-tekufat ha-Mishnah veka-Talmud*, v. 1, 1959, p. 344.

4. Tosefta, Avodah Zara 1:1.

5. BT Avodah Zara, 11b.

(i.e. the Jewish communities of France-Germany.) to find various justifications for these discrepancies, and to explain why the *halakha* seemed to have no control or authority over this particular area. In their responsa, they took several tacks: there were those who stressed the difference between the economic situation of the European Diaspora and that of Babylonia; there were those who stressed the difference in social conditions; while still others noted a religious difference between Roman paganism, which formed the background to the original Mishnaic text, and Christianity. In the opinion of the Ashkenazic codifiers (*poskim*), these differences justified their more lenient rulings on the subject.

Jacob Katz has devoted an article — extensive sections of which appear in his book, *Exclusiveness and Tolerance* — to the clarification of the historical and social meaning of these halachic arguments, and particularly to the elucidation of the unique, principled position expressed by R. Menahem ha-Meiri (1249-1316).⁶ His discussion of the other legal authorities of the period is declaredly incomplete, leaving a need for a re-presentation of all of the relevant Ashkenazic and French material — a need which it is the purpose of this article to partly fulfill.

New light is shed on the subject by the responsa of three Provençal scholars (published for the first time in the Hebrew original of this article): R. Abraham b. Isaac of Narbonne (RabI Abad, c. 1085-1159), R. Meshullam b. Jacob of Lunel (12th century) and R. Abraham b. David of Posquières (Rabad, c. 1125-1198). Until this time, nothing was known about the situation in Provence with respect to this matter, the first of the Provençal scholars we find speaking about this being ha-Meiri, who lived at the turn of the 13th century. It has now become clear that, as a result of demographic differences between Germany and Provence in the mid-12th century, the nature and content of the halachic dilemma were drastically different as well

The first post-Geonic Rabbinic responsum known to us on this subject is that of R. Gershom Meor Ha-Golah (c. 960-1028), composed in France or Germany at the beginning of the 11th century.⁷ This scholar, who influenced the form of the *halakha* in Germany for generations to come, was asked his opinion by a community who had been instructed by “a certain scholar” not to do business on Gentile religious festivals, following Samuel’s ruling

6. Jacob Katz, “Religious tolerance in the halakhic and philosophical approach of Rabbi Menahem Hame’iri (Hebrew), *Zion*, 18 (1953), pp. 15-30, and in his *Exclusiveness and Tolerance*, New York, 1962, 114-128.

7. *Teshuvot Rabbenu Gershom Meor HaGolah*, ed. S. Eidelberg, New York, Yeshivah University Press, 1955, no. 21, pp. 75.77.

in the Talmud. He responded: "While it is true that this is how it is explained in the Talmud, the widespread practice in Israel is to do commerce on those days. Therefore, we cannot prohibit it, for it is better that they violate the law out of ignorance rather than knowingly, as their livelihood depends upon this. Moreover, most of the days of the year could be counted as their festival days, as it is written, 'these are their festivals: . . . royal birth days, anniversaries of death, etc., so that their livelihood would be completely eliminated were they to refrain from trade on all of those days. . . . Moreover, . . . as a last resort we can rely upon the view of R. Yohanan in BT *Hullin* 13b that 'the Gentiles who live outside of the Land of Israel are not real idolators, but simply follow the customs of their forefathers.'" "

We may infer from this that the dispensation to trade on Christian festival days was far earlier than the beginning of the 11th century, and that it had been widespread in France and Germany since the earliest times ("custom of Israel").^{7a} We may further infer that there were those scholars who questioned this practice and attempted to rule stringently on this matter — e.g. that "scholar" who forbade trade to those who had asked him. R. Gershom himself ruled that it was essentially forbidden, in terms of basic legal concepts, and only allowed it "so that they not violate it deliberately" — a

7a. In his *Social and Religious History of the Jews* (Philadelphia, JPS, 1957, vol. 4, pp. 219-220), Salo W. Baron attempted to establish on the basis of a letter from Archbishop Agobard of Lyon to the emperor Louis the Pious, that this was the practice in those communities as long as 200 years before the period of R. Gershom. This letter was written between 822 and 828, and in it Agobard protests the fact that market day was moved from Saturday to Sunday at the request of the Jews. Baron's inference, however, is mistaken. According to Agobard, the emperor's representative had ordered "to transfer the market days, which had been on Saturdays, to other days of the week, so that their (i.e., the Jews) Sabbath not be desecrated, and had allowed them to decide on which days to hold them in the future. The messengers claimed that this (i.e., the change to Sunday) was to the advantage of the Christians, because of the rest on the Lord's Day." But, according to Agobard's own viewpoint, "in truth, whatever is not beneficial to the Christians is preferred by the Jews, for those who are close to the market place, and are able to buy their food supplies on Saturday, are then left free for the festive prayers and sermon on the Lord's Day, while those who come from afar to do business can then participate both in the evening service and the morning service (i.e., on Sunday) and return home after the prayers with an elevated spirit" (from Agobard, *Epistolae contra Iudaeos*, with Heb. translation by A. Gilboa, Jerusalem, 1964). There is no evidence that they transferred market day to Sunday specifically, and Agobard's argument only deals with the transfer from Saturday to any other day. Apart from this, one ought to remember that in Agobard's day the market days were in any event of a limited, localized character, and were primarily limited to foodstuffs. (See Henri Pirenne, *Economic and Social History of Medieval Europe*, New York, 1937, pp. 95-96.) The sale of perishable items was, in any event, not prohibited by the *halakha* on "their holy days."

legitimate and proper consideration in *halakha*. Recognizing that their livelihood was dependent upon trade, and that were he to forbid it they would in any event violate the ruling and willfully trade on the Gentile festivals, he concluded that it was better to permit it, thereby placing them in the category of those who violate the law out of ignorance. The other halachic consideration — the ruling of R. Yohanan that “Gentiles outside of the Land of Israel are not idolators” — is seen by R. Gershon as secondary, and valid only as a last resort. Unlike other great sages, R. Gershon recognized no other halachic grounds for leniency and his responsum is, in effect, a tacit recognition that, in this case, the *halakha* must withdraw in the face of cruel, harsh reality, upon which the economic existence of the Jewish community was dependent.

What is astonishing is his claim that, were we to be strict in following the ban on trade on Christian festivals, we would refrain from trade throughout the year “because most of the days of the year are festivals to them.” While it is true that the Christian liturgical calendar is filled to the brim with “Saints Days,” these were, and still are, primarily a matter of geography. Each region had its own saints and there was, of course, no place where they celebrated saints days “most days of the year.” R. Gershom’s argument here is, no doubt, primarily rhetorical, but together with this it had a certain theoretical value: in principle all of the days of the year are sacred to the Christian Church as a collective entity, and it is therefore correct to view the Christian liturgical year as one continuous festival.

A major change in the approach of the halachic teachers occurred at the turn of the 12th century. We hear of this from Rashbam (R. Samuel b. Meir, c. 1070-c. 1145), whose words — apparently from a lost commentary to *Avodah Zarah* — have reached us through various channels. One version, which appears in several parallel sources, informs us that Rashbam stated, in the name of Rashi, that “by law the prohibition only applies to those festivals which they make for the Nazarene — i.e. Christmas and Easter — but their other festival days do not carry substantial meaning to them and do not entail thanksgiving to their deity. Even on those which they do make for him (i.e. Jesus) one may permit trade, for today they do not go and thank their divinity [for such things].”⁸ In the work *Or Zaru’a* by R. Isaac b. Moses of Vienna (c. 1180-c. 1250), it is stated: “R. Samuel (i.e. Rashbam) stated that today, in our exile, we cannot sustain the prohibition against trade with them on their festivals, because we dwell among them, and in any event they are not so pious in their own idolatry, . . . and

8. Quoted in *Sefer ha-Terumah*, 1st ed., Venice, 1522/23, no. 134. See also Farhi, *Kaftor ve-ferah*, Berolini, Edelmann, 1882, p. 33.

he further permitted trade with them to prevent hatred, and out of fear.”⁹ (The last mentioned reason is also found in Rashi’s commentary to A.Z. 11b)

Rashi himself (R. Solomon b. Isaac, 1040-1105) starts his treatment of this subject¹⁰ with a recognition of the economic necessity although, unlike R. Gershom, he does not see any halachic difficulty in this. He sets out the principle that, among all the Christian holidays, the only ones to be prohibited are Christmas and Easter, which are connected with the life of Jesus himself, but that those “holy days” which honor the disciples, not to mention those which are for the various saints, never even entered the rubric of this prohibition. In addition, he rules, on the basis of the Talmud in BT *Avodah Zarah* 12b, that the ban only applies to sales to non-Jews, but not to purchases from them. These two limitations, particularly the former one, were sufficient to remove virtually all practical significance from the prohibition. But Rashi found this insufficient, and proceeded to justify the practice of trading with Christians even on their two major religious festivals on the basis of the Talmudic tradition that non-Palestinian Gentiles are not idolators in the deep religious sense of the term, but merely perform inherited rituals in a routine way. These perfunctory performances, in his view, do not carry in their wake all of the legal consequences associated by the Mishnah and the Talmud with idolatry, and certainly not the presumption that the Gentile would go and offer thanks to his god — the original source for the ban on trade. Both this and the argument out of “fear” — the equivalent of the Talmud’s “because of hatred” — are treated by Rashi as genuine, weighty halachic considerations, without any doubts or misgivings.

The charge as to the religious superficiality of the Gentiles in Germany seems an exercise in legal formalities, but it is based upon observation of their way of life in terms of specific criteria. Thus, while the argument of R. Isaac *Or Zaru’a* that “although they go to their abomination (= worship) every day, whatever they do is only because of the custom of their fathers” seems arbitrary, it does have a certain basis in fact. R. Eliezer b. Nathan of Mainz (Raban, c. 1090-c. 1150), writing one hundred years earlier, notes as follows: “We see that these idolatrous Gentiles do not take account of their own festivals, for sometimes they do work on those days and sometimes they do not go to their house of abomination.”¹¹ Further on, in a discussion of the possibilities of renting a house to a non-Jew, he again writes in this spirit,

9. *Or Zaru’a*, Hilkhot Avodah Zarah, par. 2.

10. See Rashi to *Avodah Zarah* beginning: “And in the Diaspora it is not forbidden...” and *Teshuvot Rashi*, New York, Elfenbein, 1943, sec. 327.

11. *Sefer RABaN*, Eherenreich ed., sec. 288 (p. 124).

adding that “in Russia and in Greece they are piously devoted to their worship, for on every gate and in the entrances and walls to their houses they have icons”¹² — an aside which indicates again — what is known to to us from elsewhere — that he was aware of the details of day-by-day life in Slavic countries. It is interesting that the Raban concludes that there was a lack of religious feeling in the Christian community on the basis of their absence from church and involvement in weekday activities on their holy days. In fact, there is no absolute religious obligation for a lay Christian to participate in festival ceremonies in church. The uniqueness of the Christian clergy is in their full dedication to the liturgical life, while the laymen are free to maintain a closer or more distant connection to the ritual of the church. Raban, in thinking that any person with a true religious feeling would personally participate in the celebrations for festival days, and certainly not make it a day of secular labor, was apparently measuring his neighbors by the standards he used for measuring his own community — for whom Sabbath and festival synagogue attendance and abstention from work were a *sine qua non* — and as a result finding them lacking.

Among the arguments of Rashi, the most persuasive was that of “hostility.” The fear lest the refusal to engage in normal trade with them specifically on their holidays, would engender harsh reprisals and our the good neighbourly relations upon which Jewish survival in exile is dependent, plus the fact that this argument had already been introduced by the teachers of the Talmud, led to its unanimous acceptance by the authorities of the 12th century, and its citation as almost the exclusive basis for the dispensation to trade. It is interesting that, despite the fact that it is not mentioned by R. Gershom or by any Ashkenazi *poskim* before Rashi, it is mentioned in a Geonic responsum — perhaps by Natronai Gaon — sent to Christian Spain or in a Provençal border region.¹³

Among the 12th century halachic scholars R. Jacob Tam (c. 1100-1171), went furthest in choosing an original part.¹⁴ In his view, the *halakha* had never prohibited trade on pagan festivals except in livestock or other items which were actually sacrificed to pagan gods, all other merchandise being permitted. Through this device, the scope of the prohibition was reduced to a meaningless minimum, and all questions about the “custom of the world” were

12. *Ibid.*, sec. 291.

13. Printed in M. T. Weiss, “Seridim meha-genizah,” (Fragments from the Genizah [Hebrew], in *Sefer ha-yovel le-vet ha-midrash la-rabbanim be-Budapest*, Budapest, 1928, p. 95.

14. Quoted in S. Albeck, Rabbenu Tam’s Attitude to the Problems of his time,” *Zion*, 19 (1954), pp. 104-14.

automatically eliminated. This original approach aroused considerable discussion among contemporary scholars. While the Tosafists accepted it, most of the Ashkenazi codifiers rejected it. The main value of R. Tam's approach, after the succession of lenient rulings which had preceded it, was his new method of expounding the relevant Talmudic passages. As is known, this approach is characteristic of R. Tam's halachic activity generally, and this example, together with others, has been quoted frequently by researchers.

The *Ravyah* — R. Eliezer b. Joel ha-Levi of Bonn (1140-1225) — who composed his book at the turn of the 12th century, was unique in that, even though he held that “the simple meaning of the text is not as R. Tam says,” he nevertheless agreed with him in practice. In his lengthy discussion of the problem, he reviews the known arguments for leniency and adds several of his own: “that one does not impose an ordinance upon the public unless most of the public can stand by it,” that “in ancient times they used to sacrifice to their gods on the festivals, but today they only drink and eat and celebrate” and concludes that “one ought to refrain from trade with those who are certainly idolators, such as their priests, but only with regard to those items which could be used as sacrifices.”¹⁵

We have thus learned that, while in 11th century Europe there was a certain reluctance to permit trade on Gentile festival days, and it was allowed only *de facto*, during the course of the 12th century the allowance (*heter*) became well-established and enjoyed *de jure* status as well, on the basis of a combination of halachic and exegetical considerations.

In Katz' opinion,¹⁶ the multitude of reasons invoked by the Ashkenazic authorities reflect the fundamental weakness — in their own eyes — of each one of the reasons, and their doubts with regard to the validity of any one reason taken by itself. In his view, the uncertainty of their stance is further revealed by the fact that these authorities — each in his own way — recommended individual stringencies in these laws, and that their responsa were only given to justify the “custom of the world,” and thus “their permission is one given after the fact, with an air of a lack of choice.” These hesitations and misgivings are contrasted by Katz to the courage and firmness of ha-Meiri, in the legal theory which he developed according to which the Christians are not to be counted among the pagan peoples because “they are circumscribed by the ways of religions and ethics and are like Jews in these matters.”

15. *Sefer Ravyah*, *Hilkhot Avodah Zarah* (B'nai Barak, Deblitsk, 1976), pp. 23-24.

16. See footnote 6 above.

Even though one agrees with Katz' discussion and conclusions with respect to ha-Meiri, it is difficult to accept what he says with regard to the Franco-German scholars, and particularly the psychological contrast he draws between the attitude of ha-Meiri to his *heter* and their relationship to theirs. I have found among the 12th century authorities no suggestion of either doubt or strictness — both of which are common to the 13th century writers — with the single exception of Raban who declares that “whoever is strict with himself, and refrains from this has done a meritorious deed.” One sign of doubt to be found among the 12th century sages — if it is indeed a sign — is their use of the argument of hostility, in addition to the argument about “those Gentiles who dwell among us.” However, apart from the fact that it is common practice among halachic authorities to invoke multiple reasons for their rulings, without this necessarily signifying anything about attitude, in this case the reason for their hesitation is perfectly clear. It was not connected at all to ideological misgivings, but to the personal character of the reasons. That is, every Jew who had business dealings with non-Jews could judge for himself whether a particular Gentile might come to hate Jews because of the refusal to do business on his festival — all depending upon the buyer, the seller and the situation. How, then, could a series of private, personal circumstances be built into a halachic principle of general applicability? The same was true of the “religiosity” of one Gentile or another, and the question of whether or not he would go and offer praise to his deity: this, too, was an individual question the answer to which could not be translated into general principles. The hesitation of these scholars, then, follows not from any weakness in the legal arguments for leniency, but from its scope and the means of its application in practice.

An addition step in the development of this *halakha* is to be found among some of the scholars of the end of the 12th century and most of their 13th century counterparts. During this period, many of the Ashkenazi authorities expressed reservations about the lenient rule, and counseled a stricter approach to this problem. There were two principle reasons for this change which occurred, as I have said, towards the beginning of the 13th century. The first was the appearance of German Hasidism (Pietism) as a major social and halachic force, and its deep impact upon the circles of the *poskim* in Germany. This movement generally emphasized a strict approach, going “beyond the letter of the law” being one of its main principles, and it is therefore not at all surprising that it adopted a strict approach to this question as well. Second, the gradual decline of commerce as the main factor in the livelihood of Ashkenazi Jewry, and the gradual movement towards money-lending and mortgages, made this permissive rule less im-

portant. This transition, which began in the 12th century, was completed by the beginning of the 13th century, during which interest-related occupations were the dominant source of income.

While *Sefer Hasidism*, the central text of German Hasidism does not contain any statements dealing with trade on pagan religious festivals, it does contain clear statements on the related issue of commerce in priestly vestments and other ritual articles—leniency with regard to which is as old and well-established as that in the former case. “Most people who do business with the idolators do not remain wealthy until their death . . . Because they supply them with objects for use in their idolatrous worship, and thus violate the edict, ‘thou shalt bring no abomination into your house, that you not become banned like it,’ in the end they lose the money they made through the priests.” Moreover, “There was a man who used to sell jewellery to the priests for their house of worship, and on the day that he died the Gentiles had a procession with their statues, and these were carried up to his funeral entourage. People said that this was a punishment for him, measure for measure.”¹⁷ R. Eliezer of Metz (c. 1115-c.1200), of the generation preceding R. Judah he-Hasid, writes in a similar vein: “In order to do commerce with the Gentiles on their festival days they rely on the idea that, if they did not, it would bring about hostility. Now, this is a weak basis for this, for there is business the avoidance of which does not promote hostility. Therefore, one who fears God will rest in the land of the living.”¹⁸ One detects a great affinity to the spiritual world of German Hasidism in the book of this sage, as has been noted in Prof. Urbach’s book on the Tosafists, p. 161. Likewise, R. Hayyim *Or Zaru’a*, who was active in Germany in the second half of the 13th century, wrote: “It is forbidden to do business with them on their festival days, but our early teachers permitted this because of hostility. But on such festive days as Kalendra or Pentecost our rabbis warned that one ought to find some pretext to postpone the sale to the Gentile.”¹⁹ Additional teachers of the 13th century wrote in a similar spirit, some of whom—such as Ramban—are mentioned by Katz, and others of whom are not.

Both the social and the halachic situation in Provence in the 12th century were fundamentally different. During the War of the Reconquisition and afterwards the Moslem population was still spread over the area of Provence and Catalonia, and the three responsa which I have published establish

17. *Sefer Hasidim*, Margolioth ed., sec. 430 and 433.

18. *Sefer Yereim*, Vilna, 1892, sec. 270. See also E. E. Urbach, *Baale ha-tosaphot*, Jerusalem, 1968³, p. 137.

19. *Derashot MeHaRaH Or Zaruah*, S. Lange, ed., Jerusalem 1973, p. 39.

that Jews used the services of Moslem middlemen in order to conduct trade with Christians on their holy days. For that reason, the Franco-German “custom of Israel” to trade directly with Christians, as well as the halachic discussion on the subject, were unknown. Instead, there arose other problems, which stemmed from the existing practice, and the parameters of the halachic debate were totally different. Only one Ashkenazi opinion — that of Rashbam, mentioned above — is mentioned by them at all. But, according to them, Rashbam prohibited Sundays alone, and they do not mention Christmas and Easter at all! For the rest, they created an independent, original halachic discussion, relating to the new questions which resulted from their decision to allow commerce with Christians on their festivals only indirectly, by means of a Moslem third party. Thus, the *Sefer ha-Eshkol* of R. Abraham b. Isaac of Narbonne (RabI Abad, c. 1085-1159) — most of whose statements are taken from R. Judah of Barcelona — mentions neither the wide-spread “custom” of trading on Gentile festivals, nor any of the reasons or considerations related to this dispensation. His statements there implicitly assume the legality of trade with Moslems on their holidays, and all of the details of the prohibition relate to Christians alone, as can be seen by the examples quoted by him. Now, with the publication of these new texts, it is clearly demonstrated exactly how the Provençal Jews succeeded in maintaining the framework of this prohibition, and at the same time maintain the continuity of trade.

The permission for Moslem agents, while its halachic reasoning is seemingly simple, requires one to assume that the *halakha* never legislated a prohibition against indirect trade with Christians, despite the possibility that here too he might “go and thank idols.” That is because a remote causality such as that is not the halachic concern of the Jew. This being the case, the question rises as to why it should be forbidden to trade with a Christian via a Christian agent, as he in any event only functions as a messenger of his employer, and certainly will not “go and give thanks,” while the seller himself is a distant, indirect cause, and such a remote cause has already been permitted. Another question presenting itself in this context is whether it is permitted to appoint a Moslem middleman from the outset for the purpose of such deals, who will perform the explicit will of the Jew. An interesting halachic invention, which is useful in the frame of this discussion, deals with the possibility of hiring a Christian to perform such intervention, as the Mishnah does not enumerate hireling-connections among the practices forbidden on those days. It is highly interesting that such a question did not occur at all among the Ashkenazi sages, even though it would be appropriate to the norm common to them, on this subject.

Another basic question is whether the prohibition of trade on festival days

brings in its wake a prohibition against enjoying the fruits of such trade. This question, as previously mentioned, did not trouble the scholars of France and Germany as they, in any event, permitted everything; however, in Provence, where the prohibition against direct trade with Christians was maintained, this was a crucial question for, as Rabi Abad said, "If one says that it is forbidden to enjoy benefit from them, then I do not know how a Jew who is not careful about this prohibition can engage in commerce with another Jew." In their view, it was possible to interpret the explicit prohibition in the Talmud against any benefit from such commerce as restricted to eating — even though this goes against the plain meaning of the Talmudic ruling.

Apart from all this, the Provençal scholars concerned themselves with the permission to engage in trade in Christian ritual objects, and the permissibility of business dealings with wealthy priests. As I stressed above, the historical development of these two laws is strictly parallel, and wherever commerce with Christians was permitted on their holidays, trade with priests and in ritual articles was also permitted. As in Provence the ban on direct trade on holidays was maintained, the other question raised corresponding halachic difficulties as well.

These *responsa* indicate to us, by way of contrast, how revolutionary and original ha-Meiri's approach to the status of Christianity was. As long as there were Moslem inhabitants in Provence, Jews there were not allowed to trade with Christians on their festivals except by means of Moslem agents; thus, when ha-Meiri removed the label of "paganism" from Christianity, and, among other consequences, allowed free trade, this was a radical innovation in both theory and practice. We do not have any Provençal material for the hundred years between these *responsa* and ha-Meiri, and it is possible that they permitted direct trade on holy days even before his innovative ruling. In any event, it is clear that his position on this question is in direct contradiction to that of earlier Provençal scholars.

This entire subject sheds interesting light on our understanding of the development of *halakha* generally. We have found three major positions on this question. In areas of Moslem rule, Jewish scholars allowed unrestricted trade with Moslems, for the simple reason that they have neither statues nor any other objects which would generate prohibitions related to idolatry. On the other hand, in those same regions, commerce with Christians on their festivals was strictly prohibited; in accordance with the original Talmudic rule. Maimonides explicitly states: "The Edomites (i.e. Christians) are idolators, and Sunday is their festival day. It is therefore forbidden to do commerce with them on Thursday or Friday of each week in the Land of

Israel, as well as on Sunday, which is forbidden in all locales. And one is to do likewise with regard to their festive days.”²⁰ Against this, Jewish sages in Christian Europe, in the wake of both economic necessity and living, ancient practice, dispensed with the prohibition altogether, finding ingenious legal arguments to justify this. Between the two extremes, the scholars of Provence, who lived in a mixed environment, predominantly Christian with a Moslem minority, were able to maintain the main features of the original prohibition with relative ease by means of their own innovation — the Moslem middle-man.

20. *Mishneh Torah*, Hil. Avodah Zara 9.4. See notes to Ch. 9 in Lieberman ed. Jerusalem, Mossad Harav Kook, 1964.