

HISTORY AND PHILOSOPHY OF ECONOMICS

Maimonides and the Merchants: Jewish Law and Society in the Medieval Islamic World

Mark R. Cohen

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One of the hallmarks of classic Rabbinic literature is its multivalent character. Individual compositions, through a combination of intertextuality and omni-significance, simultaneously impact different disciplines, genres, and subjects. The present volume by Professor Mark Cohen, one of the leading historians of medieval Jews and Judaism in the Islamic orbit, very much fits into that mold.

This is, primarily, a study of the manner wherein the medieval legist and philosopher Moses Maimonides (Rambam; 1138–1204) incorporated wide swaths of Islamic commercial law in his magisterial *summa legis*, the *Mishneh Torah* (and to a significant degree deviated from Talmudic and post-Talmudic norms that were *prima facie* his only source of reference). In this way, Maimonides enabled Jewish merchants to secure their place in the lucrative commercial networks that spanned the Islamic Empire and, ultimately, bridged Islam and Christendom. This, as the author repeatedly notes, was a remarkable achievement given that Talmudic law was originally fashioned to reflect an overwhelmingly sedentary, agrarian life wherein far-flung commercial activity was of far less importance.

Marshaling Islamic law and lore, Rabbinic literature, Geniza documents, and medieval economic history, the author demonstrates that many of the discussions of commercial law in the *Mishneh Torah* can only be understood against the background of contemporary mercantile forms and practices. In exquisite detail he documents how Maimonides (and the Babylonian *Ge'onim* before him) integrated regnant institutions of commercial law and

practice into the warp and woof of Jewish law. In the case of the former, Cohen teases out contemporary commercial references that had previously baffled commentators (49–50).

The legal moorings of this process vary. Sometimes Maimonides built on ancient traditions that were already embedded in the Talmud. On other occasions, he adopted and adapted new patterns of agency, partnership, and modes of acquisition to the requirements of Jewish law (see chapters 4–8). Here, Maimonides maximized the opening provided by the fact that Talmudic and post-Talmudic authorities frequently invoke the common business practices as valid and normative (29–36: *Minhag ha-Soharim*, “The Custom of Merchants”). In a particularly illuminating chapter (chapter 4: “Updating the Halakha”), Cohen underscores how Maimonides’s “mission” to proactively facilitate Jewish participation in the commercial life of the *Dar al-Islam* involved careful attention to other sundry areas of law, such as Sabbath and holy day observance and family law. The overall result is a multipronged tour de force. The author decodes and uncovers a panoply of bold, far-reaching legal initiatives and changes in the *Mishneh Torah*. He uses these to shed light on contemporary Jewish commercial (and domestic) life. Finally, his results illuminate many previously difficult passages in Rambam’s writing, and hence contribute significantly to Maimonidean scholarship *per se*.

However, both in his introduction and his concluding chapters (the latter is aptly titled “Legal Change and Originality”) Cohen asserts that his ultimate purpose is to show “that Maimonides made adaptations in his Code of Jewish law ... to bring the limited business law of the agrarian based Talmud up to date” (141) and deviated thereby from the framework of Talmudic tradition. More to the point, in one unprecedented case Maimonides grafted an entire form of partnership agency onto the corpus of Jewish law (*Suhha*; discussed in chapter 6). Objectively, this is certainly true. The question is, however, how we should evaluate that fact in terms of Rambam’s overall legal methodology. Did he view Jewish law as eminently malleable, and hence globally open to adaptation to contemporary need? Did he cast his innovations in Talmudic tropes in order to conceal their revolutionary character?

It is, of course, true that Jewish law must respond to contemporary changes and exigencies to maintain its viability. However, documenting those changes is not the entire story. It is equally important to gauge the way the legist effects his adaptations, and how he perceives what he is doing. Areas of Jewish law differ significantly as to their degree of flexibility. These, in turn, determine the legal mechanisms available to the legist who sees the need to effect change. Ritual law, for example, is extremely resistant to change and often requires far-reaching reinterpretation of its basic terms of reference if change is to be possible.

Jewish commercial law, which is the central concern of the book, is fundamentally contractual in character. Agreement between the parties involved are determinant, to the extent that principals can contract against commercial practices that are mandated by the Torah. In addition, there is a built-in presumption that business will be conducted according to accepted market norms. This quality is what enabled Maimonides (and his Geonic and Andalusian predecessors) to effect a restructuring of Jewish commercial practice.

In other words, Maimonides altered the practice without a significant systemic deviation. In fact, one could argue that there is an ironic conservatism in the way in which he formulates his novel rulings. Cohen notes that Maimonides often masks his innovations behind Talmudic terminology. Such a conclusion is unnecessary. Rambam asserted, as Cohen himself notes (16–18), that his conclusions reflect the straightforward meaning on the Talmud (*Talmud arukh*). As the late Isadore Twersky demonstrated, Maimonides meant that his formulations reflected the true meaning (whether explicit or implicit) of his sources. If Twersky is correct, Maimonides harkened back to Talmudic forms in his *prima facie* greatest adaptations because he was convinced that they were innately rooted within the *corpus receptus* of Talmudic commercial law. Indeed, in light of the strong Talmudocentrism of all of Maimonides's writings, one should not expect otherwise.

Nevertheless, the present volume is a pathbreaking study that will enrich multiple fields of research. Its multivalent impact is most apt for a scholar whose net is spread over so many disciplines.

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The Blessings of Business: How Corporations Shaped Conservative Christianity

Darren E. Grem

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Darren E. Grem in his new book *The Blessings of Business: How Corporations Shaped Conservative Christianity* artfully composes a chronological narrative of the previously overlooked, largely forgotten, and seemingly unlikely historical relationship between conservative evangelical Christianity and American corporations. The illumination of this overlooked history and development of conservative evangelicalism, Grem contends, reveals that evangelicalism was arguably influenced more in board rooms than from pulpits. Grem's purpose is threefold: First to reveal to the reader how evangelicalism has been influenced historically (both publicly and privately) by prominent businessmen and corporations. Second, he aims to reveal the corporate features and business culture of American Christianity and conservative evangelicalism. Third, he seeks to demonstrate the interconnectedness of conservative evangelicalism with American corporate capitalism.

Grem divides his work into two main sections. The first section principally focuses on the first half of the twentieth century, highlighting the role of prominent (although largely forgotten) American businessmen like Herbert Taylor, J. Howard Pew, and R. G. LeTourneau, and their relationship with evangelical leaders such as Billy Graham. The content of this section centers on the influence and financial backing of what Grem labels as evangelical fundamentalism. The financial backing of businessmen during this time period enabled the founding of evangelical academic institutions like Moody Bible Institute, Biola University, Westminster Theological Seminary, and Fuller Theological Seminary.