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Journal

Archiv für Religionsgeschichte, 20(1)

ISSN

1436-3038

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Publication Date

2018

DOI

10.1515/arege-2018-0002

Peer reviewed

Dīn as Torah: “Jewish Religion” in the *Kuzari*?

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The book known in Hebrew as the *Kuzari* from twelfth-century Sefardic Spain and one of its iconic texts was written by Rabbi Yehuda Halevi is called in Arabic, כתאב אלרד ואלדליל פי אלדין אלד'ליל, usually translated with the English “religion,” as “The Book of Refutation and Proof of the Despised Religion.” Modern Hebrew translators give דת *dat* for Arabic دین *dīn*, just as English translators give “religion,” presupposing that which has to be interrogated and shown, to wit what did the author of the *Kuzari* and his contemporaneous translator, Rabbi Yehuda Ibn Tibbon (1120-1190) mean when they used the Arabic term *dīn* or Hebrew *dat*, or better put, how did they use those words? We dare not read back from modern usages to interpret these medieval texts without risking simply burying their linguistic-cultural world under the rubble of a modern one, the very contrary of an archaeology. My hypothesis to be developed in the rest of this paper is that Judeo-Arabic (at least) *dīn* corresponds best to *nomos* as used by Josephus and (with a very important *mutatis mutandis* qualification) to *Torah* as well. Some powerful evidence for this claim comes from ibn Tibbon’s translation of Halevy’s Arabic into Hebrew.¹

1. For ibn Tibbon’s Hebrew, I have used Yehudah HaLevi, *The Kuzari: In Defense of the Despised Faith*, newly translated and annotated by N. Daniel Korobkin (Jerusalem ; Nanuet, NY:

Is *dīn* “Religion”?

Dīn (plural *adyān*), generally equal to Hebrew *dat* is one of the words in Arabic most often translated as “religion.” As shown by recent research, however, its usage in late-ancient and early medieval Islamic texts suggests rather normative customs or traditions (which may or may not be conceived as divine in origin). The term is loosely associated with religion, but in the Qur’an, it means the way of life in which righteous Muslims must adopt to comply with divine law (Qur’an and sunnah), or shari‘a, and to the divine judgment or recompense to which all humanity must inevitably face without intercessors before God.² Note that as with *nomos* for Josephus, *dīn* incorporates the whole of prescribed human practice, including what we might divide into ritual prescriptions and civil law. Its usage in the *Kuzari* and in ibn Tibbon’s Hebrew

Feldheim Publishers, 2009); Judah ha-Levi, trans., Hartwig Hirschfeld, *Judah Hallelevi’s Kitab al Khazari*, The Semitic Series (London: G. Routledge, 1905). For the Arabic, I have consulted Yehudah Halevi, *Sefer Hakuzari: Maqor Wetargum*, ed. and trans. Yosef ben David Qafih (Kiryat Ono: Mekhon Mishnat ha-Rambam, 1996). I have also had the great privilege of being able to consult the (as yet unpublished) translation of the Arabic by Prof. Barry S. Kogan, for which privilege I thank him. My translations given here of the Arabic text follow Kogan’s renderings except for when I feel that he has used terminology that is anachronistic, such as “religion,” which is, of course, the whole novellum of my research here.

2. Cf. Reinhold Gleis and Stefan Reichmuth, “Religion Between Last Judgement, Law and Faith: Koranic *Dīn* and Its Rendering in Latin Translations of the Koran,” *Religion* 42, no. 2 (April 2012): 247–71, an important article in its own right, but, I think not sufficiently attentive to the nuances of the usage of *religio* in ancient Latin. See now Carlin Barton in Carlin A. Barton and Daniel Boyarin, *Imagine No Religion: How Modern Categories Hide Ancient Realities* (Bronx, N.Y.: Fordham University Press, 2016), ??-??. I am certainly not clear on what they base their statement that, “Contrary to widespread assumptions, the emergence of a generalized uncountable notion (‘Kollektivsingular’) ‘Religion’ could be traced here for Latin already to the 1st century BCE” (Gleis and Reichmuth, “Religion Between,” 268). Moreover, it must be said that simply giving passages of Arabic and translating *dīn* as “religion” hardly constitutes an argument that indeed that is its usage. See for example, Gleis and Reichmuth, “Religion Between,” 256. Aside from these quibbles, it does seem instructive that, according to Gleis and Reichmuth, a decisive turn in the usage/translation of *dīn* does seem to occur in early modernity (Gleis and Reichmuth, “Religion Between,” 265–66.)

rendering of same also indicate a much more complex semantics than the reduction to “religion” or “law” would betoken. One term that I will introduce in this discussion is the term “doings,” a term that certain archaeologists are using to indicate all of the practices, verbal and corporeal, that mark the form of life of a given human collective.³ The virtue of this term is its relative colorlessness and oddness with respect to contemporary categories, as opposed to terms like “religion,” “ethnicity,” and the like.

Let us begin the semantic investigation:

They have asked me what I have to say to refute and answer those who dissent from us of the philosophers and the men of the *torot* [Arabic אֲדְיָאן, (*al-adyān*)] and the *minim* who dissent from the majority of Israel. And I remembered that which I had heard of the arguments that the sage, who was with the King of the Khazars, who entered the *dat* [Ar. *dīn*] of the Jews four-hundred years ago today, as is recorded and known from the Chronicles [1:1].

Ibn Tibbon’s translation here is fascinating. For אֲדְיָאן, [*al-adyān*], the plural of *dīn*, ibn Tibbon translates in the first instance *torot*. My suggestion is that when Halevy contrasts philosophers to adherents of *al-adyān*, ibn Tibbon understands him to mean the adherents of revealed religion or Scriptures, thus *torot*. *Torot* must, at least, mean revealed Scriptures in this context. Moreover, at Kuzari IV,3 ibn Tibbon gives once again *torot* for this word, when Halevi refers to the philosophers among the adherents of *al-adyān*. When Halevy is referring specifically to Christians and Muslims [*al-naṣārā wa al-muslimūn*], then ibn Tibbon translates this word as the People of *Torot*. On the other hand, when the King enters into דִּין אֲלֵיהֶם [*fi dīn al-yahud*], where even ibn Tibbon translates as *dat*, it seems most plausible to suggest that for ibn Tibbon *dat* means what *dīn* means in the Qur’an, referring to the entire way of life, the “doings”

3. For this term, see Severin M. Fowles, *An Archaeology of Doings: Secularism and the Study of Pueblo Religion* (Santa Fe: School for Advanced Research Press, 2013).

of a people, of a sort that all peoples have whether right or wrong. In other words, I suggest that for ibn Tibbon, since both *dat* and *torah* can translate *dīn* they are close to being synonyms in his language with the proviso that Torah must be used when contrasting a *dat* that is revealed to a *dat* that purports to be the product of reason. The translation “religion” from either the Arabic or the Hebrew of ibn Tibbon quite obscures this point.

There is further an absolutely determining text for the meaning of “People of Torot.” In response to the Kuzari’s claim that the Indians have buildings that are hundreds of thousands of years old and that, therefore, the claim of the Jews to a recent creation is falsified, the *Haver* remarks:

“This would damage my belief if this were founded on reliable opinion or in a book [Ar. *kitāb*] that has won general agreement without controversy according to an agreed-upon chronology, but this is not the case. This [The Indians] is an undisciplined people and they have no clear chronicles and they anger the people of *Torot* [Ar. אהל אל־אד־יא *ahl al-adyān*] with such matters, just as they anger them with their statues, their idols, and their tricks. And they claim that they aid them and they ridicule those who say they have a book from God.They have written on this few books; individuals wrote them. The feeble minded will be seduced by them like a few astrological books that claim dates going back ten-thousand years [and other nonsensical books of the Nabateans]” [1:61].

Here the sense of ibn Tibbon’s “people of *Torot*” for Halevy’s *ahl al-adyān* is absolutely clear, since we have its precise antonym, the “pagans” of India. It must mean, therefore, at least in extension, something like *Ahl al-Kitāb*.

The next text here rather complicates this suggestion, however.

For he had the same dream many times, as if an angel spoke to him and said to him:
 “Your intention is pleasing to the creator but your deed is not.” And he was very devoted to the liturgy of the *Torah* [Ar. *dīn*] of the Khazars, to the extent that he used to serve in the temple himself and serve the sacrifices himself with a whole heart.

It is quite mysterious to me why suddenly here ibn Tibbon has given *Torah* for *dīn* rather than *dat*. In contrast to the texts that we have observed until now where *Torot* at any rate, the plural of *Torah*, seems always to have referred to Christians and Muslims, as opposed to “pagans,” here the devotion of the King of Khazars is also to a *Torah* (once again, in Arabic, *dīn*). Being perhaps overly subtle, I am tempted to claim that this is a sign of respect for the Khazar King who, although nominally a pagan as well, certainly seems to be a monotheist, one who listens to the words of God as communicated to him in dreams, where the message he has received is that his intentions are desirable but not his actions, so perhaps those intentions are dignified with the name *Torah* by the translator. In the sequel to this passage we read:

And however he used to devote himself in those acts, the angel would come to him at night and say “Your intention is pleasing to the creator but your deed is not.” And this caused him to investigate the *’emunot* and the *datot* [Arabic *al-adyān wa’al-nihāl*] and in the end he *Judaized* [Ar. *wa tahwwad*],⁴ he and most of the nation of the Khazars.[1:1]

Perhaps, as I suggest, this text provides some support for the notion that when ibn Tibbon wrote “*Torah*” for the Kuzari’s former devotion, it is this very simultaneous devotion to the Creator and desire to find out the truth of the desired practice that, paradoxically perhaps, renders it a *Torah*. An illuminating point here is ibn Tibbon’s translation of Halevi’s אלאדיאן ואלנחל [*al-adyān wa’al-nihāl*] as “the *’emunot* and the *datot*.” It seems clear that *datot* here is a rendering,

4. ותהוד.

as it is most frequently, of *adyān*, while *'emunot* is *nihāl*, which normally means something like “sects” in Arabic, and presumably in Halevy here as well. It can only mean here the doings of Jews, Christians, and Muslims. Ibn Tibbon, it would seem, did not wish to use (or lacked in his Hebrew lexicon) a word meaning “sects” and chose, therefore, *'emunot*, not to be understood here as individual tenets, as in, say Sa‘dya Gaon, but systems of belief that form groups, oddly analogous to modern English “faiths.” I’m not sure what to make of this but it suggests perhaps a somewhat Christianizing understanding of division by dogma on the part of ibn Tibbon which may have further significance as we continue our study [see below].

In any case, in the next passage the semantics of *Torah* for ibn Tibbon seem again quite clear, since he, quite typically for Jewish writers of Arabic and translators from Arabic into Hebrew, uses *Torah* for Arabic *shari‘ah* as well:

The [Ishma‘elite] sage responded: “There have indeed appeared by his [the Prophet] agency miracles, but they are not a necessary sign for acceptance of his *Torah*.
[*shari‘ateh*]”⁵

The Kuzari responds that it is not logical that people would accept the words of a Prophet as genuinely from God without miracles, to which the Ishma‘elite Sage replies:

“Behold, the book of our *Torah* [Ar. *kitābana*] is full of the words of Moses and the Children of Israel, and no one denies what He did to Pharaoh and that he split the sea and rescued his chosen ones and drowned those with whom he was angry and brought down for them the Manna and the quail which he fed them for forty years in the desert and that he spoke with Moses at Mt. Sinai . . . , all of this is well known and famous, and no one imagines that this was done with tricks or that it was imaginary” [1:9]

5. It is interesting to observe that when Halevy actually cites a verse from the Torah, he refers to it in his Arabic as אלתורה [al-tawrah] (1:99).

To which the Kuzari replies:

“I see that I need to ask the *Yehudim* for they are the remnant of the Children of Israel, because I see that they are the argument and the proof for any *ba‘al dat*⁶ that the creator has a *Torah* [*shari‘ah*] in the world.” [1:10].

Ibn Tibbon translates two different Arabic terms here as “Torah,” כְּתָבֵנוּא and שְׂרִיעָה “Torah,” [*shari‘a*, *kitābana* “our Torah [in the mouth of the Islamic sage],” viz the Qur’an. Even though the Kuzari quite logically comes to the conclusion that if the evidence for the divine nature of the Qur’an comes from the fact that it refers to Moses and his miracles which no one denies, then he should go straight to the source, the *Yehudim* and their Torah directly, nonetheless ibn Tibbon has translated both of these Muslim Arabic terms as Torah in his Hebrew, suggesting that they are close to being synonyms for him. His sometime translation of *dīn* as *Torah*, when it refers to the revealed Scripture of the Peoples of the Book, suggests strongly that that word too belongs to the widest meaning of *Torah* as *nomos*, the whole way of life of a people, in the case of *Torah*, specifically, for ibn Tibbon, a way of life revealed by Allah.

The expectations of the Kuzari to be richly rewarded for his pains in asking a *Yehudi* seem, however, to be quickly dashed:

When one of the Sages of the *Yehudim* came, the Kuzari asked him about his *‘emuna* [אֵתִיקָדָה *itikādah*]. The Sage began, “We believe in the God of Abraham, Isaac, and Jacob [אִסְרָאֵל] who took the Children of Israel out of Egypt with wonders and signs and journeys fed them in the desert and gave them the Land of Canaan after passing them through the Sea and the Jordan with great miracles and sent Moses with his Torah

6. This seems to lack an Arabic *Vorlage*, according to Qafih’s text at any rate, but probably attests to a variant reading. The term seems to mean “possessor of a divine law” or something of that sort.

[*shari'ateh*] and thousands of prophets after him who warned them about his Torah
 [*shari'ateh*] and the good reward for him who keeps it and the harsh punishment for him
 who denies it, and we believe everything that is written in the Torah, and the matters are
 lengthy.”

Then the Kuzari replies: “I was right when I decided not to ask a *Yehudi*, because I knew
 that their memory [tradition] was lost and their wisdom diminished, for the degradation
 and poverty have not left them any good character. You should have said, O *Yehudi* that
 you believe in the creator of the world who organizes and conducts it, and who created
 you and sustains you and discourses similar to this which are common to anyone who has
dat,⁷ and for which he pursues truth and the desire to emulate the creator in his
 righteousness and wisdom.” [1:11-12].

The shift from אַעֲתִקְאָדָה [*itikādah*] in the Arabic, opinions, to the singular *'emuna* in the
 Hebrew seems again to signify a notion for ibn Tibbon that tends toward the Christian usage of a
 “faith.” The Arabic term here translated by ibn Tibbon as *dat* is again *dīn*, which seems here to
 be semantically marked as distinct from שְׂרִיעָה, *Torah*, as perhaps the particular(ist) *Torah* over-
 against the genus/universal *dīn* (Hebrew *dat*). The *Ḥaver* [the Rabbi] is using the latter term
 clearly to refer to the Torah revealed by Moses and the Kuzari seems to consider this some kind
 of particularism that actually contradicts that which a possessor of *dat* has, a kind of universal
 desire for truth and *imitatio dei*. The *Ḥaver* immediately rejoins in the name of the Revealed
 Torah:

7. This usage seems to illuminate the usage mentioned in n. 0 above.

“What you speak of is the logical *dat* [*'al-dīn 'al-qiāsī 'al-siāsī*]⁸ to which speculation leads and into which enter many ambiguities. For if you ask the philosophers about it, you will find that they do not agree on one practice and one opinion . . .” [1:13]

and, therefore, are clearly in need of revelation, Torah. *Torah* is, then, a special case of *dat*.

The next text that I cite illustrates this interplay between *dat* and *Torah* [*dīn* and *shari'a*] even more complexly from the point of those philosophers:

The philosopher said: Once you have internalized this kind of *'emuna*,⁹ do not worry which *Torah* [*shari'ah*] you should observe [שרע השרעות] or which *dat* [*dīn*] or which practice or in which speech or which language you exalt; or invent for yourself a *dat* [*dīn*] for the sake of submission, and to exalt and to praise and for conduct of your personal behaviors and those of your family and those of your city, provided they trust you and listen to you. Or take for yourself as a *dat* the *nimmusim hasikhliim* which the philosophers invented. But put your direction and intention on the purity of your soul [1:1].

From the ibn Tibbon text alone, it would seem as if *Torah* [*shari'ah*] and *dat* [*dīn*] were indeed two different things: the first indeed seems again to refer to revealed Scripture (although the philosopher would apparently reject this claim on the very grounds that he is advancing here) and the second to that which is logical, for you can invent for yourself a *dat* or take the one that

8. Kogan: “the syllogistic, governmental religion.” One wonders why ibn Tibbon did not translate *'al-siāsī* at all, unless it was a simple error.

9. Once again, the Arabic has אצתקאדה [*itikādah*].

the philosophers have already invented.¹⁰ Now *dat* in all of these cases is the Hebrew rendering of ibn Tibbon of *dīn* in Arabic. I would argue that this paragraph precludes the translation of *dat* as “religion,” for whatever we mean by “religion,” it is not understood (except in the New Age) as something that one simply makes for oneself or derives from philosophical logic. Even a philosopher must use language that his interlocutors understand. A discipline or set of practices seems a much more plausible rendering here.

An interesting further semantic riddle has been introduced here, namely the term *nimmusim* (representing the Greek *nomos* in the Hebrew plural) that has been used here in the philosopher’s jargon to indicate rules, manners, ways of living. This is, of course, a word with a past, cognate, as it is with *nomos* as used in both the Septuagint and Josephus (as well as other writers of Judeo-Greek, e.g., Paul) to translate *Torah* into Greek. The word has now returned from Greek into Hebrew and (Christian and Jewish) Arabic as well. In contrast to its use in Judeo-Greek as *Torah*, in its Judeo-Arabic echoes it seems most often to mean norms of conduct established by human beings (as, incidentally it does in modern Hebrew) and stands in contrast to *Torah*.

We find this word again several times in the *Kuzari* and *inter alia* in the language of our Rabbi himself. Let’s try now to get a sense for its usage:

Said the Ḥaver: “This is how people were before Moses. Except for a very few, they were seduced by the *nimmusim* [Ar. *nawāmis*] of the stars and natures, and went from *nimmus* to *nimmus* [*min nāmūs ilā nāmūs*], and from god to god, and it is even possible that they held many of them [the *nimmusim*], and they forgot their leader and manager who had put those [*nimmusim*] as a cause for their benefit, but they believed that themselves (the *nimmusim*) cause benefit, but in fact they cause harm depending on the preparation and

10. See the distinction in Kalām (Islamic rational theology) between “intellectual obligations” and “traditional obligations,” as explored by Ehud Krinis, “The Arabic Background of the *Kuzari*,” *Journal of Jewish Thought and Philosophy* 21 (2013): 20–22.

the timing. The benefit comes from the Word of God, and the damage from its absence.”
[1:79]

Halevy (or rather his character, the Ḥaver) is trying to persuade that without revelation, sacrifice and other cultic acts are useless. At the beginning of the section he produces an elaborate parable about a fool who breaks into a doctor’s medicine cabinet and proceeds to distribute drugs to various and sundry without knowing which drugs are for which disease, how much to give, etc., so that in the end many of the patients die. Some, moreover, observing that a certain drug is very efficacious to a particular patient now want it for themselves, little knowing how specific its efficacy is. Halevy then compares the folks before revelation to these patients and their foolish priests. They, observing that certain folks succeeded, thought it must be their *nawāmis* (Hebrew *nimmusim*) that caused their prosperity and were accordingly seduced to follow it but then transferred their loyalties from one *nimmus* to another and even from one god to another, and forgetting the creator of these *nimmusim*, the user of them (the doctor), they thought the practices themselves were the cause of the benefits, but they themselves (the *nimmusim*) cause damage when they are misapplied. The benefit comes from the Word of God not from the practices alone, and the damage from its absence.

This analogy, as opposed to certain others that Halevy invents, is very strong and revealing. He is arguing that the sincerity of the Kuzari in his cult, in many particulars seemingly identical to Israelite cult, can, nonetheless have inimical effects, just as efficacious medicaments, when not prescribed correctly, can cause great damage to the body. Now, while in the beginning of the passage, it seems as if he is referring to institutions, call them “religions” if you like, by the end it is absolutely clear that *nimmusim* are not institutions but particular practices, analogous to individual drugs and therapies. *Nimmusim* will clearly not map its usage onto “religions” either.

The next passage both expands and somewhat complicates this usage:

Said the Kuzari: “Let’s go back to our main subject. Instruct me, how did your *Torah* [*dīnukum* in the Arabic] begin and spread and become accepted, and how did the opinions which were initially divided become unified? And how many years did it take for the *’emuna* [*al-dīn*]¹¹ to become founded and built up until it became completely strong? For the beginnings of *datot*,¹² without doubt, are by individuals, who fortify themselves to disseminate that which God wants to be shown; they get bigger, either helped by their own power or because a king arises who helps them and forces the masses with respect to that matter.”

Said the *Haver*: “Only the rational *nimmusim* [*al-nawāmis*] which began with people have arisen and grown in this fashion, and when it is a success, he will say that he was helped and taught by the creator and such like that, but the *nimmus* [*al-nāmūs*] whose beginning is from the creator arises suddenly, when he says ‘Be!’, as he said ‘Let there be!’ at the creation of the world” [1:80-81].

The Kuzari himself gives a perfectly rational, historical, one might say nearly modern account of the origin and development of *datot*. Note again that ibn Tibbon is reluctant (not more than that apparently) to translate Arabic *dīn* as anything but Torah, when referring to that of the Jews. The Rabbi, predictably enough by now, argues that that narrative of how a *dīn* comes into being, becomes widespread and powerful, only applies to the sort of logically derived, rational form of a *nimmus*, but revealed *nimmus* simply comes into being with the very creation itself. It is neither invented by a human being nor does it require any historical processes to explain its advent or success. Whatever way we would wish to gloss here נאמוסֵגִימוס here, since

11. Here again we see ibn Tibbon’s reluctance to use *dat* with reference to Jewry.

12. לֵאנָן מִבְּאֲדֵי אֶלְמִלָּל [*leanna mabādi’a al-milal*], which means something like, “the beginnings of communities.” Qafih gives here Hebrew עַמִּים, something like peoples or nations. It is significant that ibn Tibbon chose *datot* for this but I don’t yet have all the implications clear.

it refers once to the rationally derived practices of the philosophers and once to the Torah, it does not seem to match in usage any modern European term, including “religion.” It seems rather to be the covering term which includes both *nimussim* on the one hand and *Torah* on the other for the entire way of life, the doings, of a given people with the former generally marked as logically derived by humans and the latter as revealed by God.

The final example of the usage of *nimmusim* in this work will further illumine its usage. After an elaborate (and not particularly illuminating parable) about a group of people lost in the desert one of whose number finds his way to India where he is recognized by the King and the rest of the folk are invited to come as well on condition that they all observe the King of India’s rules, the Haver goes on to say:

“The (possessors of the) other *nimmusim*¹³ didn’t see any of this but they said to them: ‘Receive the service of the King of India just as those associates had, and after death you will arrive to the King, and if you don’t do it, he will distance you and torture you after your death.’ Some of them said, ‘No one has ever come to us to tell us that after his death he has been to Paradise or Hell,’ but most of them preferred an orderly and harmonious society and accepted the service. Their hope of the reward was secretly weak but outwardly strong and faithful, and they magnify and glorify themselves over the ignorant among them with their faith” [1:109].

In the solution to the parable, such as it is, we are informed that the King of India is God and the wanderer who found him Moses, and the associates the Hebrew prophets, those associates come to other folks and tell them the story, upon which hearing they accept the *nimmus* of the Israelites and abandon their other *nimmusim*. It is fascinating to note that according to Halevy their acceptance does not mean a turn of faith for them such as we would

13. The Arabic has only ותלך אלנואמיס אלאכר [wa tilka al-nawāmis al-akar]. Ibn Tibbon translates quite naturally, “the possessors of the other *nimmusim*.”

expect under the western regime of “religion” but rather a preference for the orderly society that the Torah presages. All of this surely militates against the anachronistic translation, endemic in the literature of any of these terms as “religion.” I feel, without being able to prove it, that Hebrew *dat* here is closer to its meaning in the Book of Esther where we are informed of the Judeans that they “their *datim*¹⁴ are different from all peoples, and they do not do/perform the *datim* of the king” [Esther 3: 8], i.e. the rules and regulations or laws of the king,¹⁵ not very close indeed to any version of the usage of the word “religion” today.

Naming of the Peoples

A further way of getting at the question of whether or not Halevy/ibn Tibbon possess a “religion”-like concept or a concept of “Judaism” (without a name) is to observe closely the terminologies they use to refer to different human collectives in their world.¹⁶ In the following passage, we will observe a gap between the terminology of the Arabic and that of ibn Tibbon’s Hebrew, a gap that is instructive:

Said the Kuzari [to the philosopher]: I find your words compelling, but they don’t really answer my question, as I know of myself that my soul is pure and my practices are appropriate according to the desire of the Creator. And with all this, I still was told [by an angel in a dream] that my intention is desirable and not my practice. It follows ineluctably that there is action that is desirable in itself and not by logical deduction. If this were not the case, why are Edom and Ishma‘el who divided the world between them fighting with each other? Each one of them is pure in soul and his intention is

14. I have back-formed this non-existent biblical form from *date* to distinguish it from medieval Hebrew *datot*.

15. See too Esther 9:10, where a “*dat* is given in Shushan, the capitol, and the ten sons of Haman were hanged.”

16. See “For the respective ethnic or religious groups (both of which are very difficult to distinguish in the Koran in any case) terms such as *umma* or *milla* (‘people, community’) are used,” Gleib and Reichmuth, “Religion Between,” 254.

towards God, and they are modest and ascetic and fast and pray, yet each goes on killing each other and believes that his killing is great righteousness and coming close to the Creator, may he be blessed. And each one believes that he will go to Paradise, and to believe both of them is logically impossible. [1:2-3].

The Kuzari argues that the philosopher cannot possibly be correct that actions are a matter of indifference and only “character” matters, since, although he himself knows that his heart is pure, he nonetheless has repeatedly been informed in a dream that there is something deficient in his practice and that he must discover what it is. Clearly there is some desirable practice, desirable in itself, but not discoverable through logic or philosophy. If the correct way to practice, moreover, were indifferent or could be logically derived (and not from revelation) why would Christians and Muslims be fighting to the death over it? The significance of this passage is that ibn Tibbon seems to have no Hebrew terminology to name Christians and Muslims and uses the ethnonyms “Edom” and “Ishma‘el” instead. This is all the more striking since in the Arabic text that he translated, we find *al-naṣārā wa al-muslimūn*=“Christians and Muslims”!

The significance of this point is underlined when we find the gesture precisely repeated in the sequel with a further addition:

Afterwards the Kuzari said to himself, “I will ask Edom and Ishma‘el, for one of the two practices must doubtlessly be the desired one. But as for the *Yehudim*, sufficient is what is obvious me from their downtrodden state and small number and the fact that everyone despises them” [1:4].

Once again, the Arabic has “the Christians and the Muslims [*al-naṣārā wa al-muslimūn*],” which would entitle one to see the *Yehudim* as the name of a religious group but,

once again, ibn Tibbon has only the ethnonyms for the two other groups, suggesting that for him *Yehudim* is an ethnonym as well. It is even more surprising to find ibn Tibbon not using the term “Islam,” when it is given in Halevy’s text. At 1:5, we read, “Afterwards he called upon a certain scholar of *Islam*,” [Ar. *al-Islam*] but ibn Tibbon’s Hebrew gives us “one of the Sages of Ishma‘el”! Ibn Tibbon seems to be resisting (or rather his language resists) an abstraction that seems, even inchoately, to name what will even potentially issue in a name for a “religion.”

In the next passage, ibn Tibbon seems satisfied to refer to the Christians as *Notzrim*, after, once again identifying their sage as a Sage of Edom. I reckon that this is owing to the fact that here even Halevy refers to the Christians as the *’umma* of the Christians, following the Muslim fashion of styling themselves also, as well as other collectives, as an *’umma*, a people or political society. As remarked to me by Dr. Lena Salaymeh, “When the Prophet moved to Medina, he entered into a non-belligerency agreement (a document that is often called the ‘Constitution of Medina’) with the Jewish and other tribes and this document identified all the signers as one ummah. This implies that ummah refers to a political community.”¹⁷ This makes it all the more striking, in my opinion, that Halevy here refers to Christians and Jews, as well as Muslims, as *’ummot*:

[The Edomite Sage said]: And even though we are not of the Children of Israel, we are more worthy to be called “The Children of Israel,” for we follow the words of the Messiah, and his friends from among the Children of Israel were twelve, in place of the tribes. And afterwards a large number of the Children of Israel followed after those twelve, and they were like yeast for the *’umma* of the *Notzrim*.

We have become worthy of the greatness of The Children of Israel, and there came to us, strength and might in the lands, and all of the *’ummot* [*wa gamī’ al-’umam*] are called to this *’emuna* [*al-dīn*] and commanded to cleave to it, to exalt the Messiah, and to elevate the tree upon which he was hung and all that is similar to this [1:4].

17. Salaymeh, personal communication, September, 2016.

On the face of it, if all of the *'ummot* are called to this *'emuna* [“faith”], Christianity—the Arabic has *dīn*—, then the “faith” itself can hardly be called an *'umma*, and yet it is. It is the *'umma* made up of all of the other *'ummot* who join it in belief; hence it is an *'umma* for ibn Tibbon and also an *'emuna*. The “Christian” speaker speaks against ethnicity and insists that it is faith that justifies the name “Children of Israel.” It is just possible that ibn Tibbon here reveals greater awareness of the peculiarities of “Christianity” over against Judaic or Islamic thought, namely that Christians consider themselves a “faith,” so this particular *'umma* can be defined as an *'emuna*, a faith. In the Christian context, where it is the explicit ideology that right belief is what constitutes both membership and salvation, one must struggle for a distinction between something like “religion” and “nation,” but this distinction is so unnatural for the Jewish writer(s) that they enter into self-contradiction and incoherence to represent it.

I will close my discussion in this section (without claiming completeness of treatment), perhaps appropriately, with a short text on heaven and hell:

“As for the coming rewards which are so pleasant to you, Our sages already preceded to describe Paradise and Hell, and measured them in breadth and length, and narrated the pleasures and the tortures, more than the other *'ummot qrovot* [Arabic *al-milal al-qarībah*]¹⁸ have narrated” [1:115].

The terminology adopted here by Halevy leaves, it seems, little room for doubt. The Jews, the Christians, and the Muslims are all considered by him folks who belong to *'ummot* not to *datot*. They have *datot*, but as we have seen above, that hardly adds up to “religion” either; actually the best translation for *datot*, as well as *nimmusim*, might be “doings” after all. One must conclude that not only is there no word in Halevy’s Arabic or ibn Tibbon’s Hebrew that means

18. Here ibn Tibbon gives *'ummot* for Halevi’s *milal* while elsewhere he gave *datot*. The terminology is not solidified at all.

“Judaism,” the very concept is also absent from their conceptual frameworks which are much more complex and nuanced than that term would indicate, and this is the payoff of this research, not the negative result of the denial of the existence of “Judaism.” As hard as Halevy is reaching for some ways to name that which he is talking about, the vacillations between *dat*, *shari‘a*, *nimmus* (and the even more complex nuances of usage in ibn Tibbon) do not allow for simplex ways of speaking about Jews, Christians, Muslims, philosophers, and Indians; sometimes ethnic groups, sometimes groups characterized by certain “doings.” Although I am not in a position here to conduct a full and complete study of Arabic and Judaeo-Arabic—and such will have to remain a desideratum—, the evidence presented here from the analysis of the *Kuzari* suggests strongly that the concept of “Judaism” remained foreign at least to this key Judaeo-Arabic writer of the high middle ages.

The Semantics of No Judaism

Without our modern abstractions and one for one translation possibilities, the picture is indeed a muddy one, as muddy as any set of human doings, but there are certain traces of perspicuity in the mud. Tracking our way through the following fairly lengthy citation may help us to see these spoors:

Said the *Haver*: “I see that you condemn us owing to our poverty and lowliness, but it is precisely with that that the great ones of those *‘ummot* [*al-milal*] glorified themselves [Ar. *wa bihimā yatafākhar afdal hadhihe al-milal*], for the *Notzrim* pride themselves on the one who said: ‘If one has slapped you on the right cheek, turn your left cheek to him, and if someone takes your cloak, give him your shift.’ This one and his followers for hundreds of years received calumny, torture, and killing in sensational ways, and this is what they gloried in. And similarly those who hold the *Torah* of *Ishma‘el* [*šar‘ al-Islam*] and his associates until they triumphed, and they glorified and exalted themselves because of those people and not because of the kings who became powerful and whose

kingdoms became enormous and carriages were wonderful. It follows that we as well our closeness to God is greater than were we to have greatness in this world.”

I first recapitulate a point that has been made above, noting that Christians and Muslims are both referred to as *'ummot* and not *datot*. Interestingly, however, here the Christians are referred to by what seems to be a marker of their affective allegiance and not as a nation, *Edom*, as we have seen in other places. On the other hand, members of the collective of Islam (which certainly, for instance, at the time of Halevy included Persians) are referred to by the ethnonym *Ishma'el* (which ought properly, it would seem, to designate Arabs, not Muslims.) The same *Ishma'el*, moreover, is designated as having a *Torah* (in the Hebrew, see below) which seemingly refers to the Qur'an but also to the set of practices, the doings that it enjoins. It is important to note that neither name occurs as it does in the Arabic here. For the latter, Halevy does use *Islam* and its *shari'a*, and for the former only refers indirectly to Christians by citing the Gospel without naming the folks who hold that Gospel. The names are thus significant for our evaluation of the Hebrew of ibn Tibbon.

At this point, the Kuzari interjects and remarks that it would be the case that the Jews would have been praiseworthy for their humiliation as the Christians are, had the Children of Israel accepted their lowliness voluntarily, but he knows that the moment they have power, they will kill their enemies. The same terms are used immediately below referring to Israel and its Torah in both the Arabic and Hebrew respectively that were used with respect to Islam/Ishma'el above, suggesting that a *shari'a*, a *Torah* is something that, according to Halevy, different *'ummot* may have and hold (at any rate “the adherents of the book.”) *Shari'a* is, however, not the totality of Islam; is Torah the totality of the doings of Jewry? The *Haver* goes on:

“You have found my most shameful point, King Kuzar. It is true: if most of us had received from our poverty submission to God and his *Torah* [*šari'ateh*], the divine word

would never have left us alone for so long. But only a minority of us are of this opinion. But there is, nonetheless, reward for the majority as well, because they maintain the exile whether voluntary or involuntary—for if they wanted to, they could become a comrade of that oppressor, just by saying a word without any effort, and this is not forgotten by the Just Judge. But if we had been suffering this exile and this poverty for the sake of God as is fit, we would have been the glory of the generation and waiting for the Messiah, and we would have been bringing near the future salvation that we await.

As for us, we do not accept anyone who comes into our *Torah* with only a word, but with practices that carry with them much effort, purification and study and circumcision and many *Torah* practices [*wa a'māl shari'a kathira*] and that he should follow our way of life [*wa al-aḥrā an yasīr sīratānā*]¹⁹. . . .

Here it does seem as if “our *Torah*” means entering into Jewry (Hebrew *giyyur*). *Torah* here, as translation of Halevy’s *shari'a* must be larger than just a set of practices since one might have thought that one could enter it simply by uttering a word, as, indeed, one enters Islam. The term must refer to a broader category than law or practice although in the Judaic version it necessarily incorporates many practices without which it is not the Judaic *Torah*. Perhaps the Arabic *shari'a* with respect to Islam too has this double sense of, on the one hand, the required practices and on the other, the entire system of thinking and representation and emotion and liturgy that subtends that set of required practices and “laws.” In the end, Halevy refers to it as “our way of life” or perhaps “our doings,” the whole complex of Jewish practice from beginning to end, from cradle to grave, certainly not an abstractable or extricable “religion” for all of that.

The finale of this passage both bears out this double meaning and also messes it up some:

19. שינהג כמנהגינו. The Arabic here has ואלאחרי אן יסיר סירתנא [*wa al-aḥrā an yasīr sīratānā*] translated by Kogan, “the best way of putting it is that he should follow our way of life,” which, were one minded as I am, one might translate as “do our doings.”

And one who has conjoined himself in this fashion he and his progeny will have a great portion of closeness to the Blessed God. But withal the *ger* who comes into our Torah [אלדכיל פי דין ישראל *al-dākhil fi dīn Isra'el*]²⁰ will not be equal to the indigene, for only the indigenes are worthy of prophecy, and the others, the zenith of their possibility is to receive the prophetic words, and they may be sages and saints but not prophets.” [1:113-115].

Here, quite pointedly, Halevy does *not* use *shari'a*, still less *Torah*, but *dīn*. This translation by ibn Tibbon strongly suggests, as we have seen above, that he prefers not to use *dat* when referring specifically and exclusively to Jewish tradition and substitutes *Torah* in such instances, not, however, entirely consistently. Once again, this suggests that for him *dīn* is at least roughly equivalent to *Torah* but translated as such only (with one exception) when it refers to the Torah of the Jews (or even the other Peoples of the Book) but with a strong preference for *dat* when the followers of forms of life not deemed given by God are in question.

Altogether, we have as many questions as answers here, perhaps more, but these questions would not have been raised or even suspected had we been content to foreclose them by using words like “religion,” “Judaism,” words that are foreign to the vocabulary of both of our twelfth-century Jewish writers. The abstractions are imposed by translators—nearly all of us, nearly all of the time, present author not excepted—filtering ancient and medieval experience through the lenses of our own highly marked symbolic structures with their sharp distinctions between religion and the secular, between law and religion. Premodern folk simply did not perceive human activities in terms of a distinction between the things people do and the abstractions that explain them, such as “religion,” “culture,” and “economy.” It is important to emphasize, however, since I do not wish to be misunderstood. When I speak of the pre-modern or extra-EuroAmerican, I am *not* claiming that they were incapable of making abstractions, that

20. The Arabic does not have a match for *ger*, only the paraphrase, “one who enters the *dīn* of Israel.” The term is ibn Tibbon’s addition.

modern European represents an advance over all other cultures. As clearly shown by Fitzgerald²¹ and others the abstracting and distinguishing of separate categories in modernity served colonial and capitalist ends and does not represent progressing mental or cultural competence.

At the same time, and this is crucial to my overall historiographical claims, we can observe the beginnings of a shift between the overall semantics of Halevy's Judeo-Arabic and ibn Tibbon's Hebrew in the latter's usage of *'emuna* in reference to a particular human collective, at the same time as ibn Tibbon uses only the ethnonyms to refer to these groups as well. Indeed, it is the refusal to begin our investigation by assuming the term/concept "religion" that will empower this observation, enable us to ask the as yet unanswered question. Once again, Reed has provided an acute and useful articulation:

Personally, I still remain skeptical as to the utility of these particular categories—in my case: primarily because of their lack of fit with the full range of the relevant data now known to us and because of their resultant simplification of what we increasingly know to be much more interesting, dynamic, and complex phenomena. In part, however, my skepticism reflects my own scholarly temperament: I tend to be wary of temptations to frame our inquiries into the past in terms defined foremost by disembodied "isms" of modern invention, at the expense of taking seriously our premodern sources and their capacity to surprise us—not least by confronting us with potentially quite different ways of ordering knowledge, categorizing texts and ideas, and theorizing experience. Here as elsewhere, I tend to try to use such categories as sparingly as possible, only when able to articulate precisely how they prove useful, and always anxious about the dangers of collapsing the diversity of the premodern sources thereby labeled into anachronistically

21. Timothy Fitzgerald, *The Ideology of Religious Studies* (New York: Oxford University Press, 2000)

modern assumptions about which similarities and continuities are and are not meaningful or worthy of study.²²

In the spirit of Reed's formulation let me suggest that here too refraining from using or translating with modern abstractions enables us avoid collapsing the diversity of even two near contemporaries as Yehuda Halevy and Yehuda ibn Tibbon, particularly as it is rudimentary, slight, and subtle. The most interesting two facts in the above discussion are that ibn Tibbon has available in his lexicon the word *'emuna* as meaning a group of people who hold a certain set of opinions or dogmas, and that he translated *dīn* sometimes as *dat* and sometimes as *Torah*. Is there any explanatory framework that might help us to make sense of this diversity? Let me tentatively suggest one, a hypothesis that will either prove useful, I hope directly, by providing a fruitful direction for analysis or indirectly, dialectically, by stimulating the production of better explanatory frameworks.

In *Imagine No Religion*, Barton and I observed that there are signal differences in the use of *religio* and especially the Greek *thrēskeia* between different types or genres of Christian writing in the early centuries of the era.²³ Writing of the second and third-centuries that claims for Christendom world mastery and total replacement of the powers that be and the world order, does not ever use *thrēskeia* to mean anything like "our cult" as one among many but only as the despised and useful practices of others. When, however, Christians write in an apologetic mode, then *thrēskeia* appears in that sense, our cult among others.²⁴ Of course, this does not manifest the full complex meaning of "religion" that develops in modernity but it does, it seems, presage at least one voice in that polyphony. This at least raises the possibility that the concept of

22. Annette Yoshiko Reed, "Categorization, Collection, and the Construction of Continuity:1 Enoch and 3 Enoch in and Beyond 'Apocalypticism' and 'Mysticism'" (2016), Unpublished paper.

23. Barton and Boyarin, *Imagine No Religion*.

24. Barton and Boyarin, *Imagine No Religion*, 200–214.

“religion” as genus with many species and as somehow separated from other realms appears precisely in apologetic contexts of one sort or another, e.g. to take a strong example, the Peace of Westphalia. Given this, it might be defensible to suggest as well that the difference of Halevy’s Arabic, written, of course, for Arab Jews in the dar al-Islam, and ibn Tibbon’s Hebrew, written for the Jews of Christendom, responds to real cultural difference that grows out of these disparate situations.

A Christian Kuzari: For Comparison’s Sake

A marvelous text from 10th century Old Church Slavonic about the Christianization of Kievan Russ has surprising affinities with the Kuzari and affords some measure of support for my very tentative suggestion above. I won’t do it justice here but just enough to show how its differences from the Kuzari are telling of Christian and Jewish difference in respect to our inquiry and thus, perhaps, provide a partial explanation for the differences in semantic fields between Halevy and Ibn Tibbon. The text begins with an account of the Russ as pagans and their King as a plunderer and waster. At a certain point after failing to defeat the Bulgars, he makes peace with them and then:

[In the year 6494 (986)] Vladimir was visited by Bulgars of Mohammedan faith [вѣра], who said, “Though you are a wise and prudent prince, you are ignorant of [lit. do not know/you] the covenant / law / testament /tenet [закон]. But believe in our covenant / law / testament / tenet [закон], and revere Mahomet.” Vladimir inquired: “What is [the nature of] your faith [вѣра]?” They replied: “We believe in God, and Mahomet instructs us the following: we ought to cut our private parts, and we should eat no pork, and drink no wine; however, reportedly, after death, one may indulge in carnal desires [lit. fornication / commit adultery] with women. Mahomet will give each man seventy beautiful women and, having chosen the most beautiful among them, he will confer upon her the charms of them all, and she shall be this man’s wife. Reportedly, every carnal desire will be

permitted, but whoever is poor in this world will be no different in the next.” They also spoke other false things which out of modesty may not be written down. Vladimir listened to them, for he was fond of women and all kind of carnal indulgence [lit. fornication]; this is why he listened with pleasure. But cutting off the genitals and abstinence from pork and wine were disagreeable to him. “Drinking,” said he, “is the joy of the Russians. We cannot exist without this.”

The conceptual split between “ethnic” and “religious” identity is dramatized by this delineation of these proselytizers as being Bulgars by ethnicity, Muslims by “faith.” Indeed, the Bulgars had only been converted to Islam (according to yet another such legend) two years or so before the events told here.²⁵ The next visit presents us with another surprising ligature of ethnicity and “faith”:

After that Germans from Rome came and said: “We came, since we are sent by the Pope,” and said to Vladimir: “This is what the Pope said: ‘Your land is the same like ours, yet our faith is not similar to yours, since our faith is light; we bow before the God who created heaven and earth, stars and the Moon and every breathing being, while your gods are but wood.’”

Vladimir asked them: “What is your covenant?” [заповѣд, lit. order, law].

And they reply: “Fasting depends upon one’s strength. If one eats or drinks, all this is in the glory of God, as our teacher Paul said.”

Then Vladimir said to the Germans: “Return to wherever you came from, since our forefathers would not have accepted this.”

25. This story, incidentally, is very similar to a rabbinic fable of God offering the Torah to various peoples and being turned down because of various prohibitions.

Following this visit from the “Germans” attempting to make him Catholic, the narrative continues of course, with a visit from a Jewish proselytizer, but with a bit of a surprise as to who he is:

Having heard of this came Khazarian Jews [жидове козарьстии], saying, “We have learned that Bulgars and Christians came hither to instruct you in their faiths [вѣра]. The Christians believe in him whom we crucified, but we believe in the one God of Abraham, Isaac, and Jacob.”

Then Vladimir inquired: “what is your covenant?”

They replied: “circumcision, not eating pork or hare, and observing the Sabbath.”

The Prince then asked: “where is your native land?”, and they replied: “in Jerusalem.”

Then Vladimir inquired: “Is it indeed there?”

They answered, “God became angry at our forefathers, and on account of our sins scattered us to [all] corners / locations [around the world], and our land was then given to the Christians.”

The Prince then said, “How can you teach others while you yourselves are cast out and scattered abroad by God?

If God loved you and your covenant [zakon], you would not be thus dispersed in foreign lands. Do you wish the same to happen to us?”²⁶

Once again, the representatives of the “faith” in question are marked by an ethnic identity separate from the marking by “faith.” Fascinatingly, these Kazar Jews are precisely the converts or their descendants spoken of in the later Kuzari. Once again, they fail to persuade.

Needless to say, this failure too is followed by the final and successful visit of a Greek Orthodox scholar who succeeds in converting the Pagan Russ to Orthodox Christianity. As with the Kuzari, the “winning” side has the lion’s share of the text. What is important for the present inquiry—and there is so much more to be said about this text in addition to what has already

26. Dmitrieva [sostavlenie i obshchaia redaktsiia L.A.] and D.S. Likhacheva], *Pamiatniki Literaturny Drevnei Rusi: Konets XV-Pervaia Polovina XVI Veka*, Pamiatniki Literaturny Drevnei Rusi (Moskva: “Khudozh. lit-ra,” 1984), 98–101 I cite here a new translation of the Old Church Slavonic text made for me by Prof. Florentina Badalanova Geller for which I am very grateful as well as for her other invaluable help.

been written about it—is the terms in which the alternatives are named. Even absent a philological study of the words being translated “faith” and “covenant” here, one can see from features of the text itself that something different is happening here discursively from what we find in the *Kuzari*, namely that geographic and ethnic origin and “faith” are being explicitly sundered here: The Catholics are Germans, these Bulgars are Muslims (a seeming rarity), the Jews are Khazars [!], and the Orthodox Christians are Greeks. Contrast this with the identifications of Jews as Israel, Christians as Edom, and Muslims as Ishma’el in the *Kuzari* and one can see the point of the difference that non-identification by “religion” makes; hence the *Kuzari*’s non-need to use a term anywhere cognate to “Judaism,” an abstraction that would name a putative “religion” that clearly does not exist in his cultural world. .

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