

# **Between Rashi and Maimonides**

**Themes in Medieval Jewish Thought,  
Literature and Exegesis**

edited by

**Ephraim Kanarfogel and Moshe Sokolow**

THE MICHAEL SCHARF PUBLICATION TRUST  
OF THE YESHIVA UNIVERSITY PRESS  
NEW YORK



2010

## Between Ashkenaz and Sefarad: Tosafist Teachings in the Talmudic Commentaries of Ritva

*Ephraim Kanarfogel*

The extent to which leading rabbinic scholars of northern Europe (Ashkenaz) during the high middle ages were familiar with the writings of their counterparts in Spain (Sefarad) and points further east within the Moslem world remains an interesting area of scholarly research and conjecture. The popular (albeit fanciful) legend that describes a meeting between Rashi and Rambam notwithstanding,<sup>1</sup> Shamma Friedman has recently provided pieces of evidence which suggest that Maimonides (in a revised version of his *Mishneh Torah*) was familiar with talmudic comments made by Rashi (who died thirty years or so before the birth of Maimonides).<sup>2</sup> On the other hand, only if we presume that the ethical will attributed to Maimonides (in which he recommends the Torah commentary of Ibn Ezra for careful study) is authentic,<sup>3</sup> do we have possible evidence for Rambam's familiarity

- 
1. See the sources and discussion in Avraham Grossman, *Hakhmei Zarefat ha-Rishonim* (Jerusalem, 1995), 180, n. 201.
  2. See Shamma Friedman, "Maimonides' Use of Rashi's Commentaries: A Reevaluation," [Hebrew], *Rashi: The Man and His Works*, ed. A. Grossman and S. Japhet (Jerusalem, 2008), 403–38. Cf. Grossman, 179, n. 198, and E. Kanarfogel and M. Sokolow, "Rashi ve-Rambam Nifgashim ba-Genizah ha-Qahirit: Hafnayah 'el Sefer 'Mishneh Torah' be-Mikhtav me-Et Ehad mi-Ba'alei ha-Tosafot," *Tarbiz* 67 (1998), 411–16.
  3. See Isadore Twersky, "Ha-Hishpia' R. Avraham ben Ezra 'al ha-Rambam?" *Rabbi Abraham Ibn Ezra: Studies in the Writings of a Twelfth-Century Jewish Polymath*, ed. Twersky and J. Harris (Cambridge, Mass., 1993), 21–24; and Yitzhak Sheilat, *Igrot ha-Rambam*, (Jerusalem, 2008), 2:697–99.

with the Torah commentary of Rashi (which is cited by Ibn Ezra on occasion).<sup>4</sup>

Ephraim Urbach has demonstrated that the so-called *Hassagot she-hisig ha-Ra'avad 'al Perush R. Shelomoh Zarefati (Rashi) 'al ha-Torah* have been incorrectly attributed to the leading twelfth-century Provençal talmudist and critic of Maimonides' *Mishneh Torah*, R. Abraham b. David of Posquieres.<sup>5</sup> Rabad, however, was quite familiar with Rashi's commentary to the Talmud, as was Rabad's Provençal colleague and contemporary R. Zerachyah *ha-Levi* (Razah), author of the *Sefer ha-Ma'or*. Both Rabad and Razah were aware of at least some of the work of Rashi's Tosafist grandson Rabbenu Jacob Tam as well.<sup>6</sup> But southern France and Spain are not the same in this regard.

R. Yosef *ha-Levi* ibn Migash, who died in southern Spain in 1141 (and was the teacher of Maimonides' father), turned to the scholars of Provence sometime during the early twelfth century seeking a copy of Rashi's commentary to *Zevachim*.<sup>7</sup> Indeed, Rashi's talmudic commentaries were not cited with any frequency in the writings of major Spanish talmudists prior to the commentaries of R. Meir *ha-Levi* Abulafia (Ramah), the most prominent Spanish talmudist (and anti-Maimunist) in the early years of the thirteenth century (who also cites Rashbam and two other

4. On Ibn Ezra's citation and use of Rashi, see A. Mondschein, "Ve-Ein bi-Sefarav Peshat Raq Ehad Minei Elef — Le-Derekh Hityahasut shel R. Avraham Ibn Ezra le-Perush Rashi la-Torah," *Iyyunei Miqra u-Parshanut* 5 (2000), 221–48. Cf. Uriel Simon, "R. Avraham Ibn Ezra — Bein ha-Mefarsh le-Qor'av," *Proceedings of the Ninth World Congress of Jewish Studies* (Jerusalem, 1988), 23–42.

5. E. E. Urbach, "Hasagot ha-Rabad 'al Perush Rashi la-Torah?" *Qiryat Sefer* 34 (1959), 101–03 [=Urbach, *Mehqarim be-Madda'ei ha-Yahadut*, ed. M. D. Herr and Y. Fraenkel (Jerusalem, 1998), vol. 1, 377–79.]

6. See, e.g., I. Twersky, *Rabad of Posquieres* (Philadelphia, 1980), 232–36; and Israel Ta-Shma, *R. Zerachyah ha-Levi Ba'al ha-Ma'or u-Bnei Hugo* (Jerusalem, 1992), 20–21, 26–27, 34–38, 41–45, 96–112. Interestingly, however, neither Rabad nor Razah are cited by Ashkenazic rabbinic figures until the middle of the thirteenth century. See Ya'akov Sussmann, "Perush ha-Rabad le-Massekhet Sheqalim? Hidah Bibliografit — Be'ayah Historit," *Me'ah She'a'rim*, ed. E. Fleischer et al. (Jerusalem, 2000), 164–65.

7. See my "What Do They Study in Your Yeshivah? The Scope of Talmudic Commentary in Europe During the High Middle Ages," *Printing the Talmud*, ed. S. L. Mintz and G. M. Goldstein (New York, 2005), 49–50. Cf. Bernard Septimus, *Hispano-Jewish Culture in Transition* (Cambridge, Mass., 1982), 25–27; and *Sefer ha-Maspia le-'Ordei ha-Shem*, ed. N. Dana, Ramat Gan (1989), 177–78.

early Tosafists, Rabbenu Tam of Ramerupt and Riva *ha-Levi* of Speyer).<sup>8</sup> By the same token, predecessors and contemporaries of Rashi in northern France, such as R. Yosef Tov Elem and R. Eliyyahu *ha-Zaqen*, were familiar with the writings of liturgical poets from Moslem Spain, just as Rashi and his students were familiar with various Spanish exegetical and grammatical works.<sup>9</sup>

Although Rashbam composed glosses to R. Isaac Alfasi's *Halakhot*,<sup>10</sup> and R. Judah of Barcelona's halakhic writings were also known in northern France by the mid-twelfth century,<sup>11</sup> *Hilkhot ha-Rif* were not cited with any frequency in Ashkenaz until the days of Rabiah (d. c. 1225) and his student, R. Isaac *Or Zarua'*. Indeed, the only consistent use of Sefardic talmudic commentary in Ashkenaz during the twelfth century can be seen in the frequent citations from Rabbenu Hanan'el of Kairwan's commentaries by various Tosafists, beginning with Rashbam in northern France and R. Eliezer b. Nathan (Raban) in Germany. And it may well be that R. Hanan'el's Italian origins, which constituted a meaningful pedigree within medieval Ashkenaz, facilitated that usage.<sup>12</sup>

In short, it is not before the end of the twelfth century or the beginning of the thirteenth century that Spanish talmudists begin to systematically utilize the talmudic commentaries of Rashi and the Tosafists, and concomitantly, that the Tosafists begin to pay

- 
8. See Septimus, *ibid.*, 134, nn. 36–37, and Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, vol. 2 (Jerusalem, 2000), 15–16.
  9. See, e.g., A. Grossman, "Ha-Qesharim Bein Yahadut Sefarad le-Yahadut Ashkenaz Bime'i ha-Benayim," *Moreshet Sefarad*, ed. Haim Beinart (Jerusalem, 1992), 176–77, and *idem.*, *Hakhmei Zarefat ha-Rishonim*, 46–47, 76–77, 102, 247–48.
  10. See E. E. Urbach, *Ba'alei ha-Tosafot* (Jerusalem, 1980), 1:56–57.
  11. See I. Ta-Shma, *Knesset Mehqarim*, vol. 1 (Jerusalem, 2004), 78, 145. Cf. Elliot Wolfson, "The Mystical Significance of Torah Study in German Pietism," *Jewish Quarterly Review* 84 (1993–94), 65–69, regarding the German Pietists' use of Judah of Barcelona's speculative commentary on *Sefer Yezirah*.
  12. See I. Ta-Shma, *Knesset Mehqarim*, 1:43–61. Cf. A. Grossman, "Me-Andalusia le-Eiropah: Yahasam shel Hakhmei Ashkenaz ve-Zarefat ba-Me'ot ha-12 — ha-13 'el Sifrei ha-Halakhah shel ha-Rif v'ha-Rambam," *Pe'amim* 80 (1999), 16–24. On Rashi's possible awareness of the talmudic commentaries of Rabbenu Hanan'el, see Shamma Friedman, "Perush Rashi la-Talmud — Haggahot u-Mahadurot," *Rashi, 'Iyyunim be-Yezirato*, ed. Z. A. Steinfeld (Ramat Gan, 1993), 173–74, n. 141, and Yonah Fraenkel, *Darko shel Rashi be-Perusho la-Talmud ha-Bavli* (Jerusalem, 1975), 2, n. 5.

sustained attention to Sefardic materials. Maimonides' *Mishneh Torah* is cited by Tosafists in northern France only from the early years of the thirteenth century, leading up to its decisive role in Moses of Coucy's *Sefer Mizvot Gadol* (which was composed around 1240), and its fairly extensive use by a group of rabbinic figures associated with the German Tosafist R. Simhah of Speyer (d. c. 1230).<sup>13</sup> As the thirteenth century unfolds, the most important Spanish talmudic commentaries, composed by Nahmanides and his student, R. Shelomoh ibn Adret (Rashba), consistently refer to Ashkenazic talmudic scholarship, and especially to the comments and methodologies of *Hakhmei* or *Rabboteinu Ba'alei ha-Tosafot ha-Zarefatim*, or *rabbanei/talmidei (ha)-Zarefat(im)*.<sup>14</sup>

The role of various Provençal intermediaries in this process, on both sides of the divide, should not be under-estimated. Two of Nahmanides' major teachers were Provençal talmudists who had significant contact with northern French Tosafists, especially R. Isaac b. Abraham (Rizba) of Dampierre.<sup>15</sup> At the same time,

13. See Kanarfogel and Sokolow, "Rashi ve-Rambam Nifgashim," (above, n. 2); Jacob Dienstag, "Yahasam shel Ba'alei ha-Tosafot leha-Rambam," *Sefer Yovel le-Shmu'el Kalman Mirsky*, ed. S. Bernstein and G. Churgin (New York, 1958), 350–79; A. Grossman, *ibid.*, 24–29; Judah Galinsky, "Ve-Lihyot Lefanekha 'Eved Ne'eman kol ha-Yamim': Pereq be-Haguto ha-Datit shel R. Mosheh mi-Coucy; Jeffrey Woolf, "Maimonides Revised: The Case of Sefer Misvot Gadol," *Harvard Theological Review* 90 (1997), 175–205; idem., "Admiration and Apathy: Maimonides' Mishneh Torah in High and Late Medieval Europe," *Be'erot Yizhak*, ed. J. Harris (Cambridge, Mass., 2005), 427–47; and I. Ta-Shma, *Creativity and Tradition* (Cambridge, Mass., 2006), 175–83. A problem that remains, however, is that *Mishneh Torah* is cited less than a handful of times in the *Tosafot* published in the standard editions of the Talmud. While it is cited in Abraham b. Ephraim, *Qizzur Sefer Mizvot ha-Gadol*, ed. Y. Horowitz (Jerusalem, 2005), it is barely mentioned in the contemporary (and much more widely circulated) *Sefer Mizvot Qatan* by R. Isaac of Corbeil (d. 1280). Moreover, its use in the circle of R. Simhah of Speyer is uneven. I hope to return to these issues in a separate study.

14. See I. Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:39–55, 59, 64–65; my "On the Assessment of Nahmanides and His Literary Oeuvre," *Jewish Book Annual* 54 (1996–97), 66–80; and Hillel Novetzky, "The Influence of R. Joseph Bekhor Shor and Radak on Ramban's Commentary on the Torah," (M.A. thesis, Yeshiva University, 1992). Cf. B. Septimus, "Open Rebuke and Concealed Love: Nahmanides and the Andalusian Tradition," *R. Moses b. Nahman: Explorations in His Religious and Literary Virtuosity*, ed. I. Twersky (Cambridge, Mass. 1982), 1–34, and Moshe Halbertal, *Al Derekh ha-'Emet* (Jerusalem, 2006), 83–85, 102–16, 344–52.

15. See Shalem Yahalom, "R. Nathan b. Meir, Moro shel ha-Ramban — Haspa'atah shel Torat Provence bi-Gerona," *Pe'amim* 91 (2001), 5–25; idem., "R. Yehudah b. Yaqar

R. Abraham b. Nathan of Lunel travelled to study in northern France (and was familiar with the teachings of several German rabbinic figures as well), before returning to Provence and finally settling in Toledo in 1204. His *Sefer ha-Manhig* flits between the customs and decisions of Provence, Spain and northern France, suggesting that he maintained his northern connections and circulated halakhic material to that region even after he had settled in Christian Spain.<sup>16</sup>

We have now arrived at the focal point of our study, the use of Tosafist materials by leading Spanish talmudists in the late thirteenth and early fourteenth centuries with special attention to the *hiddushim* of Ritva, but one final larger observation is in order. The course of major Sefardic halakhic or talmudic writings in the twelfth and thirteenth centuries begins with the forms of codes and responsa, represented by the writings of Alfasi and Maimonides. As the thirteenth century arrives, the preferred genre in Spain shifts to talmudic novellae or *hiddushim* that become dominant, as represented by Ramban, Rashba and the main figure under discussion in this study, Ritva (although these scholars continued to compose responsa which, in Rashba's case, were rather extensive).<sup>17</sup>

In Ashkenazic rabbinic circles, the twelfth century was dominated by the commentaries and comments of Rashi and the Tosafists. As the thirteenth century unfolds, significant halakhic codes composed by successive generations of the students of northern French Tosafists begin to appear, from *Sefer ha-Terumah* to *Sefer Mizvot Gadol* to *Sefer Or Zarua'* (whose author, R. Isaac b. Moses of Vienna, studied with both northern

---

— Toledotav u-Meqomo be-Mishnat ha-Ramban,” *Sidra* 17 (2001–02), 79–107; and cf. idem., “Meqorot ‘Alumim be-Perush ha-Ramban la-Torah,” *Shenaton le-Heqer ha-Miqra voha-Mizrah ha-Qadum* 15 (2005), 266–93.

16. See, I. Ta-Shma, *Knesset Mehqarim*, 2:118–121; B. Septimus, *Hispano-Jewish Culture in Transition*, 32–35; and my “Peering through the Lattices: Mystical, Magical and Pietistic Dimensions in the Tosafist Period (Detroit, 2000), 51–58, 193–94.

17. See, e.g., Ta-Shma, *Ha-Sifrut ha-Parshanut la-Talmud*, 2:35, 56–57, 69; A. Grossman, “Yeziratam ha-Hilkhatit shel Hakhmei Sefarad,” *Moreshet Sefarad*, 158–62; and below, n 33.

French and German Tosafists) to *Sefer Mizvot Qatan*, among others.<sup>18</sup> Moreover, responsa, which had not been preserved by their authors to a significant degree during the twelfth century, are collected more efficiently especially in the halakhic writings and compendia of thirteenth-century German Tosafists, leading up to the large-scale responsa collection initiated by R. Meir of Rothenburg (that included his own responsa as well as many responsa of his predecessors) in the late thirteenth century.<sup>19</sup>

When the progress of these genres is charted, it appears that Sefardic rabbinic scholarship becomes, in effect, Ashkenazic-like, while the Ashkenazim, in turn, start to follow Sefardic literary patterns. Although there are likely some larger literary tendencies at work here as well,<sup>20</sup> it may be suggested that this role-reversal (or genre-reversal) is one of the (few) positive by-products of the tumultuous Maimonidean controversy. That controversy, which begins to percolate in earnest during the early years of the thirteenth century, brought the rabbinic cultures of Ashkenaz and Sefarad into close contact, more than any other single event or issue. The shift in genres that has been outlined may have resulted, in no small measure, from these contacts.<sup>21</sup>

Having sketched the broader literary background in historical context, let us now look more closely at the place of the teachings of the Tosafists in the leading Spanish talmudic commentaries of the thirteenth century. Although modern scholarship has differed about how to characterize Nahmanides' reliance on the writings of the Tosafists of northern France, no one doubts his extensive use

18. See Ta-Shma, *Knesset Mehqarim*, 1:317–44. See also Simcha Emanuel, *Shivrei Luhot: Sefarim Avudim shel Ba'alei ha-Tosafot* (Jerusalem, 2007), which focuses primarily on halakhic works that were produced by German Tosafists and rabbinic figures.

19. Cf. Ta-Shma, 2:173–75; Emanuel, 270–78, 319–28; and my “Religious Leadership During the Tosafist Period: Between the Academy and the Rabbinic Court,” *Jewish Religious Leadership, Image and Reality*, ed. J. Wertheimer (New York, 2004), 265–305.

20. See, e.g., I. Twersky, *An Introduction to the Code of Maimonides* (New Haven, 1980), 72, for the notion that a period of literary creativity is often followed by a period of organization or collection.

21. Cf. e.g., B. Septimus, *Hispano-Jewish Culture in Transition*; 48–51, Grossman (above, n. 17); and Ta-Shma (above, n. 16).

and citation of Tosafist literature.<sup>22</sup> It becomes apparent, however, that Nahmanides utilized a somewhat selective, if highly effective, group of Ashkenazic texts from among those that were available to him. Specifically, Nahmanides cites *Tosafot Shanz*, the Tosafist comments authored or collected by R. Samson b. Abraham of Sens (d. 1214), the leading student of R. Isaac of Dampierre (Ri, d. 1189) who was, in turn, the leading student of his uncle, Rabbenu Tam (d. 1171). Israel Ta-Shma has stressed that unlike many subsequent *Tosafot* collections, in which students recorded and edited the *Tosafot* that were developed and presented by their teachers, the *Tosafot* attributed to R. Samson, which are replete with the teachings of Ri and Rabbenu Tam, were actually formulated and composed by R. Samson himself, rather than by his students. This more direct composition process (which included full citations from Ri in their original form, that are not always found in later *Tosafot* collections), and the leading Tosafist teachers who were at its core, account at least in part for the great regard in which these *Tosafot* were held, throughout the medieval period and beyond.<sup>23</sup>

Ramban's selectivity was undoubtedly predicated in part on the quality factor just described — he clearly held that *Tosafot Shanz* contain the most authoritative *Tosafot* texts and positions that were available — but there is a chronological dimension that should be also considered. Ramban, who died in 1270 in Israel after leaving Spain three years or so before, makes scant reference, either by name or by citation, to any French *Tosafot* texts or Tosafist rulings produced after the beginning of the thirteenth century. Ramban was undoubtedly aware of subsequent Tosafist developments and rabbinic figures in northern France from his cousin Rabbenu Yonah (who studied in Evreux during the first quarter of the thirteenth century, and also had access to R. Yehiel

22. See above, n. 14, and see also *Hiddushei ha-Ramban le-Massekhet Ketubot*, ed. E. Schwat (Jerusalem, 1993), editor's introduction, 31–34.

23. See I. Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:103–07. Ta-Shma also notes that R. Samson's *Tosafot* were composed as a coordinated, referenced work, which would further facilitate their use. See also the references to *Tosafot Shanz* in E. E. Urbach's chapter on '*Tosafot shelanu*' (*Ba'alei ha-Tosafot*, 2:600–76).



of Paris) and from others.<sup>24</sup> Indeed, Nahmanides cites these figures by name in his *derashah* for *Rosh ha-Shanah*.<sup>25</sup>

Nonetheless, references in Ramban's talmudic *hiddushim* to materials from any northern French Tosafist after R. Samson b. Abraham of Sens and his brother R. Isaac b. Avraham (Rizba) of Dampierre are simply hard to come by. Indeed, even the *Tosafot* edited by R. Judah Sirleon (d. 1224), which are also fundamentally the *Tosafot* of Ri, were not utilized by Ramban. This state of affairs is supported by the indication that Ramban (who was born in 1194) composed his talmudic novellae very early in his career, well before he was forty years old.<sup>26</sup> Thus, it is Ri and Rabbenu Tam, the greatest of the twelfth century Tosafists, and their leading students (including Samson of Sens and his brother Rizba with whom both of his Provençal teachers studied) whom Ramban engages, to the exclusion of almost all others.

The selectivity which caused Ramban to limit himself to the quasi-canonical *Tosafot Shanz* dovetails with his nature as a conservative kabbalist, who strove to include in his Torah commentary only those kabbalistic teachings that had the imprimatur of prior mystical traditions.<sup>27</sup> Moreover, R. Asher b. Yehi'el (Rosh),

24. See, e.g., Ta-Shma, *Knesset Mehqarim*, 2: 109–119; Schwat, *Hiddushei ha-Ramban*, 3, 33; my *Jewish Education in Society in the High Middle Ages* (Detroit, 1992), 74–79, 172–80.

25. *Kitvei ha-Ramban*, ed. C. Chavel (Jerusalem, 1968), vol. 1, 228, 239. See also 1:345, and cf. Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:20. Although this *derashah* was composed in Akko toward the end of his life, Ramban notes that he had (earlier on) sent a halakhic position which he had developed in his youth (*davar zeh hidashti be-yalduti*) with his cousin Rabbenu Yonah, for presentation before R. Moses, his brother R. Samuel and R. Yehi'el of Paris. Interestingly, “while all of them agreed that this interpretation was correct, some responded that R. Samson (of Sens) had already been aware of this.” Ramban reports (ed. Chavel, 1:229) that he saw “now in this city” (=in Akko) the ‘long *Tosafot*’ of Ri’s son, R. Elhanan. Cf. Shalem Yahalom, “Ha-Ramban u-Ba’alei ha-Tosafot be-Akko: Ha-Narativ ha-Histori bi-Derashat ha-Ramban le-Rosh ha-Shanah,” *Shalem* 8 (2009), 100–25. Ramban also copied or adapted the so-called ‘*iggeret ha-musar*’ that was initially composed by R. Moses of Evreux, but which is popularly known as a letter by Nahmanides. See, e.g., Tuvia Preschel, “*Iggeret she-Yuhsah be-Ta’ut la-Ramban*,” *Talpiot* 8 (1961), 49–53; my *Jewish Education and Society in the High Middle Ages*, 76, and 174–75, n. 169; and Ta-Shma, *Knesset Mehqarim*, 2:118.

26. See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:33, 35.

27. See M. Idel, “We Have No Kabbalistic Tradition on This,” R. Moses Nahmanides:

who died in Spain approximately thirty years after Nahmanides, and who had access in his native Germany to a wide range of Tosafist writings, also preserved primarily *Tosafot Shanz* in the collections of *Tosafot* that he brought with him to Toledo in the early years of the fourteenth century. In the final form of *Tosafot ha-Rosh*, R. Asher (or perhaps his students) added the names (and ideas) of his major teacher, R. Meir of Rothenburg, and others (who were, for the most part, teachers of R. Meir), including R. Yehiel of Paris and the brothers R. Moses and R. Samuel of Evreux.<sup>28</sup> Pieces of Spanish talmudic interpretation (from Ramah, and Ramban, and occasionally even from Rashba) that Rosh encountered in his new homeland were also included.<sup>29</sup>

- 
- Explorations in His Religious and Literary Vitrtosity*, 51–73; idem, “R. Mosheh b. Nahman — Kabbalah, Halakhah u-Manhigut Ruhanit,” *Tarbiz* 64 (1995), 535–80; and cf. Elliot Wolfson, “By Way of Truth: Aspects of Nahmanides’ Kabbalistic Hermeneutic,” *AJS Review* 14 (1989), 103–79; and my “On the Assessment of Nahmanides,” 69–73. In the same vein, it should be noted that Ramban refers to mystical or kabbalistic concepts on only four occasions in his talmudic commentaries. Talmudic commentaries (and halakhic writings) were apparently considered (at least by Ramban) to be an inappropriate venue for the exposition of mystical teachings. See my *Peering through the Lattices*, 12, n. 5.
28. For references to R. Yehiel, the brothers of Evreux and Maharam in *Tosafot ha-Rosh*, see, e.g., *Tosafot ha-Rosh ‘al Massekhet Pesahim*, ed. A. Shoshana (Jerusalem, 1997), 1031; *Tosafot ha-Rosh ‘al Massekhet Ketubot*, ed. A. Lichtenstein (Jerusalem, 1999), editor’s introduction, 11–13; *Tosafot ha-Rosh ‘al Massekhet Sukkah*, ed. Y. D. Ilan (Jerusalem, 1997), 96 (25b); *Tosafot ha-Rosh ‘al Massekhet Nazir*, ed. B. Deblitzky (Jerusalem, 2004), editor’s introduction, 11; Jose Faur “Tosafot ha-Rosh le-Massekhet Berahot,” *PAAJR* 32–33 (1968–69), 49; and cf. below, nn. 49, 54, 55, 59.
29. See Urbach, *Baalei ha-Tosafot*, 2:587–99; Faur, “Tosafot ha-Rosh le-Massekhet Berakhot,” 41–65 and idem., “Tosafot ha-Rosh le-Pereq ha-Madir,” *Sinai* 57 (1965), 18–22; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:78–82; idem., *Knesset Mehqarim*, 2:180–81 [in which Ta-Shma also maintains, 2:168, n. 9, that Rosh himself studied in Paris with R. Yehiel as well]; Schwat, *Hiddushei ha-Ramban*, 35–38; Y. Galinsky, “Ha-Rosh ha-Ashkenazi bi-Sefarad: ‘Tosafot ha-Rosh,’ ‘Pisqei ha-Rosh,’ Yeshivat ha-Rosh,” *Tarbiz* 74 (2005), 396–401. As Faur in particular demonstrates, Rosh also includes formulations of Ri as found in the *Tosafot* of R. Judah Sirleon. Other students of Rabbenu Tam mentioned by name in *Tosafot ha-Rosh* include R. Eliezer of Metz, R. Hayyim Kohen, R. Jacob of Orleans, R. Joseph of Orleans, R. Jacob of Corbeil, and R. Ephraim of Regensburg, as well as Ri’s son (and compiler of *Tosafot*), R. Elhanan. See, e.g., *Tosafot ha-Rosh to Pesahim* and *Ketubot* in the above note; *Tosafot ha-Rosh ‘al Massekhet Qiddushin*, ed. D. Metzger (Jerusalem, 2006), editor’s introduction, 15–16. [R. Menahem of Joigny is also mentioned once on this tractate, and cf. Faur, “Tosafot ha-Rosh le-Massekhet Berakhot, 49, s.v. R. Menahem me-Una.] For R. Yosef of Clisson, a colleague of R. Samson of Sens (who made *‘aliyyah* at the same time as R. Samson, c. 1210–1211), see *Tosafot ha-Rosh ‘al*

Nonetheless, *Tosafot Shanz* and the leading northern French Tosafists of the twelfth century are dominant within *Tosafot ha-Rosh*. Interestingly, just as Nahmanides hardly refers in his *hiddushim* to the formulations of German Tosafists, with the minor exceptions of those who (like Ri of Dampierre) had been students of Rabbenu Tam, such as Ri *ha-Lavan* of Bohemia, Ephraim of Regensburg (d. c. 1175) and R. Eliezer of Metz (d. 1198),<sup>30</sup> *Rosh*, with few exceptions, does not include German Tosafists from the late twelfth and thirteenth centuries in his *Tosafot*, aside from his teacher, Maharam of Rothenburg.<sup>31</sup>

---

*Massekhet Gittin*, ed. H. B. Ravitz (Jerusalem, 2004), 63 (8a), 94 (37b), and *Tosafot ha-Rosh 'al Massekhet Ketubot*, ed. E. Lichtenstein, 88 (13a), 359 (53a, cited also in *Hiddushei ha-Ritva*, 416 in the name of R. Yosef *Ish Yerushalayim*), 490 (70a).

30. See Schwat, *Hiddushei ha-Ramban*, 31–32. R. Eliezer of Metz' *Sefer Yere'im* is also cited some thirteen times by Ramban; see below, n. 41. In addition to Ri, who is mentioned explicitly, another of Rabbenu Tam's students, R. Ephraim of Regensburg, is perhaps among the Tosafist authorities in the area of *dina de-garmi* who are lauded so lavishly by Ramban (*Hakhmei Zarefatim...hem ha-morim, hem ha-melamdin, hem ha-megalim lanu nitman*) in the introduction to his *Quntrus Dina de-Garmi*. See Chavel, *Kitvei ha-Ramban*, 1:417–17; and *Hiddushei ha-Ramban*, ed. M. Hershler, vol. 1 (Jerusalem, 1970), 106–11. Cf. S. Emanuel, *Shivrei Luhot*, 289–91 (and esp. the literature cited in 290, n. 117), and Rami Reiner, “Rabbenu Tam: Rabbotav (ha-Zarefatim) ve-Talmidav Bnei Ashkenaz,” (Master's thesis, Hebrew University, 1997), 82–92, 96–99, 105–13. Reflecting a fairly common practice among Spanish rabbinic figures, R. Ephraim of Regensburg is referred to by Rashba and Ritva as R. Ephraim *ha-Zarefati* (as a means of distinguishing him from R. Ephraim, the student of Alfasi, although R. Ephraim of Regensburg did study for a time in northern France with Rabbenu Tam); see below, n. 34. The reference by Nahmanides to a comment by R. Barukh b. Samuel (see *Hiddushei ha-Ramban*, vol. 4, ed. S. Dickman [*Yevamot*], 96), is to R. Barukh b. Samuel *ha-Sefaradi/me-Erez Yavan* (see Shraga Abramson, “Rabbenu Barukh b. Shmu'el ha-Sefaradi,” *Sefer Bar Ilan*, 26–27 [1995], 68), rather than to the German halakhist (and author of *Sefer ha-Hokhmah*), R. Barukh b. Samuel of Mainz (d. 1221). Cf. *Hiddushei ha-Ritva le-Massekhet Nedarim*, ed. A. Joffen (Jerusalem, 1982), 23 (2a, and the *hiddushim* of Rashba and Ran, loc. cit.); 163 (16b). Ramban has one reference to R. Moses b. Hisdai Taku (d. c. 1235), in which he characterizes R. Moses as ‘a great scholar from *Polonyah*’ (and wishes him length of days). See *Hiddushei ha-Ramban to Gittin* 7b, with reference to the boundaries of the land of Israel. [Ritva also cites R. Moses b. Hisdai in his *hiddushim to Gittin*, ed. Lichtenstein (Jerusalem, 1979), 1:52, referring to him as *mi-Zarefat*.] On R. Moses Taku's interest and expertise in *hilkhot ve-'inyanei Erez Yisra'el*, cf. my “The ‘Aliyyah of ‘Three Hundred Rabbis’ in 1211: Tosafist Attitudes Toward Settling in the Land of Israel,” *Jewish Quarterly Review* 76 (1986), 205.
31. R. Eliezer of Metz is cited by *Tosafot ha-Rosh* nearly thirty times. See, e.g., *Tosafot ha-Rosh 'al Massekhet Pesahim*, ed. Shoshana, 390 (24a); *Ketubot*, ed. E. Lichtenstein, 608 (85b) [=Qiddushin, ed. D. Metzger, 408 (47b)]; *Hullin*, ed. Lichtenstein (Jerusalem, 2002), 134 (26b), 405 (85b), 443 (92b), 608–09 (114a); and *Nedarim*, ed.

Nahmanides' most important student in Spain, Rashba (d. c. 1310), follows the pattern set by his teacher in his own talmudic *hiddushim*. Not only are thirteenth-century names fundamentally absent, but references to twelfth-century figures other than Rashbam, Rabbenu Tam or the 'Ba'al ha-Tosafot' (ostensibly Ri, as well as his students, R. Samson of Sens and Rizba) are found only in more general terms (*kakh pershu rabboteinu ha-Zarefatim*, and the like).<sup>32</sup> To be sure, Rashba in his responsa cites and interacts with a much wider and more contemporary range of figures, as might be expected. He cites and corresponds with R. Meir of Rothenburg and with R. Meir's student R. Dan who, like Rosh, emigrated from Germany to Spain following the serious persecutions at the end of the thirteenth century.<sup>33</sup> But Rashba's use and citation of Tosafist materials in his talmudic commentaries followed the conservative, limiting posture of Nahmanides.<sup>34</sup>

- 
- B. Deblitzky (Bnei Brak, 2000), editor's introduction (unpaginated), at n. 17, and in the index of names at the end. R. Eliezer is cited more than twenty times in this tractate, since he composed his own *Tosafot* to *Nedarim* (as Deblitzky notes). See also S. Emanuel, *Shivrei Lulot*, 291–97. On the other hand, Ri *ha-Lavan* and Riva *ha-Bahur* of Speyer are each cited only once — see *Qiddushin*, ed. Metzger, 227 (26b), and 33 (4a) — and R. Simhah of Spires is cited four times. See *Qiddushin*, ed. Metzger, 290 (41a= *Bava Qamma* 15a); *Hullin*, ed. Lichtenstein, 609 (114b); and *Shevu'ot*, ed. Lichtenstein (Jerusalem, 2008), 194. *Qiddushin*, ed. Metzger, 648 (78a) reproduces one passage from R. Yo'el *ha-Levi* of Bonn, with regard to the validity of a *get* given by a *goses*. [As noted by the editor, this passage is also cited in the *Sefer ha-Terumah* of R. Barukh b. Isaac (another leading student of Ri), who made *'aliyyah* c. 1210. Cf. Urbach, *Ba'alei ha-Tosafot*, 1:346, and see also *Tosafot ha-Rosh 'al Massekhet Sotah*, ed. Y. Lifschitz (Jerusalem, 2008), 107, n. 118.] R. Yoel's son Rabiah is mentioned once in *Hullin*, 222 (45b). Rabiah's major work, *Avi ha-'Ezri*, is cited in *Hullin*, 206; *Rosh ha-Shanah*, ed. Ravitz (Jerusalem, 1997), 134; and *Ketubot*, ed. Lichtenstein, 323, 381.
32. See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:64–65. This is so despite the fact (as noted by Ta-Shma) that there were more Ashkenazic students present in Rashba's study hall (and in his milieu more generally) than there had been with Ramban (and see also the next note). Like his teacher, Rashba also composed his *hiddushim* at a relatively young age (Ta-Shma, 2:57–58). In his commentaries to three tractates in *Seder Nashim*, Rashba has several references to R. Eliezer of Metz or to his *Sefer Yerei'm*. See *Hiddushei ha-Rashba 'al Massekhet Yevamot*, ed. S. Dickman (Jerusalem, 1989), 128; *Qiddushin*, ed. E. Lichtenstein (Jerusalem, 1990), 149, 288, 290, 304, 307, 401; and *Nedarim*, ed. Y. S. Solomon (Jerusalem, 1991), 154, 321; and cf. Urbach, *Ba'alei ha-Tosafot*, 1:163, n. 67.
33. See Ta-Shma, *Knesset Mehqarim*, 2:157–66. See also *She'elot u-Teshuvot ha-Rashba*, 1:527, 529, 545; 3:369–70.
34. Rashba refers by name to R. Elhanan b. ha-Ri on a number of occasions, while

Indeed, the same may be said in large measure for R. Nissim b. Reuven of Gerona (Ran), the most important Spanish talmudic commentator in the mid-fourteenth century.<sup>35</sup>

---

Ramban does not refer to him at all. See, e.g. *Hiddushei ha-Rashba 'al Massekhet Beizah*, ed. Y. Sklar (Jerusalem, 1986), 116, 154, 317; *Hiddushei ha-Rashba 'al Massekhet Gittin*, ed. D. Bar-Ilan, *Hiddushei ha-Rashba 'al Massekhet Megillah*, ed. H. Z. Dimitrovsky (Jerusalem, 1981), 77, 95–96, 167, 231; *Hiddushei ha-Rashba 'al Massekhet Niddah*, ed. D. Metzger (Jerusalem, 1989), 24 (4b, 'ahar kakh mazati be-Tosafot R. Elhanan be-shem Rashbam), 323 (47b, R. Samuel b. Elhanan). Rashba refers to Moses of Evreux once in tractate *Yevamot*, (ed. S. Dickman, [Jerusalem, 1989], 88), once in *Hiddushei Rashba 'al Massekhet 'Eruvin*, ed. Y. D. Ilan (Jerusalem, 1989), 171 (25b), and six times in *Nedarim*, (although all of these are toward the end of the tractate; see *Hiddushei ha-Rashba*, ed. Y. Salomon [Jerusalem, 1991], editor's introduction, 10; Ta-Shma, *Knesset Mehqarim*, 2:117). See also *Tosafot Evreux 'al Massekhet Sotah*, ed. Y. Lifshitz (Jerusalem, 1969), editor's introduction, 24. In one instance, Rashba cites an answer to a question that his teacher Rabbenu Yonah cited in the name of his teacher, R. Moses of Evreux. As we shall see, however, Ritva's use of *Hakhmei Evreux* is much more pronounced. Rashba to 'Eruvin 31b (ed. Ilan, 203) cites R. Ephraim *ha-Zarefati ha-Zaqen* (=R. Ephraim of Regensburg, found also in Ritva, *Hiddushei ha-Ritva 'al Masskhet 'Eruvin*, ed. M. Goldstein [Jerusalem, 1974]), 304), and see also *Hiddushei ha-Ritva 'al Massekhet Yoma*, ed. A. Lichtenstein (Jerusalem, 1976), 393, n. 177 (72a). Rashba cites R. Isaac b. Mordekhai (Ribam, another German student of Rabbenu Tam) twice in his commentary to *Qiddushin*, while R. Eliezer of Metz' *Sefer Yere'im* is mentioned six times; see *Hiddushei ha-Rashba*, ed. E. Lichtenstein (Jerusalem, 1983), editor's introduction, 13–14 (and above, n. 32). In his *hiddushim* to *Bava Mezia'*, ed. E. Lichtenstein (Jerusalem, 2006), 210 (24b), Rashba refers to R. Samuel b. Hayyim *ha-Zarefati* (as does Ritva, loc. cit.). This is R. Samuel of Verdun, a younger student of Rabbenu Tam and the brother-in-law of R. Samson of Sens. See Urbach, *Ba'alei ha-Tosafot*, 1:153. Although Ritva had much in common with his Spanish predecessors, not only in terms of talmudic studies and methodology but also in the realm of Jewish thought (see, e.g., his *Sefer ha-Zikkaron*, as characterized by Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:72–73; my "Levels of Literacy and Sefarad as Reflected in the Recitation of Biblical Verses Found in the Liturgy," [Hebrew], *From Sages to Savants: Studies Presented to Avraham Grossman*, ed. J. Hacker et al, (Jerusalem, 2009), 201–04; and below, n. 88) Ritva's position on the building of the Temple during the messianic era essentially followed that of Rashi and the Tosafists while Rashba was closer to the Maimonidean view. See my "Medieval Rabbinic Conceptions of the Messianic Age: The View of the Tosafists," *Me'ah She'arim: Studies in Medieval Jewish Spiritual Life in Memory of Isadore Twersky*, ed. E. Fleischer et al. (Jerusalem, 2001), 157, n. 20, and 166, n. 30.

35. See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 85–89. *Hiddushei ha-Ran 'al Massekhet Pesahim*, ed. E. Lichtenstein (Jerusalem, 1991), editor's introduction 9–11, cites R. Jacob of Orleans, R. Elhanan b. ha-Ri and R. Eliezer of Metz. See also the references to R. Eliezer in *Hiddushei ha-Ran 'al Massekhet Shabbat*, ed. Y. Sklar (Jerusalem, 1993), 339. *Hiddushei ha-Ran 'al Massekhet Bava Batra*, ed. Lichtenstein (Jerusalem, 1996), editor's introduction, 14, refers once to R. Elhanan and to R. Hayyim Kohen. Ran, however, mostly refers to the broader title, *rabbotenu shebe-Zarefat*. Note the interesting (and unusual) reference to German rabbinic scholars

Israel Ta-Shma has concluded that “like Rashba, Ritva utilized the exegetical and halakhic traditions of the northern French Tosafists only to the extent that these materials preceded Ramban and were available to Ramban for his analysis. [Ritva] used material of this type that came after Ramban only to a very small extent (*be-middah mu-’etet me’od bilvad*).”<sup>36</sup> To my mind, however, Ritva is a noticeable exception to the relatively neat (and more limited) pattern of usage of Tosafist materials that was followed by Ramban and his successors in their talmudic *hiddushim*. Overall, Ritva’s less restrictive approach to the citation of Tosafist materials is rather different than the other leading Spanish rabbinic figures whose talmudic commentaries have been surveyed. In order to

---

in *Hiddushei ha-Ran ‘al Massekhet Sanhedrin* in *Sanhedrei Qetannah*, vol. 5, ed. Y. Zaks (Jerusalem, 1978), 261 (67b), that the conjuring of demons through the use of certain materials or utensils (as opposed to the recitation of adjurations and Divine names alone) is not considered to be (forbidden) sorcery: “*ve-al zeh samkhu Hakhmei Allemagne she-hayu mishtamshim be-khol yom be-ma’aseh shedim*.” No specific scholars are named, however, and it is clear that Ran is not identifying these practices on the basis of Ashkenazic rabbinic literature. Cf. B. Septimus, *Hispano-Jewish Culture* (Cambridge, Mass., 1982), 85–86, and my *Peering through the Lattices*, 195, 212, 219, 224–25, 239–40, 245.

36. Ta-Shma, *ibid.*, 73–74. He also writes that Ritva cites “Rabbenu Tam, various *Tosafot* (that are mostly *Tosafot Ri* and *Tosafot R. Samson of Sens*), some (*qezat*) Tosafists by name, mainly Riba” (=R. Isaac b. Asher *ha-Levi* of Speyer, the first German Tosafist, who died in 1133), in addition to various Provençal and Spanish predecessors, especially his immediate teachers. With some irony, Ta-Shma notes that Ritva does not mention by name (even once) either the *Tosafot* of Rosh, or his *pesaqim*, and vice versa. See also Ta-Shma, *Knesset Mehqarim*, 2:171, n. 10. Cf. *Hiddushei ha-Ritva ‘al Massekhet Qiddushin*, ed. A. Dinin (Jerusalem, 1985), 423 (42a), where the acronym Rosh is mentioned. According to the editor, however (n. 115), this may refer to R. Asher of Lunel, although see below, n. 87. Cf. *Hiddushei ha-Ritva ‘al Massekhet Yevamot*, ed. A. Joffen, vol. 2, 1707 (95b), where Rosh is also cited (and that citation is indeed found in *Tosafot ha-Rosh*), and *Teshuvot ha-Ritva*, ed. Y. Kafih (Jerusalem, 1978), no. 51 (p. 57). See also *Hiddushei ha-Ritva ‘al Bava Batra*, ed. Ilan, 819 (107a), *ve-khen piresh ha-R. Asher; Tosafot, Shevu’ot* 21a, s.v. *qa mashma lan; Tosafot ha-Rosh ‘al Massekhet Shevu’ot* 20b, s.v. *‘ela ‘eima*; and *Hiddushei ha-Ritva*, ad loc., 163. See *Tosafot ha-Rosh ‘al Massekhet Ketubot*, ed. E. Lichtenstein, editor’s introduction, 6–7: “Where the only source for [a passage in *Tosafot ha-Rosh*] is found in *Hiddushei ha-Ritva*, it would appear that Rabbenu [Rosh] and Ritva drew their words from the same source.” Ta-Shma (above, n. 33) notes the correspondence between Ritva and R. Dan *Ashkenazi* and R. Eliezer *Zarefati*, referenced in both Ritva’s responsa and in his talmudic commentaries. See also *idem.*, *Ha-Sifrut ha-Parshanit*, 2:64, and 73, n. 117; *She’lot u-Teshuvot ha-Ritva*, nos. 40, 43, 97; and *Hiddushei ha-Ritva ‘al Massekhet ‘Eruvin*, ed. Goldstein, editor’s introduction 13, 19.



demonstrate this, we need to carefully review the rabbinic scholars whom Ritva cites, and the nature of these citations.

Ritva (R. Yom Tov b. Abraham al-Ishvilli), who studied with both R. Aaron *ha-Levi* (Ra'ah) and with Ra'ah's slightly older contemporary, Rashba, died somewhere after the year 1320. As the locator Ishvilli or Ashvilli suggests, Ritva probably hailed from Seville, but he studied primarily in the north (the area dominated by Ramban and Rashba), later serving the community of Saragossa.<sup>37</sup> After laying out the contours and presenting a number of samples of Ritva's use of Ashkenazic material, I will argue that Ritva became aware of and received these Ashkenazic teachings through particular textual and personal conduits and contacts, in addition to suggesting possible methodological and tutorial considerations that might have helped to shape Ritva's more expansive posture toward the use and citation of Ashkenazic rabbinic scholarship.<sup>38</sup>

Ritva cites a number of twelfth and early thirteenth-century northern French Tosafists that his Spanish predecessors include on far fewer occasions or do not mention at all.<sup>39</sup> Moreover, Ritva

37. Yizhak Baer, *A History of the Jews in Christian Spain* (Philadelphia, 1978), vol. 1, 224, adduces a court document which records that the young Rabbi Yom Tov was severely beaten by one of the parties after adjudicating a dispute between two Jews, apparently at the request of the royal court. This is, however, Baer's only reference to Ritva. Cf. Ta-Shma's critique of Baer's work in this regard in *Kneset Mehqarim*, vol. 2, 279–96.

38. Given Ritva's prodigious productivity and the impact that it had on subsequent talmudic studies, in addition to the other areas of his intellectual virtuosity and distinction (e.g., his *Sefer ha-Zikkaron*), the scant attention paid by modern scholarship as a whole to Ritva is rather striking, if not somewhat troubling. Cf. Twersky, above, n. 3, 26.

39. R. Elijah (*ha-zaqen*) of Paris (France) is cited by Ritva in *Berakhot* (ed. M. Hershler [Jerusalem, 1990]), 52; *Eruvin*, 867; *Yoma*, 202; *Ketubot*, 505; 621; *Qiddushin*, 794; *Bava Batra* (ed. Y. D. Ilan [Jerusalem, 2005], 936; *Avodah Zarah*, 132, 135, 138; *Hullin*, 94. R. Elhanan b. *ha-Ri* is cited a total of twenty times: in *Berakhot*, 20; fifteen times in *Eruvin* (see the editor's introduction, 7); *Bava Mezi'a*, 478; *Niddah*, 20, 332. R. Hayyim *Kohen* is cited in *Yoma*, 69, 111; *Makkot*, 199; *Avodah Zarah*, 96. R. Jacob of Orleans is cited in *Shabbat*, 151, 667; *Eruvin*, 263, 342, 394; *Makkot*, 188. See also the *Tosafot* interpretation that Ritva cites in the name of R. Yosef *Bekhor Shor* (of Orleans), *Bava Batra*, 464. While Rashba refers twice to *Sefer ha-Terumah* in *Shabbat* (254, 575), Ritva to *Shabbat* cites *Sefer ha-Terumah* twenty three times; see the editor's introduction, 23. Rashba refers only once to R. Elijah of Paris (Gittin 6b), and once to R. Jacob of Orleans, although he does refer fourteen times to

also cites a series of northern French and German figures from the mid- and late thirteenth centuries. Although these Ashkenazic names appear far less often in *Hiddushei ha-Ritva* than the names of Rabbenu Tam or Ri or Rizba, their presence is both noticeable and suggestive.<sup>40</sup>

Ritva refers to teachings of the leading northern French Tosafist of the mid-thirteenth century, R. Yehi'el of Paris, with some frequency.<sup>41</sup> Indeed, one of the best-known passages in

---

R. Elhanan b. *ha-Ri* (see above, n. 34, which is on the same order of the twenty references by Ritva). R. Eliezer of Metz is mentioned by Ritva in his *hiddushim* to *Shabbat*, 678 (105a); *Yoma*, 237 (38a); *Yevamot*, 2:88 (76a); and *Qiddushin* 357 (32b), while his *Sefer Yere'im* is cited in *Qiddushin* 232, 236, 554. This is comparable to the number of citations found in *Hiddushei ha-Rashba* (above, n. 32), but is a bit fewer than the number of references in *Hiddushei ha-Ramban*, which cites *Sefer Yere'im* a total of thirteen times (three times in *Shabbat*; four in *Yevamot*; three in *Qiddushin*; and once in *Ketubot*, *Hullin* and *Bava Batra*). On the whole, the pattern of Ritva's citations of these Tosafists seems to be closest to that of *Tosafot ha-Rosh*; see above, n. 29. Indeed, a large section of the so-called *Hiddushei ha-Rashba 'al Massekhet 'Avodah Zarah*, ed. Y. L. Zaks (Jerusalem, 1996), which cites extensively from *Tosafot R. Elhanan* to that tractate and from *Sefer ha-Terumah*, and which mentions R. Ephraim of Regensburg four times (and R. Jacob Orleans and R. Isaac b. Mordekhai of Bohemia one time each) has been shown to be a version of *Tosafot ha-Rosh* to that tractate. See *Sarei ha-Elef*, ed. M. M. Kasher and Y. D. Mandelbaum (New York, 1979), 1:303, 2:622. [With respect to tractate *'Avodah Zarah* and its focus on various practical aspects of *kashrut*, as well as tractate *Hullin*, Ritva, Ran and Rashba (in his authentic *hiddushim*), all refer with some frequency to the northern French *Sefer ha-Terumah*, a product of the *beit midrash* of Ri.]

40. The study of Ritva's talmudic *hiddushim* has been aided immeasurably by the publication in recent years of these *hiddushim* by *Mosad ha-Rav Kook* on the basis of new manuscripts, with copious footnotes. These volumes contain not only name indexes, but also (in most instances) an introduction on the way that Ritva composed his commentary to a particular tractate (since Ritva typically issued longer and shorter versions of his *hiddushim*). Cf. Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:69, n. 109.

41. See *Hiddushei ha-Ritva 'al Massekhet Yoma*, ed. E. Lichtenstein (Jerusalem, 1981), 160–61 (28a), where R. Yehi'el questions the position of Ri (that one who is reading the Torah must stand, without leaning at all), and two references in *Hiddushei ha-Ritva 'al Massekhet Shabbat*, ed. M. Goldstein (Jerusalem, 1996), 310 (51b, in which R. Yehi'el is cited as disagreeing with a position of R. Barukh b. Isaac, author of *Sefer ha-Terumah*), 758 (119b, an interpretation by R. Yehi'el of the talmudic assertion that one who recites *Va-yekhulu* at the onset of the Sabbath receives a blessing from the ministering angels that his sins will be removed and forgiven). R. Yehi'el explains that one who does not recite this passage is guilty of 'withholding testimony about the (new) creation of the world'. Thus, one who does offer this testimony is spared any penalty. Because this recitation is considered to be akin to (judicial) testimony, it should be done while standing. Cf. *Arba'ah Turim, Orah Hayyim*, sec. 268, and *Sefer ha-Manhig le-R. Avraham b. Natan ha-Yarhi*, ed. Y. Raphael (Jerusalem, 1978), 1:138.



Ritva's *hiddushim* (to *'Eruvin* 13a, where the halakhic disputes of *Beit Hillel* and *Beit Shammai* are characterized as *'elu ve-'elu divrei Elokim Hayyim*, these and those are words of the Living God), in which Ritva presents the notion (which he attributes to *rabbanei Zarefat*) that there are actually forty-nine pathways of truth (or bona fide interpretation) underlying the teachings of the Torah and Jewish law, is attributed by a variant *Tosafot* text (*Tosafot Rabbenu Perez*) to R. Yehi'el of Paris.

In Ritva's words, "The rabbis of northern France asked how it is possible that both rulings are true, since one prohibits and one permits? They answered that when Moses ascended to heaven to receive the Torah, he was shown for every construct forty-nine ways to prohibit and forty-nine ways to permit. Moses queried the Almighty on this and He indicated that this is given to the scholars of Israel in each generation and the law will be decided according to them." Ritva concludes that this is well-based in *derash* (*nakhon hu lefi ha-derash*), an allusion to a passage in *Midrash Tehillim*, chap. 12), and that according to kabbalistic teachings, there is an esoteric approach to this concept (*uve-derekh ha-'emet yesh ta'am sod ba-davar*). In the variant *Tosafot* text which attributes this interpretation to R. Yehi'el of Paris, the midrashic origin of this approach is explicitly noted (*'itah ba-midrash*, it is found in the midrash), although the mystical dimension is not mentioned. The conclusion, however, is precisely the same. The scholars of each generation were given the prerogative to decide whether to follow the more lenient approach, on the basis of a majority.<sup>42</sup>

Ritva cites R. Yehi'el by name six times in his *hiddushim* to tractate *Ketubot* alone. In one instance, the interpretation presented by Ritva in the name of R. Yehi'el is found in the standard *Tosafot* to *Ketubot* without attribution.<sup>43</sup> A second citation

42. See *Hiddushei ha-Ritva 'al Massekhet 'Eruvin*, ed. Goldstein, 107–08, and nn. 8–9. For the place of this passage in its larger historical and intellectual contexts, see my "Torah Study and Truth in Medieval Ashkenazic Rabbinic Literature and Thought," *Study and Knowledge in Jewish Thought*, ed. H. Kreisler (Beer Sheva, 2006), vol. 1, 101–19.

43. *Hiddushei ha-Ritva 'al Massekhet Ketubot*, ed. M. Goldstein, 7, n. 55 (2b). This explanation is also found (unattributed) in *Hiddushei ha-Ra'ah*, ad loc.

by Ritva also appears in R. Yehi'el's name in the late-thirteenth century *Sefer Mordekhai*,<sup>44</sup> while another, which is cited by Ritva as part of a *Tosafot* passage (*ube-Tosafot katvu be-shem R. Yehi'el mi-Paris*) can otherwise be found in R. Yehi'el's name in the glosses of Rabbenu Perez (d. 1298) to R. Isaac of Corbeil's *Sefer Mizvot Qatan* (*mori R. Yehi'el hayah noheg u-manhig she-yivarekh he-hatan le-qadesh ha-'ishah 'al pi ha-Yerushalmi*).<sup>45</sup> Ritva cites a position of R. Yehi'el of Paris concerning the validity of witnesses' signatures that were made in clay or on pottery, which does not appear in any other medieval rabbinic source.<sup>46</sup> Another position of R. Yehi'el cited by Ritva is found in R. Yehi'el's name in the *Maggid Mishneh* commentary to Maimonides' *Mishneh Torah*.<sup>47</sup> The sixth citation is cited as part of a *Tosafot* text, along with an interpretation of Ri, that is not found in any extant *Tosafot* text.<sup>48</sup>

Also in his *hiddushim* to *Ketubot*, Ritva cites R. Yehiel's *Tosafist* colleague R. Tuvyah of Vienne, that one ought not make the blessing *sheha-simhah bi-me'ono* which reflects deep happiness (and is properly made at a wedding meal) at a meal celebrating the redemption of a first-born son.<sup>49</sup> Later in his commentary, Ritva presents (anonymously) the striking position of R. Tuvyah (which most Spanish authorities rejected; some, like Rashba, do not men-

44. *Hiddushei ha-Ritva*, *ibid.*, 15, n. 56 (3b).

45. *ibid.*, 51, n. 117 (7b). Prior to this (50), Ritva cites the explanation of Rabbenu Yonah of Gerona (*ha-Rav he-Hasid*) in this matter.

46. *ibid.*, 187, n. 9 (21a); the editor notes that this position is not found anywhere else.

47. *ibid.*, 202, n. 33 (22a). See *Maggid Mishneh* to *Hilkhot Gerushin*, 12:1.

48. *ibid.*, 401, n. 25 (50a).

49. *ibid.*, 64 (8a): *uve-shem R. Tuvyah katvu ha-Tosafot she-'ein levarekh*. R. Tuvyah's name is not found in the printed *Tosafot* to *Ketubot*, although it is found in *Tosafot ha-Rosh*. Note that R. Meir of Rothenburg did recite this blessing; see *Haggahot Mordekhai li-Yevamot*, chap. 11, sec. 127. Cf. *Tosafot Mo'ed Qatan* 8b, s.v. *mipnei*, which expresses uncertainty in how to rule in this matter. On the connections between R. Yehi'el and R. Tuvyah, see, e.g., Urbach, *Ba'alei ha-Tosafot*, 2:486–88 (in some of the published editions, the first line of this section is missing: *Bi-qesharim 'amizim 'im R. Yehi'el mi-Paris 'amad R. Tuvyah b. Eliyyahu me-Vienne*); Qizur *Sefer Mizvot ha-Gadol le-R. Avraham b. Ephraim*, 80, 88, and the introduction by I. Ta-Shma, 19–20; my “Halakhah and Mezi'ut (Realia) in Medieval Ashkenaz: Surveying the Parameters and Defining the Limits,” *Jewish Law Annual* 14 (2003), 222–24; ms. Paris 260, fol. 92v: *ukeshe-bati le-Zarefat, ra'iti bi-Bereshit Rabbah shel mori ha-Rav Yehi'el ve-gam be-B"R shel mori ha-R. Tuvyah, ve-hayah katuv bahen kemo be-sheli*; and the collection of *pesaqim* in ms. Warsaw 258/4, fols. 216r–222v.

tion it at all) concerning the re-marriage of a nursing mother within twenty-four months of the birth of her child, if she had taken an oath that she would continue to nurse the child. Ritva identifies this position as *mi-Ba'alei ha-Tosafot ha-Aharonim*.<sup>50</sup>

Ritva quotes ten formulations from R. Yedidyah b. Yisra'el of Nuremberg. R. Yedidyah studied in northern France with R. Yehi'el of Paris (remaining in Paris after his fellow student R. Meir of Rothenburg returned to Germany, but continuing to send material back to Germany and to consult with R. Meir), and at the academy of Evreux. R. Yedidyah then returned to Nuremberg, and also lived for a time in two locales in the Rhineland.<sup>51</sup> Five citations from R. Yedidyah are found in Ritva's commentary to tractate *Shabbat*,<sup>52</sup> and three citations are found in *Mo'ed Qatan*.<sup>53</sup>

50. Ritva to *Ketubot*, 60b, ed. Goldstein, 491: 'aval yesh mi-ba'alei ha-Tosafot ha-aharonim she-katvu she-'im nishbe'ah ha-meneqet harei hi ke-bei resh galuta ve-qala 'it leih u-mutar. R. Nissim b. Re'uven (Ran) cites this position in his *hiddushim* in the name of R' (without providing the name of the scholar who suggested it). Rashba does not comment on this issue in his *hiddushim*; in his stringent responsum on this matter (1:273), he does not refer to this lenient position at all. Interestingly, a responsum by R. Moses Halawa, a student of Rashba, suggests that R. Yehi'el of Paris concurred with R. Tuvyah's view and may have indeed been its source. On these developments, see Ta-Shma, *Knesset Mehqarim*, 1:232–33, n. 25; my "Halakhah and Mezi'ut," 218, n. 68; and Elisheva Baumgarten, *Mothers and Children* (Princeton, 2004), 150. For Ritva, the term 'later Tosafists' refers perhaps to those who came after Ri and R. Samson of Sens. Regarding the term *Tosafot* (*ha-*) *Aharonot* in *Hiddushei ha-Ritva*, cf. below nn. 72, 80, 101, and *Hiddushei ha-Ritva 'al Massekhet 'Erwin*, 21, 381 (where the references are to R. Judah Sirleon and R. Samson of Coucy).

51. See Urbach, *Ba'alei ha-Tosafot*, 2:566–70; Emanuel, *Shivrei Luhot*, 243–44; *Teshuvot Ba'alei ha-Tosafot*, ed. I. A. Agus (New York, 1954), 231–48; *Tosafot Yeshanim ha-Shalem 'al Massekhet Yevamot*, ed. A. Shoshana (Jerusalem, 1994), editor's introduction, 26; and cf. ms. Bodl. 378, fol. 45v: *ve-hu katav she-shama mi-shemo shel ha-Rav Yedidyah ben ha-Rav Yisra'el, ve-hu 'amar she-shama mi-shemo shel ha-Rav Meir me-Rothenburg*.

52. *Hiddushei ha-Ritva 'al Massekhet Shabbat*, ed. Goldstein, 193 (37b); 218 (40b, where he offers an interpretation different than that of R. Barukh, author of *Sefer ha-Terumah* as well as an unknown R. Yirmiyah), 342–43 (58a, citing *Tosafot R. Yedidyah*); 425 (70b, an interpretation in response to a question on Rashi that is raised by the standard *Tosafot*), and similarly, 437 (72a). The passages collected in this note as well as in the next, strongly suggest that Ritva received R. Yedidyah's material in literary form. See also below, n. 76.

53. *Hiddushei ha-Ritva 'al Massekhet Mo'ed Qatan*, ed. Z. Hirschman (Jerusalem, 1982), 93 (12a): *ube-Tosafot R. Yedidyah pershuha*. Subsequently Ritva (94) disagrees with an interpretation by R. Yedidyah: *ve-ha R. Yedidyah medamei lah le-hahi ve-lo nehira*. R. Yedidyah appears to have been the compiler of the second part of the *Shitah 'al Massekhet Mo'ed Qatan* (*le-Talmido shel R. Yehi'el mi-Paris*, ed. M. L.

R. Yedidyah is also cited by name once in tractate *Shevu'ot* (and Ritva agrees with his view, against the standard *Tosafot*) and once in *'Eruvin*.<sup>54</sup>

Another of R. Yedidyah's northern French teachers, R. Moses b. Shne'ur of Evreux, is cited by name six times in Ritva's commentary to tractate *'Eruvin*.<sup>55</sup> In his commentary to *Makkot*, Ritva cites R. Moses ben *ha-Rav* Menahem *ha-Zarefati* in the name of his teachers, the rabbis of Evreux (*be-shem rabbotav rabbanei Evreux*).<sup>56</sup> Ritva cites *Tosafot Evreux* by name twice in his

- 
- Zaks (Jerusalem, 1937). On R. Yedidyah's connection to Evreux and especially to R. Samuel b. Shne'ur, and on the references to Rabbenu Yonah in the standard *Tosafot* to *Mo'ed Qatan* (and to *Nedarim*, both of which are also linked to the study hall at Evreux), cf. Ta-Shma, *Knesset Mehqarim*, 2:117. Rashba never mentions R. Yedidyah; as Ta-Shma notes, the so-called *Hiddushei ha-Rashba* to *Menahot* (which do) are, in reality, *Tosafot Evreux*. Nor does Rashba refer to R. Yehi'el of Paris in his *hiddushim*.
54. *Hiddushei ha-Ritva 'al Massekhet Shevu'ot*, ed. E. Lichtenstein (Jerusalem, 1993), 150 (19a); *Hiddushei ha-Ritva 'al Massekhet 'Eruvin*, ed. M. Goldstein, 569 (61a). As noted by the editor (n. 460), this passage from R. Yedidyah is also found in *Tosafot ha-Rosh*.
55. *Hiddushei ha-Ritva 'al Massekhet 'Eruvin*, 321 (33a, with the suggestion of an alternate solution, which Ritva prefers, against the interpretation of Ri); 324 (33b), 354, (36a, explaining a construct of Rashi) 454 (47b, in support of Ri's approach), 458, n. 506 (47b, in explanation of Rashi's approach, which resolves a question raised in *Tosafot Rabbenu Perez*, ad loc.); 638 (69b, in support of a unique interpretation that Ritva favors; see n. 577). R. Moses and his brother R. Samuel were connected with R. Yehi'el of Paris and they collected and edited some of his *pesaqim*. See e.g., Urbach, *Ba'alei ha-Tosafot*, 1:480; S. Emmanuel, *Shivrei Luhot*, 193–97; and C. B. Chavel, *Kitvei ha-Ramban* (Jerusalem, 1968), 1:228. There is an additional citation from *ha-Rav me-Evreux*, 559 (59b, n. 302; this interpretation is not found in the standard *Tosafot*, but it again dovetails [see n. 382] with what is found in *Tosafot Rabbenu Perez*, ad loc.)
56. *Hiddushei ha-Ritva 'al Massekhet Makkot*, ed. I. Ralbag (Jerusalem, 1983), 249 (22b). A R. Menahem is mentioned in *Hiddushei ha-Ritva 'al Massekhet Ketubot*, 313–314 (38a). While Ritva cites a prior comment in the name of R. Moses of Coucy, this passage is cited in *Tosafot ha-Rosh*, 267, in the name of R. Moses of Evreux. Thus, this is possibly R. Menahem b. Samuel, a son of R. Samuel of Evreux and a teacher of Rabbenu Perez; see *Tosafot Rabbenu Perez le-Massekhet Bava Mezia'*, ed. H. Hershler (Jerusalem, 1970), editor's introduction, 10–11. The name R. Menahem is also found in *Hiddushei ha-Ritva 'al Massekhet 'Eruvin*, 626–67 (68a). From the standard *Tosafot* ad loc., however, we learn that this figure is R. Menahem of Joigny. Cf. above, n. 29. Ritva also cites the Tosafist R. Netanel of Chinon, who is associated with the circle at Evreux, and with R. Yehi'el of Paris. See *Hiddushei ha-Ritva 'al Massekhet Mo'ed Qatan*, ed. Z. Hirschman, 159 (18a, *uba-Tosafot pershu be-shem Rabbenu Netanel*), and *Hiddushei ha-Ritva 'al Massekhet Bava Batra*, 347–48 (40b, *uba-Tosafot ha-'inyan nakhon be-shem Rabbenu Netanel*). Cf. my *Peering through the Lattices*, 177–18, n. 104; A. Grossman, "Rabbneu Netanel me-Qinon: Mi-Gedolei Ba'alei ha-Tosafot ba-Zarefat ba-Me'ah ha-Yod Gimmel," *Mehqerei Talmud* 3 (2005),

commentary to *Bava Batra: ube-Tosafot shel Evreux pershu* (which comports with what is found in the standard *Tosafot*),<sup>57</sup> and *ve-khen katvu be-Tosafot Evreux* (with regard to a *get* that was issued on one's deathbed, where Ritva contrasts the view from Evreux with that of the standard *Tosafot*, 'aval *ba-Tosafot 'omrim*).<sup>58</sup>

In addition to the cluster of rabbinic scholars linked to Evreux noted above, Ritva's *hiddushim* to *Shabbat* also contain four references to another thirteenth-century northern French Tosafist, R. Jacob of Chinon, that are otherwise unknown. In one instance, Ritva juxtaposes Jacob's description of Rizba's practice (*he-'id R. Ya'akov 'al Rizba*) to make a blessing on his *tallit* when he arose before dawn in order to study Torah (to which R. Jacob testifies), with the more cautious view of (unnamed Geonim) and R. Samson of Sens.<sup>59</sup>

Also in his *hiddushim* to *Shabbat*, Ritva cites what he heard in the name of R. Meir Ashkenazi (= *mi-Rothenburg*), about where in the home to place the Hanukkah *menorah*.<sup>60</sup> This is one of

- 
- 174–84; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:110; *Tosafot Yeshanim ha-Shalem 'al Massekhet Mo'ed Qatan*, ed. A. Shoshana, editor's introduction, 22–24.
57. *Hiddushei ha-Ritva 'al Bava Batra*, ed. Ilan, 512, n. 19 (60b).
58. *Hiddushei ha-Ritva 'al Bava Batra*, 1118 (151a). Regarding the standard *Tosafot* to *Bava Batra*, cf. Ritva, 118 (17b).
59. See *Hiddushei ha-Ritva 'al Massekhet Shabbat*, 142 (25b). See also 250 (44a, *uba-Tosafot 'omrim ki ha-Rav Ya'akov me-Qinon hayah mattir le-taltel*, which is not found in any extant *Tosafot* texts); 272 (46b, in which Ritva presents a methodological interpretation of R. Jacob — that appears anonymously in the standard *Tosafot*, ad loc. — and characterizes it as 'sweet and sharp', even as he disagrees with it: *perush zeh matoq ve-harif 'ela she-'ein zeh derekh perush... bi-she'ar dukhteih de-Talmud*); 441 (72b, again citing an unknown *Tosafot* text in the name of R. Jacob). As Urbach notes (*Ba'alei ha-Tosafot*, 2:576, n. 26, and see also 579), R. Jacob is mentioned only twice in standard *Tosafot* texts, although his *Tosafot le-Gittin* are cited by his student R. Perez of Corbeil. See also *Mordekhai le-Massekhet Gittin*, sec. 377, in which R. Jacob cites another ruling of his teacher Rizba. *Tosafot ha-Rosh 'al Massekhet Gittin* mentions R. Jacob three times: 44 (5b, and see also *Perush ha-Rosh le-Gittin*, 1:6), 57 (7b, responding to a question posed by R. Yehiel of Paris); and 510 (76a, adducing support for an interpretation of Rashi on the basis of Yerushalmi passage). On the seemingly large age discrepancy between R. Jacob and R. Perez, cf. Hershler, *Tosafot Rabbenu Perez*, editor's introduction, 12, and see also *Tosafot Rabbenu le-Massekhet 'Eruvin*, ed. Dickman (editor's introduction, 13–14), in which some twenty citations from R. Jacob of Chinon are found. A number of *pesaqim* from R. Jacob of Chinon can be found in ms. JTS Rab. 645 (*minhagei Zarefat*), 53v–57v.
60. *Hiddushei ha-Ritva 'al Massekhet Shabbat*, 112 (21b, *shama'ti be-shem R. Meir Ashkenazi*). This same view is cited in the name of R. Meir of Rothenburg in

several instances in which Ritva cites something that he heard in the name of Maharam of Rothenburg. The most significant of these citations is perhaps the one recorded in *Shitah Mequbbezet* to tractate *Beizah*:<sup>61</sup> “A leading Ashkenazic rabbi (*rav gadol ba-Ashkenazim*) pointed out in the name of his northern French teachers (*rabbotav ha-Zarefatim*), including Ri and R. Meir of Rothenburg, that the halakhic concept *mutav she-yihyu shogegin* was enunciated only for their generation, meaning the period of the Talmud. But in the present epoch, when the rabbis are lenient in a number of areas, it is appropriate to make a border around the Torah, even in matters that are from the rabbis (*miderabbanan*) and to actively restrain and fine people so that they will not transgress, neither accidentally nor willfully. They suggest that this is implied by [a passage in] the *Midrash Yerushalmi*.” Ritva concludes, “This appears to me to be the correct approach.”<sup>62</sup>

This kind of pattern, in which Ritva hears of Ashkenazic material from a scholar of that area, is found both in Ritva’s *hiddushim* and in his responsa. Ritva corresponded with Ashkenazic contemporaries who remained in northern Europe during the mid- and late thirteenth century. In addition, however, other Ashkenazic

---

*Arba'ah Turim, Orah Hayyim*, sec. 680. For additional references by Ritva to R. Meir Ashkenazi as a designation for Maharam, see *Hiddushei ha-Ritva 'al Massekhet Makkot*, ed. I. Ralbag, 58 (4b, *ve-ra'iti le-R. Meir ha-Ashkenazi she-katav*); *Hiddushei Ritva 'al Massekhet Yoma*, 174 (30a, *ve-khen katvu be-shem ha-R. Meir Ashkenazi*); and cf. below, n. 67.

61. The *Shitah Mequbbezet* to *Beizah* contains a large number of passages in the name of Ritva that not found in the extant Ritva commentary (which covers only about half of this tractate). See *Hiddushei ha-Ritva 'al Massekhet Beizah*, ed. E. Hurvitz (Jerusalem, 1976), editor’s introduction, 7–9, 17–18.
62. *Shitah me-Qubbezet ha-Meyuheset le-R. Bezalel Ashekanzi*, fol. 30a, s.v. *'ela hanah lahem le-Yisra'el (=Qovez Rishonim al Massekhet Beizah*, ed. H. Zimbalist (Tel Aviv, 1988), 465, and cf. below, n. 89. This is another instance in which Ritva uses the terms *Zarefat* and *Ashkenaz* interchangeably (cf. above, n. 30). Although the acronym Ri generally refers to R. Isaac of Dampierre (who died more than a century before Maharam), it can also refer to some other Tosafist who was closer chronologically to Maharam and whose name begins with the letter *yod*. Note that the so-called *Midrash Yerushalmi* is cited by Ritva on one other occasion; see *Hiddushei ha-Ritva 'al Massekhet Bava Mezi'a*, ed. S. Raphael (Jerusalem, 1992), 584, (70b, s.v. *marbeh hono*). The material presented there is close to what is found in *Midrash Tanhuma* (see n. 721), but this identification is still not firm. Cf. *Hiddushei ha-Rashba 'al Massekhet 'Avodah Zarah*, 30a.



talmudic scholars (including R. Asher b. Yehiel and Rabbenu Dan)<sup>63</sup> left Germany in the late thirteenth or early fourteenth centuries in the face of persecution, as did their counterparts from northern and central France in the period of the expulsion of 1306, and found their way to Spain which was the only thriving, relatively secure center of Jewish learning that remained in western Europe. Ritva was apparently in contact with a number of these scholars as well,

Ritva cites what he heard from *gedolei Zarefat ve-Ashkenaz she-yihyu*.<sup>64</sup> Similarly, Ritva writes, *shamati be-shem gadol mi-gedolei ha-dor 'asher be-Zarefat she-hayah me-hayyev lishon ba-sukkah ba-lailah ha-rishonah shel sukkot va-'afilu yardu geshamim shenat 'ara'i mihat*,<sup>65</sup> and *shamati mi-pi rav Zarefati be-shem rabbotav ha-Zarefatim*.<sup>66</sup> With regard to the blessings for the don-

63. See Ta-Shma, *Knesset Mehqarim*, 2:157–60, 170–73; my *Peering through the Lattices*, 247–48; Urbach, 2:587; and above, n. 33.

64. *Hiddushei ha-Ritva 'al Massekhet Yevamot*, ed. Jofen, 2:64, (37b). See also *Hiddushei Ha-Ritva 'al Bava Batra*, ed. Ilan, 22 (18a, *ve-khen shamati be-shem Rabbanei Ashkenaz ve-gam mi-pi mori ha-Rashba ner'u*). Note also *Yevamot* 2:139, n. 476 (39b), *katur be-Nimmuqei Rabbotenu ha-Zarefatim*. It is difficult to identify this work in any way based on the context. In *Hiddushei ha-Ritva 'al Massekhet Mo'ed Qatan*, 259 (28a), however, this would seem to be a (late) thirteenth-century work: *ve-khen hiskim 'al yado ba'al Sefer ha-Mizvot [=Sefer Mizvot Gadol le-R. Mosheh mi-Coucy] ve-'ahar kakh mazati ken be-Nimmuqei ha-Zarefatim*. Cf. *Ketubot*, ed. E. Lichtenstein, 56 (7b): *ve-shamati she-yesh maqom be-Ashkenaz ube-Zarefat she-'osim ke-massekhet Soferim* (which instructs that a distinct, second cup of wine be provided over which to recite the *sheva berakhot* that follow the *birkat ha-mazon*). On the presence in Spain of northern French talmudists who had been expelled from their land, see, e.g., see Menahem Ibn Zerah's introduction to his *Zedah la-Derekh* (Warsaw, 1880), and cf. Galinsky, "Ha-Rosh ha-Ashkenazi bi-Sefard," 393–95.

65. See *Hiddushei ha-Ritva 'al Massekhet Sukkah*, ed. A. Lichtenstein (Jerusalem, 1982), 247–48 (27a). Cf. *Tosafot Rabbenu Perez to Sukkah*, ad loc. (ed. N. Nussbacher [Jerusalem, 1990], 45). See also *Hiddushei ha-Ritva to Sukkah* 45b (ed. Lichtenstein, 421), *ve-yesh me-rabbotenu hakhmei Zarefat she-katvu de-kevan de-'ikka be-sukkah hiyyuv 'inyanim (me-shunim) [shonim]'akhilah ve-shenah ve-shinun ve-kayoze bahen, she-kol 'et she-qov'a 'azmo la'asot bah 'ehad mi-devarim 'elu havvei ke-hana-hah di-tefillin ve-hayyav le-varekh 'af 'al pi she-lo yaza misham*, found similarly in *Tosafot Rabbenu Perez*, ad loc. (ed. Nussbacher, 69).

66. See *Hiddushei ha-Ritva 'al Massekhet Avodah Zarah*, ed. M. Goldstein (Jerusalem, 1982), 330 (61b). A non-Jew who is found among sealed wine barrels without authorization, and appears to be a thief, is nonetheless presumed not to have opened the barrels since this would certainly warrant his being caught and prosecuted as a thief. Ra'ah, citing his teachers, relies on this presumption, even when there was not a specific fear of the local constabulary. Ritva then adds, *ve-khen shamati mi-pi*

ning of phylacteries, Ritva writes, “this is the view of my [Spanish] teachers, may they be protected, and I advocated for it before them (*ve-khen danti lifneihem*) and before a great rabbinic scholar of Zarefat. He acceded to my words and stated that this was also the view of R. Meir of Rothenburg, may he be protected.”<sup>67</sup>

Ritva records an interpretation that he heard directly from (the mouth of) a northern authority (*shamati mi-pi rav Zarefati*), regarding the exchange between Judah and Tamar in Genesis 38, in which Judah asserts that “you are more righteous than I.” Judah realized that Tamar never had relations with his sons. As such, she was not required to undergo *yibbum* (*lo zequqah le-yavam*). But what permitted her to have seemingly promiscuous relations with Judah (or with anyone else)? Rather, for a Noachide, the act of sexual relations (with an otherwise permitted husband; marriage between a father-in-law and daughter-in-law is not proscribed for Noachides) establishes a state of matrimony. Although it might be suggested that in the generations prior to the giving of the Torah (*lifnei ha-dibbur*), *yibbum* could be performed by any closely related male (*be-khol qarov*, and that is what allowed the relations between Judah and Tamar), this does not seem to be the essential cause here (*lo mashma hakhi*). Rather, as Ritva had indicated, Tamar was justified because her relations with Judah established a (permitted) state of matrimony.<sup>68</sup> Ritva’s own major teacher, R. Aaron *ha-Levi* (Ra’ah), had similar contacts with Ashkenazic rab-

---

*rav Zarefati be-shem rabbotav ha-Zarefatim*. In n. 742, the editor indicates that he is unable to identify this authority.

67. See *Hiddushei ha-Ritva ‘al Massekhet Rosh ha-Shanah*, ed. H. Dimitrovsky (Jerusalem, 1981), 338–39 (34a): *ve-khen da’at rabbotai ner”u, ve-khen danti lifneihem ve-lifnei hakham gadol me-rabbanei Zarefat ve-hodah li-devarai, ve-amar li she-ken da’at ha-R. Meir ner”u me-Rothenburg, ve-khen mazati le-Rabbenu Yonah be-Sefer ha-Yir’ah ve-khen nahagu ha-yom kol hakhmei Zarefat*. The last phrase (beginning with *ve-khen nahagu*) comes from R. Zerayah *ha-Levi’s Sefer ha-Ma’or*.
68. *Hiddushei ha-Ritva ‘al Massekhet Qiddushin*, ed. Metzger, 100–01 (9b). In his Torah commentary, Nahmanides favors the *yibbum* approach, ostensibly because of the importance and efficacy of this ceremony in kabbalistic thought. Cf. *Tosafot ha-Shalem*, ed. Y. Gellis, vol. 4 (Jerusalem, 1985), 79, where the *yibbum* possibility is raised already in the name of Rashbam and other Tosafist interpretations, and cf. my “On the Assessment of Nahmanides,” 70, 79; and my *The Intellectual History of Medieval Ashkenazic Jewry* (Detroit, 2010), chapter four, section two.



binic figures. As Ritva notes, *ve-òmer mori ner"u be-shem ha-Rav ha-Gadol me-Rabbanei Zarefat she-èin òmrim be-mamon kasher zamam ve-lo ka'asher 'asah kevan de-èfshar be-hazarah*.<sup>69</sup>

Oral transmissions, however, and even written correspondence, do not account for a number of the thirteenth-century Tosafist citations in *hiddushei ha-Ritva* that have been identified. It is instructive in this regard to note the material cited by Ritva from the Italian Tosafist and halakhist, R. Isaiah di Trani (RiD, d. c. 1240). Ritva typically refers to RiD by his surname alone (ר' ישעיא, ר' ישעיה), but he occasionally refers to him as R. Yeshayah or R. Oshaya *Ashkenazi*.<sup>70</sup> This association is an important datum in and of itself. The common supposition is that RiD studied with R. Simhah of Speyer in the Rhineland (where he also came into contact with materials from the German students of Rabbenu Tam) before returning to Italy, but it has been some-

69. *Hiddushei ha-Ritva 'al Massekhet Bava Batra*, ed. Lichtenstein, 478 (56a). *Tosafot Bava Qamma* 4a, s.v. *mamon*, cites this view in the name of R. Isaac b. Asher *ha-Levi* (as well as the conflicting view of Ri).

70. See *Hiddushei ha-Ritva 'al Massekhet Shabbat*, ed. Goldstein, 976 (153b): *ve-khen ha-girsa be-hibbur ha-R. Yeshayah ha-Ashkenazi*; *Hiddushei ha-Ritva 'al Massekhet 'Eruvin*, 807 (89a), *perush Rashi ke-gon 'ammud shu be-hazer ve-khen piresh ha-Rav R. Oshayah ha-Ashkenazi*; *Hiddushei ha-Ritva 'al Massekhet Rosh ha-Shanah*, ed. E. Lichtenstein (Jerusalem, 1988), 41 (6a): *ve-khen nimza be-hilkhot ha-R. Yeshayah Ashkenazi*. Ritva appears to have received the text of the citation in this last instance from his teacher Rashba, who refers to R. Isaiah in his *hiddushim to Rosh ha-Shanah* (4a), ed. H. Z. Dimitrovsky (Jerusalem, 1981), 28, as *ha-Rav R. Yeshayah ha-Zaqen mi-Trani (katav ken bi-pesaqav)*. Rashba reports that he heard about R. Isaiah's ruling from R. Moses b. Benjamin of Rome. (R. Moses was a cousin of R. Zedekiah b. Abraham *ha-Rofe*, author of the *Shibbolei ha-Leqet*.) Cf. I. Ta-Shma, *Ha-Sifrut ha-Parshanut la-Talmud*, 2:185, and *idem.*, *Kneset Mehqarim*, vol. 3 (Jerusalem, 2005), 47. Dimitrovsky, *ibid.*, n. 290 (and see also his introduction, 24–25), suggests (implausibly in my view; cf. below, n. 72) that R. Isaiah in this passage is a different figure (possibly a student of Ramban), and that the epithet *Ashkenazi* given to R. Isaiah by *Hiddushei ha-Ritva* is the copyist's interpolation. It should be noted that there is one place in Ritva's *hiddushim*, *Hiddushei ha-Ritva 'al Massekhet Pesahim*, ed. Y. Lebowitz (Jerusalem, 1983), 126 (42a), in which R. Isaiah is referred to as hailing from Trani. Since, however, the *hiddushei ha-Ritva* to this tractate are not as they flowed from Ritva's pen but rather were preserved by another (see the unpaginated editor's introduction), it is likely in this instance that the designation Trani was added by the redactor/copyist. [The reference to R. Isaiah in the standard *Hiddushei ha-Ritva* to (*Arvei*) *Pesahim* (Warsaw, 1864; repr. New York, 1950) 104a, *ve-khen katav ha-R. Yeshayah*, occurs in a (section of) commentary that was not composed by Ritva. See, e.g., *Sarei ha-Elef*, ed. Kasher and Mandelbaum, 1:205, and *Hiddushei ha-Ritva 'al Massekhet 'Eruvin*, ed. M. Goldstein, 15–16.]

what difficult to trace RiD's presence in Germany. Ritva's references to him as R. Isaiah *Ashkenazi* help to verify this presence.<sup>71</sup> More important for our purposes, however, is the fact that Ritva received R. Isaiah's rulings or *Tosafot* in literary form (only, either from *Piseqei* or *Tosafot ha-RiD*), and they were available to him only on particular tractates.<sup>72</sup>

71. See Ta-Shma, *Kneset Mehqarim*, 3:24–26, 36–47. R. Mordekhai b. Hillel's *Sefer Mordekhai*, which typically cites rabbinic scholars from northern France and Germany (but not from Italy), mentions R. Isaiah di Trani twice in tractate *Gittin*. In the first instance, however, *Gittin*, sec. 393 [= *Sefer ha-Mordekhai le-Massekhet Gittin*, ed. A. Rabinowitz (Jerusalem, 1990), 580], the words of RiD were transmitted to R. Mordekhai b. Hillel by R. Isaiah Weil; cf. Ta-Shma, *Kneset Mehqarim*, 1:173. In the second passage, found in *Hilkhot Get* (*Mordekhai le-Gittin*, ed. Rabinowitz, 869; cf. *Haggahot Mordekhai*, sec. 456; and S. Cohen in *Sinai* 15 [1944–45], 243), *Sefer Mordekhai* records a responsum from *Ha-R. Yeshayah ha-Gadol mi-Trani* [= *Teshvuot ha-Rid*, ed. A. Wertheimer (Jerusalem, 1975), #55.] R. Isaiah's subsequent literary contacts, with German Tosafists such as R. Simhah of Speyer and R. Isaac Or Zarua', are well-attested. See, e.g., Ta-Shma, *Kneset Mehqarim*, 3:20–23, and S. Emanuel, *Shivrei Luhot*, 155–56, 164–65. Interestingly, no Tosafists from northern France cite RiD, and he is not cited at all in the standard *Tosafot* to the Talmud. See Ta-Shma, *ibid.*, 3:48.
72. In addition to the references discussed above in n. 70, there are some twenty additional citations from *Pisqei* or *Tosafot* R. Yeshayah in *Hiddushei ha-Ritva 'al Massekhet Shabbat*, ed. Goldstein (from the fifteenth chapter, *Ve-Elu Qesharim*, and onward): 721 (114b, *ve-khen mazati be-pisqei R. Yeshaya*), 806 (*'aval ha-Rav R. Yeshayah katav be-shilhei mekhiltin*), 921 (*ve-ahar kakh mazati kakh be-hibbur ha-R. Yeshayah ve-gam be-miqzat Tosafot; ve-khen piresh ha-R. Yeshayah*), 925 (*ve-khen piresh ha-R. Yeshayah*), 953 (*ve-khen tirez ha-R. Yeshayah*), 961 (*yafesh piresh ha-R. Yeshayah*), 967 (*veha-R. Oshayah tirez*), 978–79 (*ve-khen katav ha-R. Yeshayah*), 981–982 (*ve-khen gores/piresh ha-R. Yeshayah*), 983 (*ve-khen pershu rabbotai ve-khen katav ha-R. Yeshayah*), 989–990 (*ve-khen piresh/katav ha-R. Yeshayah*), 996 (*'aval ha-R. Yeshayah katav*), 1008 (*ve-zu girsat ha-R. Yeshayah*), 1010 (*veha-R. Yeshayah uba-Tosafot pershu*), 1015 (*veha-R. Yeshayah he-'erikh harbeh be-teruz qushyah zu*). All of these correspond to *Pisqei* (and/or *Tosafot*) *ha-Rid* on this tractate. For additional *'Eruvin* citations, see (ed. Goldstein) 820, 849, 875, 895, 903, 905–09. Note also the remarkable description, apparently of Siamese twins, reported by *Rabbenu ha-Gadol Rabbenu Oshaya* in a manuscript of Ritva's *hiddushim* to *Niddah* 24a (the parallel passage in the published *hiddushim* ed. Metzger, 146–47, nn. 240–42) reads with less elaboration, *'umazati katuv 'al 'ehad meha-gedolim she-he'id 'al 'ishah ba'alat bet gabin u-bet shedrot she-haytah ve-nitqaymah zeman rav*), which Hida locates in a manuscript version of R. Isaiah di Trani's *pesaqim* to tractate *Niddah*: *ve-Rabbenu ha-Gadol Rabbenu Oshaya katav she-hu ra'ah 'ishah she-hayu lah shenei gufin haluqin le-gamrei ve-hozrin lihyot guf 'ehad le-mattah mi-motneha ve-ein lah 'ela bet raglayim... vehayu lah daled yadayim ve-daled 'einayim ve-she'okhelet be-rosh 'ehad 'eina 'okhelet be-rosh ha-sheni ve-haytah yoter me-'esrim shanah*. Note also the two references in *Hiddushei ha-Ritva 'al Massekhet Hullin*, ed. S. Raphael (Jerusalem, 1982), 335, 339, to the phrase *ha-Ashkenazim pershu*.

Indeed, like the teachings of R. Isaiah di Trani, much of the material that Ritva cites from northern French Tosafists and their students during the mid- and late thirteenth century described above appears to have reached him in literary form (mainly as *Tosafot*). Thus, for example, I. Ta-Shma assumed that the group of references to R. Moses of Evreux found in Ritva's *hiddushim* to *'Eruvin* (noted above) meant that Ritva had R. Moses' commentary to this tractate in hand.<sup>73</sup> There is, however, a collection of *Tosafot* texts that features virtually all of the Tosafist figures from this period that are found in *Hiddushei ha-Ritva* (and is itself replete with versions or sections of *Tosafot* or *Shitat Hakhmei Evreux* as well), the so-called *Tosafot Rabbenu Perez*. Among R. Perez' teachers and colleagues (as cited in his *Tosafot*) were R. Moses and R. Samuel of Evreux (and Samuel's son, Menahem), R. Yehiel of Paris, R. Tuvyah of Vienne, R. Yedidiah of Nuremberg, and R. Jacob of Chinon.<sup>74</sup> Rabbenu Perez even studied for a brief period with R. Meir of Rothenburg.<sup>75</sup> These mid- and late-thirteenth century rabbinic figures are precisely those that have been noted above as being cited by Ritva.<sup>76</sup>

R. Perez b. Elijah of Corbeil began to compose his *Tosafot* after 1250 together with his students, with his students complet-

73. See Ta-Shma, *Knesset Mehqarim*, 2:116, and cf. above, nn. 34, 55.

74. See *Tosafot Rabbenu Perez le-Massekhet Bava Mezi'a*, ed. H. B. Z. Hershler (Jerusalem, 1970), 9–13; Urbach, *Ba'alei ha-Tosafot*, 2:576; Avigdor Arieli, "Al ha-Perush ha-Meyuhas la-Rashba le-Massekhet Menahot," *'Aleï Sefer* 16 (1990), 149–50; *Tosafot Yeshanim ha-Shalem 'al Massekhet Yevamot*, ed. A. Shoshana, editor's introduction, 24–30; and Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:110–113.

75. See Urbach, 2:576–77, and my *Peering through the Lattices*, 239–42.

76. At the same time, however, it should be noted that Ritva mentions Rabbenu Perez by name in less than a handful of places. See, e.g., *Hiddushei ha-Ritva 'al Massekhet Ketbuot*, 442 (56b, "u-mihu shamati be-shem ha-Rabbenu Perez... ve-ra'ui la-hush li-devarav le-khatkhila", that the groom must be informed if the bride is a *niddah* at the time of the wedding); *Hiddushei ha-Ritva 'al Bava Mezi'a*, 786, n. 69 (95b): *ve-ahar kakh mazati katuv be-shitat Rabbenu Perez*. This is indeed found in *Tosafot R. Perez* ad loc., ed. Hershler, 167. Similarly, a resolution by R. Samuel of Evreux is found exclusively in *Hiddushei ha-Ritva 'al Massekhet Bava Mezi'a*, 70b, and in *Tosafot Rabbenu Perez*, ad loc., ed. Hershler, 143. The standard edition of *Hiddushei ha-Ritva to Pesahim* (whose attribution to Ritva, however, is uncertain; see above, n. 70), fol. 22b (Pesahim 105a), has a citation from *shitat Rabbenu Perez* (that is found in the *Tosafot* to *'Arvei Pesahim* included in the *Sefer Mordekhai to Pesahim*, which are *Tosafot Rabbenu Perez*; on these *Tosafot*, see the next note).

ing several remaining tractates in the early fourteenth century, after R. Perez's death (in 1298). The *Tosafot* of *Rabbenu Perez* have been published to a number of tractates, and several editors have pointed to Ritva's noticeable use of these *Tosafot* texts in his *hiddushim*.<sup>77</sup> Although a complete and detailed survey of these texts is beyond the scope of this study, the presumption that Ritva had certain versions of *Tosafot Rabbenu Perez* available to him can be verified and then utilized productively in clarifying aspects of Ritva's *hiddushim* in a number of different contexts.<sup>78</sup> The standard *Tosafot* to several tractates have been identified as versions of *Tosafot Rabbenu Perez*, and Ritva's use of these standard *Tosafot* may also reflect his familiarity with *Tosafot Rabbenu Perez*.<sup>79</sup>

77. A collection of *Tosafot Rabbenu Perez* was published in Jerusalem in 1996, which incorporates a number of previously published tractates as well as several new ones (although some of these cover only portions of the tractates indicated). The contents of volume 1 are *Berakhot*, 'Eruvin, *Tosafot* (ed. H. Dickman); vol. 2 contains *Pesahim*, *Yoma*, *Sukkah* (ed. N. Nusbacher), *Beizah*; vol. 3 has *Yevamot* (*Tosafot Maharam ve-Rabbenu Perez*, ed. H. Porush), *Qiddushin* (ed. Dickman); vol. 4 consists of *Nedarim* (ed. N. Y. Weiner); and vol. 5 includes *Bava Mezi'a*, ed. H. B. Z. Hershler, and *Sanhedrin*, *Makkot*. Not found in this collection is *Tosafot Talmidei Rabbenu Perez 'al Massekhet Bava Qamma*, ed. B. Z. Pereg (Jerusalem, 1984). In his introduction to *Sukkah*, 7, N. Nusbacher notes that Ritva used *Tosafot Rabbenu Perez* quite a bit in this tractate (and cf. E. Lichtstein's unpaginated introduction to *Hiddushei ha-Ritva* at n. 14, and above, n. 65), as well as in 'Eruvin (and see Dickman's introduction to his edition of *Tosafot Rabbenu Perez le-Massekhet 'Eruvin*, 8); on *Pesahim* (based on B. Næh's introduction to *Gemara Shelemah li-Pesahim*, 3, and see now *Sefer Mordekhai ha-Shalem li-Pesahim*, ed. Y. Horowitz [Jerusalem, 2008], editor's introduction, 14); and in *Bava Mezi'a*, where Hershler observes in his introduction to *Tosafot Rabbenu Perez*, 23, that "Ritva frequently cites *Tosafot*, sometimes by name and sometimes as *yesh 'omrim* or without identification (*bi-setam*). It appears that he did not have the (standard) printed *Tosafot* before him, but only the *Tosafot* of Rabbenu Perez." See also S. Raphael, in his introduction to *Hiddushei ha-Ritva 'al Massekhet Bava Mezi'a*, 13, for a similar assertion. There are indeed close to one hundred parallels, although a number of these may have reached both Rabbenu Perez and Ritva from another *Tosafot* source. Note that on (at least) one occasion (*Hiddushei ha-Ritva*, ed. Raphael, 83, to *Bava Mezi'a* 10b), Rabbenu Perez and Ritva appear to directly disagree.

78. See, e.g., above, n. 49 (regarding *Tosafot Mo'ed Qatan*; see also n. 56, and the next note); n. 55 (regarding Ritva's comment to 'Eruvin 47b and its resolution of a question raised in *Tosafot Rabbenu Perez*); and see *Hiddushei ha-Ritva 'al Massekhet Yoma*, ed. Lichtenstein, 174, 30a), where Ritva and Rabbenu Perez pose a similar question (and see also the editor's introduction, 5–6, n. 13); and below, n. 87.

79. See Urbach, *Ba'alei ha-Tosafot*, 2:610, n. 54 (*Tosafot le-'Arvei Pesahim*, printed at the end of *Haggahot Mordekhai*, and based on *Tosafot R. Yehiel* and *Tosafot Hakhmei Evreux*); 612 (*Tosafot Beizah*, based on *Tosafot Shanz* and *Shitat Evreux*); 619, 630–31

In addition, Ritva refers to *Tosafot* throughout his *hiddushim* that are not found in the standard *Tosafot* or in other collections that have been identified.<sup>80</sup> There are a number of texts of *Tosafot Rabbenu Perez* still in manuscript, and others which are cited or referred to by late medieval authorities such as R. Yosef Colon (Mahariq), that may no longer be extant.<sup>81</sup> Rabbenu Perez (and his students) apparently composed *Tosafot* to nearly thirty tractates of the Talmud, although fewer than half of these have been published. Further identification and comparison of these texts will likely yield additional connections between them and *Hiddushei ha-Ritva*. Suffice it to say that the availability of this new *Tosafot* source to Ritva attracted his interest and attention.<sup>82</sup>

The *Tosafot Rabbenu Perez* are, in one crucial respect, the antithesis of *Tosafot Shanz* and the *Tosafot* preserved by R. Perez's younger German contemporary, R. Asher b. Yehi'el; *Tosafot Rabbenu Perez* typically add a great deal of thirteenth-century material to its twelfth-century base or core. These *Tosafot* are more

---

(traces in the *Tosafot* to *Mo'ed Qatan*, and in *Tosafot Qiddushin*, that are essentially *Shitat Evreux*); 635–636 (Rabbenu Perez was the teacher of the editor to *Tosafot Nazir* that are similar to *Tosafot Nedarim* in terms of the use of Evreux material, and see also Ta-Shma, *Knesset Mehqarim*, 2:117); 654–57 (R. Perez was again the teacher of the editor of *Tosafot 'Avodah Zarah*, which contain plenty of material from R. Perez's teachers, R. Jacob of Chinon, and the brothers of Evreux); 658–59 (R. Perez was alive when these *Tosafot* to *Makkot* were prepared, and he is referred to in them as *mashiah*= *mori she-yihyeh*, and *Shitat Evreux* is found in them as well); 662, 665, 670 (traces of *Tosafot Rabbenu Perez* are included in *Tosafot Zevahim*, and the *Shitah Mequbbezet* uses these *Tosafot* in both *Zevahim* and *Menahot*, as well as *Bekhorot*); 673 (the editor of these *Tosafot* was a student of Rabbenu Perez).

80. See, e.g., *Qiddushin*, ed. Dinin, editor's (unpaginated) introduction, at n. 23; *Ketubot*, ed. Goldstein, 55–57, nn. 153 (*Tosafot Aharonot*), 162, 172, 491); *Rosh ha-Shanah*, ed. Lichtenstein, editor's introduction, 10; *Niddah*, ed. D. Metzger, editor's introduction, 4 (*Tosafot she-'einam lefanenu*); *Eruvin*, ed. Goldstein, 21–22, and 769 (54b, *Tosafot ha-Aharonot*). See also *Shevu'ot*, ed. Lichtenstein, editor's introduction, 10, and *Sukkah*, ed. Lichtenstein (above, n. 77).

81. See *Tosafot Rabbenu Perez 'al Massekhet Bava Mezi'a*, ed. Hershler, editor's introduction, 19–26, and Urbach, *Ba'alei ha-Tosafot*, 2:580–81.

82. The ready availability of *Tosafot Rabbenu Perez* in early fourteenth-century Spain is attested by Menahem Ibn Zerah in the introduction to his *Zedah la-Derekh (ve-hayinu hozrim tamid yomam va-lailah hu* (= R. Yosef Ibn Shu'ib) *va-ani me-rosh ha-massekhta be-Tosafot Rabbenu Perez...ve-rov limmudeinu be-shitat Rabbenu Perez*). Ultimately, as Rosh's son R. Ya'akov indicates, Rosh was successful, in his Spanish hometown of Toledo at least, in supplanting the study of *Tosafot Rabbenu Perez* there with the study of 'his' *Tosafot*. See Urbach, 2:579–80, and below, n. 84.

similar in this regard to the so-called *Tosafot Tukh*, redacted by R. Eliezer of Touques (from northern France, or perhaps Turcheim, Germany), that form the basis of many of the standard *Tosafot* published with the Babylonian Talmud.<sup>83</sup> Indeed, Rosh, who favored the approach and format of *Tosafot Shanz* (as we have seen), denigrated both the style (and the substance) of *Tosafot Rabbenu Perez*, in a responsum that he composed in Toledo: “You have written that you have found the view of Ri as cited in *Tosafot Hullin* [according to the version of the *Tosafot* that was compiled by the students of Rabbenu Perez]. Know that these commentaries, which have circulated in this land [=Spain], were composed by unqualified students who wished to claim a high pedigree (*nitlu be-’ilan gadol*). They offered these interpretations before Rav Perez and other *gedolim* but, nonetheless, they should not be relied upon. For I have in my possession the interpretation of [Ri as preserved by] R. Samon [of Sens] and he did not rule thusly.”<sup>84</sup>

Rosh criticizes the so-called *Tosafot Talmidei Rabbenu Perez*, which had become popular in Spain among students of the Talmud, because they did not have accurate versions of the views of the earlier Tosafists which was a hallmark of *Tosafot Shanz*. In another responsum, Rosh raises the same kind of concern: “I found in the comments of (*nimmuqei*) R. Perez b. Elijah of Corbeil that he prohibited this. And they [the students who compiled his *Tosafot*] went on at length praising this view, and they cited a case in which Rabbenu Tam ruled similarly.” The Rosh continues, “And I was quite amazed (in a negative sense, *ve-tamahti me’od*).”<sup>85</sup>

Although Rosh places the blame for these developments on the student editors, the import of his words is that the *Tosafot*

83. On *Tosafot Tukh*, see Urbach, 2:581–85, Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:111, 119–20; and A.Y. Havazelet, “Zemanam u-Megomam Shel Tosafot Tukh,” *Yerushatenu* 2 (2008), 319–23.

84. See *Teshuvot ha-Rosh*, 20:27, ed. Y. Yudlov (Jerusalem, 1994), 105. Cf. Urbach, *Ba’alei ha-Tosafot*, 2:587; *Tosafot ha-Rosh ’al Massekhet Pesahim*, ed. A. Shoshana (Jerusalem, 1997), editor’s introduction, 26–28; and Yehuda Galinsky, “Ha-Rosh ha-Ashkenazi bi-Sefarad: ‘Tosafot ha-Rosh,’ ‘Pisqei ha-Rosh,’ Yeshivat ha-Rosh,” *Tarbiz* 74 (2005), 396–400.

85. *Teshuvot ha-Rosh*, 2:17, ed. Yudlov, 14.



*Rabbenu Perez* (which were readily available and quite popular in early fourteenth-century Spain) ought not be considered as fully reliable representatives of Ashkenazic talmudic study and *halakhah*, precisely because they were focused on and derived from the period of the later ‘editors and redactors’ of the *Tosafot*, rather than the formative period of twelfth-century Tosafist creativity and development.<sup>86</sup> In addition, *Tosafot Talmidei Rabbenu Perez* (like the contemporary *Tosafot Tukh*) tended to shorten, paraphrase or recast the views of Ri and others in his day (in order to more easily include and integrate later *Tosafot* material as well), rather than report their words in verbatim or near verbatim form.

We do not have any response from Ritva to his contemporary, R. Asher b. Yehi'el, on these matters.<sup>87</sup> It is apparent, however, that Ritva felt that the *Tosafot* of *Rabbenu Perez*, at least in the form in which he had them, could and should be cited reliably. Perhaps Ritva extracted from *Tosafot Rabbenu Perez* only the later Tosafist material, and utilized other Tosafist sources or collections for the twelfth-century substrate.

Although Ritva's use of *Tosafot Rabbenu Perez* was the direct result of a felicitous opportunity, namely their availability in Spain from the late thirteenth century onward, there may have also been other intellectual or halakhic motives that caused Ritva to depart from the approach that Ramban and Rashba had taken regarding the Tosafist corpus. In a word, some of the passages in *Tosafot*

86. Rosh cites a resolution of Rabbenu Perez by name (*ve-tirez ha-R. Perez*) once in *Tosafot ha-Rosh 'al Massekhet Ketubot*, ed. Lichtenstein, 490–91 (70). As the editor notes (n. 46), a similar resolution is put forward by Ritva, although he does not mention R. Perez by name; cf. above, n. 78. Rosh also cites and qualified an interpretation or solution of Rabbenu Perez in *Tosafot ha-Rosh le-Gittin*, ed. H. Ravitz (Jerusalem, 2004), 109 (14a), along with one by R. Moses of Evreux. In *Perush ha-Rosh le-Gittin*, 1:19, however, Rosh directly rejects the solution proposed by Rabbenu Perez in favor of his own interpretation (*'aval teruz ha-R. Perez 'eino nakhon*).

87. As indicated above, n. 36, Rosh and Ritva appear to ignore each other's writings, perhaps for this reason, although the *Tosafot ha-Rosh* and the *Hiddushei ha-Ritva* do appear to have been working from the same sources on any number of occasions. Note, e.g., *Qiddushin* 35a–36a, where several passages and interpretations are virtually identical (in *Hiddushei ha-Ritva*, ed. Dinin, 371–82, and *Tosafot ha-Rosh*, ed. Metzger, 287–97). Other examples of overlap in tractate *Qiddushin* are found, e.g., in ed. Dinin, 353, 356, 358, 371, 384, 716, and see also *Hiddushei ha-Ritva 'al Massekhet Bava Mezi'a*, ed. Raphael, *passim*

*Rabbenu Perez* spoke to Ritva. The passage on the forty-nine pathways of the Torah, found in *Tosafot Rabbenu Perez* to ‘Eruvin in the name of R. Yehiel of Paris (as noted above), appealed to Ritva as both a halakhist and a student of kabbalah. Ritva, not surprisingly, was somewhat less reticent than Ramban about including kabbalistic material within his talmudic *hiddushim*. Although Ramban did this on less than a handful of occasions in his *hiddushim*, *Hiddushei ha-Ritva* contain more than twenty such instances.<sup>88</sup> The legitimacy of multiple halakhic truths that is at the heart of this *Tosafot* passage (and that constitutes a cornerstone of Tosafist thought and endeavor) is a fundamentally exoteric concept. Nonetheless, there were Ashkenazic rabbinic figures in both the pre-Crusade period and the Tosafist period for whom this notion had mystical connotations.<sup>89</sup> Ritva understood the importance of this formulation in both exoteric and esoteric ways as well.<sup>90</sup>

Ritva’s inclusion of the passage on *mutav she-yihyu shogegin* from R. Meir of Rothenberg and other Ashkenazic predecessors

88. See my *Peering through the Lattices*, 12, n. 5, 218, and Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:72–73. Ritva in his *hiddushim* to *Qiddushin*, 404 (40a), interprets the talmudic censure against gazing at a rainbow as a function of the fact that it represents the Divine *Kavod* (as per Ezekiel 1). He then concludes that: “there is a deep *sod* in this that is known to *ba’alei ’emet*, as our teacher (*Rabbenu*= Ramban) alludes to in his Torah commentary (on Genesis 9:12). Needless to say, Ramban makes no such reference in his own talmudic *hiddushim* here, although this may also be an issue of timing; cf. above, n. 26. Interestingly, in the passage immediately prior, 403 (39b) Ritva applauds Rabbenu Tam’s questioning and subsequent understanding of Rashi’s comment on the nature of the rewards of the world to come and concludes: “He [Rabbenu Tam] has interpreted well according to the exoteric level of interpretation (*lefi peshatan shel devarim*), but there is a hidden secret contained within them that is known to the masters of esoteric interpretation (*aval yesh bahem sod nistar le-ba’alei ’emet*).” Cf. my *Peering through the Lattices*, 166–77. On the other hand, earlier in his *hiddushim* to *Qiddushin* (see above, n. 68), Ritva rejects (without referring to him directly) Ramban’s partial justification of the relationship between Judah and Tamar, since the performance of *yibbum* by a wider circle of familial males was in vogue prior to the giving of the Torah, on purely exoteric (halakhic) grounds. Ritva also refers to the notion of *shiv'im panim la-Torah* in his *Sefer ha-Zikkaron*. See Hanañel Mack, “Shiv'im Panim la-Torah — Li-Mehalkho shel Bittui,” *Sefer ha-Yovel le-Rav Mordekhai Breuer*, ed. M. Bar Asher (Jerusalem, 1992), 459, and the next note.

89. See my “Torah Study and Truth,” (above, n. 42), 113–16.

90. See *ibid.*, 101–02.



is perhaps a reflection of the documented difficulties in religious observance across the board in late thirteenth and early fourteenth century Spain that Ritva, in his role as a communal leader, also encountered.<sup>91</sup> Another significant piece that originated in Ashkenaz (and is found rather expansively in Ritva's commentary to *'Avodah Zarah*, but was not picked up at all by any other Spanish collection of *hiddushim*), deals with the parameters (and justification) of martyrdom (*kiddush ha-Shem*). Ritva writes, "It is written in the margins (or folios) of *Tosafot* texts [*gilyonei ha-Tosafot*] that Rabbenu Tam asserted that where one is afraid lest he be coerced into violating his religion [through worshipping idolatry], he may harm himself, *mutar la-havol be-'azmo*, that is, he may take his own life." This passage appears in the name of Rabbenu Tam in the standard *Tosafot* to tractate *'Avodah Zarah*, although the derivation offered next by Ritva (from the behavior of King Saul) is not the talmudic proof-text that *Tosafot* texts attribute to Rabbenu Tam. Ritva then continues his citation: "Under such conditions, taking one's own life is permitted. From this they [also] learned to slaughter their children during the persecutions, lest they [the children] be coerced to violate their religion." Up to this point, Ritva notes, is what he found in the *gilyonei ha-Tosafot*. Ritva then concludes: "These words require great study and investigation but the wise elder (*ha-zaqen*, ostensibly Rabbenu Tam) has already issued his ruling. And we have heard in the name of the great scholars of France (*gedolei Zarefat*) that they actually ruled in this way."<sup>92</sup>

Although the key figure cited is Rabbenu Tam, the (sudden) shift in Ritva's presentation to the killing of others (which Rabbenu Tam does not discuss at all) perhaps reflects the following passage in the glosses of R. Perez (*Haggahot Rabbenu Perez*) to R. Isaac of Corbeil's *Sefer Mizvot Qatan*. Ritva used these glosses elsewhere

91. See my "Rabbinic Attitudes Toward Nonobservance in the Medieval Period," *Jewish Tradition and the Nontraditional Jew*, ed. J. J. Scachter (Northvale, 1992), esp. 31–33.

92. See *Hiddushei Ritva 'al Massekhet 'Avodah Zarah*, ed. Goldstein, 81 (18a), and my "Halakhah and Mezi'ut in Medieval Ashkenaz," (above, n. 49), 203–11.

in his talmudic commentaries,<sup>93</sup> and they are also the product, of course, of Rabbenu Perez and his *beit midrash*: “And those holy martyrs (*ve-’otam ha-qedoshim*) who slaughtered themselves and did not want to rely on their being able to withstand the trial [of coercion], they are completely holy (*kedoshim gemurim hem*).”<sup>94</sup> This passage is itself based on a fuller passage from *Avi ha-Ezri*, the halakhic work of the German Tosafist R. Eliezer b. Yo’el ha-Levi (Rabiah, d. c. 1225), who had access to formulations of Rabbenu Tam,<sup>95</sup> although it is not found in the published version of Rabiah’s work.<sup>96</sup> It was recently found, however, in the name of *Avi ha-Ezri* in the *Qizur ha-Semaq* or *Sefer Simmanei Taryag Mizvot*, a northern French work composed c. 1265, that is based on Moses of Coucy’s *Sefer Mizvat Gadol*. This work was compiled by R. Avraham b. Ephraim, a student of R. Tuvyah of Vienne, and contains other passages from *Sefer Rabiah* not found in the published editions of Rabiah works.<sup>97</sup> We recall that R. Tuvyah was one of the teachers of Rabbenu Perez, whom Ritva had cited.<sup>98</sup> Thus, Ritva, with his unique degree of access to both German and northern French texts of the thirteenth century, may have had available to him a version of this highly suggestive *Avi ha-Ezri* passage as well.<sup>99</sup>

93. See, e.g., above, n. 45. See also *Hiddushei ha-Ritva ’al Massekhet Makkot*, ed. Ralbag, 227 (21a), where the position of Rabbenu Tam cited by Ritva is found in *Haggahot R. Perez to Semaq* sec. 70.

94. See *Haggahot Rabbenu Perez to Sefer Mizvot Qatan*, sec. 3; my “Halakhah and Mezi’ut,” 213; and cf. Haym Soloveitchik, “Halakhah, Hermeneutics and Martyrdom in Medieval Ashkenaz,” *JQR* 94 (2004), 286–87.

95. See, e.g., Rami Reiner, “Rabbenu Tam: Rabbotav (ha-Zarefatim) ve-Talmidav Bnei Ashkenaz,” (M. A. thesis, Hebrew University, 1997), 124, and S. Emanuel, *Shivrei Luhot*, 29.

96. Indeed, until recently, it was known only from the fourteenth-century *Sefer Semaq mi-Zurich*, which raised the question of its attribution to Rabiah. Cf. H. Soloveitchik, “Religious Law and Change: The Medieval Ashkenazic Example,” *AJS Review* 12 (1987), 210, n. 8.

97. See, e.g., *Qizzur Sefer Mizvot ha-Gadol*, ed. Y. Horwitz, 32, 94, 129, 179, 194, 106, 225, and cf. above, n. 49.

98. See above, nn. 49–50. R. Perez had a collection of *pisqei R. Tuvyah*. See *Haggahot Rabbenu Perez to Semaq*, sec. 245: ‘I found a correction (*mugah*) in the book of R. Tuvyah of Vienne’, and cf. Hershler, *Tosafot Rabbenu Perez le-Massekhet Bava Mezia’*, editor’s introduction, 13.

99. See my “Halakhah and Mezi’ut,” 211–12, 214–16. Note that the standard *Tosafot* to

Contrary to the larger thesis put forward by my distinguished teacher Jacob Katz, I have recently identified a view among Tosafists in northern France and Germany from the late twelfth century onward which held, against Rashi and those Tosafists who followed his approach, that an apostate who wished to return to the Jewish community was required according to rabbinic law to immerse himself for a variety of meta-halakhic (and even some halakhic) reasons. One such formulation is found in Ritva's *hiddushim*, in the name of *Tosafot Aharonot: ve-'af 'al pi khen, hu* [the returning apostate] *tovel mishum ma'alah*. The last phrase does not mean simply 'for the sake of perfection', as some have suggested. Rather, it connotes the elevated status of the returning apostate, similar to the *'eved kena'ani* who must also be immersed (again) when he is set free, because he is moving (in the case of the apostate, returning) from a lower status of religious obligation to a higher one, and this change of status must be recognized and noted. Moreover, manuscript research has uncovered the *Tosafot* text that was the apparent source for Ritva's formulation. It is referred to as *Tosafot Shitah*, and is ostensibly a passage from *Shitah/Tosafot Evreux*. Here again, Ritva's unique awareness of northern French (Evreux) Tosafist teachings put him in a position to retrieve and reproduce highly significant Ashkenazic material that his Spanish predecessors could not. From Ritva's *hiddushim*, this same passages enters the commentary of *Nimmuqei Yosef*.<sup>100</sup>

Finally, the influence or role of R. Aharon *ha-Levi* (Ra'ah) in this matter should be considered further. Rashba studied with both Ramban and Rabbenu Yonah. Ramban was his main teacher in Talmud; from Rabbenu Yonah, Rashba received talmudic interpretations, an approach toward halakhic decision-making, and additional aspects of spirituality. For the most part, Rashba's

---

<sup>100</sup> *'Avodah Zarah* are *Tosafot Rabbenu Perez*; see Urbach, above, n. 79.

100. See *Hiddushei ha-Ritva li-Yevamot*, ed. Joffen, 330–32 (47b); *Nimmuqei Yosef*, ad loc. (at the top of fol. 16b in the standard pagination of *Hilkhot ha-Rif*); ms. Vercelli (Bishop's Seminary), C 235/4, fol. 291v; and my "Returning to the Jewish Community in Medieval Ashkenaz: History and Halakhah," *Turim: Studies in Jewish History and Thought Presented to Dr. Bernard Lander*, ed. M. Shmidman (New York, 2007), 101–29.

limited use of Ashkenazic sources follows the pattern set by Ramban. As noted above, however, he did receive and include a small number of Evreux interpretations from his teacher (and a student of Evreux), Rabbenu Yonah.<sup>101</sup> Ra'ah was Ritva's major teacher, but Ritva cites Rashba with great frequency as well, since his talmudic interpretations cover the Talmud more fully than those of Ra'ah. However, Ritva's more inclusive attitude toward the use of Ashkenazic sources was perhaps more indebted to Ra'ah than to Rashba.<sup>102</sup>

In his *hiddushim* to (*Hilkhot ha-Rifli-*) *Berakhot*, Ra'ah includes an (anonymous) esoteric interpretation of the *piyyut E-l 'Adon* that has been attributed to R. Yehiel of Paris (and actually extends back even further to R. Eleazar of Worms and ultimately to R. Judah b. Yaqar, a teacher of Nahmanides who studied in northern France with Rizba).<sup>103</sup> Perhaps following Rabbenu Yonah in his *Sefer ha-Yir'ah*, whose northern French roots and tendencies (especially in this work) are well-documented, Ra'ah (as recorded in a manuscript version of his *hilkhot Rosh ha-Shanah*) subscribes to the decidedly Ashkenazic view (which was against the position of Rashba and *Sefer ha-Hinnukh* and virtually every other earlier Spanish halakhist), that the donning of *tefillin* always requires two blessings, whether the wearer has spoken during their placement or not. Ritva agrees with this view as well.<sup>104</sup>

Although Ra'ah's actual citation of *Tosafot* in his own *hiddushim* is sparse at best,<sup>105</sup> Ritva explicitly links the view of his

101. See above, n. 34, and cf. Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:55.

102. In his treatment of Ra'ah's talmudic commentaries, Ta-Shma, *Ha-Sifrut ha-Parshanit*, 2:66–69, portrays Ra'ah as thoroughly committed to Spanish or Sefardic talmudic interpretation, as was the case for Ra'ah's older brother, R. Pinhas *ha-Levi* (the putative author of *Sefer ha-Hinnukh*) as well. In other venues, however, Ta-Shma does note affinities between Ra'ah's interpretations and those of the Tosafists; see the next two notes. Cf. above, n. 43.

103. See Ta-Shma, "Li-Meqorotav ha-Sifrutiyim shel Sefer ha-Zohar," *Tarbiz* 60 (1991), 663–65, and idem., *Ha-Nigleh shebe-Nistar*, 30, 66–67.

104. See Ta-Shma, *Ha-Nigleh shebe-Nistar*, 75, and *Hiddushei ha-Ritva 'al Massekhet Rosh ha-Shanah* (34a), above, n. 67.

105. For example, Ra'ah quotes (*Ba'alei/Hakhmei ha-*) *Tosafot* only once to in his *hiddushim* to *Sukkah*, ed. Makhon Ahavat Shalom vi-Yerushalyaim, (2001), 195 (35a, n. 202, cited in *Hiddushei ha-Ritva*, ed. Lichtenstein, 334, n. 629, as well), and four

teacher with that of *Tosafot* in a number of instances.<sup>106</sup> There is also an interesting episode that documents R. Perez of Corbeil's awareness of Ra'ah (as a leading Spanish authority and rabbinic judge in Barcelona), if not the reverse. In a case that originated in Toulouse, a father initially asserted (and confirmed through an oath) that he had betrothed his minor daughter, which would prevent her betrothal to another without a proper bill of divorce. Subsequently, a local rabbinic judge allowed her to marry another man without a *get*, because the father had recanted his claim of

---

times in his *hiddushim* to *Berakhot*, ed. Makhon Ahavat Shalom vi-Yerushalayim (2000), 99, 363, 368, n. 32 (45b, also found in *Hiddushei ha-Rashba* and in *Hiddushei ha-Ritva*, ed. Hershler, 311, in the name of *rabbotenu ha-Zarefatim*), 454–55, n. 84 (59b, cited also in *Hiddushei ha-Ritva*, 404, n. 22), in addition to one citation from *Rabbenu Yizhaq Ba'al ha-Tosafot* (Ri), 260. It should be noted that despite the time that he spent as a student at Evreux, Rabbenu Yonah also fits, for the most part, the Spanish 'Ramban' pattern of Tosafist citation (since Ramban, was, after all, R. Yonah's cousin and almost exact contemporary); see Ta-Shma, *Knesset Mehqarim*, 121–23, and *idem.*, *Ha-Sifrut ha-Prarhsanit la-Talmud*, 22–23. Thus, in his commentary to *Bava Batra*, R. Yonah cites only Rashbam, Rabbenu Tam and *Tosafot Ri ha-Zaqen*, and he mentions his teacher R. Moses of Evreux exactly twice. At the same time, Rabbenu Yonah makes use of unnamed, early *Tosafot* texts much more than R. Meir Abulafia *ha-Levi* (Ramah) did. Ta-Shma notes that Ritva has quite a bit of Rabbenu Yonah's talmudic commentaries before him; see *Ha-Sifrut ha-Parshanit*, 24–25. In addition, Ritva, in his *hiddushim* to *Rosh ha-Shanah*, is the one who confirms unequivocally R. Yonah's authorship of *Sefer Hayyei Olam/Sefer ha-Yir'ah*; see Ta-Shma, *Knesset Mehqarim*, 2:146–47, n. 67.) Y. N. Epstein, "Al ha-Kol," *Sinai* 94 (1984), 123–36, esp. 126 [= J. N. Epstein, *Studies in Talmudic Literature and Semitic Languages*, vol. 2, part two, ed. E. Z. Melammed (Jerusalem, 1988), 776–789, esp. 779; this article was originally published in 1909] has a number of other instances in which R. Yonah cites material from Evreux. Perhaps he is also one of Ritva's conduits for the teachings of Evreux; cf. above, nn. 55–58. Ta-Shma, *Knesset Mehqarim*, 2:116, points to an interpretation in 'Eruvin 33b which *Tosafot ha-Rosh* cites in the name of Rabbenu Yonah and Ritva cites in the name of R. Moses of Evreux. Cf. *Hiddushei ha-Ritva 'al Massekhet Bava Mezia'*, ed. Raphael, 48 (30a), *be-shem ha-Rav he-hasid* [=Rabbenu Yonah] *shamati*, which *Tosafot ha-Rosh* cites in the name of R. Meir of Rothenburg. Prior to this, Ritva cites an answer by R. Samson (Rash) of Coucy, followed by an answer in the name of Riva (Rizba); these same two answers are found in the reverse order in *Tosafot Rabbenu Perez*, *ad loc.*, ed. Hershler, 68.

106. See, e.g., *Hiddushei ha-Ritva 'al Massekhet 'Avodah Zarah*, 330 (above, n. 66); *Hiddushei ha-Ritva 'al Massekhet Bava Batra*, 478 (above, n. 69); *Hiddushei ha-Ritva 'al Massekhet Sukkah*, 420–21 (45a); *Hiddushei ha-Ritva 'al Massekhet Shabbat*, 817: *ve-tirez mori ve-khen mezatiha be-Tosafot Aharonot*; *Hiddushei ha-Ritva 'al Massekhet Ketubot*, 7 (2b; see above, n. 43); *ibid.*, 202 (22a), n. 31; *Hiddushei ha-Ritva 'al Massekhet Rosh ha-Shanah* 41 (6a): *ve-zeh nir'eh li barur be-shitat rabbotenu ba'alei ha-Tosafot ve-hi shitat mori ha-Ra'ah*. 'Aval *ha-Rashba makhria' ki-leshon ha-'aher, ve-khen nimza be-hilkhot ha-R. Oshaya ha-Ashkenazi*. Cf. above, n. 70.

betrothal, and had provided an excuse as to why he had made this claim in the first place. A number of leading European rabbinic authorities were asked to render their views in this matter. Rabbenu Perez indicated that he sided with those who prohibited the new marriage without a prior bill of divorce, as did a certain R. Shemaryah b. Meir of Germany.

Two Provençal rabbinic courts argued, however, that the father could recant his original assertion (apparently because he had not really taken an oath in support of it), without any consequence or need for a *get*. Subsequently, Rabbenu Perez and others removed their objections, in favor of the ruling of the Provençal courts. R. Perez justifies this change, in part, because the case had also been brought to Barcelona, where it was heard by “*morenu ha-Rav R. Shelomoh* [=Rashba] and *Morenu ha-Rav R. Aharon* [=Ra’ah]. If these rabbinic authorities were in agreement with the later ruling, R. Perez was prepared to join them.<sup>107</sup>

Just as we can better assess and understand the nature and scope of Ritva’s *hiddushim* in light of his uses of Ashkenazic material, while also considering the stimuli and conduits that brought this about, *Hiddushei ha-Ritva* is a potential source for retrieving or reconstructing unknown or incomplete Ashkenazic Tosafist texts from the thirteenth century. R. Meir of Rothenburg and his students, Rosh, R. Mordekhai b. Hillel and R. Meir *ha-Kohen* (author of the *Haggahot Maimuniyyot*), aligned themselves with the works of Maimonides and Rif as a means of preserving Ashkenazic teachings during and after a period of sharp decline (from the second half of the thirteenth century and beyond).<sup>108</sup> Wittingly or unwittingly, Ritva may have played a significant role in preserving some of this Ashkenazic literature as well. It is fair to say, and it may well be an understatement, that in the case of Ritva, Ashkenaz informed Sefarad, even as Sefarad can continue to inform us about Ashkenaz.

107. See *Teshuvot Hakhmei Provence*, ed. A. Sofer (Jerusalem, 1967), 85–95 (and esp. 93).

108. See, e.g., my “Preservation, Creativity and Courage: The Life and Works of R. Meir of Rothenburg,” *Jewish Book Annual* 50 (1992–93), 249–59.