

DREAMS AS A DETERMINANT OF JEWISH LAW
AND PRACTICE IN NORTHERN EUROPE DURING
THE HIGH MIDDLE AGES

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Jewish society in northern Europe (Ashkenaz) during the high Middle Ages has been characterized as decidedly halakhocentric—religious norms and rituals were meant to conform to authoritative texts of Jewish law. In situations where long-standing rituals or practices appeared to conflict with talmudic rulings or other halakhic prescriptions, the most important rabbinical figures in northern France and Germany, the Tosafists, attempted to reconcile these practices with canonized texts, by means of newly developed forms of dialectical interpretation.¹ Jacob Katz has charted the noteworthy degree to which laymen were devoted to the instructions of the rabbinical elite, as well as the “ritual instinct” that was generally prevalent throughout medieval Ashkenazic society, both of which allowed these reconciliations to be pursued effectively and without hesitation.²

Given their allegiance to textuality as the ultimate arbiter of Ashkenazic practice and ritual, it is rather surprising to discover that a number of leading Tosafists and other rabbinical scholars in the twelfth and thirteenth centuries made use of dream experiences as a means of determining Jewish law or ratifying earlier legal opinions. As we shall see, such an approach was clearly at odds with contemporary Spanish or Sefardic (halakhic) rationalism as represented by Maimonides (1138–1204); with the position of leading halakhists who were also strongly grounded in Kabbalah such as Nahmanides (1194–1270); and even with view of Rashi (1040–1105), the non-philosophically inclined *doyen* of Ashkenazic talmudic (and biblical) interpretation.³

¹ See, e.g., my “Halakhah and Mezi’ut (Realia) in Medieval Ashkenaz: Surveying the Parameters and Defining the Limits,” *Jewish Law Annual* 14 (2003): 193–224.

² See, e.g., J. Katz, *Goy shel Shabbat* (Jerusalem, 1984), pp. 43–56, 176–81; idem, *Bein Yehudim le-Goyim*, (Jerusalem, 1960), pp. 35–72.

³ On Rashi’s attitude toward philosophy, see, e.g., Avraham Grossman, “The Tension between Torah and Hokhmah in Rashi’s Commentary to the Bible,” [Hebrew] *Teshurah le-Amos: Studies Presented to Amos Hakham*, ed. M. Bar-Asher et al. (Alon

R. Eliezer b. Nathan (Raban) of Mainz, the leading German Tosafist in the mid-twelfth century, records the following episode in his collection of talmudic commentary and responsa, *Even ha-'Ezer* (*Sefer Raban*), in a passage dated to 1152. At the Sabbath meal, Eliezer's son-in-law Elyaqim inquired about the halakhic status of a (stoneware) utensil that had been used at the meal to transfer wine from the barrel to the table. A Gentile member of the household had used this utensil earlier, to drink (kosher) wine. Nonetheless, this use had the potential to render the wine for the meal Gentile wine, since it had been transferred to the table in this utensil. Raban ruled that if any residue (or absorption) remained from the earlier use by the Gentile servant, the utensil would indeed be problematic. If no residue remained, however, the wine was fit for consumption by Jews. Raban then asked his son-in-law if in fact the utensil was residue-free (*keli naguv*). He answered in the affirmative, and Raban, in turn, permitted the wine.⁴

After the meal, Raban took a nap. While he slept, his late father-in-law (and major teacher) R. Elyaqim b. Yosef of Mainz appeared to him in a dream, reciting verses from the biblical books of Amos (6:6) and Isaiah (66:17) that allude to the wine and pork consumed by non-Jews. In his dream, Raban understood this initially to refer to some kind of broad warning about the actions of those (Gentiles) who typically partook of these foods. When Raban awoke, however, it occurred to him that his father-in-law had in fact been referring to the wine that he had permitted earlier; R. Elyaqim was apparently suggesting that this wine was unfit for Jewish consumption, since the utensil involved was not completely free of absorptions or residue. R. Eliezer proceeded

Shvut, 2007), pp. 13–27; idem, “Rashi’s Rejection of Philosophy: Divine and Human Wisdom Juxtaposed,” *Simon Dubnow Institute Yearbook* 8 (2009): 95–118.

⁴ See *Sefer Raban*, sec. 26, ed. S. Z. Ehrenreich (Simluya, 1926; repr; Jerusalem, 1975), fol. 12v (= ed. Prague, 1811, fol. 14). See also the gloss in *Haggahot ha-Mordekhai le-Massekhet 'Avodah Zarah*, sec. 858 (from a text of the *מרדכי הארוך*), and ms. Wolfenbüttel (Herzog August Bibliothek), Cod. Guelf. Auf. Fol. 5.7 (late twelfth-century Ashkenaz, IMHM #2130), fol. 49, cited in Matania Ben-Ghedalia, “Ha-Reqa ha-Histori li-Ketivat Even ha-'Ezer,” M. A. thesis (Touro College, Israel, 2002), p. 31. The son-in-law Elyaqim is mentioned in *Sefer Raban* only in this instance, and he does not appear to have been of the same stature as Raban’s other (Tosafist) sons-in-law, R. Yo’el b. Isaac *ha-Levi* and R. Samuel b. Natronai (known as *ר' שבט* or *רשב"ט*) of Bonn. Raban’s (initial) ruling was based on *'Avodah Zarah* 74b, where a talmudic view prescribes *גיגוב*, the complete drying of any residue, as a sufficient means for rendering permissible for Jewish (kosher) use a stone utensil (or vat) that had once contained Gentile wine. Cf., e.g., *Nimmuqei Yosef*, *loc. cit.*, in *Shitat ha-Qadmonim 'al Massekhet 'Avodah Zarah*, ed. M. Blau (Brooklyn, 1969), pp. 310–12.

to test the utensil. He discovered, in fact, that it retained wine residue for a (relatively lengthy) period of two days and one night (perhaps the night in between), indicating that he had ruled improperly in allowing the wine. Raban then prohibited all the remaining wine in the barrel and he fasted for two days, instructing the others who had partaken of the wine to do the same.⁵

Although Raban may have considered his dream to be a case of felicitous (Divine) intervention, it appears to have been mainly somatic (and was certainly not the result of an intentional “dream question” that he initiated—a technique to which we shall return). He went to sleep with his ruling fresh on his mind, and perhaps with an element of doubt concerning the retention properties of the utensil in question. During his dream, Raban was guided by the familiar, yet respected presence of his father-in-law and major teacher, whose rulings and guidance had certainly helped him in the past. Raban was initially unsure of the message that his father-in-law wished to convey, but upon awakening, Raban realized that his own halakhic ruling may have been in error. Nonetheless, Raban did not treat the dream itself as a definitive ruling or directive. Rather, he conducted an experiment or test, acting only after he had verified the results. In the dream, Raban’s teacher helped him to wrestle with his own insecurities or uncertainties about his initial halakhic ruling, but Raban took full responsibility for the changed ruling that resulted.

At roughly the same time, a somewhat different kind of dream was experienced by R. Ephraim b. Isaac of Regensburg (d. 1175), a German Tosafist and rabbinical judge, who had studied in northern France with Rabbenu Tam.⁶ R. Ephraim decided to permit the consumption

⁵ Both the *Haggahot Mordekhai* and ms. Wolfenbüttel passages record clearer versions of the verses involved than do the printed version(s) of *Sefer Raban*. On Raban’s conceptualization of the prohibition of *yayn neseikh*, cf. Israel Ta-Shma, *Kneset Mehqarim*, vol. 4 (Jerusalem, 2010), pp. 324–26, 329–30. On R. Elyaqim b. Yosef, see Avidgor Aptowitz, *Mavo la-Rabiah* (Jerusalem, 1938), pp. 48–49; E. E. Urbach, *Ba’alei ha-Tosafot* (Jerusalem, 1980), 1: 173–74, 182; and M. Ben-Ghedalia, *op cit*, pp. 25–40. Cf. David Ibn Zimra, *Teshuvot ha-Radvaz*, pt. 6, no. 2286 (זה) [ואני נשאלתי על זה] [להחליף תפילין של ר"ת לתפילין של רש"י] והוריתי שהדבר מותר ובאותה הלילה, הראוני בחלומי שלא הוריתי יפה וחזרתי בי ועיינתי בדבר וראיתי שיש בזה זלוזל בכל (גאוני עולם ולכן אני גוזר ואומר שאסור לעשות כן מן הדין מן הטעמים שכתבתי).

⁶ See Urbach, *Ba’alei ha-Tosafot*, 1: 199–207; Rami Reiner, “Rabbenu Tam: Rabbotav (ha-Zarefatim) ve-Talmidav Bnei Ashkenaz,” M. A. thesis (Hebrew University of Jerusalem, 1997), pp. 82–92; and my “R. Judah *he-Hasid* and the Rabbinic Scholars of Regensburg: Interactions, Influences and Implications,” *Jewish Quarterly Review* 96 (2006): 27–37.

of a fish called *balbuta* (or *barbuta*, which apparently shed its scales, either during an early stage of its development or as it was taken out of the water), and partook of it himself. Rashi and his two illustrious grandsons in northern France, Rashbam and Rabbenu Tam, had already ruled that this fish was kosher, which may well have affected R. Ephraim's decision in this matter.⁷

R. Ephraim's dream is described by two younger German rabbinical figures, R. Judah b. Samuel *he-Hasid* (of Regensburg, d. 1217), and R. Ephraim's student, R. Barukh b. Samuel of Mainz (d. 1221, and author of the voluminous but no longer extant halakhic compendium, *Sefer ha-Hokhmah*). According to R. Barukh's version, Ephraim dreamed during the night following his permissive ruling that he was being presented with a brimming plate of non-kosher crustaceans by an elderly man with a pleasant countenance, white hair, and a flowing white beard. The elderly man bid R. Ephraim to eat from this plate, but Ephraim adamantly (and even angrily) refused, explaining to the man that these were non-kosher sea creatures. The man responded, "These are as permitted (for consumption) as the non-kosher species (*sherezim*) that you allowed today." When R. Ephraim awoke, he understood that Elijah the Prophet had appeared to him, and he refrained away from (eating) those fish from that day on (*me-hayom va-hal'ah piresh me-hem*).⁸

The (essentially similar) version of R. Ephraim's dream that was heard by R. Isaac b. Moses of Vienna from his teacher, R. Judah *he-Hasid* (who had himself heard about the dream from an unidentified source; R. Judah arrived in Regensburg only in 1195, some twenty years after the death of R. Ephraim) does not describe in such specific

⁷ See, e.g., *Sefer Or Zarua'*, *pisqei massekhet 'Avodah Zarah*, sec. 199, ed. Machon Yerushalayim (Jerusalem, 2010), 3: 630 (which also includes, from manuscript, the halakhic summary by R. Hayyim b. Isaac *Or Zarua'*); *Tosafot 'Avodah Zarah* 40a, s.v. *'amar* (which also notes comments by Ri of Dampierre and R. Judah Sirleon with respect to Rabbenu Tam's view); and see also R. Moses of Coucy, *Sefer Mizvot Gadol* (Venice, 1547), *lo ta'aseh* 132, fol. 44, col. 4. Cf. R. Yehezqel Landau, *Teshuvot Noda bi-Yehudah (mahadura tinyana, Yoreh Dea'ah*, no. 30) and the responsum of his son, R. Samuel, in *Shivat Zion* (New York, 1966), no. 52.

⁸ R. Barukh's description is found in *Sefer Tashbez* (Lemberg, 1858), sec. 352 (= *Teshuvot u-Pesaqim u-Minhagim le-R. Meir mi-Rothenburg*, ed. I. Z. Kahana, 2: 196, sec. 60); *Haggahot Asheri to 'Avodah Zarah*, 2: 41; and cf. Simcha Emanuel, *Shivrei Luhot: Sefarim Avudim shel Ba'alei ha-Tosafot* (Jerusalem, 2007), p. 105 n. 7. *Semag* (in the above note) concludes by noting that despite the permissive approach found in northern France, *לא בכל מקום נהגו כן כי באשכנז נהגו שלא לאוכלה*. See also Rabbenu Perez's glosses to this passage in *Sefer Tashbez* (= Kahana, op cit, n. 3).

terms the figure who brought R. Ephraim the plate. He is characterized simply as the *ba'al ha-halom* (*ve-ka'as 'al ha-mevi... ve-ka'as 'al ba'al ha-halom*). According to this version, the dream itself caused R. Ephraim to awaken, at which point he realized that he had (mistakenly) permitted the *balbuta* fish earlier that day. He immediately got out of bed and broke the cooking utensils and plates from which people had consumed this fish, announcing that anyone who refrained from eating this fish would have a blessing placed on his head (*ve-khol ha-poresh mile-'okhlam yanuhu lo berakhot 'al rosho*).⁹

Unlike Raban, R. Ephraim (whose dream definitely occurred at night) does not see someone close to him (or even known to him) in his dream. Rather, he encounters the *ba'al ha-halom* (which typically refers, in rabbinical parlance, to the angelic figure who is responsible for granting or showing dreams to an individual),¹⁰ or he experiences a *gillui Eliyyahu*.¹¹ Moreover, Ephraim has a “give and take” conversation with the authority figure; he does not simply receive a message as Raban did. It was perhaps these very factors that led Ephraim to accept the results of his dream as incontrovertible “fact,” and to move

⁹ See *Sefer Or Zarua'* (above, n. 7), sec. 200. On the relationship between R. Judah *he-Hasid* and R. Isaac *Or Zarua'*, see, e.g., my “The Appointment of *Hazzanim* in Medieval Ashkenaz: Communal Policy and Individual Religious Prerogatives,” *Spiritual Authority: Struggles Over Cultural Power in Jewish Thought*, ed. H. Kreisel et al. (Beersheva, 2009), pp. 5–31.

¹⁰ See, e.g., Rashi to *Sanhedrin* 30a, s.v. *ba'al ha-halom*. Cf. Reuven Margalio, *Margalio ha-Yam 'al Massekhet Sanhedrin* (Jerusalem, 1958), ad loc., for Zoharic and other sources that identify this figure as the angel Gabriel, and see also below (nn. 26, 53), for additional angelic names. *Sefer ha-Razim*, ed. B. Rebiger and P. Schafer (Tübingen, 2009), pp. 32*–35* (sec. 107–8), lists more than forty angels who serve in the “seventh camp” and are involved with dreams, but this appears to include not only the initiation of dreams, but also the providing of interpretations (להחכים את כל הקרוב אליהם בטרה מה החלום ומה פתרונו).

¹¹ See, e.g., A. J. Heschel, “Al Ruah ha-Qodesh Bimei ha-Benayim,” *Sefer ha-Yovel li-Khvod Alexander Marx*, ed. S. Lieberman (New York, 1950), p. 199. Many (though by no means all) of the published passages cited in the present study are noted by Heschel in his classic study, op cit, pp. 175–209, and in *She'elot u-Teshuvot min ha-Shamayim le-R. Ya'akov mi-Marvege*, ed. R. Margalio (Jerusalem, 1957), editor's introduction, pp. 3–41. However, the almost ahistorical treatment of these (and other related) texts has served to mask the suggestive body of evidence on the unique perspective of Ashkenazic rabbinical scholars that will be developed in the present study, and expanded significantly on the basis of material still in manuscript. (Indeed, R. Jacob of Marvege is identified in the subtitle of Margalio's edition as מבעלי התוספות, which is patently inaccurate; see below, n. 53, and in the text, following n. 55). The same problematic holds true, in large measure, for Mordechai Goldstein, “Histayyut be-Gormim min ha-Shamayim be-Hakhra'at ha-Halkahah,” Ph.D. thesis (Bar Ilan University, 2005), pp. 86–105, 142–57, 216–24, 238–41, 248–60.

immediately to destroy the utensils in question, without any further evaluation or investigation akin to the one conducted by Raban. Indeed, according to the version presented by R. Judah *he-Hasid*, R. Ephraim expresses his prohibition (*ve-hazar bo ve-‘asro*) in meta-halakhic terms (one who refrains will be blessed). The dream caused him to embrace a stringent position, without feeling the need to (technically) reverse his initial ruling. At the same time, however, R. Ephraim (like Raban) had himself consumed the food that was involved. As such, R. Ephraim’s vision of Elijah (or of the *ba’al ha-halom*), might also have been induced, at least in part, by his diet.¹²

We encounter yet another, related kind of dream that was experienced by R. Isaiah b. Mali [= Emanuel] di Trani (RiD, d. c. 1240). R. Isaiah was a prolific Italian Tosafist and halakhist, who studied in the Rhineland in the late twelfth century with R. Simhah of Speyer, and was familiar with the Tosafist teachings of Rabbenu Tam (which reached the Rhineland via Rabbenu Tam’s German students, such as R. Moses b. Solomon *ha-Kohen* of Mainz).¹³ Toward the end of a lengthy responsum concerning a ritually slaughtered animal, whose lungs were subsequently found to have a significant adhesion that might render the animal unfit for consumption as a *terefah* (an unhealthy animal that could not have lived for a very long time), R. Isaiah sums up his halakhic position using a recast biblical phrase (Isaiah 41:7), that “one who suggests that such an adhesion is permitted (literally, is good, *‘omer la-deveq tov hu*) has erred.”

R. Isaiah goes on to note that while the Talmud maintains (in *Gittin* 42a and elsewhere) that *divrei halomot lo ma’alin ve-lo moridin* (dream contents do not enhance and do not detract), and that he stands firmly and fully by the lengthy and involved halakhic reasoning and proofs that he had adduced for his stringent ruling in this case, Elijah the Prophet had (also) appeared to him in a dream with regard to this matter. In this dream, Isaiah asked Elijah if the (halakhic) truth rests with those who rule leniently, and Elijah responded by saying that such an animal is unfit for consumption (in accordance with the view held by R. Isaiah). R. Isaiah then reiterates that his stringent ruling was

¹² Indeed, both R. Yehezqel Landau and his son R. Samuel (above, n. 7) characterize (and dismiss) R. Ephraim’s dream as purely psychosomatic.

¹³ See I. Ta-Shma, *Knesset Mehqarim*, vol. 3 (Jerusalem, 2005), pp. 20–25, 40–43; S. Emanuel, *Shivrei Lulhot*, 108; and my *The Intellectual History of Medieval Ashkenazic Jewry: New Perspectives* (Detroit, 2012), chapter three, section two.

predicated nonetheless on the talmudic and rabbinical materials that he had presented and analyzed.¹⁴ Like R. Ephraim (and unlike Raban), R. Isaiah experiences a *gillui Eliyyahu* that is quite clear in its message, which he describes in his own words. Moreover, like R. Ephraim, R. Isaiah speaks with Elijah during the dream, and Elijah responds. This *gillui Eliyyahu* has an almost vision-like quality, which is much closer overall to the dream experienced by R. Ephraim than it is to the (daytime) dream of Raban (in which Raban's teacher helps him, in effect, to wrestle with his own insecurities or uncertainties about his initial ruling).

To be sure, all three of these dreams revolve around the status of various foods (or animals) for consumption. The extreme (almost visceral) level of sensitivity (and angst) associated with even the mere possibility of eating prohibited food is reflected already within the Talmud itself.¹⁵ Indeed, the rulings that these dreams yielded (or supported) were all stringent ones; neither Elijah the prophet nor Raban's father-in-law, R. Elyaqim of Mainz, permitted anything. R. Isaiah di Trani put forward a fully developed (stringent) halakhic approach, which the *gillui Eliyyahu* that he experienced confirms. R. Ephraim of Regensburg acts stringently based on his *gillui Eliyyahu*. And Raban does not rule until he tests (and fully ratifies) the guidance that he received in his dream, which had suggested a problem with the wine in question.

¹⁴ See *Teshuvot ha-Rid*, ed. A. Y. Wertheimer (Jerusalem, 1975), pp. 507–12 (sec. 112). Ta-Shma notes (op cit, p. 9) that while RiD's sphere of rabbinic activities (including his responsa) typically reflect the period during which he had already returned to Italy (and Byzantium), the "character of his Torah" (אופי תורתו) remained fundamentally Ashkenazic. Indeed, RiD maintained contact (and exchanged responsa) throughout the course of his career with fellow students from R. Simhah of Speyer's study hall, including R. Isaac b. Moses *Or Zarua'* of Vienna. On the use of a biblical verse (Is 41:7) in this context, and the implications for both heavenly dreams and *hilkhot terefot* more broadly, see below, nn. 55, 62.

¹⁵ See, e.g., *Hullin* 7a (בהמתן של צדיקים אין הקב"ה מביא תקלה על ידן, צדיקים), and the ensuing discussion concerning the donkey of R. Pinhas b. Ya'ir). On the heightened level of sensitivity expressed specifically with regard to the consumption of Gentile wine (and non-kosher meat) in medieval Ashkenaz, see Haym Soloveitchik, *Yeinam* (Tel Aviv, 2003), pp. 16–17, 59–63, and Elliot Horowitz's review essay, "Tosafists and Taboo," *AJS Review* 29 (2005): 355–60. Within the literature of medieval Jewish thought, the kosher laws were sometimes understood fundamentally as a means of avoiding idolatry; see, e.g., *Emunot ve-De'ot le-R. Sa'adyah Gaon*, 3:2, and Maimonides's *Guide for the Perplexed*, 3:46, 48. Cf. Joel Hecker, *Mystical Bodies and Mystical Meals* (Detroit, 2005), pp. 110–11.

There are, however, at least two additional instances from medieval Ashkenaz (during the second half of the thirteenth century), in which dreams were invoked in connection with the issuing of a halakhic ruling, for which none of these considerations was present. A ruling by R. Meir of Rothenburg on a matter of compensation, that appears to have been expressed on the basis of a dream, is cited by two of R. Meir's students, R. Mordekhai b. Hillel and R. Meir *ha-Kohen*, author of the *Haggahot Maimuniyyot*. According to talmudic law (*Bava Mezi'a* 118a), a worker who is hired to work with straw and chafe (*teven ve-qash*) can object to receiving his compensation from an (appropriate) amount of these commodities (whose value accords with the sum due to him), since they are difficult to gather and control, and are considered to be low-quality goods that are not always easily exchanged for currency or more saleable items.

Medieval halakhists considered whether this restriction applies only to the two commodities specifically listed in the Talmud, or whether it should also apply to other items (such as wheat and fruits, or other kinds of foodstuffs), which ostensibly have similar kinds of difficulties in terms of transference and marketability. Maimonides rules that the worker may reject payment from “straw and chafe and other similar derivatives” (*ve-kayoze bahen*), which perhaps suggests that the worker must accept payment from edible items that are inherently more useful; *Maggid Mishneh*, however, understands this passage to mean that the worker can reject all types of commodities and can demand monetary payment instead.¹⁶ Moreover, Rabbenu Tam, the leading Tosafist in northern France during the twelfth century, ruled clearly (and emphatically) that the worker always had the right to demand monetary payment.¹⁷

After mentioning the interpretation which suggests that the worker may reject all forms of non-monetary payment, R. Mordekhai b. Hillel notes that “my teacher R. Meir saw in a dream that only *teven* and *qash* [can specifically be rejected by the worker]. With respect to edible commodities, however, such as wheat and barley, the hirer may say to the worker ‘take from this produce as compensation for what you did,’

¹⁶ See *Mishneh Torah, hilkhot sekirut*, 9:10, and *Maggid Mishneh*, ad loc.

¹⁷ See *Tosafot Bava Batra* 92b, s.v. **אי דליכא**; *Tosafot Bava Qamma* 9a, s.v. **רב הונא**; 46b, s.v. **הכי גרסינן** (and cf. the passage in the name of R. Isaiah [di Trani], found in *Shitah Mequbbezet*, loc cit, which cites R. Isaac b. Abraham of Dampierre's explanation of Rabbenu Tam's position); and *Tosafot Ketubot* 86a, s.v. **לבעל חוב**.

and [the hirer] is to be heeded. And R. Meir decided the *halakhah* in accordance with this view.”¹⁸

R. Meir *ha-Kohen* specifies that Maharam received this dream (and ruling) “from the mouth of (*mi-pi*) the *ba'al ha-halom*,” the angelic source of dreams. R. Meir *ha-Kohen* also includes a technical talmudic proof by Maharam for his position, adding that this interpretation and ruling are to be found in R. Meir’s of Rothenburg’s *hiddushim* to *Bava Mezi'a*.¹⁹ As we shall have the opportunity to see in a moment, these (no longer extant) *hiddushim* were composed (along with other similar works) while R. Meir was being held captive in the tower or fortress of Ensisheim (following his arrest in Lombardy in 1286, as he fled Germany in the face of impending persecutions).²⁰ Although there is a responsum found (unsigned) in the Prague collection of R. Meir of Rothenburg’s responsa (ed. M. A. Bloch [Budapest, 1895], no. 804), which follows the position taken by Rabbenu Tam (and others) that a worker can refuse to be paid even in wheat or other foodstuffs (the position that Maharam himself opposed), this responsum was actually composed by the earlier German Tosafist, R. Barukh b. Samuel of Mainz (noted above in connection with the dream of R. Judah *he-Hasid*) and was included (along with many other rulings by R. Barukh) in this collection of Maharam’s responsa.²¹

¹⁸ ולמורי ר' מאיר נראה בחלום דוקא בתבן ובקש אבל במידי דאכילה כגון חטין See *Sefer Mordekhai le-Massekhet Bava Qamma*, ed. A. Halperin (Jerusalem, 1992), 4. As Halperin notes, reference to R. Meir’s dream is found in only one of the (relatively early) manuscripts used in this edition, ms. Bodl. 670 (in a marginal addendum), although it is also found in the standard (printed) edition of the *Sefer Mordekhai*, sec. 1 (to *Bava Qamma* 6b). It is likely that the dream aspect of R. Meir’s ruling was dropped from most of the manuscripts, precisely because of its seemingly anomalous nature. Cf. below, n. 23. The *Mordekhai* passage subsequently presents (by name) the opposing view held by Rabbenu Tam (in the above note) and by R. Barukh of Mainz (below, n. 21). Cf. S. Emanuel, *Shivrei Lulhot*, p. 139 (n. 166).

¹⁹ See *Haggahot Maimuniyyot to hilkhot sekhirut*, chap. 9, sec. 40: מפי בעל החלום דוקא בתבן וקש דלאו מידי דמיכל... והוא דפריך בגמרא ותניא שומעין לו לא בעי לשנויי ההיא במידי במיכל איירי ולהכי שומעין לו משום דקים ליה לתלמודא דמתניתין איירי בתבן וקש ומסתבר לי. עכ"ל מהר"ם זצ"ל שכתב בחידושו בפרק הבית והעלייה [= בבא מציעא דף ק"ח ע"א].

²⁰ On the circumstances of R. Meir’s captivity in Ensisheim (where R. Meir was able to study and to work on his *hiddushim* and other compositions, and to meet on occasion with colleagues and students and even to exchange texts with them), see, e.g., Irving Agus, *R. Meir of Rothenburg* (New York, 1947), 1: 151–53 (and esp. p. 153, n. 120). See also Urbach, *Ba'alei ha-Tosafot*, 2: 545–46, 563, and below, n. 28.

²¹ See S. Emanuel, “Teshuvot Maharam she-Einam shel Maharam,” *Shenaton ha-Mishpat ha-Ivri* 21 (1998–2000): 159 (n. 146). R. Yosef Caro, in *Bedeq ha-Bayit*

In the case of a daily worker (a *po'el*, specifically a teacher or tutor, a *melammed*) who backed out of his work assignment in the middle of the day due to an unforeseen occurrence such as illness, R. Meir of Rothenburg initially ruled that since a *po'el* is akin (in a number of ways) to an *'eved 'ivri*, he is entitled to compensation for the full day (just as an *'eved 'ivri* does not lose any of the money that his owner had applied toward the reduction of his debt if he could not work on a particular day due to a mitigating circumstance). R. Meir notes that he received this point of comparison (and its implications) from his teachers in northern France (*ve-khen qibbalti me-rabbotai be-Zarefat*).²²

In another passage from his (no longer extant) *hiddushim* to *Bava Mezi'a* that was preserved by R. Meir *ha-Kohen*, R. Meir of Rothenburg notes again that he had received this approach from his teachers and that this was the common judicial practice in northern France, adding that he himself had ruled this way in cases that had come before him. The tutor was to be compensated for the full day in such a situation (albeit for the second half of the day according to the rate of a furloughed worker, a *po'el batel*), just as an *'eved 'ivri* lost nothing in such a situation. Subsequently, however, while being held in the tower at Ensisheim, Maharam reports that he experienced a dream that caused him to reverse this earlier ruling, and to adopt instead the

(which is appended to his *Beit Yosef* commentary to *Arba'ah Turim*), *Hoshen Mishpat*, sec. 336, cites and rejects the position put forward by *Haggahot Maimuniyyot* (ואני יודע מנין לו. ולא עוד אלא שהתוספתא וכו' איני יודע מנין לו. ולא עוד אלא שהתוספתא וכו') without mentioning Maharam by name, and without noting the dream experience at all. In his *Shulhan 'Arukh*, loc cit, R. Yosef Caro rules that the worker may reject all non-monetary forms of compensation, while R. Moses Isserles (Ramo) notes (in his *Darkhei Mosheh* commentary to *Arba'ah Turim*) that Maharam's position was espoused by the fourteenth-century Spanish commentary, *Nimmuqei Yosef* (to *Bava Mezi'a* 118a); see also *Darkhei Mosheh ha-Shalem*, ed. H. S. Rosenthal (Jerusalem, 1983), p. 207. R. Shabbetai Kohen, in his (mid-seventeenth-century) ש"ך commentary to *Shulhan 'Arukh*, *Hoshen Mishpat* 336, sec. 2, mentions and rejects Maharam's "dream ruling" out of hand, citing the talmudic aphorism, דברי חלומות לא מעלין ולא מורידין; see below, n. 24.

²² See *She'elot u-Teshuvot Maharam b. Barukh (defus Prague)*, ed. Bloch, no. 85. See also the brief citation in *Sefer Mordekhai le-Bava Mezi'a*, sec. 346 (fol. 79c, וכן כתב רבינו במאיר בתשובתו וכו') where the support of R. Meir's father, R. Barukh, for this view is also noted). This responsum is also cited at the beginning of the *Teshuvot Maimuniyyot* passage in the next note. See also, e.g., ms. Vercelli C 435, [Institute of Microfilmed Hebrew Manuscripts (hereafter IMHM) # 30923] fol. 49a; Budapest (National Library) 1 (IMHM # 31445), fol. 138c; ms. Vienna 72, (IMHM # 1294) fol. 115r; ms. Paris BN 407, fol. 98c; ms. Parma (De Rossi) 929, fol. 149v; ms. Bodl. 666, fols. 222r-v; and ms. Bodl. 668, fol. 32c.

ruling (and distinction) that he learned about within his dream, *mi-pi ba'al ha-halom*. If the worker had already been paid for the full day, he did not have to return his compensation. If, however, he had not yet been paid when he took sick, he was only entitled to be paid for the portion of the day that he worked.²³

There is no particular indication in these (halakhic) texts about the way that R. Meir came to experience these dreams, or about the specific format of these dreams (other than that R. Meir transmitted their

²³ See *Teshuvot Maimuniyyot le-Sefer Qinyan*, sec. 31 (to *hilkhot sekhirut*, chapter five): וזו תשובת מורי רבינו זצ"ל. אשר שאלת על תינוק שחלה, כך הוא הדין דמלמד: שחלה אין פוחתין לו וראיה מפ"ק דקידושין (ז"ע"א) עבד עברי שחלה אינו חייב להשלים וכו'. . . שוב חזר בו מורי רבינו מאיר זצ"ל במקצת. וז"ל אשר כתב במגדל אינוי"ג שהי"ם אהא דפרק האומנין וכו'. . . וז"ל שאני התם שכבר קבל העבד הכסף אבל הכא עדיין לא נתן לו בעה"ב שכר. הילכך אם נתן לא יטול ואם לא נתן לא יתן אלא שכר פעולתו, מפי בעל החלום במגדל אינוי"ג שהי"ם וכן נ"ל הלכה במלמד שחלה וכל הפועלים. ואע"פ שלא קיבלתי מרבתי שקיבלו מרבתיים חילוק בין הקדים לו שכרו ללא הקדים וכן דנין בכל צרפת וכן דנתי עד עכשיו כדברי רבותיי, חוזרני בי ונ"ל הלכה למעשה כמו שהוכחתי מפי בעל החלום. עכ"ל אשר כתב בחידושי בפרק ונ"ל הלכה למעשה כמו שהוכחתי מפי בעל החלום. האומנין במגדל אינוי"ג שהי"ם See also *Haggahot Maimuniyyot to hilkhot 'avadim*, chapter two, sec. 1. Both R. Asher b. Yehi'el, in his *Pisqei ha-Rosh to Bava Mezi'a*, 8:6, and R. Samson b. Zadoq, in his *Sefer Tashbez* (Lemberg, 1858), sec. 527, make reference to the newer ruling of their teacher Maharam, albeit without any reference to his dream (although R. Asher appears to rule according to Maharam's original position). See also the marginal glosses in ms. Vercelli (in the above note), and ms. Sasoon 534 (no. 9334) to tractate *Bava Mezi'a*, פרק השוכר את הפועלים. For the northern French view that a tutor who took sick should be paid in full, see the responsum by R. Samson of Sens, recorded in *Teshuvot Maharam (defus Prague)*, no. 385, and in *Teshuvot Maimuniyyot le-Sefer Qinyan*, sec. 30. *Tosafot Qiddushin* 17a, s.v. *halah shalosh* cites this view without attribution (יש שהיו רוצים לומר וכו'), but proceeds to challenge it. As demonstrated by Urbach (*Ba'alei ha-Tosafot*, 2: 630–33), these *Tosafot* were produced primarily in the academy at Evreux, where Maharam also studied; cf. Urbach, 1: 479–84. It is quite possible, however, that this view was developed only after Maharam had returned to Germany. See also the gloss to *Sefer Mordekhai le-Bava Mezi'a* (op cit, based on a passage from a non-extant responsum by R. Menahem of Merseburg), in which R. Elhanan suggests that his father, Ri *ha-Zagen* of Dampierre, held the position that R. Meir of Rothenburg adopted as a result of a his dream, a claim that is not found, however, in any earlier texts. Cf. *Sefer Or Zarua'*, *pisqei massekhet Bava Mezi'a*, sec. 242 (end), ed. Machon Yerushalayim, 3: 294, and see also *Sefer Raban*, ed. Ehrenreich, fol. 204d; *Tosafot Rabbenu Perez le-Massekhet Bava Mez'a*, ed. H. Hershler (Jerusalem, 1970), p. 151 (77a, s.v. *savar lah*); *Teshuvot Ba'alei ha-Tosafot*, ed. I. Agus (New York, 1954), p. 198; *Darkhei Mosheh to Hoshen Mishpat* 333, sec. 4 (= ed. Rosenthal, 200–201); and my *Jewish Education and Society in the High Middle Ages* (Detroit, 1992), pp. 21–30, 125 n. 31, and 175 n. 73. Technically, the ruling with which Maharam emerged from his dream is something of a compromise between the two other expressed positions in this matter (in a case where the tutor had already received full payment). For Maharam's larger tendency to undertake such kinds of compromises within his halakhic rulings, see my *Peering through the Lattices: Mystical, Magical and Pietistic Dimensions in the Tosafist Period* (Detroit, 2000), pp. 118–22, 235–36 n. 44.

results), although there does not appear to be a somatic dimension in these situations.²⁴ Moreover, R. Meir's rulings, inasmuch as they reflect monetary matters (where one side stands to gain and the other to lose), are not simply applications of ritual (or *kashrut*) stringencies. Like R. Isaiah di Trani (albeit to a somewhat lesser extent), R. Meir provides talmudic interpretations that support the halakhic rulings and conclusions transmitted in his dreams. The implication of these dream passages is that R. Meir may have re-thought the halakhic matters at hand as he authored his commentary to *Bava Mezi'a*, and the dream experiences helped him in some way to clarify a particular position (even when the results went against the view of his teachers and predecessors).²⁵

²⁴ In his ש"ך commentary to *Hoshen Mishpat* 333 (sec. 25), R. Shabbetai *ha-Kohen* presents the differing approaches described in the above note, and again rejects the (dream) position of R. Meir of Rothenburg, based on the *Tosefta* (to *Ma'aser Sheni*), cited in *Sanhedrin* 30a (cf. above, n. 10). The *Tosefta* describes the case of a person who was troubled (מצטער) about (not knowing) the extent (or the whereabouts) of the assets that his deceased father had left him. He subsequently experiences a dream, in which the (angelic) *ba'al ha-halom* informs him about the extent (and the location) of these assets, as well as their (halakhic) disposition. If the person is able to ultimately recover these funds, the *Tosefta* rules that he may nonetheless ignore the (restrictive) halakhic status that the *ba'al ha-halom* had assigned to them (e.g., they had been designated as *ma'aser* funds), because of the principle that דברי חלומות לא מורידין ולא מעלין ולא מורידין. Although R. Shabbetai (here and above, n. 21) employs this talmudic principle strategically, in order to weaken the halakhic weight of Maharam's "dream rulings," the fact is that the dream described in *Sanhedrin* 30a occurred in the context of a charged situation that directly affected the (assets of the) individual who experienced the dream (which is therefore considered to be only partly binding or true). This was not the case, however, for R. Meir of Rothenburg as he composed his *hiddushim* to *Bava Mezi'a*. Even if he was under some duress during his incarceration in Ensisheim, he surely had nothing personal at stake in rendering these decisions and interpretations, and the dreams that he experienced were not linked, as far as we can tell, to his own troubles or travail. Cf. below, n. 28.

²⁵ For another possible instance in which Maharam ruled on the basis of a dream experience, see (the *Tashbez*-like) *Sefer ha-Parnas le-R. Mosheh mi-Rothenburg*, ed. Z. Domb (Tel Aviv, 1969), p. 468 (sec. 415): [בראש] אמר שלא להתענות [בראש] גם מהר"ם אך קבלה היא בידינו שהמתענה פעם אחד בר"ה יתענה שני הימים. וכן נהג [השנה] וכן נהג [השנה] אך קבלה היא בידינו שהמתענה פעם אחד בר"ה יתענה שני הימים. וכן נהג [השנה] וכן נהג [השנה] הוא בעצמו ע"י חלום, and cf. *She'elot u-Teshuvot min ha-Shamayim le-Ya'aqov mi-Marvege*, ed. R. Margalio, (Jerusalem, 1957), editor's introduction, 9. Although this passage seems to suggest, *prima facie*, that Maharam based his ruling that one must fast on both days of *Rosh ha-Shanah* if he had decided to fast on one of them (since both days of *Rosh ha-Shanah* must be accorded precisely the same status) on a dream that he had experienced (*ve-khen nahag hu 'azmo 'al yedei halom*), this cryptic final phrase ostensibly means something else. R. Meir himself once had to undertake a *ta'anit halom* on *Rosh ha-Shanah*, due to a bad dream that he had the previous evening. He ruled that since he had to fast on the first day of *Rosh ha-Shanah*, as atonement for this dream, he was also required to fast on the second day as well. See *Haggahot*

Although nowhere explicitly indicated in the textual witnesses produced by his students, we cannot rule out the possibility that R. Meir of Rothenburg initiated these oneiric experiences through a form of *she'elat halom*, a dream question that a mystical adept could put forth to the Heavenly realm before he went to sleep, for which an answer would be communicated either while he was asleep or upon awakening. The best-known practitioner of such mystical *she'elat halom* in halakhic contexts (i.e., to resolve questions of Jewish law) is the Provençal rabbinical figure, R. Jacob b. Levi (or *ha-Levi*) of Marvege (c. 1200), to whom we shall return below. More notably, a variety of mystical *she'elat halom*, with significant roots in *Hekhalot* literature,²⁶ are to be found within the teachings of *Hasidei Ashkenaz*,²⁷ and this

Maimuniyyot, hilkhot shofar, chapter one, sec. 1; *Teshuvot, Pesaqim u-Minhagim le-Maharam mi-Rothenburg*, ed. I. Z. Kahana, (Jerusalem, 1957). 1: 297–98 (secs. 527–30), 309 (sec. 572). As such, the correct meaning of the *Sefer ha-Parnas* passage is that R. Meir followed this ruling in his own case of a *ta'anit* that was occasioned by a *halom*, rather than that he arrived at this ruling on the basis of a dream experience. Cf. *Teshuvot Maharam (defus Prague)*, no. 929 (כמו שהשיב אליהו); S. Emanuel, “Teshuvot Maharam she-Einam shel Maharam,” p. 172 n. 95; and below, n. 66.

²⁶ See, e.g., *Synopse zur Hekhalot-Literatur*, ed. P. Schafer (Tübingen, 1981), secs. 501–7, 613. Cf. Annelies Kuyt, “Hasidut Ashkenaz on the Angel of Dreams,” *Creation and Re-Creation in Jewish Thought: Festschrift in Honor of Joseph Dan*, ed. R. Elior and P. Schafer (Tübingen, 2005), pp. 162–63; Michael Swartz, *Scholastic Magic* (Princeton, 1996), pp. 48–49; Y. Dan, “Hithavvut Torat ha-Sod ha-‘Ivrit,” *Mahanayim* 6 (1994): 13–14; Moshe Idel, *Nocturnal Kabbalists* [Hebrew] (Jerusalem, 2006), pp. 15–36; and cf. P. Schafer and S. Shaked, *Magische Texte aus der Kairoer Geniza*, vol. 1 (Tübingen, 1994), pp. 133–50; and Rebecca Lesses, *Ritual Practices to Gain Power* (Harrisburg, 1998), pp. 274–98. Cf. Ibn Ezra’s (long) commentary to Exodus 14:19, citing *Sefer Razi’el* (as well as his short commentary to Exodus 3:13), and R. Moses b. Hisdai Taku, *Ktav Tamim*, ed. I. Blumenfeld, in *Ozar Nehmad* 3 (1860): 85 [= ms. Paris H711, ed. J. Dan (Jerusalem, 1984), p. 66]: ואבן עזרא כתב בספרו מה הוא מראה אדם ויזכיר שמות הקדושים או שמות המלאכים כדי להראות לו רצונו או להודיע לו דבר סתר ואז רוח הקדש נגלה אליו... וזה נקרא חזון ומראה ע"כ דבריו.

²⁷ See, e.g., Tamar Alexander-Frizer, *The Pious Sinner* (Tübingen, 1991), pp. 87–97; M. Idel, “On She’elat Halom in Hasidei Ashkenaz: Sources and Influences,” *Materia Guidaica* 10: 1 (2005): 99–109; idem, *Nocturnal Kabbalists*, pp. 95–108; A. Kuyt, op cit, 148–75; and below, n. 35. In its typical nuanced fashion, *Sefer Hasidim* also cautions against undertaking *she'elat halom* that address mundane matters. See also Gerald Necker, *Das Buch des Lebens* [*Sefer ha-Hayyim*] (Tübingen, 2001), pp. 64*–66* (secs. 82–83, 88). Although the attribution of this work to the northern French Tosafist (and student of Rabbenu Tam) R. Hayyim *Kohen* remains largely unsubstantiated, it certainly reflects an Ashkenazic mystical tradition that is contemporaneous with and similar to that of R. Judah *he-Hasid*. These passages in *Sefer ha-Hayyim* also distinguish between dreams and visions; cf. below, n. 73.

on what he had seen in his dream until he methodically verified the results, was (intentionally) uninvolved in mystical studies. In a word, then, those Tosafists who engaged matters of Jewish law and practice directly on the basis of their dream experiences had recognizable proclivities for and involvements with forms of mysticism, or with formulaic magic that was centered around Divine names.³¹

Medieval Ashkenazic texts, from the pre-Crusade period and beyond, record liturgical practices (and even some prayers) that were purportedly transmitted to rabbinical luminaries via dreams or visions, which also describe on occasion the appearance of departed souls who related their experiences in the hereafter.³² R. Judah *he-Hasid* (and apparently the mid-thirteenth-century Tosafist, R. Yehi'el of Paris as well) prohibited conversation during the brief recapitulation of the *'amidah* on Friday evening (known as the *berakhah 'ahat me-'ein sheva*) because a departed soul had indicated that he was being treated poorly by the angels for talking during this prayer. According to one version of this

³¹ For Raban's tendency to play down mystical considerations (parallel to similar efforts by his contemporary Tosafists in northern France, Rashbam and Rabbenu Tam), see *Peering through the Lattices*, pp. 161–65. Raban did, however, support (at least partially) *perishut* practices found in the *Baraita de-Massekhet Niddah* (*Peering through the Lattices*, p. 128. See also *ibid.*, n. 81, and 42–44, for Rabbenu Tam's anti-*perishut* stance, and cf. below, n. 42). Rabbenu Tam did countenance the use of a divinatory dream to locate the remains of his brother-in-law, R. Samson b. Joseph of Falaise, who had been killed *'al qiddush ha-Shem* six months earlier (כשהגיד עליו); see *Sefer ha-Yashar le-Rabbenu Tam, heleq ha-teshuvot*, ed. S. Rosenthal (Berlin, 1898), p. 191 (sec. 92), and *Sefer Or Zarua'*, *hilkhot 'agunah*, sec. 692, ed. Machon Yerushalayim, 1: 581, just as he allowed (along with R. Elijah of Paris) the mystical adjuration of a Divine name in order to raise the image of a child who had been murdered, where the father had been absent and unable to attend the burial. See my *Peering through the Lattices*, pp. 170–71.

³² See, e.g., ms. Bodl. 1153, fols. 167v–168r (אופן לרבינו שמעון הגדול בניגון); ms. JNUL 8*1070, fol. 58v (אלו החרוזים ששמע ר' שמואל משפירא בשעה שעלה לרקיע בשם); ms. Bodl. 1155, fol. 171v (סליחה זו עשאה בחזיון ליל אורי החסיד בן ר' יואל הלוי בניגון); Daniel Abrams in *Kabbalah* 1 [1996]: 285–87; ms. Bodl. 1155, fol. 171v (אורי בן רבינו יואל הלוי אחר) [Uri, brother of the German Tosafist Rabiah, was martyred in 1216]; Aptowitz, *Mavo la-Rabiah*, 67 (אורי בן רבינו יואל הלוי אחר) אשר נפגע בו ונהרג ונשרף... וצוה להעתיקה לר' מרדכי בן אליעזר בחלומו כי רמז בו (שמו, וצוה לו להתפלל אותה בניגון תוחלת ישראל); and *Sefer Or Zarua'*, pt. 2, sec. 276, ed. Machon Yerushalayim, 2: 342–43, regarding the heavenly transmission of, as recorded by R. Ephraim of Bonn. See also Shraga Abramson, "Navi, Ro'eh ve-Hakham—R. Avraham ha-Hozeh," *Sefer ha-Yovel likhvod ha-Rav Mordekhai Kirshblum*, ed. D. Telsner (Jerusalem, 1983), pp. 121–23; I. Marcus, "Qiddush ha-Shem be-Ashkenaz ve-Sippur R. Amnon mi-Magenza," *Qedushat ha-Hayyim ve-Heruf ha-Nefesh*, ed., I. Gafni and A. Ravitzky (Jerusalem, 1993), pp. 140–45; and my "Sodu-Mageyah ba-Tefillah be-Ashkenaz," 206–8.

account, the angels were throwing him up and then allowing him to drop, without catching him.³³

Citing two talmudic passages, the Tosafist (and student of Rabbenu Tam) R. Eli'ezer b. Samuel of Metz (d. 1198, and author of *Sefer Yere'im*), permits the taking of an oath that would bind a person who is dying to "return" after his death, for the purpose of responding to questions that are put to him by an acquaintance. Since this request was made while the dying individual was still alive, it not prohibited under the stricture of communicating with the dead (*doresh 'el ha-metim*).³⁴ This process adumbrates one that is found, with additional dimensions, in *Sefer Hasidim*.³⁵ In both of these instances, the affinity of the Tosafists in question for mystical teachings is also attested.³⁶

R. Menahem b. Jacob of Worms (d. 1203), a senior rabbinical judge, *poseq*, and *payyetan* (and the uncle of R. Eleazar b. Judah of Worms),

³³ See *Sefer Hasidim*, ed. Judah Wistinetski (Berlin, 1073); *Arba'ah Turim, Orah Hayyim*, sec. 268; and H. S. Sha'anani, "Pisqei Rabbenu Pere ve-'Aherim be-'Inyanei Orah Hayyim," *Moriah* 17 [9–10] (1991): 14, sec. 26 (יש לדקדק בברכה מעין שבע) שפעם אחת ספרה נשמה אחת לרבי יחיאל מפריש שהמלאכס זורקים אותה למעלה ומניחים אותה ליפול מעצמה על שהיה [מדבר] בשעה שהחזן היה מתפלל ברכה מעין (שבע), and see below, n. 36.

³⁴ See *Sefer Yere'im ha-Shalem*, ed. A. A. Schiff (Vilna, 1892–1902), secs. 334–35 (המשביע את החולה לשוב לאחר מיתה להגיד לו אשר ישאל לו וכו'). See also *Shibbolei ha-Leqet le-R Zidqiyah b. Avraham ha-Rofe (ha-heleq ha-sheni)*, ed. S. Hasida (Jerusalem, 1988), p. 43, sec. 11, and *Beit Yosef, Yoreh De'ah*, sec. 179, s.v. 'ov, and *Haggahot Maimuniyyot, hilkhot 'avodah zarah*, 11:13, sec. 8. Cf. *Shulhan 'Arukh, Yoreh De'ah*, sec. 179:14, and the commentary of ש"ך, ad loc. (sec. 16), which notes the correlation between R. Eli'ezer's view and the position of the Zohar, as well as unnamed *hakhmei ha-qabbalah*. See also *Sefer Yere'im*, secs. 239 and 241 (fol. 110a), for further evidence of R. Eli'ezer's familiarity with occult practices; and cf. Urbach, *Ba'alei ha-Tosafot*, 1: 161; and my *Peering through the Lattices*, pp. 195–97.

³⁵ See *Sefer Hasidim*, ed. Wistinetski, sec. 324: אם שני בני אדם טובים בחייהם: נשבעו או נתנו אמונתם יחד אם ימות אחד מהם שיודיע לחבירו היאך באותו העולם אם בחלום או ער. אם בחלום יבוא הרוח וילחש באזני החי או אצל מוחו כמו בעל החלום. ואם נשבעו שידבר עמו ער יבקש למלאך הממונה להלבישו דמות מלבוש וכו'. Cf. Monford Harris, *Studies in Jewish Dream Interpretation* (Northvale, 1994), p. 20, and *Sefer Hasidim*, ed. R. Margalioth (Jerusalem, 1957), sec. 528.

³⁶ For R. Eli'ezer of Metz (who was also a teacher of R. Judah *he-Hasid's* main Pietist student and colleague, R. Eleazar of Worms), see above, n. 34. For R. Yehi'el of Paris, see my *Peering through the Lattices*, pp. 234–35. The additional mystical affinities of R. Yehi'el further weaken the possibility that the (common) abbreviated form for ר' יחיאל (ר"י"ח) was perhaps misunderstood to refer to יהודה החסיד (R. Yehi'el further weakened the possibility that the (common) abbreviated form for ר' יחיאל (ר"י"ח) was perhaps misunderstood to refer to יהודה החסיד) in the passage published by Sha'anani (above, n. 33) which appears, in any case, within a larger collection of northern French rabbinical rulings from the mid- to late thirteenth century). There are, however, several instances in which comments to the Torah made by R. Judah and R. Yehi'el may have become confused. See my *The Intellectual History of Medieval Ashkenazic Jewry*, chapter four, section two.

provided justification for the recitation of the blessing prior to a circumcision as *'al ha-milah* in all instances (whether or not the father of the child served as the *mohel*, rather than reciting *lamul* when the father himself performed the circumcision, an issue that engendered halakhic discussion in medieval Ashkenaz and elsewhere),³⁷ on the basis of a dream experience. As recorded by R. Menahem's relatives, R. Jacob *ha-Gozer* and his son R. Gershom, in their manuals of circumcision, "*ta'am zeh katav mi-pi dod R. Menahem, she-'amar lo ba'al ha-halom.*" The explanation that R. Menahem learned in his dream (and then presented) follows a *gematria* approach. The word *'al* is equivalent in *gematria* to one hundred, which was the age of Abraham when he circumcised Isaac. The *gematria* of the word *ha-milah* equals precisely ninety, which was the age of Sarah when she gave birth to Isaac (and which, like the age of Abraham at the circumcision, is mentioned explicitly in the Torah; see Gen. 17:17, and Gen. 21:5). Therefore, according to the communication from the *ba'al ha-halom* to R. Menahem, the rabbis intended that the blessing *'al ha-milah* should always be recited at a circumcision (irrespective of who performs it), since Abraham and Sarah were the first to fulfill the precept to circumcise their son when he was eight days old.³⁸

The English Tosafist (and contemporary of R. Meir of Rothenburg), R. Eliyyahu Menahem of London (1220–84), clarified a liturgical reading (within the text of the grace after meals) through a question that was asked of him in a dream. He concludes his report of this dream by exclaiming, "and I awoke from my sleep and before me was a prophetic dream, and not only one sixtieth" (as regular dreams are

³⁷ See, e.g. *Beit Yosef to Yoreh De'ah*, sec. 265 (at the beginning). On R. Menahem b. Jacob, see Aptowitz, *Mavo la-Rabiah*, pp. 262, 382–84; and R. *Eleazar mi-Vermaiza—Derashah le-Pesah*, ed. S. Emanuel (Jerusalem, 2006), editor's introduction, pp. 39–40 (nn. 152–53), 72–73 (n. 36). See also my *The Intellectual History of Medieval Ashkenazic Jewry*, chapter six, for a fuller discussion of R. Menahem's mystical tendencies.

³⁸ See *Zikhron Brit la-Rishonim* ed. J. Glassberg (Berlin, 1892), p. 80 (*Kelalei ha-Milah le-R. Ya'akov ha-Gozer*), and 130 (*Kelalei ha-Milah le-R. Gershom b. Ya'akov ha-Gozer*). These manuals were copied by a third *mohel* (who was not related to R. Jacob or to R. Gershom). See the introduction to Glassberg's edition by Joel Mueller, pp. xii–xix. See also Henry Malter, "Dreams as a Cause of Literary Composition," in *Studies in Honor of Kaufmann Kohler* (Berlin, 1913), p. 202; Ya'akov Elbaum, "Shalosh Derashot Ashkenaziyyot Qedumot me-Kitvei Yad Beit ha-Sefarim," *Qiryat Sefer* 48 (1973): 343 (n. 22); and *She'elot u-Teshuvot min ha-Shamayim*, ed. Margalio, editor's introduction, p. 22.

characterized by the Talmud in *Berakhot* 57b).³⁹ To be sure, R. Elijah of London does not identify his questioner(s) in this dream in any way, and it is possible that the dream merely clarified a textual question that he had been wrestling with on his own. R. Elijah is also credited, however, with transmitting a magical adjuration (that invoked both Divine and angelic names), which was designed to bring about a visionary experience that would answer particular questions (similar to a *she'elat halom*, and characterized as a *seder ha-she'elah*). A related procedure involved the release (and use) of a Divine name, which could be achieved by pronouncing certain formulae over grasses and herbs (described as *Shem ha-katuv ba-yereq*).⁴⁰

Several additional dream episodes are found that involve mainly northern French Tosafists.⁴¹ Although these episodes appear in literary (or other non-halakhic) contexts (and the Tosafists who experienced

³⁹ See Urbach, *Ba'alei ha-Tosafot*, 2: 505–6 (who reproduces the passage from a published collection of R. Elijah's commentaries and rulings): ונשאלתי בחלומי על שאנו אומרים רצה והחליצנו שלא תהא צרה ויגון ביום מנוחתינו, מה זה שלא תקנו לומר שלא נהא בצרה ויגון ביום מנוחתינו הלא טוב לנו להתפלל עלינו מ[ל]התפלל על היום. ואען בחלומי אם כה יאמרו היה במשמע וכו'... והנה אקיץ משנתי והנה חלום נבואה ולא אחת מששים.

⁴⁰ See ms. Sassoon 290 (IMHM # 9273), fol. 381r (sec. 1003: זה מה שיסד ה"ר אליהו מלונדריש כשתרצה לעשות שאלתך תפנה לבבך משאר עסקים ותיחד כוונתך אליו, and see also my *Peering through the Lattices*, pp. 232–33.

⁴¹ R. Isaac b. Moses of Vienna opens his *Sefer Or Zarua'* with a description of how he (felicitously) learned that the proper spelling of R. Aqiva's name, for the purpose of writing this name in a *get* (with a *heh* at the end rather than an *'alef*, from the *sofei tevot* of the words in Psalms 97:11, אור זרוע לצדיק ולישרי לב שמחה). Several later rabbinical works suggest that R. Isaac learned of this in a dream. Despite R. Isaac's association with R. Judah *he-Hasid* (above, n. 9), his reference to other (mystical) dreams in several passages in *Sefer Or Zarua'* (as we have noted above a number of times) and to *Hekhalot* texts and mystical concepts and practices, and the discussion about the proper spelling of this name that appears in texts of *Hasidei Ashkenaz* and within other mystical contexts, there is no clear indication of any dream experience within the original passage by R. Isaac himself. See *She'elot u-Teshuvot min ha-Shamayim*, ed. Margalioth, editor's introduction, p. 8; *Sefer Or Zarua'*, ed. Machon Yerushalayim, 1: 1 n. 1; ms. Parma (De Rossi) 541, fol. 266v; and my *Peering through the Lattices*, pp. 221–25 (and esp. 222, n. 4). A responsum included in the collection of responsa of R. Isaac b. Moses son, R. Hayyim (who was a student of R. Meir of Rothenburg) was in fact authored by a colleague of R. Hayyim's, R. Isaac b. Elijah. See *Teshuvot Maharah Or Zarua'*, no. 164, ed. M. Abitan (Jerusalem, 2002), fols. 155–56. In this responsum, R. Isaac b. Elijah (who had not seen or met Maharam when he was alive) reports that he experienced a dream in which R. Meir appeared to him and instructed him to retain a particular talmudic reading (and halakhic approach) that he had wanted to discard (אמרתי ללבי אפשר). נראה לי רבינו מאיר בחלום אחר פטירתו. אמרת לי רבינו מאיר בחלום וכו' (שגאון זה שלא זכיתי לראותו מעולם נראה לי בחלום וכו'). Note that R. Isaac b. Elijah also approved using an adjuration of *shedim* for purposes of locating stolen property and for predicting the future (להגיד עבור גניבות ועתידות). See *Teshuvot Ba'alei*

them were not necessarily connected with mystical studies), they provide additional evidence for the weight and significance of dream experiences as sources of knowledge and aids for Torah study within medieval Ashkenazic rabbinical culture and society. Perhaps the most striking example of this type begins with R. Solomon (b. Abraham) of Troyes, a brother of the Tosafist, R. Samson of Sens (or perhaps R. Solomon [b. Judah] *ha-Qadosh* of Dreux, a Tosafist student of Ri of Dampierre; the Hebrew spellings of Dreux, דרוי"ש, and Troyes, טרוי"ש, are quite similar, and were often confused). R. Solomon put forward a postulate of cause and effect according to the rabbinical interpretation of the Bible (היה כייל כלל), whereby an object that serves as the witness (*ed*) for a covenant will also serve to punish those involved, if the covenant is subsequently violated. R. Solomon presented several biblical episodes that appear to confirm this rule, but he was “deeply troubled” (*huqshah ve-nizta'er*) by the fact that Laban (who is identified according to one talmudic view, in *Sanhedrin* 105a, with Bil'am) violated the covenant that he made with Jacob by attempting to curse the Jewish people (as Bil'am) and yet Bil'am was never punished by the pile of stones that served to testify to the original covenant between Jacob and Laban.

The Tosafist R. Moses b. Shne'ur of Evreux reports that R. Solomon was then told in a dream to look carefully (*'ad she-her'u lo be-halomo puq ve-dog*) into a work (that is currently unknown) called *Bereshit Zuta*. R. Solomon went and found this slender volume, and discovered within it (an interpretation) that a sword had been stuck into the pile of stones that marked the agreement between Jacob and Laban. The (stone) wall that hurt Bilam's leg when he was riding his donkey (in Nm 22:25) consisted of (or contained) the original stones from this covenant. Moreover, the sword used to ultimately kill Bil'am (Nm 31:8) was that same sword from the covenant (and was designated as such in this verse, by the use of the word *be-harev*, which connotes a particular sword).⁴²

ha-Tosafot, ed. I. Agus (New York, 1954), pp. 223–24; Urbach, *Ba'alei ha-Tosafot*, 2: 543–44; and *Peering through the Lattices*, pp. 245–46 n. 72.

⁴² See *Sefer ha-Gan*, ed. M. Orlian (Jerusalem, 2009), p. 179, see also p. 249. R. Moses of Evreux, from whom the compiler of *Sefer ha-Gan*, R. Aaron b. Yose *ha-Kohen*, heard this account, had a number of affinities with the German Pietists; see, e.g., my *Jewish Education and Society in the High Middle Ages*, pp. 75–79, and I. Ta-Shma, *Knesset Mehqarim* (Jerusalem, 2004), 2: 110–18 (although such affinities are not evident for either R. Solomon of Troyes or R. Solomon of Dreux). In his commentary

From an interior perspective then, the degree or extent of rabbinical mysticism present is a key to categorizing the dreams that we have discussed to this point, and to measuring their validity. Tosafists and other Ashkenazic rabbinical scholars who were conversant and comfortable with mystical teachings and concepts were apparently prepared to allow dreams and visions to play a role in the halakhic process, while those Tosafists who were less involved with mysticism would not necessarily concur. Indeed, a passage in Rashi's talmudic commentary shows that he sought to carefully limit the extent of Elijah the Prophet's input (after his ascension on high) into a matter of *halakhah*. The Talmud in tractate *Shabbat* (108a) raises the question of

to the Ezekiel (ed. S. A. Poznanski [Warsaw, 1909], p. 97, to Ez 42:6), the twelfth-century northern French *peshat* exegete, R. Eli'ezer of Beaugency, mentions that he received an explanation via a dream for a verse that had troubled (פתרון זה נראה) לי בחלום שמרוב צערי שנצטערתי מה הוא הענין נמנמתי על הספר וראיתי... כל זה היה מפרש בו בחלום; and cf. *She'elot u-Teshuvot min ha-Shamayim*, ed. Margalio, editor's introduction, p. 10). In this instance, R. Eliezer's personal angst is more than evident, and the somatic nature of this dream is obvious. R. Solomon of Troyes/Dreux also expresses a degree of *za'ar*, but the revelation of a book that would provide him with a solution is on a somewhat different order; cf. above, n. 24. Note also the better-known dream of R. Moses of Coucy, about the scope and form of *Sefer Mizvot Gadol*, included in the introduction to his work (fol. 3b, מראה בא אלי מראה בחלום, קום עשה ספר תורה משני חלקים. ואתבונן על המראה והנה השני חלקים לכתוב ספר מצוות עשה בחלק אחד וספר מצוות לא תעשה בחלק שני... גם בענין לאוין בא אלי בחלום בזה הלשון... ואתבונן אליו בבקר והנה יסוד גדול הוא ביראת ה'... וה' אלהים יודע כי לפי דעתי איני משקר בענין המראה וה' יודע כי לא הזכרתים בספר (הזה) אלא למען יתחזקו ישראל בתורה ובתוכחה וחפץ ה' בידי יצליח). See, e.g., Yehuda Galinsky, "Pen Tishkah 'et E-lohekha: le-Pittaron Halomo shel R. Mosheh mi-Coucy," *Mi-Safra le-Sayefa* 44–45 (1995): 233–39; idem, "Mishpat ha-Talmud bi-Shenat 1240 be-Paris: Vikkuah R. Yehi'el ve-Sefer ha-Mizvot shel R. Mosheh mi-Coucy," *Shenaton ha-Mishpat ha-'Ivri* 22 (2001–04): 66–69; and cf. E. Kupfer's note, "Ta'alumat Sarid mi-Ketav Yad 'Atiq shel Sefer Mizvot Gadol," *Qiryat Sefer* 48 (1973): 524–25. R. Moses of Coucy tended toward pietism and asceticism rather than mysticism; see my *Peering through the Lattices*, pp. 68–80. Similar to Raban (above, n. 5), R. Moses's dream experience clarified for him the (literary) plan that he should pursue (about which he had undoubtedly been thinking), although it certainly did not present him with a *fait accompli*, as quite a bit of effort was still required in order to execute his project. Interestingly, however, a kind of collective dream is perhaps alluded to by R. Moses in *mizvat 'aseh*, no. 3 (fol. 96d, בחלומות היהודים ובחלומות, ויט עלי חסד וכו' ואמץ הקב"ה זרועותי בחלומות היהודים ובחלומות, ויט עלי חסד וכו'). Cf. Hida, *Shem ha-Gedolim* (Warsaw, 1876), *ma'arekhet ha-gedolim*, p. 101 (sec. 179), s.v. R. Mosheh mi-Coucy. Note also that R. Barukh b. Isaac (d. 1211), author of the northern French halakhic compendium *Sefer ha-Terumah* (and a student of RiD), asserts that the quasi-midrashic material grouped under the title *Tanna de-Bei Eliyyahu* consisted of teachings that Elijah the prophet himself had taught to one of the Amoraim. See *Sefer ha-Terumah* (Jerusalem, 2004), *hilkhot 'akkum*, fol. 223a (sec. 135). Cf. *Tosafot Ta'anit* 20b, s.v. *nizdamen*, and *Tosafot Hullin* 6a, s.v. *'ashkeheh*.

whether *tefillin* may be written on the skin of a kosher fish. Although the skin itself is kosher (which is a crucial requirement for the writing of *tefillin*), the question was whether the strong odor of the fish skin (*zuhama*) would ever dissipate sufficiently, so that such *tefillin* could appropriately be used. The determination of this aspect was left by the talmudic *sugya* to Elijah. Only he could offer the necessary assessment of the properties of this skin, so that its appropriateness for *tefillin* could be determined. When the Talmud asserts, however, that this matter can be determined only “if Elijah will come and tell us,” Rashi hastens to note that whether something “is permitted or prohibited is not dependent on him, since *lo ba-shamayim hi*, the Torah is not in heaven.”⁴³

Rashi’s point is that heavenly phenomena such as the instruction of Elijah (and other similar kinds of techniques that are beyond the scope of normal human endeavor), cannot be employed in order to decide matters of Jewish law. At best, these occurrences can provide “data” that are difficult to obtain elsewhere, which may nonetheless be needed in order to make a proper halakhic determination. Although Rashi’s comment here perhaps reflects the talmudic *sugya* at hand (rather than his personal view), one has the sense that Rashi would feel the same way about deciding or impacting matters of Jewish law via dreams. Rashi was familiar with mystical teachings and techniques (and with the notion of the angelic *sar ha-halom*), but he cannot be classified as a supporter (or a consumer) of these techniques.⁴⁴ In this regard, Rashi is perhaps closer to the view of Maimonides than he is to those Tosafists whose dream experiences we have studied to this point. Maimonides ruled that a (true) prophet who suggests that a standing aspect of Jewish law should be (permanently) changed on the basis of a prophecy that he received was to be put to death, since *lo ba-shamayim hi*. The prophet did have the ability, however, to suspend

⁴³ See Rashi, *Shabbat* 108a, s.v. *mai ‘im yavo Eliyyahu ve-yomar*. Cf. Rashi, *Bekhorot* 56a, s.v. *R. Yohanan*; Rashbam, *Bava Batra* 143a, s.v., *haynu* (and below, n. 64); R. Zvi Hirsch Chajes, *Torat ha-Nevi’im* (toward the end of chapter one), *Kol Kitvei Maharz Hayyut*, ed. Hoza’at Divrei Hakhamim (Jerusalem, 1958), pp. 15–17; and below, n. 50.

⁴⁴ See, e.g., my “Rashi’s Awareness of Jewish Mystical Literature and Traditions,” in *Raschi und sein Erbe*, ed. D. Krochmalnik et al. (Heidelberg, 2007), pp. 23–34; Avraham Grossman, *Hakhmei Zarefat ha-Rishonim*, (Jerusalem, 1995), pp. 204–5; and cf. above, n. 3.

a particular law temporarily, on the basis of his prophetic knowledge and direction.⁴⁵

Indeed, it appears that even Nahmanides (Ramban, 1194–1270), the leading Spanish talmudist and kabbalist during the thirteenth century, did not put much stock in dreams or other extra-sensory phenomena for deciding halakhic matters. In his glosses to Maimonides's *Mishneh Torah*, Rabad of Posquieres (d. 1198) had ruled (against Maimonides) that a myrtle whose uppermost leaves had been cut off (*hadas she-niqtam rosho*, for which the Talmud in tractate *Sukkah* records a conflict between two Tannaitic sources) was disqualified for use on the basis of the “holy spirit that had appeared already several years ago in our study hall” (*kevar hofi'a ruah ha-qodesh be-beit midrashenu mi-kammah shanim*). Rabad further notes that “all [of his reasoning] is made clear in our [separate] treatise...for they have left me room from the heavens to do so” (*u-maqom henihu li min ha-shamayim*).⁴⁶

⁴⁵ See *Mishneh Torah, Hilkhhot Yesodei ha-Torah*, 9:1–4. For an analysis of the Maimonidean approach, which fundamentally separates prophecy from the halakhic process (in this chapter of *Mishneh Torah* and elsewhere within Maimonides's other works), see, e.g., Howard Kreisel, *Prophecy: The History of an Idea in Medieval Jewish Philosophy* (Dordrecht, 2007), pp. 165–67; David Hartman, *Maimonides: Torah and Philosophic Quest* (Philadelphia, 1976), pp. 105–8, 116–19; Ya'akov Blidstein, “Mi-Yesod ha-Nevu'ah be-Mishnato ha-Hilkhatit shel ha-Rambam,” *Da'at* 43 (1999): 25–42; idem, *Samkhut u-Meri be-Halakhah ha-Rambam* (Tel Aviv, 2002), pp. 100–101, 156–62; Isadore Twersky, *Introduction to the Code of Maimonides* (New Haven, 1980), pp. 234 n. 92, 488 n. 331; and E. E. Urbach, *Me-'Olamam shel Hakhamim* (Jerusalem, 1988), pp. 20–21. Cf. *Tosafot Sanhedrin* 89b, s.v. *Eliyyahu*; *Tosafot Yevamot* 90b, s.v. *ve-ligmar*; and *Derashot ha-Ran*, ed. L. Feldman (Jerusalem, 1973), pp. 85–86, 112. Interestingly, R. Haim Yosef David Azulai (Hida, d. 1806), followed by R. Ovadyah Yosef, maintain that Maimonides would not condemn the use of dreams in halakhic contexts since, unlike a pronouncement of (true) prophecy, the results of dreams are not binding on those who hear of them (or who experience them), and whether (or not) they should be followed (and to what extent) is also subject to the determination of a rabbinical decisor. See, e.g., Hida, *Shem ha-Gedolim, ma'arekhet ha-gedolim*, 'אות י', pp. 62–64, sec. 224 ('ר' יעקב ממרויג'), and R. Ovadyah Yosef, *Yabi'a Omer*, vol. 1: *Orah Hayyim*, sec. 41 (fols. 142–49). Clearly, however, Maimonides nowhere explicitly endorses reliance upon dreams, nor in any way recognizes their legitimacy for the halakhic process. Note that R. Yehudah *ha-Levi* espouses a different attitude than Maimonides about prophecy and the halakhic process, and about the importance and genuineness of dreams as well. See, e.g., R. A. Y. *ha-Kohen Kook, Igrot R'AYH* (Jerusalem, 1985), 2: 101 (no. 467); Urbach, *op cit*; Yochanan Silman, *Philosopher and Prophet* (Albany, 1995), pp. 63, 111–12, 225, 246 (n. 35); and Diana Lobel, *Between Mysticism and Philosophy* (Albany, 2000), 98–100.

⁴⁶ See Rabad's gloss to *Mishneh Torah, hilkhhot lulav*, 8:5, and the commentary of *Maggid Mishneh*, *ad loc.*

Rabad did compose a treatise on the laws of *lulav* (and the other species), and he lays out the full reasoning for his position on *hadass she-niqtam rosho* in a distinct section within that treatise. In his own lengthy reaction to this passage (written well after Rabad's death in 1198), Nahmanides rejects Rabad's ruling (which conflicts with that of both Rif and Maimonides, among others) on the basis of the Jerusalem Talmud and other talmudic sources.⁴⁷ Writing in the sixteenth century, R. Yosef b. David Ibn Lev, stresses that Ramban did so without concern for (or reference to) the confirmation via '*ruah ha-qodesh*' that Rabad had received for his ruling (despite the fact that Ramban believed that a form of *ruah ha-qodesh* had in fact been present), suggesting that this (quasi-mystical) approach to halakhic decision-making did not hold any interest for Ramban.⁴⁸

To be sure, however, the seventeenth-century rabbinical authority, R. Moses ibn Haviv (following *Maggid Mishneh*), suggests that in fact, Rabad's reference to *ruah ha-qodesh* was simply an exaggerated means of expressing his certitude for his position; indeed, Rabad himself (in his treatise) expends a good deal of effort laying out his position on the basis of talmudic and other rabbinical texts. For his part, Ramban disagrees strongly with Rabad's position (which was also held by R. Zerachyah *ha-Levi*, with whom Ramban also disagrees),⁴⁹ on the basis of his analysis of Rabad's (and Razah's) talmudic proofs. Nahmanides neither invokes the principle of *lo ba-shamayim hi* nor accepts Rabad's

⁴⁷ See *Teshuvot u-Pesaqim le-R. Avraham b. David (Rabad)*, ed. Y. Kafih (Jerusalem, 1964), pp. 13–15, 38–44 (Ramban's response). See also p. 11 n. 1, and cf. *Temim De'im* (Warsaw, 1897), sec. 228.

⁴⁸ See *Teshuvot R. Yosef Ibn Lev* (Bnei Brak, 1988), 3: 116, fol. 369 (ואין ספק שהרמב"ן האמין לדבריו [של הראב"ד] שהופיע רוה"ק בבית מדרשו... ועם כל זה חלק על דבריו). Note that Nahmanides barely makes any reference to kabbalistic conceptions or interpretations in his *hiddushim* to the Talmud (which also contain scores of halakhic rulings), a development that stands in marked contrast to his Torah commentary, where kabbalistic interpretations frequently appear. See my *Peering through the Lattices*, p. 12; *Hiddushei ha-Ramban to Bava Batra 12a*, s.v. *ha de-amrinan*; and cf. Yaakov Elman, "Reb Zadok ha-Kohen of Lublin on Prophecy in the Halakhic Process," in *Jewish Law Association Studies*, vol. 1: *The Touro Conference Volume*, ed. B. S. Jackson (Chico, 1985), pp. 1–16; and Elliot Wolfson, "Sage is Preferable to Prophet: Revisioning Midrashic Imagination," *Scriptural Exegesis—The Shapes of Culture and the Religious Imagination (Essays in Honor of Michael Fishbane)*, ed. D. A. Green and L. S. Lieber (Oxford, 2009), pp. 186–210. On the relationship between prophecy, *ruah ha-qodesh* and *hokhmah* in Nahmanides's thought, see Moshe Halbertal, *Nahmanides and the Creation of Tradition* [Hebrew] (Jerusalem, 2006), pp. 72–76, 198–205.

⁴⁹ See R. Zerachyah's *Ma'or ha-Qatan* and Nahmanides's *Milhamot ha-Shem* to tractate *Sukkah*, fol. 15b (according to the pagination of the *Hilkhot ha-Rif*).

point of view, despite the claimed imprimatur of *ruah ha-qodesh*. Whether or not Ramban understood this (heavenly) description “literally,” it was of no consequence to him.⁵⁰ At the same time, Spanish students of kabbalah, including those in the somewhat variegated school at Gerona in the first half of the thirteenth century (of which Ramban was a member), were certainly familiar with both the *she’elat halom* and the *gillui Eliyyahu* as vehicles for transmitting kabbalistic material and lore,⁵¹ and with the significance of dreams for establishing and imparting kabbalistic teachings and traditions more broadly.⁵²

Leaving the intent of Rabad’s glosses aside (which, in any case, do not refer specifically to dreams), the only (sustained) contemporary rabbinical analogue to the Ashkenazic use of dreams in halakhic contexts that we have described to this point can be found in an unusual work by another Provençal halakhist and mystic, R. Jacob b. Levi (or R. Jacob *ha-Levi*) of Marvege (or, more likely, Viviers). This work, known as *She’elot u-Teshuvot min ha-Shamayim*, was composed early in the thirteenth century.⁵³ In it, R. Jacob makes unabashed use of

⁵⁰ See, e.g., R. Moses Ibn Haviv, *Kappot Temarim* (Warsaw, 1861), fol. 45a (to *Sukkah* 32b. s.v. *niqtam rosho*), and cf. H. Y. Klapholtz, *Iqvei Hayyim* (Jerusalem, 1969), pp. 254–55 (sec. 46, pt. 2). A similar difference of opinion can be found among leading twentieth-century scholars concerning the valence of this phrase and others (such as the one found in Rabad’s gloss to *Hilkhot Beit ha-Behirah*, 6:14, ‘כך נגלה לי מסוד ה’ (ליראין)). See Isadore Twersky, *Rabad of Posquieres* (Philadelphia, 1980), pp. 286–300; J. Katz, *Halakhah ve-Qabbalah* (Jerusalem, 1986), pp. 16–17; Gershon Scholem, *Origins of Jewish Mysticism* (Princeton, 1987), pp. 205–271; E. E. Urbach, *Me’Olamam shel Hakhamim*, pp. 21–22; and cf. Rashi to Ezekiel 42:3 (‘ואני לא היה לי לא רב ולא עוזר’ (בכל הבנין הזה אלא כמו שהראוני מן השמים)). See Haviva Pedaya, *Ha-Shem veHa-Miqdash be-Mishnat R. Yizhaq Sagi Nahor* (Jerusalem, 2001), pp. 42–55; and Rav Kook, *Mishpat Kohen* (Jerusalem, 1985), pp. 206–12 (no. 96, sec. 7).

⁵¹ See, e.g., Moshe Idel, “‘Iyyunim be-Shitato shel Ba’al Sefer ha-Meshiv,” *Sefunot* 17 (1983): 201–26; idem, “Astral Dreams in Judaism,” *Dream Cultures*, ed. D. Shulman and G. Stroumsa (New York, 1999), pp. 239–45; and E. Wolfson, “Transmission in Medieval Mysticism,” in *Transmitting Jewish Traditions*, ed. Y. Elman and I. Gershoni (New Haven, 2000), pp. 189–92, 218. On Ramban’s relative conservatism in kabbalistic matters, and other differences between him and the other members of the Gerona school, see, e.g., my “On the Assessment of Moses b. Nahman (Ramban) and his Literary Oeuvre,” *Jewish Book Annual* 54 (1996–97): 69–71, and above, n. 48.

⁵² See, e.g., Eitan Fishbane, *As Light Before Dawn: The Inner World of a Medieval Kabbalist* (Stanford, 2009), pp. 101–14.

⁵³ On R. Jacob’s locale, see Joseph Shatzmiller, “Hazza’ot ve-Tosafot le-Gallia Judaica,” *Qiryat Sefer* 45 (1975): 609–10. Several manuscript versions of R. Jacob’s work place him in Viviers, which is located in Provence (in the district of Ardeche in the Rhone Valley), although it is possible that R. Jacob initially hailed from Marvege (which is located in northern France) and reached Provence only later; the manuscripts also vary on whether Levi was Jacob’s father or his title. As Israel Ta-Shma has

“dream questions” (*she’elot halom*) to answer a host of unresolved or contested questions in Jewish law; all of the more than seventy questions that he considered concerned long-standing debates that had

shown conclusively, however, R. Jacob worked within a Provençal rabbinical milieu, referring to (מונפלייה =) *ההר חכמי* and to *נרבונה חכמי*, in addition to individual Provençal scholars (and works and issues) of the twelfth century. Also mentioned are leading northern French figures who were well-known in Provence, such as Rashi and Rabbenu Tam, not to mention R. Isaac Alfasi, whose halakhic digest of the Talmud was central to Provençal rabbinical studies. Interestingly, only two of the more than twenty-five full and partial manuscript versions of this work have a confirmed Provençal provenance, ms. Bodl. 2343, fol. 124r–127r (copied in a Provençal hand during the thirteenth century), and ms. Bodl. 781, fols. 95r–101r (copied in Avignon in an Ashkenazic hand, in 1391), although ms. Munich (National Library of Bavaria), 237, fols. 157v–163v, written in a Spanish hand, also appears to be of Provençal origin. The vast majority of these manuscripts were copied in Ashkenaz, or in Italy/Byzantium, often together with standard medieval Ashkenazic halakhic works such as *Semaq* or glosses to the *Sefer Mordekhai*. See I. Ta-Shma, “She’elot u-Teshuvot min ha-Shamayim,” *Tarbiz* 57 (1988): 51–66 [= idem, *Knesset Mehqarim*, 4:112–29, with a handful of additional notes.] Later rabbinic works (both Ashkenazic and Sefardic) occasionally confused R. Jacob of Marvege/Viviers with the leading northern French Tosafist, R. Jacob Tam of Ramerupt, while some (later) manuscript copyists confused him with a student of Rabbenu Tam, R. Jacob of Corbeil. See, e.g., *Teshuvot Maharil*, ed. Y. Satz (Jerusalem, 1980), pp. 233–34 (no. 137), sec. 6; *Teshuvot ha-Radvaz*, 1:380, and cf. 4:1084 (10), and cf. above, n. 5 (end); ms. Bodl. 2274, fols. 28r–v; ms. Ramat Gan 269, fol. 8; ms. Moscow Yevr 51, fols. 396r–v; ms. Yeshiva University 351, fol. 10. A Parma manuscript dated 1426 (De Rossi 286, fols. 172r–173v) attributes this work to R. Eleazar of Worms; see Yosef Dan, “Shu”t min ha-Shamayim me-Yuhasot le-R. Eleazar mi-Worms,” *Sinai* 69 (1971): 195. Indeed, this kind of confusion can already be seen in one of the earliest citations of R. Jacob’s work. R. Ephraim b. Samson, an associate of *Hasidei Ashkenaz* writing toward the end of the first half of the thirteenth century, includes the following (noted by Ta-Shma, op cit, 57, based on a passage preserved by Hida) in his Torah commentary to the portion of *Va-Yelekh* [Deut. 31:16], ed. J. Klugmann, (Jerusalem, 1992), p. 223: שמעתי מרבינו תם ששאל לבעל החלום פי' שר החלום ושמו רזיאל וי"א גבריא אל אם נרמז ישו ומרים אמו והשיב לו בעל החלום ש'אלהי נכר הארץ' גימ' ישו מרים. This is also perhaps the case for the two sets of acrostics attributed to Rabbenu Tam, which were intended to disable the claimed presence of the name Yeshu in Gen. 49:10 (although these acrostics have been attributed to the *pashtan* and polemicist, R. Yosef Qara, as well). See *Sefer Yosef ha-Meqanne*, ed. J. Rosenthal (Jerusalem, 1970), p. 45; *Nizzahon Vetus*, ed. D. Berger (Philadelphia, 1979), pp. 248–49 (notes to p. 60); *Tosafot ha-Shalem*, ed. Y. Gellis (Jerusalem, 1986), 5: 57, sec. 17; and R. Ephraim b. Samson’s Torah commentary, ed. Klugmann, p. 163. Cf. A. J. Heschel, “Al Ruh ha-Qodesh Bimei ha-Benayim,” pp. 182 nn. 36–37, 183–84 n. 46; *Nizzahon Vetus*, ed. Berger, editor’s introduction, p. 13 (n. 22); and my *Peering through the Lattices*, pp. 185–86 (n. 119). The above discussion of the manuscripts that contain R. Jacob’s work was greatly aided by a detailed manuscript review prepared by my student, Pinchas Roth, in the course of his doctoral research at the Hebrew University of Jerusalem on the rabbinical literature of Provence during the thirteenth century. Among other corrections and addenda to Ta-Shma’s definitive study, Roth notes the presence of two additional Sefardic manuscripts of this work.

important rabbinical predecessors on both sides.⁵⁴ R. Jacob writes that he addressed his questions directly to the Godhead and received the answers from a cohort of ministering angels. Perhaps not surprisingly, the answers were formulated and conveyed mostly in the form of biblical verses and phrases.⁵⁵

Although his precise motivations remain unclear, the nature of R. Jacob's work suggests that he was not seeking heavenly guidance to initiate halakhic discussions or to identify basic considerations and conduct fundamental investigations into a matter of *halakhah* in order to determine the law, but rather to break existing rabbinical logjams. Since all of these cases had outstanding rabbinical decisors on each side, R. Jacob was seeking guidance and clarity (*birur*) from the heavenly source, rather than a halakhic decision (*hakhra'ah*) per se. Those medieval rabbinical authorities who shied away from any heavenly involvement in matters of Jewish law would probably not have agreed with this distinction, but R. Jacob, who is not otherwise known to us as a (leading) Talmudist (and who composed no other works of which we are aware) was attempting in the main to "resolve the un-resolvable."

R. Jacob's work did impact (fairly quickly) at least one thirteenth-century halakhist with important connections to Ashkenaz, R. Zedekiah b. Abraham *ha-Rofe* Anau (*min ha-'Anavim*; d. c. 1260). R. Zedekiah cites R. Jacob's collection of dream questions (usually with the comment, *mazati bi-she'elot halom 'asher sha'al ha-zaddiq R. Ya'aqov mi-Marvege*) eight times in his halakhic compendium, *Shibbolei ha-Leqet*.⁵⁶ In six of these instances, R. Zedekiah essentially accepts and

⁵⁴ In an unpublished paper (associated with the manuscript review mentioned in the above note), "Questions and Answers from Heaven: Halakhic Diversity in a Medieval Community," P. Roth notes that the alternative positions presented by R. Jacob in his questions for consideration often represent two different geographical centers (and text traditions): southern France and Spain, southern France and Ashkenaz, and even Ashkenaz and Spain. This perhaps suggests that R. Jacob was attempting to address an ongoing and highly significant issue for Provençal rabbinical authorities as to whether the customs and halakhic practices there should be fixed mainly according to existing (indigenous) considerations, or whether they should perhaps be aligned with the major talmudic centers and scholarship to the north or south.

⁵⁵ See Ta-Shma, *Knesset Mehqarim*, 4:126–29; and cf. above, n. 14, and below, n. 62.

⁵⁶ On *Shibbolei ha-Leqet* as a repository of Ashkenazic rabbinical materials, see I. Ta-Shma, *Knesset Mehqarim*, 3:10–11, 20–23, 70–75, and my *Peering through the Lattices*, pp. 54–55, 107–11, 147 (for his citation of *Hekhalot* literature), 228–31. (R. Zedekiah considered himself to be a student of R. Isaiah di Trani, although he never studied directly in his presence.) For the impact of Ashkenazic mysticism on this

follows the position espoused by R. Jacob (which is sometimes cited in the name of other rabbinical authorities as well).⁵⁷ In one case, R. Zedekiah notes R. Jacob's position and disagrees with it, citing the opposing view of R. Isaiah di Trani and other authorities.⁵⁸

Only in the one remaining instance does R. Zedekiah strongly disagree with R. Jacob, stating that "we do not need the dream of R. Ya'aqov *ha-Zaddiq* of Marvege, nor do we need his interpretation (or solution) that he asked via a *she'elat halom*. Furthermore, we do not pay attention to dreams, since we hold that *lo ba-shamayim hi*."⁵⁹ On the whole, however, it appears that *Shibbolei ha-Leqet* was more than comfortable with R. Jacob's work as a source of Jewish law.⁶⁰

Interestingly, *Shibbolei ha-Leqet* is also the source for a *she'elat halom* that is attributed to unnamed rabbis in northern France at the time of the burning of the Talmud in Paris in the 1240s. At the end of a section on the four rabbinically ordained fast days during the year (which include occasions that commemorate the burning of Torah scrolls in the Jewish past), *Shibbolei ha-Leqet* notes the contemporary burning of twenty-four wagonloads of the Talmud and related rabbinical texts in northern France (which is dated in this passage to 1244, but is typically assumed to have occurred in 1242), that took place on the Friday of *parashat Huqqat* (and was commemorated by a fast on that day). R. Zedekiah writes that "we have heard from some of the rabbis who

work, especially with regard to prayer and rituals, see also my "Mysticism and Asceticism in Italian Rabbinic Literature of the Thirteenth Century," (above, n. 30), 137–41, 148–49.

⁵⁷ See *Shibbolei ha-Leqet*, ed. S. Buber (Vilna, 1887), secs. 31 (fols. 15a–b); 93 (fol. 33b); 127 (fol. 50a); *hilkhot tefillin* (fols. 191b–192a); part 2 (ed. Hasida, above, n. 34), 4 (at the end of sec. 1); and 75 (sec. 17).

⁵⁸ See ed. Buber, sec. 9 (fol. 5a, ונראה ה' עליכם. ונראה וכו' רבינו ישעיה וכו' בעיני שאין קטן עולה למנין עשרה וכן כתב רבינו ישעיה וכו').

⁵⁹ *Ibid.*, sec. 157 (fols. 61b, ואין אנו צריכין לחלומו של רבינו יעקב הצדיק ממרוי"ש, ולא לפתרונו ששאל על ידי שאלת חלום... ואין משגיחין בדברי חלומות דקיימא לן לא בשמים היא).

⁶⁰ R. Ovadyah Yosef refers in several places in his responsa to *Shibbolei ha-Leqet*, sec. 157 (and once to sec. 9), giving the impression that R. Zedekiah was fundamentally opposed to *She'elot u-Teshuvot min Ha-Shamayim*. See *Teshuvot Yabi'a Omer*, vol. 1: *Orah Hayyim*, sec. 42:1 (which also refers to sec. 9); vol. 5: *Orah Hayyim*, sec. 43:8; and *Teshuvot Yehavveh Da'at*, vol. 1, no. 68. (As far as I can tell, R. Yosef does not cite any of the six sections in which *Shibbolei ha-Leqet* concurs with R. Jacob's rulings.) This selective citation perhaps constitutes additional evidence (from a different quarter) for R. Yosef's desire to minimize the extent to which *pesaq halakhah* is based on mystical teachings or phenomena. See Binyamin Lau, "Meqomah shel ha-Qabbalah be-Pesiqato shel ha-Rav Ovadyah Yosef," *Da'at* 55 (2005): 131–51 (esp. 150–51), and cf. above, n. 45.

were present that a *she'elat halom* was done, in order to know whether this decree was ordained by the Almighty. And they responded [from on high] that this was a Torah decree.⁶¹

This episode—and the approach of *Shibbolei ha-Leqet* more broadly—further support the notion that leading Ashkenazic rabbinical scholars were familiar with and may have made use of *she'elot halom* in ways that were consistent with those of R. Jacob of Marvege. In similar fashion, Elqanah, a student of R. Meir of Rothenburg (whose own affinities to *she'elot halom* were noted earlier) and a learned copyist of rabbinical texts during the late thirteenth century, inserted a dream ruling recorded by R. Jacob of Marvege with regard to a particular adhesion of the lung (which was described in Elqanah's insertion as “a ruling given to us by Elijah”) directly into a passage on this matter that had originally been composed by Rabiah. In the same manuscript, Elqanah also refers to *Hekhalot Rabbati*, and copies a formula for a *she'elat halom*.⁶²

⁶¹ See sec. 263 (end, fol. 126b, חלום ששמו שם שמענו שעשו שאילת חלום). This passage is also found in (the parallel compendium) *Tanya Rabbati* (Jerusalem, 1962), fol. 63c (sec. 58), citing *Shibbolei ha-Leqet*. The (angelic) response to the dream question in the plural accords with the plural response form typically found in *She'elot u-Teshuvot min ha-Shamayim*; see I. Ta-Shma, above, n. 55. On the similarities between the efforts here (even in the phrasing of the question and the response), and R. Yishma'el's heavenly ascent in order to verify the fate of the ten rabbinical martyrs (and whether it was in accordance with the will of God or could be repealed), as reflected and described in various medieval midrashic collections (and liturgical texts) and allied passages within *Hekhalot* literature, see, e.g., *Die Geschichte von der Zehn Märtyrern*, ed. G. Reeg (Tübingen, 1985), pp. 19*–32*; and R. S. Boustán, *From Martyr to Mystic* (Tübingen, 2005), pp. 81–84, 113–21, 298–11, 289–93.

⁶² See ms. Paris BN 1408, fol. 2v (in a section labeled העזרי מאבי העזרי): אונא ואומא כסידרן במיינצא ובקולניא ונהגין לאסור... ובגרמיזא ובצרפת נהגין להתיר כר' יעקב בן יקר... ואליהו זכור לטוב הורה לנו לאסור אונא באומא והרבה גאונים חולקים בדבר. רבינו גרשום וכו' כולם מכשירין... ורבינו אלעזר הגדול ורבינו תם ומר רב יוסף ורבינו יב"א ורבי' שיחי' כולם אוסרין. This passage, without the reference to Elijah, appears almost verbatim in *Sefer Rabiah*, ed. D. Deblitzky (Bnei Brak, 2005), 4: 93 (sec. 1089, עניין הסירכות). It also appears in very similar form (again minus the reference to Elijah) in *Haggahot Maimuniyyot* (composed by another of R. Meir's students, R. Meir *ha-Kohen*) to chapter 11 of *Mishneh Torah*, *hilkhot shehitah*, sec. 5, where the passage includes (and is attributed to) רבינו המחבר אבי העזרי. See also the related passages (cited by Deblitzky, op cit, n. 22) in *Sefer Or Zarua'* (*hilkhot terefot*, sec. 411), and in *Sefer Mordekhai to Hullin* (sec. 616, which was composed by Rabiah's contemporary, R. Barukh of Mainz, and see also ms. Vercelli C435, fol. 129, ms. Parma [de Rossi] 929, fol. 15r, ms. Paris 407, fol. 12a, ms. New York JTS Rab. 674, fols. 221a–c, ms. Vienna 72, fols. 193v–194r, ms. Sassoon 534, fols. 470v–471a); in *Pisqei R. Hayyim Or Zarua'*, *hilkhot terefot ha-re'ah*, secs. 84–85, found in *Shitat ha-Qadomonim 'al Massekhet Hullin*, ed. M. Blau (New York, 1990), 2: 317; in *Shibbolei*

At the same time, we have seen that a number of Ashkenazic halakhists resorted to and employed dream results even in instances where the questions before them had not been addressed by large numbers of weighty predecessors on each side so as to make them “un-resolvable.” Moreover, these figures, unlike R. Jacob of Marvege, were often Tosafists of note, who certainly had the standing (and competence) to issue rulings that would be followed by others without recourse to dreams. In light of their familiarity with and positive tendencies toward mysticism and magic, these Tosafists apparently held that dream results, including situations where Elijah the prophet or the so-called *ba'al ha-halom* appeared in a dream and caused a rabbinical decisor to re-think and reformulate (or recant) his approach or position, were sufficiently (and perhaps mostly) a function of human understanding, cognition and effort, in evaluating all the relevant factors and materials. Therefore, such results were not considered to be a violation of the principle of *lo ba-shamayim hi*.

Although it is difficult to locate any explicit statements in this direction within the many Ashkenazic rabbinical texts that we have presented and reviewed, there are several talmudic *sugyot* that describe the appearance of one’s teacher or another great rabbinical authority in a dream (using the phrase *בחזאי* [א], or a close variant) that serve to encourage, to confirm or even to support halakhic rulings. In one such instance (*Menahot* 67a), Rava, at least as interpreted by the so-called *Perush Rabbenu Gershom* (which has been shown in fact to be a composite commentary from the academy at Mainz during the eleventh century, whose affinities to mystical teachings have also

ha-Leqet, hilkhot terefot, ed. Buber, fol. 199b (sec. 8), and in *hilkhot shehitah u-terefah* by the Italian rabbinical scholar, R. Judah b. Benjamin, in ms. Parma (de Rossi) 62, (IMHM # 13777), fol. 326v (none of which mention either Elijah or R. Jacob of Marvege); and see also *Tosafot Hullin* 46b–47a, s.v. *haynu*. Just after the passage in *Sefer Rabiah* itself, a biblical phrase is included (in one textual variant, cited by Deblitzky in n. 30) to describe another form of adhesion. See also *Sefer Assufot* (composed by an unidentified student of Rabiah), ms. Montefiore 134, fol. 7c (and correct Deblitzky, op cit.). On Elqanah’s role in copying portions of ms. Paris BN 1408 (including several sections from Rabiah’s work), as well as his identity, see Colette Sirat, “Le Manuscrit Hebreu No. 1408 de la Bibliothèque Nationale de Paris,” *REJ* 123 (1964): 335–58, esp. 338–39, 348, 355. Elqanah refers to the passage from *Hekhalot* literature on fol. 75d, *אני אלקנה ראיתיה במעשה מרכבה וכו'*. The *she'elat halom* (involving the angels Sandalfon and Gabriel) is found in Elqanah’s hand at the bottom of fol. 146r (although it is shifted on the page), after a series of halakhic discussions and rulings that Elqanah had copied in the name of Rabiah (on fols. 144r–146r). See also my *Peering through the Lattices*, pp. 147 n. 37, 183–84 n. 115, 234 n. 40.

been documented),⁶³ requests that he receive a dream that will provide support for his halakhic position. Ultimately, Rava provides his own support, but the dream possibility remains available, if elusive. These *sugyot*, however, are located in relatively “out of the way” places, and do not have the usual range of medieval comments on them (including comments by *Tosafot*).⁶⁴

Nonetheless, the respect that the Tosafists had for dreams as potential sources of halakhic guidance (as opposed to relying on larger heavenly phenomena) may perhaps be confirmed on the basis of the other (more heavenly) side of the equation. In several places within the Talmud, *Tosafot* considers the effectiveness of a *bat qol*, or of the (physical) appearance of Elijah, even in matters of Jewish law. The Talmud, for example, indicates that the law typically follows the school of Hillel rather than that of Shammai, because a *bat qol* emerged and declared this to be so. *Tosafot* immediately questions this assertion based on the principle of *lo ba-shamayim hi*, but concludes that the halakhic primacy of the school of Hillel had already been determined by a proper, binding majority. The heavenly voice was simply ratifying or amplifying this conclusion.⁶⁵

Similarly, *Tosafot* maintains that Elijah the prophet, as an angelic figure who may appear in an earthly venue, cannot himself issue halakhic decisions and rulings at that time. He can, however, help to elucidate difficult questions, and thereby point the (human) decisors in the right direction.⁶⁶ In these instances, the Tosafists were unwilling to allow the heavenly signs or indicators to play a significant role in determining

⁶³ See I. Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud* (Jerusalem, 1999), 1: 35–40, and A. Grossman, *Hakhmei Ashkenaz ha-Rishomim* (Jerusalem, 1981), pp. 418, 423.

⁶⁴ See also *Menahot* 84b (with regard to *bikkurim*), *Bekhorot* 5a, and *Bekhorot* 56a (regarding *ma'aser*), where the appearance of R. Yohanan in a dream is deemed to be significant. Although Rashi to *Bekhorot* 56a suggests that this is mostly a matter of encouragement (i.e., seeing R. Yohanan causes or encourages the rabbinical scholar in question to offer a proper halakhic interpretation), the so-called *Perush Rabbenu Gershom* (= *Perush Magenza*) again appears to posit a larger role for these dream appearances in the formulation of the halakhic positions themselves. See also *Bava Batra* 143a, where the so-called commentary of Rabbenu Gershom (and see also *Perushei Rabbenu Gershom 'al Massekhet Bava Batra*, ed. Machon Or ha-Hayyim [Jerusalem, 1998], p. 311) gives the role of the dream greater weight than does Rashbam in his commentary, ad loc. For Rashi's (and Rashbam's) tendency toward lesser reliance on dreams, cf. above, n. 43.

⁶⁵ See *Tosafot Yevamot* 14a, s.v. *R. Yehoshua' hi*; *Tosafot Bava Mezia* 59b, s.v. *lo ba-shamayim hi*; *Tosafot Berakhot* 52a, s.v. *ve-R. Yehoshua'*; *Tosafot 'Eruvin* 6b, s.v. *kan*; *Tosafot Pesahim* 114a, s.v. *de-'amar*; *Tosafot Hullin* 44a, s.v. *ve-R. Yehoshu'a*.

⁶⁶ See *Tosafot Bava Mezi'a* 114a–b, s.v. *mahu*, and cf. above, n. 43.

the *halakhah*. They could provide confirmation for decisions already taken, or provide points of information, but they had no role in formulating any (final) rulings. On the other hand, the much wider role given to dreams (including oneiric *gilluyei Eliyyahu*) in medieval Ashkenazic rabbinical circles (within halakhic and talmudic contexts, and even at the point of meaningful textual interpretation or decision making) is striking, and is well beyond the status and authority accorded to dreams by other leading medieval halakhists, as we have seen.

Parallel to these interior dimensions, an understanding of the nature of dreams and visions within contemporary Christian society in northern Europe may provide additional perspective. The possibility of cultural interaction in these matters should not be overlooked, since there is ample reason to believe that the Jews were aware of some of the larger ideas and tendencies about dreams that were prevalent within Christian circles.⁶⁷ Although this investigation requires a separate study, it is helpful here to briefly point to two examples of how dreams were regarded by contemporary Christian figures.⁶⁸

Peter the Venerable (d. 1156, in Cluny) writes that he would only relate those oneiric experiences in which the holiness or nobility of his informant was unimpeachable (or if he himself was the one doing the dreaming). In his dream accounts, the dead are never intercessors to God on behalf of the living. They may, however, provide useful spiritual guidance and advice, and indicate why they were suffering in the hereafter.⁶⁹ Moreover, Guibert of Nogent-sous-Coucy (c. 1055–1125)

⁶⁷ For examples of similar interactions, see, e.g., my *Jewish Education and Society in the High Middle Ages*, pp. 69–73, 101–17; my “Progress and Tradition in Medieval Ashkenaz,” *Jewish History* 14 (2000): 287–315; Ivan Marcus, *Rituals of Childhood: Jewish Acculturation in Medieval Europe* (New Haven, 1996), passim; Talya Fishman, “The Penitential System of Hasidei Ashkenaz and the Problem of Cultural Boundaries,” *Journal of Jewish Thought and Philosophy* 8 (1999): 201–29; Ephraim Shoham-Steiner, “‘For a Prayer in This Place Would Be Most Welcome’: Jews, Holy Place and Miracles—A New Approach,” *Viator* 37 (2006): 369–95. I discuss the transfer of such “larger ideas” more expansively at the end of the first chapter in my *The Intellectual History of Medieval Ashkenazic Jewry*, above n. 13.

⁶⁸ On the links between medieval Christian dream theory and earlier patristic thought see, e.g., Steven Kruger, *Dreaming in the Middle Ages* (Cambridge, 1992), pp. 17–29, 41–44, 58–77, 83–105; Patricia Cox Miller, *Dreams in Late Antiquity* (Princeton, 1994), pp. 42–51, 59–73; and Jean-Claude Schmitt, “The Liminality and Centrality of Dreams in the Medieval West,” in *Dream Cultures*, ed. D. Shulman and G. Stroumsa (New York, 1999), pp. 274–79.

⁶⁹ See Schmitt, *Ghosts in the Middle Ages: The Living and the Dead in Medieval Society* (Chicago, 1998), pp. 71–75, and cf. above, nn. 5, 32–36.

presents a number of dreams, which he suggests had the capacity to predict the future, or to provide a window into the divine realm.⁷⁰

Included in Guibert's autobiography is a dream experienced by his tutor, in which a white-haired elderly man, of distinguished appearance and bearing, leads the young Guibert by the hand to the room of the sleeping tutor, promising that the tutor will love him very much and will instruct him well. Within the course of this dream, Guibert kisses the tutor, who returns his affection and agrees to become his teacher. Subsequently, the tutor has another dream vision in which the same old man with beautiful white hair appears to him, and criticizes in severe and specific terms Guibert's efforts at versification. The elderly man demands that the tutor account for himself, since Guibert has become too aware of (and enamored of) the style of pagan poets.⁷¹ These descriptions, together with his reports of dreams by others, occupy an important place in Guibert's autobiography.⁷²

Guibert's narratives call to mind some useful observations and distinctions about dreams and visions recently made by a number of medievalists that can be effectively applied to medieval Ashkenaz as well. A vision, in which clear messages were transmitted and the person who was asleep interacts with those who appear to him, was often accepted as a "real" message from the heavenly realm that was to be heeded. More common dream forms, however, were typically considered to be less significant, since they might well have been the result of the food that was consumed prior to retiring. Similarly, greater weight was given to the dream accounts of religious leaders and figures who experienced "higher" dreams as opposed to those of laymen although, to be sure, authentic visions might also be attributed to laymen as well, if other people saw or experienced them collectively or if the subject of the dream was a saint or holy place.⁷³

⁷⁰ See J. F. Benton, *Self and Society in Medieval France* (Toronto, 1984), introduction, pp. 18, 26.

⁷¹ See Benton, *op cit*, 45–46, 87–88.

⁷² Cf. *ibid.*, 79–80, 82–85, 92–96, 158–59, 177–78; Schmitt, "The Liminality and Centrality of Dreams," 281, 283; and above, nn. 9–11, 14.

⁷³ See, e.g., Valerie Flint, *The Rise of Magic in Early Medieval Europe* (Princeton, 1991), pp. 146–49, 193–99; Kruger, *Dreaming in the Middle Ages*, pp. 14–16, 119–30, 150–59; Schmitt, "The Liminality and Centrality of Dreams," 280–85; *idem*, *Ghosts in the Middle Ages*, pp. 40–52; Richard Finucane, *Miracles and Pilgrims: Popular Beliefs in Medieval England* (New York, 1995), pp. 33–34, 50–53, 63–67, 83–85; Mary Carruthers, *The Craft of Thought* (Cambridge, 2000), pp. 169–96; Isabel Moreira, *Dreams, Visions, and Spiritual Authority in Merovingian Gaul* (Ithaca, 2000), pp. 3–7, 29–34,

In sum, the (surprisingly) positive or receptive attitude that a number of Tosafists expressed with respect to the potential impact of dreams on the halakhic process, as well as the differences between them about how such dreams should be evaluated and classified, had much in common with the surrounding host culture, even as the Tosafist attitudes were clearly a function of their own rabbinical and mystical sensibilities. As leading students and teachers of talmudic law, the Tosafists were surely cognizant of the principle, *lo ba-shamayim hi*, “it is not in heaven.” As religious authorities of their age, however, they were more than willing to entertain the possibility that heavenly, dream-like contra-texts could nonetheless contribute to the halakhic enterprise, and to Jewish life and practice more broadly.

41–44, 74–75, 226–27. Cf. Jacques Le Goff, *Time, Work and Culture in the Middle Ages* (Chicago, 1980), pp. 201–4; idem, *The Medieval Imagination* (Chicago, 1988), pp. 193–229; Jeremy Cohen, *Living Letters of the Law* (Berkeley, 1999), pp. 274–305; P. Miller, *Dreams in Late Antiquity*, pp. 93–105, 117–23, 131–47; Monford Harris, *Studies in Jewish Dream Interpretation*, pp. 19–20; ms. Sasoon 290, fol. 612 (*she’elah be-haqiz ‘amitit u-menusah be-qabbalah mi-pi ha-Rav Shim’on ha-Gadol*); my *Peering through the Lattices*, pp. 135–36 n. 8; and above, n. 32. Note also the status of dreams as appropriate vehicles for considering literary issues. See Kruger, *op cit*, 130–40, and above, nn. 38–42.

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