

TALMUDIC STUDIES

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TRANSITIONS FROM THE EAST, AND THE NASCENT
CENTERS IN NORTH AFRICA, SPAIN, AND ITALY

The history and development of the study of the Oral Law following the completion of the Babylonian Talmud remain shrouded in mystery. Although significant Geonim from Babylonia and Palestine during the eighth and ninth centuries have been identified, the extent to which their writings reached Europe, and the channels through which they passed, remain somewhat unclear. A fragile consensus suggests that, at least initially, rabbinic teachings and rulings from *Eretz Israel* traveled most directly to centers in Italy and later to Germany (Ashkenaz), while those of Babylonia emerged predominantly in the western Sephardic milieu of Spain and North Africa.¹

To be sure, leading Sephardic talmudists prior to, and even during, the eleventh century were not yet to be found primarily within Europe. Hai ben Sherira Gaon (d. 1038), who penned an array of talmudic commentaries in addition to his protean output of responsa and halakhic monographs, was the last of the Geonim who flourished in Baghdad.² The family

¹ See Avraham Grossman, "Zik'atoh shel Yahadut Ashkenaz 'el Erets Yisra'el," *Shalem* 3 (1981), 57–92; Grossman, "When Did the Hegemony of Eretz Yisra'el Cease in Italy?" in E. Fleischer, M. A. Friedman, and Joel Kraemer, eds., *Mas'at Mosheh: Studies in Jewish and Moslem Culture Presented to Moshe Gil* [Hebrew] (Jerusalem, 1998), 143–57; Israel Ta-Shma's review essays in *Kryat Sefer* 56 (1981), 344–52, and *Zion* 61 (1996), 231–7; Ta-Shma, *Kneset Mehkarim*, vol. I (Jerusalem, 2004), 21–42; Robert Bonfil, "Myth, Rhetoric, History? A Study in the Chronicle of *Ahima'ats*," in M. Ben-Sasson, R. Bonfil, and J. R. Hacker, eds., *Culture and Society in Medieval Jewry* [Hebrew] (Jerusalem, 1989), 99–135; Bonfil, "Bein Erets Yisra'el le-Bein Bavel: Kavvim le-He'ker Toledot ha-Tarbut shel ha-Yehudim be-Italyah ha-Deromit ube-Eiropah ha-Notsrit Bimei ha-Benayim ha-Muqdamim," *Shalem* 5 (1987), 1–30; Bernard Septimus, *Hispano-Jewish Culture in Transition* (Cambridge, MA, 1982), 80–9; and cf. Robert Brody, *The Geonim of Babylonia and the Shaping of Medieval Jewish Culture* (New Haven, 1998), 166–70, 202–32.

² See Brody, *Geonim of Babylonia*, 263–82.

of Hanan'el ben Hushi'el (d. 1056) originated in southern Italy, but Rabbenu Hanan'el himself, author of an extensive commentary that covered most of the tractates within the talmudic orders of *Mo'ed*, *Nashim*, and *Nezikin*, lived in Qairwan, North Africa.³

R. Isaac Alfasi (Rif, 1013–1103) hailed from Fez, reaching Lucena (in Andalusia) only toward the end of his career in 1088, although it is possible that parts of his halakhic compendium – known variously as *Sefer Halakhot* [*Rabbati*] or *Hilkhot ha-Rif* – that excerpted, interpreted, and crafted large portions of the Talmud in halakhic terms (often at odds with the approaches of R. Hai and other Geonim), were composed or revised after Rif reached Muslim Spain. Alfasi's leading student, Yosef ha-Levi ibn Megas (Ri Migash, 1077–1141), composed his talmudic commentaries (and responsa) in Andalusia. Ri Migash's comments are extant for only two tractates, although he interpreted seven additional tractates at least partially, excerpts of which are cited in later works.⁴

On balance, these early Sephardic authorities favored halakhic compendia and responsa as the vehicles through which to transmit their talmudic interpretations, although, to be sure, Rabbenu Hanan'el's commentaries were cited extensively in later Spanish commentaries, and by Ashkenazic *Tosafot* as well.⁵ At the same time, Rabbenu Hanan'el (followed by Rif) pointedly refrains from commenting on the talmudic order of *Qodashim*, which is centered on the sacrificial system. Moreover, Rabbenu Hanan'el asserts that the main goal of talmudic study in his day is to provide practical halakhic conclusions.⁶

³ See *Sefer ha-Qabbalah*, ed. G. D. Cohen (Philadelphia, 1967), 63–4, 77–8; Eliyahu Ashtor, *The Jews of Moslem Spain* (Philadelphia, 1973), 429–31 (n. 14); Israel Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, vol. I (Jerusalem, 1999), 120–39. For the talmudic works of Rabbenu Hanan'el's contemporary Nissim b. Jacob, which have not survived as fully but were nonetheless influential, see Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 129–45.

⁴ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 173–85, and Ta-Shma, *Kneset Mehkarim*, vol. II (Jerusalem, 2004), 15–57. R. Isaac Ibn Giyyat (1030–88), a student of Samuel ha-Nagid (d. 1056), headed the academy at Lucena prior to Rif's arrival. He apparently composed an extensive talmudic commentary that is referred to in the Cairo Genizah and elsewhere, of which only fragments have survived (especially to *Bava Metsi'a*). See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 162–6, and below, n. 79. Some of Ibn Giyyat's halakhic writings and responsa were published under the title *Sha'arei Simbah* (Jerusalem, 1944).

⁵ See Ta-Shma, *Kneset Mehkarim*, I, 43–61.

⁶ See Shraga Abramson, *Perush Rabbenu Hanan'el la-Talmud* (Jerusalem, 1995), 31–2, 48–9, 146–8. See also A. Grossman, “Yetsiratam ha-Hilkhatit shel Hakhmei Sefarad,” in Haim Beinart, ed., *Moresbet Sefarad* (Jerusalem, 1992), 150–66; Isadore Twersky, *Introduction to the Code of Maimonides* (New Haven, 1980), 164–5, 204–5; Mordechai Breuer, *Ohalei Torah* (Jerusalem, 2004), 83–6, 164–5; and E. Kanarfogel,

Firm evidence for talmudic studies in Christian Europe begins to emerge in Italy during the late ninth century. Members of the Qalonymus family (which originated in southern Italy and made its way north to Lucca, in Lombardy) engaged in talmudic as well as mystical studies, and in the composition of liturgical poetry (*piyutim*). An Ashkenazic foundation legend reports that a number of Qalonymides were brought to Mainz by a Christian ruler in the late ninth or early tenth century, although it is entirely possible that these figures emigrated on their own.⁷

In any event, R. Meshullam ben Qalonymus, who lived for most of his life in Lucca, arriving in Mainz only in the mid to late tenth century, composed a commentary to Avot, a vocalization of mishnaic texts, and several responsa, in addition to *piyutim*. Meshullam's responsa focus primarily on underlying talmudic texts and identifying the halakhic guidelines that emerge from them, and serve as a model for the responsa and rulings of his better-known successors in Mainz, Rabbenu Gershom ben Judah (960–1028), and his student, Judah ha-Kohen, author of the legal compendium, *Sefer ha-Dinim*.⁸

R. Meshullam's rulings (and those of his successors) tended to privilege Tannaitic sources over Amoraic ones, an approach that falls largely into disuse by the twelfth century. This perhaps reflects the perceived linkage between early Ashkenazic rabbinic teachings and those of *Eretz Israel* during the post-talmudic period. At the same time, R. Meshullam bases his rulings primarily on the Babylonian Talmud rather than the Palestinian Talmud, which apparently had reached Europe only partially. R. Meshullam turns to the writings of Sherira Gaon in Baghdad (d. 1005) in order to explain

“Study of the Order of *Qodashim* and the Academic Aims and Self-Image of Rabbinic Scholars in Medieval Europe,” in Y. Ben-Na'eh, Jeremy Cohen, Moshe Idel, and Yosef Kaplan, eds., *Assufah le-Yosef: Studies in Jewish History Presented to Joseph Hacker* (Jerusalem, 2014), 68–91. *Hulin* and the fourth chapter of *Menahot* are concerned largely with practical halakhic matters (*kasbrut*, and the precepts of *tefilin*, *mezuzah*, and *tzizit*), as are *Berakhot* (in the order of *Zera'im*) and *Nidah* (in *Tahorot*). The commentary to tractate *Zevahim* attributed to Rabbenu Hanan'el was not written by him. See Abramson, *Perush Rabbenu Hanan'el*, 61, 338; and M. M. Kasher and D. B. Mandelbaum, *Sarei ha-Elef* (Jerusalem, 1979), I, 314.

⁷ See Ivan Marcus, “The Foundation Legend of Ashkenazic Judaism,” in J. Magness and S. Gitin, eds., *Hesed ve-Emet: Studies in Honor of Ernest S. Freirichs* (Atlanta, 1998), 409–18. Cf. Kenneth Stow, “By Land or By Sea: The Passage of the Kalonymides to the Rhineland in the Tenth Century,” in S. Menache, ed., *Communication in the Jewish Diaspora* (Leiden, 1996), 59–72; A. Grossman, *Hakhmei Ashkenaz ha-Rishonim* (Jerusalem, 1981), 27–48.

⁸ See Grossman, *Hakhmei Ashkenaz ha-Rishonim*, 49–72, 76–8, 199–206; and Simcha Emanuel, “Seridim Hadashim mi-Sefer ha-Dinim shel R. Yehudah ha-Kohen,” *Kovets 'al Yad* (n.s.), 20 (2011), 81–103.

a difficult talmudic passage, and he cites other Geonic responsa on at least three occasions, a significant number given the relatively small sample of R. Meshullam's responsa that has survived.⁹ It should also be noted that R. Meshullam reaches Germany at the same time that Moses ben Hanokh was establishing a center of talmudic study and interpretation in Cordoba, the capital of Andalusia in Muslim Spain.¹⁰

By the eleventh century, talmudic commentaries can be detected in Byzantium. Genizah documents point to *perushim Romiyim*, commentaries composed at the academy in Rome, to several tractates in the order of *Mo'ed* (*Rosh ha-Shanah*, *Ta'anit*, and *Shabat*), and perhaps to tractates in other parts of the Talmud as well.¹¹ These commentaries are similar in form to the so-called *Perushei Magentsa* ("Mainz commentaries") that will be discussed shortly.

Nathan ben Yehi'el of Rome (d. 1103), who composed his talmudic lexicon *Sefer ha-'Arukh* during the last third of the eleventh century, was aware of these commentaries. In addition to his seminal linguistic observations, Nathan deals with establishing the correct text of the Talmud, and he incorporates both Geonic interpretations and earlier European commentaries (including those attributed to Rabbenu Gershom and his colleagues in Mainz), as well as those of Rabbenu Hanan'el ben Kairwan.

R. Nathan does not merely define and discuss difficult words in his *Sefer ha-'Arukh*; he also explains the context of the talmudic *sugya* (pericope) in which they appear, including lengthy citations of the passage in question. Although R. Nathan's purpose in composing his massive work may have been to help the students whom he taught at the academy in Rome (where his father R. Yehi'el served as *rosh yeshiva* before him), there are several interesting Latin glossaries or encyclopedias that were composed in Italy in the prior period which may have provided cultural models for R. Nathan's work.¹² Moreover, the impact of Byzantine rabbinic culture on the rabbinic scholars in Germany during the pre-Crusade period is probably more significant than has been imagined. In any case, *Sefer 'Arukh* was cited in Germany already in the late eleventh century by Solomon ben Samson of Worms. Rashi (1040–1105) also includes material from the *'Arukh* on several occasions, albeit without attribution.¹³

⁹ See Grossman, *Hakhmei Ashkenaz ha-Rishonim*, 73–5.

¹⁰ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 31. Cf. Abraham ibn Daud, *Sefer ha-Qabbalah* [The Book of Tradition], ed. and trans. G. D. Cohen (Philadelphia, 1967), 63–8, and Cohen's editor's introduction, xvi–xxv.

¹¹ See I. Ta-Shma, *Kneset Mehkarim*, vol. III (Jerusalem, 2005), 317–21.

¹² See *ibid.*, 3–8; and Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 217–21.

¹³ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 219; and cf. Grossman, *Hakhmei Ashkenaz ha-Rishonim*, 216 n. 275, 247.

The earliest efforts at sustained talmudic interpretation in Germany were begun by Gershom ben Judah. Best known for the supra-communal ordinances enacted under his auspices, Rabbenu Gershom, whose place of origin remains unclear, also composed responsa that relied, as noted, not only on talmudic *sugyot* but also on mishnaic formulations, biblical verses, and prayer texts.¹⁴ In addition, Rabbenu Gershom interpreted many talmudic tractates during his tenure as the head of the academy at Mainz. The commentaries that bear his name in the standard editions of the Babylonian Talmud (to *Ta'anit*, *Bava Batra*, *Menahot*, *Bekhorot*, *'Arakhin*, *Temurah*, *Keritot*, *Me'ilah*, *Tamid*, and *Hulin*) are actually compilatory commentaries that added material to Rabbenu Gershom's initial comments. These commentaries were composed in the academy at Mainz throughout the eleventh century, and were initiated by two students of Rabbenu Gershom, Eli'ezer ben Isaac ha-Gadol and Ya'akov ben Yaqar.¹⁵

The fact that the so-called *Perushei Magentsa* have survived, for the most part, for tractates on which Rashi's commentary is not available suggests that the Mainz commentaries originally encompassed much of the Talmud, but fell into disuse after Rashi's talmudic commentaries were composed and circulated. The style of *Perushei Magentsa* is paraphrastic, briefly summarizing the contents of the *sugya* in its own terms. These commentaries reflect the nature of talmudic study in Mainz at this time, and suggest that the primary goal was to master as much of the content of the Talmud as possible (*beki'ut*, as opposed to probing methodological questions or comparisons to other bodies of rabbinic literature, approaches characterized by the term *'iyun*). Rashi, on the other hand, does not typically paraphrase the *sugya*, although he also does not engage much in *'iyun* either, a role that was left to his Tosafist successors. Moreover, Rashi's talmudic commentaries do not reflect the internal discussions of his academy but were directed to a wider audience of readers, beyond the walls of any particular educational institution.¹⁶

Rashi studied in Mainz with Ya'akov ben Yaqar, and cites comments from him on some ten tractates.¹⁷ Although the other leading eleventh-century Rhineland academy at Worms does not seem to have produced fully fledged commentaries akin to the so-called *Perushei Magentsa*,

¹⁴ See Grossman, *Hakhmei Ashkenaz ha-Rishonim*, 106–16, 132–58. See also, e.g., *Teshuvot Rabbenu Gershom*, ed. S. Eidelberg (New York, 1955), 98–101 (#32–3).

¹⁵ See Grossman, *Hakhmei Ashkenaz ha-Rishonim*, 165–74.

¹⁶ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 32–40 and 41–4.

¹⁷ See Grossman, *Hakhmei Tsarefat ha-Rishonim*, 126–38.

individual rabbinic scholars offered interpretations within their lectures, including another of Rashi's teachers, Isaac ben Eleazar ha-Levi. Rashi's older contemporary, Solomon ben Samson (known also by the acronym ר'ששון) – who also studied at both Mainz and Worms as Rashi had, but perished in 1096 during the First Crusade – put forward a number of talmudic comments, several of which are included by Rashi in his commentary to tractate *Hulin*.¹⁸

Moreover, Solomon ben Samson authored a number of responsa in which his analysis of diverse passages in the Babylonian Talmud adumbrates the comparative (dialectical) method of the Tosafists. Indeed, the commentary attributed to Rashi on tractate *Nazir*, which occasionally compares and contrasts other *sugyot* in the style of the Tosafists, was probably composed in Worms during the second half of the eleventh century.¹⁹

RASHI'S TALMUDIC COMMENTARIES

Rashi spent no more than a decade studying in the Rhineland at Mainz and Worms, returning to his native Troyes (in northern France) shortly after 1070. In addition to his commentaries to the Torah and much of the remainder of the Bible, which were generally completed later in his lifetime, Rashi produced commentaries to almost all the tractates of the Talmud. From the first printing of the Talmud in 1484, no edition of the Talmud has ever appeared without Rashi's commentaries. Like the commentaries that were produced in Mainz during the eleventh century, Rashi's commentaries are remarkably brief, and seek to provide fundamental and close explanations (*peshat*) of the talmudic text.²⁰

¹⁸ See *ibid.*, 225–6; Grossman, *Hakhmei Ashkenaz ha-Rishonim*, 327–34; and cf. *Arugat ha-Bosem*, ed. E. E. Urbach, vol. IV (Jerusalem, 1963), 15–16.

¹⁹ See Grossman, *Hakhmei Ashkenaz ha-Rishonim*, 343–4, 412–15; Grossman, *Hakhmei Tsarefat ha-Rishonim* (Jerusalem, 1995), 447–50; Y. N. Epstein, “Perushei ha-Riban u-Perush Vermaiza,” *Tarbiz* 4 (1933), 167–8; and cf. R. Reiner, “Le-hitqabbalato shel Sefer ‘Halakhot Gedolot’ be-Ashkenaz,” in H. Kreisel, ed., *Study and Knowledge in Jewish Thought* (Beersheva, 2006), II, 95–121. The impact of this development on the formation of Tosafist dialectic will be discussed further below.

²⁰ On the order of Rashi's talmudic (and biblical) commentaries (and the problematics involved in determining their order), see, e.g., Yonah Fraenkel, *Darko shel Rashi be-Perusho la-Talmud ha-Bavli* (Jerusalem, 1980), 273–4, 284; Shamma Friedman, “Perush Rashi la-Talmud, Haggahot u-Mahadurot,” in *Rashi: 'Iyyunim be-Yezirato* (Ramat Gan, 1993), 147–75; and *Perush Rashi le-Massekhet Megillah*, ed. A. Ahrend (Ramat Gan, 2008), editor's introduction, 18–25. Rashi explicitly indicates that he interpreted one tractate before (or after) another in only a few instances. Clearly, however, the order in which Rashi composed his talmudic commentaries did not follow the order of the Talmud

A rather unique feature, however, is Rashi's ability to incorporate the language of the Talmud into his commentary, and thereby to weave his commentary into the text of the Talmud itself so that the two became almost inseparable. Rashi also anticipates the conclusion of a *sugya* (or material from a subsequent *sugya*), referring to it early on in order to introduce the reader to difficulties or concepts that will arise later; and Rashi even telegraphs how not to interpret a particular passage. These features allow the reader to try his own hand at interpreting the Talmud, using Rashi's commentary as a way of navigating and checking his progress.²¹

As opposed to the approach of Rabbenu Hanan'el of Kairwan, whose commentaries preceded those of Rashi by only a few decades, Rashi does not attempt to offer halakhic rulings or conclusions. His halakhic opinions appear in his responsa, although many of his practices and rulings are also included within the works of the so-called *sifrut de-bei Rashi* (such as *Sefer Oreh* and *Mahzor Vitri*), which were initially compiled by Rashi's students and successors.²²

In interpreting difficult talmudic terms, Rashi makes use of a wide range of realia-based information; this tendency is also evident in the many French *le'azim* (vernacular terms) that are included.²³ At the same time, Rashi does not address larger issues of talmudic interpretation and ideology or underlying principles, such as the issue of anthropomorphism or the nature of the Oral Law. He interprets each *sugya* as it appears in the context at hand, and is unconcerned with different developments that might occur in other versions of the *sugya* found in different tractates.

This last methodological point may provide the best explanation for the seeming contradictions that occasionally appear in the differing approaches that Rashi takes to the same basic *sugya* as it appears in different

itself. While some have suggested that the order of Rashi's commentaries is best determined by gauging the extent of their development and exegetical "maturity," others have argued that the distance (or lack of distance) between Rashi and the interpretations of his teachers (as he cites them) may hold the key. It is interesting to note that these methods lead to opposite conclusions with respect to Rashi's commentary on *Bava Kama* (which is considered to be exegetically mature, even though Rashi typically ratifies the approaches of his teachers in this tractate with hardly any disagreement). On the scope of Rashi's talmudic commentaries, see Grossman, *Hakhmei Tsarefat ha-Rishonim*, 216–18.

²¹ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 41–4.

²² See *ibid.*, 45–6, 49–50; Grossman, *Hakhmei Tsarefat ha-Rishonim*, 218–23, 234–43; and *Perush Rashi le-Massekhet Megillah*, ed. Ahrend, 91–2.

²³ See, e.g., Ezra Shereshevsky, *Rashi: The Man and His World* (New York, 1982); Yizhak Baer, "Rashi voha-Metsi'ut ha-Historit shel Zeman," *Zion* 20 (1960), 320–32; and Moshe Catane, *Otsar ha-Le'azim shebe-Perushei Rashi 'al ha-Talmud* (Jerusalem, 1982).

tractates. No real evidence exists for any fundamentally re-worked editions of Rashi's commentaries, even as he apparently reviewed and adjusted them.²⁴ It is also unlikely that these contradictions represent the different ways that he taught certain passages over the years, since his talmudic commentaries – as noted above – do not reflect the way that Rashi actually taught these texts, but rather the way that he chose to present and to interpret them in written form. Rather, these contradictions are the result of Rashi's insistence on interpreting each individual *sugya* in the clearest and most precise way possible within its local literary context, without concern for correlating this exegetical material with what is found elsewhere.²⁵

At the same time, Rashi does attempt to place individual *sugyot* within the larger context of the tractate in which they appear, and he often seeks to establish the correct text of the Talmud as he offers his interpretations. The texts of Rashi's commentaries themselves display a range of variants, and there is some disparity between Ashkenazic and Sephardic manuscripts (or recensions) of Rashi's commentaries. We possess critical editions of Rashi's commentaries for only a few tractates; completion of this project remains a desideratum.²⁶ Such editions might also further clarify the extent to which Rashi was aware of the Talmud Yerushalmi. Irrespective of the differing views within modern scholarship, Rashi's use of the Yerushalmi was not extensive, suggesting that many tractates of the Talmud Yerushalmi still had not reached northern Europe by Rashi's day.²⁷

²⁴ It is also possible that some of Rashi's closest students (and relatives), such as Riban, R. Shemayah, and Rashbam, offered their own addenda or corrigenda to Rashi's talmudic commentaries, as was the case for his biblical commentaries. See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 50–4; Grossman, *Hakhmei Tsarefat ha-Rishonim*, 223–34; and cf., e.g., Jordan Penkower, "Haggahot Rashi, Hagahot Talmidav, ve-Haggahot Anonimiyot be-Perush Rashi le-Sefer Yehoshu'a," *Shenaton le-He'eker ha-Migra veba-Mirzrah ha-Kadum* 16 (2006), 205–29; Penkower, "Hagahot Rashi le-Perusho la-Torah," *Jewish Studies Internet Journal* 6 (2007), 141–88; and Penkower, "Hagahot Rashi le-Perushav le-Yehoshua' veli-Melakhim," *Iyunei Mikra u-Parshanut* 8 (2008), 335–83.

²⁵ See Fraenkel, *Darkho shel Rashi be-Perusho la-Talmud ha-Bavli*, 284–98.

²⁶ See Yirmiyahu Malhi, "Perush Rashi le-Masekhet Berakhot" (Ph.D. diss., Bar Ilan University, 1983); Dov Fogel, "Perush Rashi le-Masekhet Bava Metsi'a" (Ph.D. diss., Bar Ilan University, 1992); Yaakov Fuchs, "Perush Rashi le-Masekhet Mo'ed Katan" (Ph.D. diss., BIU, 2007); *Perush Rashi le-Masekhet Megillah*, ed. Ahrend; and Ahrend, *Perush Rashi 'al Masekhet Rosh ha-Shanah* (Jerusalem, 2014).

²⁷ See Michael Higger, "The Yerushalmi Quotations in Rashi," in H. L. Ginsberg, ed., *Rashi Anniversary Volume* (New York, 1941), 191–217; E. E. Urbach, *Ba'alei ha-Tosafot* (Jerusalem, 1980), II, 705–6; A. Grossman, *Hakhmei Tsarefat ha-Rishonim*, 247 n. 389; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 47–8. The explicit citation of passages in the Yerushalmi by Rashi in his Torah commentary is also rather limited; see, e.g., *Perushei Rashi 'al ha-Torah*, ed. H. D. Chavel (Jerusalem, 1983), 626. For a suggestive

One of Rashi's northern French predecessors, Isaac ben Menahem, offered brief interpretations and rulings that are cited on occasion by Rashi,²⁸ as did Rashi's contemporary, Elyaqim ben Meshullam ha-Levi of Mainz.²⁹ However, any "competing" Ashkenazic commentaries produced in Rashi's day were generally ignored within Franco-Germany. At least one such commentary made its way east, and is known only from the Cairo Genizah.³⁰

TWELFTH-CENTURY TOSAFISTS AND THEIR METHODS

The First Crusade dealt a significant blow to the academies and communities of Mainz and Worms and their environs. Nonetheless, the communities experienced a relatively rapid recovery. By the middle of the twelfth century, the academies were re-opened with prominent rabbinic scholars once again serving as academy heads. In addition, the academy at Speyer – which was not as deeply affected by the First Crusade, owing to the establishment of Speyer as a city only in 1084 and the resulting effectiveness of the protection for its Jews in 1096³¹ – now became more prominent. Indeed, Speyer sees several important scholars from the academies of Worms (and Cologne) settle there in the early twelfth century, where they lived side by side with several Qalonymides including Samuel ben Qalonymus (b. 1115), who went on to become a leader of the German Pietists.³²

case study, see Rashi's comment to *Berakhot* 17a, s.v. *ha-'oseh shelo lishmah*. After initially defining the meaning of the phrase *Torah shelo lishmah* found within the *sugya*, the commentary cites a contradictory passage in *Pesahim* 50a and proceeds to resolve the seeming contradiction, citing a Yerushalmi passage in support. However, in the manuscripts of Rashi's commentary (e.g., MS British Museum 409, fol. 9v; MS Parma [de Rossi] 1309, fol. 15r; MS Vatican 229, fol. 290v), nothing past the initial definition established by Rashi is found. Rather, a passage from *Tosafot R. Yehudah (be-Hasid) b. Yitshaq Sirleon* (ed. Nisan Zaks [Jerusalem, 1972], I, 197) appears to have been inserted. Judah Sirelon passed away 120 years after Rashi (in 1224), by which time (much of) the Yerushalmi had reached northern France (and Germany). See Urbach, *Ba'alei ha-Tosafot*, I, 255–6, 300–5, 371, 377, 395, 405, 432; II, 703–12.

²⁸ See Grossman, *Hakhmei Tsarefat ha-Rishonim*, 113–20.

²⁹ See Grossman, *Hakhmei Ashkenaz*, 221–3, and Ta-Shma, *Ha-Sifrut ha-Parshanut la-Talmud*, I, 56–58.

³⁰ See A. Ahrend, "Qeta'im mi-Perush 'Atik 'al Masekhet Rosh ha-Shanah," *Kovets 'al Yad* 18 (2005), 123–38.

³¹ See, e.g., Robert Chazan, *Church, State and Jews in the Middle Ages* (West Orange, 1980), 57–63, 133–41; and Chazan, *In the Year 1096: The First Crusade and the Jews* (Philadelphia, 1996), 16–27, 61–3, 93–4.

³² See Grossman, *Hakhmei Ashkenaz ha-Rishonim*, 436–8, and Matania Ben-Ghedalia, "The Rabbinic Sages of Speyer in the Era of the First Crusade" (Ph.D. diss., Bar-Ilan University, 2007), 298–309.

Isaac ben Asher ha-Levi of Speyer (Riba ha-Zaken, d. 1133) is considered to be the earliest Tosafist. Tosafist methodology is characterized by a close reading of the text of the Talmud. Its first goal is to clarify the meaning of the talmudic passage (in terms of both phrasing and internal logic), and then to compare and contrast the passage at hand with the rest of the talmudic (and rabbinic) corpus. Although Rashi's commentary is frequently the departure point for Tosafist analysis – and is also subjected to close study – the comments of the Tosafists were often made directly on the text of the Talmud. Indeed, the running comments or glosses produced by the Tosafists are known simply as *Tosafot* (“addenda”). Fragments of Riba's *Tosafot* have survived, and are cited by one of the first leading Tosafists in northern France, Jacob Tam ben Meir of Ramerupt (1100–71).³³

Eliezer ben Nathan (Raban) of Mainz, an older contemporary of Rabbenu Tam, composed a work of talmudic interpretation and Jewish law (*Even ha-Ezer*, known also as *Sefer Raban*), which contains responsa as well as comments to specific talmudic tractates and passages. *Sefer Raban* typifies the German approach during the twelfth and thirteenth centuries toward talmudic interpretation and halakhic analysis, including somewhat more muted dialectical formulations.³⁴

As noted above, it is possible already in the late eleventh century to detect nascent forms of dialectic at the academy of Worms. What occurs in the twelfth century in Germany, and especially in northern France, is that the dialectical method which held partial sway within one pre-Crusade academy becomes the dominant method and form of talmudic study at the highest level.³⁵ Modern scholarship has debated the impact that Christian dialectic, and the twelfth-century Renaissance more broadly, had on Jewish learning.³⁶

³³ See, e.g., Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 1:I, 66–70; Grossman, *Hakhmei Tsarefat ha-Rishonim*, 442–7; Urbach, *Ba'alei ha-Tosafot*, I, 165–73; Haym Soloveitchik, “Yaynam–Divrei Teguvah,” *Zion* 70 (2005), 534–5; and Ben-Ghedalia, “The Rabbinic Sages of Speyer,” 85–107.

³⁴ See Avidgor Aptowitz, *Mavo la-Rabiah* (Jerusalem, 1938), 49–57; Urbach, *Ba'alei ha-Tosafot*, I, 173–84; and Simcha Emanuel, *Sefarim Avudim shel Ba'alei ha-Tosafot* (Jerusalem, 2007), 52–9.

³⁵ See E. Kanarfogel, *Jewish Education and Society in the High Middle Ages* (Detroit, 2007), 69–74; and Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 32–44.

³⁶ See Urbach, *Ba'alei ha-Tosafot*, II, 44–52; Isadore Twersky (in his review of the first edition of *Ba'alei ha-Tosafot*), *Tarbiz* 26 (1957), 218–20; H. H. Ben-Sasson, “Hanhagatah shel Torah,” *Behinot be-Biqoret ha-Sifrut* 9 (1956), 41–6; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 93–117; Ta-Shma, “The Tosafist Academies and the Academic Milieu in France in the Twelfth and Thirteenth Centuries: Parallels that Do Not Meet,” in I. Etkes, ed., *Yeshivot and Battei Midrashot* [Hebrew] (Jerusalem, 2006), 75–84.

The possibility that scholars of canon (and Roman) law, who began to analyze the newly rediscovered digest of the Code of Justinian in the last third of the eleventh century, using a dialectical method quite similar in both form and function to that of the Tosafists, affected these talmudists in some way is more than reasonable. Although the Tosafists (with truly minor exceptions) did not read Latin, the concept of dialectical study could have been transmitted through conversation and discussion, especially given its existence within the literature of the Talmud itself, as well as its earlier manifestation in pre-Crusade Worms. Supporting the possibility of influence is the fact that the pre-Crusade *yeshivot* shared significant institutional characteristics with the Christian monastic schools. These include the methods of reading and collection that typified pre-Crusade rabbinic study and literature, and the notion that the academy and its locale were key factors in drawing students, just as leading monasteries were centered in particular locales. The Tosafist academies or *batei midrash*, on the other hand, had much in common with the scholastic methods and conventions of the cathedral schools, which were important centers only when leading masters taught there.³⁷

The most dynamic presence of Tosafists during the twelfth century is found in northern France. Descendants and students of Rashi – such as his sons-in-law, Judah ben Nathan and Meir ben Samuel, and Meir's sons, Rabbenu Tam and (his older brother) Samuel ben Meir (Rashbam), and their students, including Rabbenu Tam's leading student (and Rashi's great-grandson) Isaac ben Samuel (Ri) of Dampierre (d. 1189) – established the first systematic program of dialectical study.³⁸

Despite its claim of a northern French pedigree, the description of Ri's *bet midrash* recorded in the introduction to Menaḥem ibn Zerah's *Tsedah la-Derekh* (composed in Toledo, Spain, c.1370), in which sixty accomplished scholars sat before Ri (each of whom had thoroughly mastered a tractate of the Talmud) and raised with him any talmudic passages or concepts that related to – or conflicted with – his analysis of the talmudic text being taught, appears to be a legendary vignette that nonetheless plausibly accounts for the remarkable coverage of the talmudic corpus that typifies the Tosafist enterprise. Far fewer than 100 active figures are cited within *Tosafot* all told; individual Tosafist academies, which were

³⁷ See E. Kanarfogel, *The Intellectual History of Medieval Ashkenazic Jewry* (Detroit, 2013), 84–110.

³⁸ See Urbach, *Ba'alei ha-Tosafot*, I, 38–106, 220–53; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 58–62, 70–81, and vol. II (Jerusalem, 2000), 97–103; Kanarfogel, *Jewish Education and Society*, 68; and cf. H. Soloveitchik, “The Printed Page of the Talmud: The Commentaries and Their Authors,” in S. L. Mintz and G. M. Goldstein, eds., *Printing the Talmud* (New York, 2005), 37–42.

contained mainly in the homes of the teachers, rarely consisted of more than fifteen or twenty students. A relatively small number of Tosafists were able to produce an extensive literature by building on the work of their predecessors throughout the twelfth and thirteenth centuries, while creating the impression that a far larger number of scholars were involved in this process.³⁹

The comments and analyses of Rabbenu Tam and Ri were preserved by their students. Prior to his departure for Israel (c.1210) along with several Tosafist colleagues,⁴⁰ Ri's leading student, Samson of Sens, produced *Tosafot* [R. Shimson mi-] *Shants* which are considered to be among the most accurate *Tosafot* collections. As opposed to other such collections where a student was responsible for recording the words of his teacher, which the teacher might then review, R. Samson took it upon himself to compose his own *Tosafot*, which often included the precise formulations of his teacher Ri.⁴¹

Samson of Sen's *Tosafot* covered virtually all of the tractates in the "four orders" of the Talmud that contained *gemara* (*Mo'ed, Nashim, Nezikin*, as well as *Qodashim*). Moreover, R. Samson composed a commentary to the *Mishnayot* in the remaining two orders, *Zera'im* and *Tahorot*, perhaps also as a reflection of his abiding interest in the precepts and laws of the land of Israel. In any case, the model of the northern French Tosafist, as a *rosh yeshiva* who was intent on mastering (and teaching) the talmudic corpus in its entirety, including those tractates whose legal essence was not currently in vogue, is well represented by the oeuvre of Samson of Sens.⁴² Arguably, the creative period of the Tosafists in northern France ends not with the

³⁹ See Jacob Katz, *Halakhah ve-Qabbalah* (Jerusalem, 1986), 348; Mordechai Breuer, "Le-Heqer ha-Tipologiyyah shel Yeshivot ha-Ma'arav Bimei ha-Beinayim," in I. Etkes and Y. Salmon, eds., *Studies in the History of Jewish Society in the Medieval and Early Modern Periods* (Jerusalem, 1980), 45–55; and Kanarfogel, *Jewish Education and Society*, 66–7.

⁴⁰ See, e.g., E. Kanarfogel, "The 'Aliyyah of 'Three Hundred Rabbis' in 1211: Tosafist Attitudes Toward Settling in the Land of Israel," *Jewish Quarterly Review* 76 (1986), 191–215; and Elhanan Reiner, "Aliyah ve-'Aliyah le-Regel le-Erets Yisra'el, 1099–1517" (Ph.D. diss., Hebrew University, 1988), 39–40, 55–69.

⁴¹ The precision and authenticity of R. Samson's *Tosafot* were recognized by a number of subsequent leading medieval talmudists and halakhists, including Nahmanides (d. 1270) and R. Asher b. Yehi'el (d. c.1327). See, e.g., *Hiddushei ha-Ramban le-Masekhet Ketubot*, ed. E. Chwat (Jerusalem, 1993), editor's introduction, 31–8; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 19–29, 63, 73–4, 79–82; E. Kanarfogel, "Between Ashkenaz and Sefarad: Tosafist Teachings in the Talmudic Commentaries of Ritva," in E. Kanarfogel and M. Sokolow, eds., *Between Rashi and Maimonides: Themes in Medieval Jewish Thought, Literature and Exegesis* (New York, 2010), 237–73, esp. 249 n. 36, 266 n. 87.

⁴² See Urbach, *Ba'alei ha-Tosafot*, I, 271–312; and E. Kanarfogel, "The Scope of Talmudic Commentary in Europe During the High Middle Ages," in Lieberman and Goldstein, eds., *Printing the Talmud*, 43–52.

persecutions of the thirteenth century (such as the Trial of the Talmud in 1240 and beyond), but rather with the *'aliyah* of R. Samson.⁴³ In similar fashion, the writings of Raban of Mainz, his sons-in-law R. Samuel ben Natronai and R. Yo'el ha-Levi (d. c.1200), and his grandson Rabiah (d. c.1225), represent the most creative period of the German Tosafists during the twelfth century, although, as noted, their creativity expresses itself mainly in larger, free-standing, works, and in judicial decisions and consultations, and less through the genre of *Tosafot*.⁴⁴

TALMUDIC STUDY IN CHRISTIAN SPAIN

The Christian *Reconquista* in Spain had reached Toledo by 1085, although its further southward movement was significantly slowed by the Almohade invasion of southern Spain in 1147–8.⁴⁵ The earliest talmudists of Christian Spain were centered in Barcelona. Isaac ben Reuben was lauded by Abraham ibn Daud for his commentaries on several chapters of *Ketubot*, and to *'Eruvin*, neither of which is extant. A Genizah document mentions the *Ketubot* commentary, and there are also references to a commentary on *Avot* and on *Shabat*. Isaac ben Reuben translated R. Hai's work on commercial law (*Sefer Mekah u-Memkar*) into Hebrew from its Arabic original, and he authored glosses to the post-talmudic work on the laws of *teflin* (phylacteries) and related areas, known as *Shimusha Rabah*.⁴⁶

Judah ben Barzilai of Barcelona (c.1100) was an ancestor of Nahmanides. He was possibly a student of Isaac ben Reuben, and he may have been the teacher of Abraham ben Isaac Av Bet Din of Narbonne, who constantly refers to R. Judah's teachings in his halakhic compendium, *Sefer ha-Eshkol* (to be discussed below). R. Judah composed mostly halakhic works, of which only a few have survived. The most important of these is *Sefer ha-'Itim*, which deals with laws of the Sabbath and festivals, although only the section on the Sabbath has been published. His work on marriage and personal law, *Yihus She'er Basar*, is known only through a few citations. *Sefer ha-Din*, on civil and monetary law, has been partially published.

Despite the fragmentary fashion in which they have been preserved, R. Judah's works were cited in the northern French *Sefer ha-Oreh*

⁴³ See, e.g., Haym Soloveitchik, "Catastrophe and Halakhic Creativity: Ashkenaz – 1096, 1242, 1306, 1298," *Jewish History* 12 (1998), 71–85.

⁴⁴ See, e.g., Emanuel, *Sefarim Avudim shel Ba'alei ha-Tosafot*, 60–103; and E. Kanarfogel, "Rabbinic Leadership During the Tosafist Period: Between the Academy and the Rabbinic Court," in J. Wertheimer, ed., *Jewish Religious Leadership: Image and Reality* (New York, 2004), I, 267–76, 287.

⁴⁵ See, e.g., Septimus, *Hispano-Jewish Culture in Transition*, 1–2.

⁴⁶ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 168–70.

(associated with the “school of Rashi”), and in two late-twelfth-century Provençal works, *Sefer ha-Itur* by Isaac ben Abba Mari of Marseille, and *Temim De'im*, a compendium associated with the circle of Abraham ben David (Rabad) of Posquières. Judah of Barcelona also authored an important commentary on the early mystical work *Sefer Yetsirah*, in which he espoused a number of philosophical doctrines including the *Kavod hanivra*, through which the Divine image was revealed to the prophets. This commentary also included passages from a no longer extant Hebrew translation of Sa'adyah Gaon's commentary to *Sefer Yetsirah*.⁴⁷

The first talmudist of great note in Christian Spain was Meir ben Todros ha-Levi Abulafia of Toledo (Ramah, 1165–1244). The talmudic tradition in Andalusia, represented by Yosef ibn Megas, ended with his death in 1141. As Ibn Daud notes in his *Sefer Qabbalah*, the Almohade persecutions forced the leading rabbinic scholars of Andalusia to leave their homeland. Some, like the family of R. Maimon and his son Maimonides, ultimately moved south into North Africa and from there to Egypt. Most, however, fled northward, into Christian Spain and even into Provence. Toledo became the leading rabbinic center in Castile, and it is there that Ramah moved from his native Burgos.⁴⁸

Between the days of Ibn Megas and Ramah, little if any rabbinic literature was composed in Spain, and Ramah does not identify anyone as his direct teacher. Writing in the mid fourteenth century, Menaḥem ibn Zerah notes that the *Halakhot* of Alfasi, which were essentially a halakhic abridgment of the Babylonian Talmud, had become the focus of rabbinic and talmudic study in Christian Spain.⁴⁹ Ramah, on the other hand, wished to return to the study of the Talmud itself, which received the lion's share of his interest and literary activity, although he indicates that his aim was to present the halakhic conclusions that emerge from each *sugya*. He wrote on most of the tractates in *Nashim* and *Neziḳin*, although much of this has been lost. His *Yad Ramah* commentary has survived in full to *Bava Batra*, *Sanhedrin*, and *Ḳidushin*, and to parts of *Giṭin*. His comments on at least ten additional tractates are cited in the writings of others.

In addition, Ramah composed a Masoretic dictionary for the writing of a Torah scroll, and several related works. He also authored more than 300 responsa, of which fewer than 70 have survived. A number of his

⁴⁷ See *ibid.*, I, 134, 163, 193; II, 148; I. Ta-Shma, *R. Zerachyah ha-Levi Ba'al ha-Ma'or u-Bnei Hugo* (Jerusalem, 1992), 38–50; and I. Twersky, *Rabad of Posquières* (Philadelphia, 1980), 4–11, 248, 258, 278, 299.

⁴⁸ See Daud, *Sefer ha-Qabbalah*, ed. Cohen, 87–99, and the editor's introduction, xxvi; and Septimus, *Hispano-Jewish Culture in Transition*, 4–9.

⁴⁹ See Menaḥem b. Aaron Ibn Zerah, *Tsedah la-Derekh*, introduction, fol. 3b.

philosophical observations are included in his comments on aggadic passages in the Talmud, and he composed letters and responses during the “resurrection phase” of the Maimonidean controversy in the early years of the thirteenth century.⁵⁰

Ramah’s commentaries were composed in the Aramaic style of the Geonim, reflecting his adoption of the Geonic–Andalusian approach to talmudic study; and he cites a host of Geonic works. At the same time, however, Ramah frequently cites Rashi’s commentary, along with several comments by Rabbenu Tam (and Rashbam) and Riba ha-Levi of Speyer. Indeed, the author of *Tsedah la-Derekh* classifies Ramah’s work as *hidushim* (novella), more in the mold of the Tosafists than in the code-like approach of Sephardic figures such as Rambam (in his halakhic *magnum opus*, *Mishneh Torah*) or Isaac Alfasi.⁵¹

DEVELOPMENTS IN SOUTHERN FRANCE DURING THE TWELFTH CENTURY

The region between Ashkenaz and Sepharad, southern France, includes Provence, Languedoc, and Occitania. Although fragments of talmudic comments remain from the mid eleventh century, the first sustained Provençal talmudic writings appear only in the second quarter of the twelfth century. Some two dozen talmudists of note, mainly in Narbonne and Lunel, were active by this time. One of the best-known of these scholars is Moses ben Joseph (Rambi) of Narbonne, who wrote commentaries to most, if not all, of the “three (practical) orders” of the Talmud (*Mo’ed, Nashim, Nezikin*).⁵²

Remnants of Rambi’s commentaries have survived, however, only within the work of others, and it is difficult to assess his contribution fully. It appears that Rambi’s interpretations were often opposed to the approaches of Isaac Alfasi (whose impact in Provence was generally quite significant), and were more in consonance with the northern approach of Rashi and his Rhineland teachers. Indeed, a copy of the commentary to *Sefer Kodashim* that Rif’s leading student, Yosef ibn Megas, requested from the scholars of Narbonne (in a letter penned by Yosef’s eloquent friend, Yehudah ha-Levi) may well have been an Ashkenazic commentary that

⁵⁰ See Septimus, *Hispano-Jewish Culture in Transition*, 20–4; Ta-Shma, *Kneset Mehqarim*, II, 70–105.

⁵¹ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 11–19; Septimus, *Hispano-Jewish Culture in Transition*, 31, 134.

⁵² See B. Z. Benedikt, *Merkaz ha-Torah bi-Provence* (Jerusalem, 1985), 4–8, 34–52.

made its way south to Provence, rather than an indigenous commentary produced in that region.⁵³

The first leading Provençal rabbinic scholar of this period whose work has survived is Abraham ben Isaac (Rabi) 'Av Bet Din of Lunel and Narbonne (b. c.1080). R. Abraham studied in Narbonne, but he also studied in northern Spain with Judah ben Barzilai of Barcelona. Indeed, Abraham was greatly influenced by Judah, and he devoted himself to reworking his teacher's materials (which were based on *Hilkhot ha-Rif*, and expanded by the inclusion of significant amounts of Geonic material). Nonetheless, while R. Abraham's halakhic compendium, *Sefer ha-Eshkol*, betrays the influence of Judah of Barcelona in both content and style,⁵⁴ the surviving commentary by Rabi on *Bava Batra* reflects mainly the influences of Rashi and Rashbam, even though the works of Rif and Rabbenu Hanan'el are also heavily utilized. This seeming dichotomy may be due to the inherent methodological differences between talmudic studies and halakhic decision-making, although it may also be due to the fact that Rabi composed his talmudic commentaries after his halakhic compendium.⁵⁵

In any case, Rabi's commentaries heavily influenced the Provençal commentaries that followed, as we shall see.⁵⁶ He also produced a collection of responsa, in which he sometimes refers to the views or decisions of his *ḥaburah* in Narbonne, which connotes either the rabbinic court or a learned circle that he led.⁵⁷

While both Rabi and Rambam died *circa* 1160, their successors' writings have survived to a greater extent. *Sefer ha-Ma'or*, the major work of Zerachyah ben Isaac ha-Levi (Razah, 1115–86), has survived almost in its entirety. Razah and his family hailed from Gerona. At around the age of 20, he arrived in Narbonne, where he studied with both Rambam and Rabi. In 1145, Razah joined other talmudists who had gathered in Lunel. He

⁵³ See, e.g., Ta-Shma, *Rabbenu Zerachyah ha-Levi*, 37–8, and Benedikt, *Merkaz ha-Torah bi-Provence*, 18–19, 52 n. 145a.

⁵⁴ On the two different editions of *Sefer ha-Eshkol* (by Albeck and Auerbach), see e.g., Ta-Shma, *Rabbenu Zerachyah ha-Levi*, 40.

⁵⁵ See *ibid.*, 41–2. See also 45–6, regarding whether Rashi or *Tosafot* was the more crucial Ashkenazic commentary for Rabi (in terms of both citation and method), and cf. Shalem Yahalom, "Parshanut ha-Talmud shel Avraham b. Yitshaq Av Beit Din," *'Alei Sefer* 20 (2008), 29–55.

⁵⁶ Ta-Shma, *Rabbenu Zerachyah ha-Levi*, 46, notes that, while this is certainly the case for Provence, within northern Spain (and especially for *Hidushei ha-Ramban*), Rabi's son-in-law Rabad was much more influential in the realm of talmudic commentary. This assessment, however, has been questioned by Yahalom, "Parshanut ha-Talmud," on the basis of manuscript evidence. See now S. Yahalom, *Between Gerona and Narbonne* [Hebrew] (Jerusalem, 2013).

⁵⁷ See Ta-Shma, *Rabbenu Zerachyah ha-Levi*, 47–8.

worked on his *Sefer ha-Ma'or* there over the next forty years, returning to his native Gerona approximately two years before his death. Razah also produced a brief work on the laws of *shehitah* (ritual slaughter); a commentary to tractate *Kinim* that was, in effect, a critique of the commentary of Rabad of Posquières (whom we shall discuss next); *Sela ha-Mahloket* (or *Pithei Nidah*), a critique of Rabad's *Ba'alei ha-Nefesh* that dealt with the laws of *nidah*, family purity, and ritual immersion; and responsa, only a few of which have survived.⁵⁸

Razah's *Sefer ha-Ma'or* (a title that reflects his lengthy presence in Lunel; indeed, Zerayah is often referred to simply as the *Ba'al ha-Ma'or*) was arrayed by the printers of the standard editions of the Talmud as a critique of *Hilkhot ha-Rif*, which belies its scope. *Sefer ha-Ma'or* is a collection of commentaries to difficult *sugyot* that presents a range of interpretations beyond those that Rif considered in rendering his rulings.⁵⁹ Razah cites Rashi and Rabbenu Hanan'el, the Provençal talmudic and halakhic exegesis that preceded him, and other writings by Rif (as well as those of his student in Lucena, Yosef ibn Megas), in addition to the revolutionary Tosafist method in northern France that was championed by Rabbenu Tam, whose influence on Razah was perhaps greater than any of the other talmudists mentioned.

Indeed, Razah's preference for Ashkenazic talmudic methods and conclusions over those of Provence and Sepharad is at the core of his ongoing intellectual feud with Rabad, which earned him the sobriquet *zanav la-Tsarefatim* ("tail of the northern Frenchmen"). Razah's critical approach to talmudic interpretation, and his aim to derive creative yet well-based *hidushim* in Jewish law modeled in large measure on Rabbenu Tam, also includes a strong interest in establishing the correct text of the Talmud. Although, in this instance, Razah tended to favor the readings of Rif – since they were closer to those of Geonim and the early traditions of Sepharad which extended back to the talmudic period – Razah, like Rabbenu Tam, expended great effort in collecting and comparing superior textual readings.⁶⁰

⁵⁸ Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 196–8.

⁵⁹ Nonetheless, Razah acknowledges Rif's exalted position in the hierarchy of rabbinic scholarship. In accepting Rif's assertion that *tekhelet* was vital to fulfilling the precept of *tzizit* according to Torah law, Razah asserts that Rif's view must be followed, since he is a font of Divine knowledge ("ka'asher yish'al 'ish bi-devar ha-Elohim"); cited in Ta-Shma, *Rabbenu Zerayah ha-Levi*, 76).

⁶⁰ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 198–200. Cf., e.g., Razah's *Ha-Ma'or ha-Qatan* to the end of tractate *Rosh ha-Shanah* (where he puts forward a fairly radical approach to the structure of the *'Amidah* throughout *Rosh ha-Shanah*). Like Rabbenu Tam, R. Zerayah was also a prolific *paytan* (author of liturgical poems); see

The single best-known Provençal talmudist is Razah's contemporary Abraham ben David (Rabad, 1120–98). Rabad was the son-in-law of Rabi of Lunel. He studied there with him and R. Meshullam ben Jacob, and with Rambi in Narbonne.⁶¹ Rabad ultimately established his academy, which he maintained at his own expense, in his hometown of Posquières. His glosses to Maimonides's *Mishneh Torah* are widely known, and he critiqued the talmudic writings of Razah (in a work known as *Katuv Sham*), and Rif as well. In addition, Rabad authored a series of halakhic monographs (including his *Ba'alei ha-Nefesh*, which was noted above), and he composed an extensive set of commentaries to the Talmud (including several of the smaller tractates in *Seder Qodashim*), most of which are known only through their citation by others.⁶²

Naḥmanides cites Rabad in his own talmudic *hidushim* with great frequency, and Rabad emerges from these citations and passages, like Razah, as a highly independent talmudic exegete. Moreover, like Razah, Rabad was aware of and appreciated the talmudic methodology of

Isaac Meiseles, *Shirat ha-Ma'or* (Jerusalem, 1984), and cf. Meiseles, *Shirat Rabbenu Tam* (Jerusalem, 2012).

⁶¹ On the contributions of each of Rabad's teachers to his intellectual orientation and methodology, see, e.g., Twersky, *Rabad of Posquières*, 7–19. Additional work needs to be done in comparing Rabad's corpus to the *Sefer ha-Tur* by Isaac b. Abba Mari of Marseille. Indeed, this unusual compendium (which cites quite a bit from the work of Rabi) deserves a separate study. See Benedikt, *Merkaz ha-Torah bi-Provence*, 199–206, 215, 229–35; Haym Soloveitchik, "Rabad of Posquières: A Programmatic Essay," in Etkes and Salmon, eds., *Studies in the History of Jewish Society*, 27–9; and Avraham Reiner, "From France to Provence: The Assimilation of the Tosafists' Innovations in the Provençal Talmudic Tradition," *Journal of Jewish Studies* 65 (2014), 77–87.

⁶² Rabad's published commentaries include four in *Sefer Neziḳin*, on tractates *Bava Kama*, *Avodah Zarah*, *'Eduyyot*, and (a small part of) *Shevu'ot*. (The lone manuscript of his commentary to *Berakhot* was lost nearly a century ago; see S. Emanuel, *Shivrei Luḥot: Sefarim Avudim shel Ba'alei ha-Tosafot* [Hebrew] [Jerusalem, 2006], 305.) Evidence for Rabad's authorship of a host of commentaries on talmudic tractates in *Mo'ed* and *Nashim* (and in additional tractates in *Neziḳin*) is provided in Soloveitchik, "Rabad of Posquières," 7–40; and see also E. Lichtenstein, ed., *Hidushei ha-Rabad 'al ha-Shas (le-masekhtot Bava Kama, Shavu'ot, Kidushin)* (Jerusalem, 1997), editor's introduction, 7–12. For Rabad's halakhic monographs, see I. Twersky, *Rabad of Posquières*, 82–96. (Rabad also authored a commentary to *Sifra*, and to other *midreshei* Halakhah; see Twersky, 97–106, and see 117–25, for Rabad's critiques of Rif and *Ba'al ha-Ma'or*.) On the internal coherence of Rabad's corpus, his interpretation of a number of tractates within *Seder Qodashim*, and the possible parallels or relationship with German talmudic study at the end of the twelfth century, see Yaacov Sussmann, "Rabad on *Shekalim*: A Bibliographical and Historical Riddle" [Hebrew], in E. Fleischer, Gerald Blidstein, and Bernard Septimus, eds., *Me'ah She'arim: Studies in Medieval Jewish Spiritual Life in Memory of Isadore Twersky* (Jerusalem, 2000), 131–70; and Kanarfogel, "Study of the Order of Qodashim."

Rabbenu Tam, although he was more supportive of Rabbenu Tam's methods than his conclusions.⁶³ At the same time, Rabad, who also composed numerous responsa, was more inclined (as were Rabbenu Tam and other Tosafists) to review and revisit his halakhic decisions than was Razah, whose less flexible position in this regard reflects a Geonic-Andalusian orientation.⁶⁴

As opposed to both Razah and Rabad, who critiqued the work of Alfasi but also offered much in the way of original talmudic commentary, their younger contemporary, Yonatan ha-Kohen of Lunel,⁶⁵ appears to have focused his commentary almost exclusively on *Hilkhot ha-Rif*. Nonetheless, R. Yonatan also commented on every Mishnah, even those that were only briefly noted or even ignored by Rif. Moreover, R. Yonatan cites extensively from Rashi's talmudic commentary, even though Rashi never saw any portion of Alfasi's work and created a commentary that was vastly different from Alfasi's *Halakhot* in its exegetical approaches and goals.

R. Yonatan's joining of the works of Rif and Rashi was done ostensibly in order to provide those who focused on the study of Rif's *halakhot* with additional depth and context from within the Talmud itself. At the same time, R. Yonatan includes his own insights in a somewhat understated way. He refers to few of his Provençal contemporaries by name (including his teacher Rambam, with whom he studied in his youth). Razah is mentioned most often, and it appears that R. Yonatan was closer to the "northern French" orientation of Razah than to the more balanced orientation of Rabad. He refers to "rabbotenu ha-Tsarefatim," although he barely mentions Rabbenu Tam by name. Since R. Yonatan does not refer to Maimonides at all, it appears that he completed his talmudic commentaries prior to 1194, the year that *Mishneh Torah* reached Provence.⁶⁶

⁶³ For awareness of Rabbenu Tam's oeuvre in Provence by the latter part of the twelfth century, see the (Provençal) addendum to Ibn Daud's *Sefer ha-Qabbalah* in A. J. Zuckerman, *A Jewish Principedom in Feudal France, 768-99* (New York, 1972), 384-6, and cf. Urbach, *Ba'alei ha-Tosafot*, I, 66-7, 70, 103-4, 236-7; Ta-Shma, *Razah*, 161-3; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 147-50; and Reiner, "From France to Provence." Note the juxtaposition of the views of Razah and Rabad with respect to the possibility of disagreement with Geonic rulings in *Pisqei ha-Rosh le-Massekhet Sanhedrin*, 4:6.

⁶⁴ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 204-8. See also Ta-Shma, *Rabbenu Zerahyah ha-Levi*, 144-7, for additional sets of nuanced differences between the philosophically inclined Razah and the more mystically inclined Rabad.

⁶⁵ R. Yonatan was born c.1140, and reached Israel (where he died in 1215) in one of the waves of 'aliyyah from France, c.1210. See Ta-Shma, *Rabbenu Zerahyah ha-Levi*, 161-2, and cf. Kanarfogel, "The 'Aliyyah of Three Hundred Rabbis."

⁶⁶ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 208-14, and Ta-Shma, *Rabbenu Zerahyah ha-Levi*, 155-61.

We have only recently become aware of another Provençal talmudist who flourished at the end of the twelfth century, Asher ben Shalmeyah of Lunel, on the basis of a large part of his commentary on *Bava Batra* found in the Cairo Genizah. His commentary on *Bava Kama* is cited by other Provençal figures, who also refer to R. Asher's interpretations on other tractates. Alfasi's *Halakhot* are at the center of R. Asher's commentaries, while he engages the works of Rabi, Razah, Rabad, Rashbam, and Rabbenu Tam. Indeed, R. Asher appears to be the first Provençal scholar who defended Razah in a fairly systematic way against Rabad's strictures in his *Katuv Sham*. R. Asher also prepared an abridged Hebrew translation of Bahya ibn Paquda's *Hovot ha-Levavot*, which was intended to provide his students with a means of improving their personal comportment.⁶⁷

Another Asher, Asher ben Meshullam of Lunel, is characterized by Benjamin of Tudela as a *parush* (ascetic), "who separated himself from matters of this world in order to study day and night; he fasts and does not eat meat and is a great talmudic scholar." R. Asher asked Judah ibn Tibbon to translate ibn Gabirol's *Tikun Midot ha-Nefesh*; and Judah dedicated his translation to R. Asher.⁶⁸

R. Asher composed a halakhic treatise, *Sefer ha-Matanot* (which has been partially published), which contains excerpts from Geonic monographs on gifting and related matters that had been discussed also by Judah of Barcelona and by Rabi. To these excerpts, R. Asher adds many of his own observations and interpretations, and it appears that he composed a larger work on all aspects of monetary law.

R. Asher also authored a monograph on the laws of *herem* and *nidui* (forms of excommunication) that is cited in a later Provençal commentary on tractate *Mo'ed Qatan*, and similar treatises on the laws of festivals and *muktseh* (items that may not be handled on the Sabbath). R. Asher refers only once to Maimonides's *Mishneh Torah*. Awareness of *Mishneh Torah*

⁶⁷ See Ta-Shma, *R. Zerahyah ha-Levi (Razah) u-Bnei Hugo* (Jerusalem, 1992), 167–8; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, I, 214–16.

⁶⁸ See Ta-Shma, *Rabbenu Zerahyah ha-Levi*, 162–3, 166 (and the studies cited there); Twersky, *Rabad of Posquières*, 24–9; E. Kanarfogel, "Nezirut ve-Nidrei Isur be-Mishnatam shel ha-Rambam voha-Ramban," *Hadarom* 59 (1990), 79–84; and Kanarfogel, *Jewish Education and Society*, 101–5. R. Asher is also noted, in an epistle composed by a certain R. Samuel b. Mordekhai in the early years of the thirteenth century (during the so-called "resurrection phase" of the Maimonidean controversy, which was initiated by Ramah of Toledo, c.1203), as interpreting seemingly anthropomorphic passages in the Talmud in non-literal ways (even though it appears that R. Asher had not been exposed to Maimonides's philosophical writings). See M. Idel, "Keta 'Iyuni le-R. Asher b. Meshullam mi-Lunel," *Kiryat Sefer* 50 (1975), 149–53; Idel, "Šarid mi-Perush R. Asher b. Meshullam mi-Lunel li-Berakhot," *Kovets 'al Yad* 11, 1 (1985), 77–88; and cf. Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 197.

becomes much more widespread in Provence following Asher's passing, and it is this work, rather than Alfasi's *Halakhot* (or Judah of Barcelona's works), which becomes the focus of Provençal glosses and comments for those who were not inclined to compose independent talmudic commentaries.

Asher ben Meshullam also corresponded with the northern French Tosafist, Ri of Dampierre. A responsum from Ri to R. Asher, on a matter of *mesirah* ("informing") is found in the Provençal collection *Temim De'im*, and includes an active exchange between Ri and R. Asher. Another responsum, on why the *birkat ha-Torah* need not be recited again when one has stopped studying Torah for a period of time during the day, is partially preserved in the *Tosafot* of Ri's student, R. Judah Sirleon, to *Berakhot* (11b). In addition, the standard *Tosafot* to *Bava Kama* (64a) refers to an exchange between Ri and R. Asher regarding the proper halakhic interpretation of verses in *parashat Mishpatim* on the laws of theft, while responsa by R. Asher about the writing of a *geṭ* and the blessing for Hallel are found in northern French sources from the late twelfth century.⁶⁹

TRANSITIONING FROM THE TWELFTH TO THE THIRTEENTH CENTURY

The turn of the twelfth century sees the flow of Ashkenazic material not only to Provence, but also increasingly to Spain. The Geonic–Andalusian approach, which had dominated Spanish talmudism, favoring codes and responsa as well as commentaries focused on reaching practical halakhic conclusions, now gives way to talmudic *hidushim* that interpreted the *sugya* at hand as well as related *sugyot* and established the relationship between these disparate passages in the manner of the Tosafists. This effort, haltingly begun by Ramah as noted above, is embraced almost systematically by Naḥmanides (1194–1270), whose corpus will be discussed shortly, and by his successors. At this point, it is important to take note of the conduits and process by which the materials and methods of the north (Ashkenaz) reached past Provence into northern and central Spain.

Catalonia and Provence were linked both geographically and culturally. Nonetheless, it appears that Ashkenazic talmudic methodology, in addition to halakhic rulings and customs, was brought to Spain by a group of

⁶⁹ See Ta-Shma, *Razah*, 161–3; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 147–50; and Urbach, *Ba'alei ha-Tosafot*, I, 236–7. There is also evidence for direct correspondence between Rabbenu Tam and Isaac b. Abba Mari of Marseille. See, e.g., Reiner, "From France to Provence."

Provençal rabbinic figures who went to study with leading Tosafists in northern France, subsequently traveling back to Provence and then into Spain. One such figure, Abraham ben Nathan of Lunel, composed his *Sefer ha-Manhig* in Toledo in 1204. He was born in either Avignon or Lunel (where he lived for a lengthy period of time), and is referred to as R. Abraham (or Raban) ha-Yarḥi. R. Abraham studied with Rabad of Posquières, and with the Tosafist Ri ha-Zaḥen in Dampierre. He reached Toledo late in the twelfth century, but continued, through his travels, to maintain contact with scholars of Provence and northern France.

Sefer ha-Manhig records the customs of northern France, Provence, and Spain in a wide variety of halakhic areas and performances. Although some manuscripts of this work refer on occasion to *Hasidei Allemagne*, there is no firm evidence that R. Abraham ever reached Germany himself. In any case, *Sefer ha-Manhig* exposes R. Abraham's Toledan associates to the values and ideals of the talmudic scholars in the north, and to French (and Provençal) Halakhah, custom, midrash, and mysticism. It is possible that Abraham ha-Yarḥi was an intermediary in transmitting Ramah's letter concerning *Mishneh Torah* to Samson of Sens and his northern French colleagues; he certainly delivered R. Samson's reply back to Ramah in Toledo.⁷⁰

Similarly, both of Ramban's major teachers studied with the Tosafist Isaac ben Abraham (Rizba) of Dampierre (d. 1209). Rizba had studied with Rabbenu Tam after his resettlement in Troyes c.1150, and later became the leading student of Rabbenu Tam's successor, Ri of Dampierre. Nathan of Trinquetaille transmitted to Ramban not only the dialectical method of the Tosafists of northern France, but also specific halakhic positions espoused by Rizba and other Tosafists. R. Nathan also brought to Ramban's attention the teachings of several leading Provençal talmudists, including Rambi, Rabi, and Rabad, as well as material from the halakhic writings of Judah of Barcelona.⁷¹

Ramban's other leading Provençal teacher, Judah ben Yaqar, also studied with Rizba, and was the first European rabbinic scholar to undertake a commentary on the Talmud Yerushalmi. He also authored a mystical

⁷⁰ See, e.g. Twersky, *Rabad of Posquières*, 240–4; Septimus, *Hispano-Jewish Culture in Transition*, 32–5, 48, 55; and Kanarfogel, *Peering through the Lattices: Mystical, Magical and Pietistic Dimensions in the Tosafist Period* (Detroit, 2000), 51–8, 193–4. Note that there are also parallels between material in *Sefer ha-Manhig* and the Provençal addenda to *Mahzor Vitry*. See, e.g., *Sefer ha-Manhig*, ed. Y. Rephael (Jerusalem, 1978), editor's introduction, 34–40; and cf. Twersky, *Rabad of Posquières*, 232.

⁷¹ See Shalem Yahalom, "R. Nathan b. R. Meir Moro shel ha-Ramban," *Pe'amim* 91 (2002), 5–7, 15–18, 20–2. See also Yahalom, "Meqorot 'Alumim be-Perush ha-Ramban la-Torah," *Shenaton le-Heqer ha-Mikra veba-Mizrah ha-Qadum* 15 (2005), 265–93, for evidence of Provençal influence on Ramban's Torah commentary.

commentary on the prayers, which contains northern French, Provençal, and Spanish elements. Although it is unclear whether Ramban traveled to Provence to study with R. Judah, or whether Ramban studied with the latter when he lived for a time in Barcelona, there is evidence to suggest that Ramban also studied matters of esoteric lore with R. Judah.⁷²

The fact that Judah ben Yaqar and Nathan of Trinquetaille (in addition to halakhists such as Abraham of Lunel) felt the need to travel to northern France, at a time when talmudic studies were being actively pursued and taught at the highest levels in their native Provence, suggests that the Tosafists of northern France were widely recognized as the leading talmudists of the day, an attitude that is confirmed explicitly on several occasions in the letters and other talmudic writings of Ramban, and implicitly throughout his *hidushim*. In addition, Ramban's cousin, Yonah ben Abraham of Gerona (d. 1263), studied in northern France, at the Tosafist study hall in Évreux.⁷³

Indeed, the thirteenth century sees a kind of genre reversal between Ashkenaz and Sepharad. The most influential rabbinic works of the eleventh and twelfth centuries in the Muslim world were the codes of Rif and Maimonides. While Maimonides authored talmudic commentaries on the Babylonian Talmud that are no longer extant – these were apparently written in large measure for his students and family – and Rif's leading student Ri Migash composed commentaries on a number of tractates, most of which have also been lost, the codes of Rif and Rambam dominated the scene, along with their collections of responsa and those of Ri Migash. At the same time, the most influential works in Ashkenaz were the talmudic commentaries begun in Mainz and Worms that gave way to those of Rashi and then to the glosses of the Tosafists during the twelfth century. Although Rabbenu Gershom and Rashi composed responsa (which they did not collect themselves), as did northern French Tosafists

⁷² See S. Yahalom, "R. Yehudah b. Yaqar – Toledotav u-Mekomo be-Mishnat ha-Ramban," *Sidra* 17 (2002), 79–86, 93–100, 105–7. Cf. Elliot Wolfson, "Aspects of Nahmanides' Kabbalistic Hermeneutic," *AJS Review* 14 (1989), 103–78; Kanarfogel, *Peering through the Lattices*, 199–200; E. Kanarfogel, "On the Assessment of R. Moses b. Nahman (Nahmanides) and His Literary Oeuvre," *Jewish Book Annual* 51 (1993), 158–72; and see now Oded Yisraeli, "Mequbal be'al Korho: R. Yehudah b. Taqar – Bein Demut le-Dimmui," *Kabbalah* 31 (2014), 281–309.

⁷³ Aside from the varied methods of talmudic interpretation at Évreux that Rabbenu Yonah absorbed, the ideological connections between Évreux (and Rabbenu Yonah) and the writings of *Hasidei Ashkenaz* were significant and extensive. See Ta-Shma, *Kneset Mehkarim*, II, 111–19; Kanarfogel, *Jewish Education and Society*, 74–9, 172–80; Kanarfogel, *Peering through the Lattices*, 59–68; and cf. S. Yahalom, "Ha-Ramban u-Ba'alei ha-Tosafot be-Akko: ha-Narativ ha-Histori bi-Drashat ha-Ramban le-Rosh ha-Shanah," *Shalem* 8 (2009), 100–25.

such as Rabbenu Tam and German Tosafists such as Raban, these responsa were not always as impactful in the rabbinic circles of Ashkenaz as they were in Spain.

Things change significantly in the thirteenth century. Beginning already with Barukh ben Isaac (d. 1211), author of *Sefer ha-Terumah* and a student of Ri of Dampierre, a series of halakhic works were composed in both Germany and northern France. These include Elie'zer ben Joel of Cologne's *Sefer Rabbiah*, a halakhic commentary on the Talmud that is replete with his responsa as well; Eleazar of Worms's *Sefer Rokeah*, in addition to several extensive halakhic monographs; Moses of Coucy's *Sefer Mitsvot Gadol* (*Semag*, composed c.1240, although, to be sure, R. Moses also preached in Spain and his *Semag* is therefore heavily influenced by Maimonides's *Mishneh Torah*); Isaac ben Moses of Vienna's *Sefer Or Zarua'* (Isaac, d. c.1250, was a student of leading Tosafists in both northern France and Germany, including Judah Sirleon, Rabbiah, and Simhah of Speyer, and his work also contains several sections of responsa); and Isaac of Corbeil's *Sefer Mitsvot Katan* (*Semaḳ*, composed c.1270), which was the most widely accepted among other such halakhic abridgments composed during this period.⁷⁴

At the same time, the most important rabbinic works in Sepharad during the thirteenth century, beginning with the *hidushim* of Ramah of Toledo, are talmudic commentaries: the *hidushim* of Moses ben Naḥman (Ramban), commentaries of Rabbenu Yonah of Gerona and his students, the *hidushim* of Solomon ben Abraham ibn Adret (Rashba of Barcelona, d. c.1310) and Aaron ha-Levi (Ra'ah) of Barcelona, and those of Yom Tov ben Abraham ibn Ishvilli (Ritva, a student and colleague of both Ra'ah and Rashba). Although many of these figures also authored responsa, only

⁷⁴ See I. Ta-Shma, *Halakhah, Minhag u-Mits'ut be-Ashkenaz, 1000–1350* (Jerusalem, 1996), 119–24; Ta-Shma, “Devarim ‘al ha-Semag, ‘al kītsur Semag ve-‘al Sifrut ha-ḳizurim,” in Y. Horowitz, ed., *Ḳitsur Sefer Mitsvot Gadol le-R. Avraham b. Ephraim* (Jerusalem, 2005), 13–21; S. Emanuel, “‘Al Meḳomo Mevo‘ar Shemo’: le-Toledotav shel R. Barukh b. Yitshaq,” *Tarbiz* 69 (2000), 439–40; Kanarfogel, *Peering through the Lattices*, 69–71; and E. Kanarfogel, “The Appointment of *Hazzanim* in Medieval Ashkenaz: Communal Policy and Individual Religious Prerogatives,” in H. Kreisel, ed., *Spiritual Authority: Struggles over Cultural Power in Jewish Thought* (Beersheva, 2009), 5*–31*. The Italian halakhic compendium, *Shibolei ha-Leḳet* (c.1250) contains a great deal of Ashkenazic material, just as the predecessor of its author in Italy, R. Isaiah b. Mali di Trani, studied in Germany with Simhah of Speyer, and was familiar with material from Rabbenu Tam and his (German) students; see, e.g., E. Kanarfogel, “Mysticism and Asceticism in Italian Rabbinic Literature of the Thirteenth Century,” *Kabbalah* 6 (2001), 135–49, and Ta-Shma, *Kneset Mehḳarim*, III, 9–23, 36–43, 63–78. On Maimonides's talmudic commentaries, see Ta-Shma, *Kneset Mehḳarim*, II, 309–16; I. Twersky, *Studies in Jewish Law and Philosophy* (Cambridge, MA, 1982), 66 n. 70; and Emanuel, *Shivrei Lubot*, 315.

Rashba's are especially extensive. In short, Spanish halakhists, who began primarily with codes and responsa in the eleventh and twelfth centuries, moved mostly to talmudic commentaries in the thirteenth century, while Ashkenazic rabbinic figures and Tosafists in the eleventh and twelfth centuries, who began with extensive talmudic comments, move toward halakhic works and codes in the thirteenth century.

To be sure, Rif's *Halakhot* and Maimonides's *Mishneh Torah* are much more monolithic than their subsequent Ashkenazic counterparts. These Sephardic works speak only in the voice of their authors, while Ashkenazic halakhic works include the author's teachers and colleagues (and often resemble talmudic *Tosafot* that have been re-packaged). Nonetheless, this literary turnaround is rather striking. For their part, Tosafists during the thirteenth century still continued to create, collect, and edit *Tosafot*. The most important of these collections are *Tosafot Evreux*, *Tosafot Rabbenu Perets*, *Tosafot ha-Rosh*, and *Tosafot Tukh*; *Tosafot Tukh* accounts for most of the standard talmudic *Tosafot*.⁷⁵ And Sephardic figures such as Rashba continued to produce halakhic monographs (along with Rashba's voluminous responsa), but the changing forms of analysis and focus cannot be ignored.

It is possible that these changes were the result of natural literary progressions, in which genres change as earlier ones run their course. Thus, in the case of Ashkenazic talmudists, the period of remarkable creativity during the days of Rabbenu Tam and Ri in the twelfth century gave way, perforce, to the collection and correlation of these teachings in the thirteenth century.⁷⁶ It must also be noted that the Maimonidean controversy brings the centers of Ashkenaz and Christian Spain into pronounced contact in the early years of the thirteenth century and beyond, even as the movement of talmudic scholars from south to north preceded those events.⁷⁷

⁷⁵ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 108–13, and Urbach, *Ba'alei ha-Tosafot*, II, 575–99. It should be noted that *Sefer ha-Terumah*, *Sefer Mitsvot Gadol*, and *Sefer Or Zarua'* often reproduce passages of Tosafist talmudic interpretation in the course of their halakhic discussions, some of which were superior to (or more detailed than) the versions that are found in the standard (northern French) *Tosafot* to the Babylonian Talmud; see, e.g., *Tosafot 'Eruvin 72a*, s.v. *u-modin*, and *Sefer Or Zarua'* (Zhitomir, 1862), pt. 2, fol. 46a (sec. 172). On the more limited collections of German *Tosafot* (most of which are no longer extant), see, e.g., Emanuel, *Shivrei Lulot*, 60–1, 81–6, 122–3, 139, 157, 315 n. 4; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 116–17, 182–3; and Kanarfogel, "Rabbinic Leadership in the Tosafist Period," 271–2.

⁷⁶ Cf. the formulation of Arnold Toynbee, cited in Twersky, *Introduction to the Code of Maimonides*, 72; and Soloveitchik, "Catastrophe and Halakhic Creativity."

⁷⁷ See, e.g., Septimus, *Hispano-Jewish Culture in Transition*, 50–1.

SPANISH COMMENTARIES IN THE THIRTEENTH
AND FOURTEENTH CENTURIES

The talmudic *hidushim* produced in Christian Spain during the thirteenth century display several distinguishing characteristics. Yonah b. Abraham of Gerona taught in both Barcelona and Toledo, after having studied with Samuel b. Shne'ur and his brother Moses in the Tosafist academy at Évreux, and with Solomon b. Abraham in Montpellier. Two forms of talmudic commentary are associated with Rabbenu Yonah: his own commentaries (known as '*Aliyot*'), which were composed on large portions of *Seder Mo'ed*, *Giṭin*, and most of *Seder Neziḳin*; and those that his students compiled on the basis of his teachings. The '*Aliyot* are extant only to tractate *Bava Batra*. This commentary cites Rashi and Rashbam, Rabbenu Tam and Ri, Rabbenu Hanan'el and Rif, Rabad, and R. Hai. Maimonides is not cited at all, and Rabbenu Yonah's teachers at Évreux and Montpellier are cited by name in barely a handful of instances.

Rabbenu Yonah's '*Aliyot* to *Bava Batra* contains a good deal more discussion and analysis of the reasoning within the talmudic *sugya* (and concomitant citation of *Tosafot*), in comparison to the commentaries of his predecessor, Ramah. At the same time, Rabbenu Yonah dwells on fewer details of interpretation than Ramah did, and the language of his commentaries is more Hebrew than Aramaic. The commentaries of *talmidei Rabbenu Yonah* are extant to *Berakhot*, *Ketubot*, '*Avodah Zarah*, and *Avot*, and there are also references to a commentary on tractate *Megilah*. The commentaries produced by Rabbenu Yonah's students also cite *Tosafot* materials frequently, but they occasionally cite Ramah and Rambam in addition. There are a number of inconsistencies between these commentaries and the '*Aliyot* of Rabbenu Yonah that have not been sufficiently explained.⁷⁸

Naḥmanides flourished mainly in Gerona, where he achieves the first overarching synthesis of Ashkenazic, Provençal, and Spanish methods and traditions of talmudic interpretation. Ramban comments on *Hilkhot ha-Rif* and the Talmud. As he reports, he completed his *Millhamot ha-Shem* on Alfasi's *Halakhot* at 19. The goal of this early work (which barely cites either Maimonides or the Tosafists) was to defend Rif from the trenchant criticisms of Zerahyah ha-Levi, just as Ramban's *Sefer ha-Zekhut* (to *Yevamot*, *Ketuvot*, and *Giṭin*) was meant to defend Rif from the (generally less strident) strictures of Rabad. As with his glosses to Maimonides's *Sefer ha-Mitsvot*, in which Ramban often defends the positions of the Geonim

⁷⁸ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 19–29. The extant commentary on *Sanhedrin* attributed to Rabbenu Yonah is not his.

regarding the enumeration and organization of the *mitsvot*, even though he does not always agree with them, Ramban does not always agree with the positions of Rif that he defends. His aim was to dampen the certitude of the positions taken by Rif's critics. Ramban also authored two halakhic monographs that "completed" Rif's work (and were written in his style), to *Hilkhot Nedarim* and *Hilkhot Bekhorot ve-Halah*. Only a hundred or so responsa from Ramban have survived, although it is probable that he composed others.

Ramban's talmudic *hidushim* were his most prolific work. He refers to them as complete in a responsum dated 1223, when he was just shy of 30. Ramban is fully committed in his *hidushim* to using *Tosafot* to elucidate a wide array of points, although Ramban was familiar only with the *Tosafot* of Ri and R. Samson of Sens. Ramban continues and even expands the methods of Rabbenu Tam in many instances, even as he does not cover as many *sugyot* as Rabbenu Tam and Ri did. Many tractates received a full treatment in Ramban's *hidushim*, while some (such as *Berakhot* and *Sanhedrin*) included only brief discussions of selected *sugyot* that had particular halakhic significance.

Ramban typically begins his comments with a discussion of Sephardic halakhic practice. He then subjects the *sugya* to Tosafist-like critical analysis and dialectical comparisons with other relevant *sugyot* (often as found in *Tosafot* texts themselves). At the end of his discussion (which often includes material from leading rabbinic figures and works throughout Europe, including Provence), Ramban often agrees with the Sephardic halakhic position or ruling, but only after he finds additional support for it using the more expansive Tosafist methodologies.⁷⁹

This is certainly the case for matters of ritual and religious performance. In monetary law and other areas where regional traditions are less crucial, Ramban will sometimes conclude his analysis by citing an Ashkenazic

⁷⁹ See *ibid.*, II, 29–43, 49. Ramban relies most heavily on the leading talmudists and halakhists in each cultural and geographic area. For Spain (and North Africa), these include Rabbenu Hanan'el, Rif, Rif's student R. Ephraim, Isaac ibn Giyyat, Judah b. Barzilai and Isaac b. Reuben of Barcelona, and Rambam; for Provence, Rambi, Rabi, Zerahyah ha-Levi, Isaac b. Abba Mari of Marseille, and Rabad are most prominent. Cf., however, Yahalom, *Between Gerona and Narbonne*. Northern French rabbinic figures cited by Ramban include Rashi, Rashbam, Rabbenu Tam (in his *Sefer ha-Yashar*), and a number of relatively early Tosafist students of Rabbenu Tam – such as Ephraim of Regensburg – and Barukh b. Isaac, author of *Sefer ha-Terumah*, who was a student of Rabbenu Tam's successor, Ri of Dampierre. Almost no German Tosafists (unless they studied directly with Rabbenu Tam) are mentioned; the reference to R. Moses Taku (in *Gitin* 7b, as R. Moses "of Poland") is the exception that proves the rule. See also *Hiddushei ha-Ramban le-Masekhet Ketubot*, ed. Chwat; and Kanarfogel, "Between Ashkenaz and Sefarad."

ruling or approach.⁸⁰ His *hidushim* demonstrate his talents as both a decisor of law and a creative talmudic thinker. Perhaps for this reason, Ramban largely avoids commenting on aggadah in his talmudic commentaries. He also hardly ever discusses kabbalistic teachings, despite the constant presence of both of these disciplines within his Torah commentary.⁸¹

Ramban is also noteworthy in his attempt to integrate the teachings of the Bavli and the Yerushalmi, including passages in the Yerushalmi that are not from the *sugya* under direct discussion. Despite all of the influences that were in play, Ramban's *hidushim* are ultimately highly independent works. He seeks *hidush* for its own sake and attempts to conceptualize the *sugya* to an even greater extent than the Tosafists did, often "diagramming" the flow of a *sugya* and the ideas behind it in ways that go beyond the approach of the Tosafists.⁸²

Solomon b. Abraham ibn Adret of Barcelona (Rashba; c.1235–1310) studied in the main with Ramban, although he also studied with Isaac b. Abraham of Narbonne/Carcassone (a close student of Ramban) and with Rabbenu Yonah. Rashba interpreted virtually every tractate in *Mo'ed*, *Nashim*, and *Nezikin* (along with *Berakhot*, *Hulin*, and *Nidah*) in three different editions or versions. He also wrote monographs on *shehitah*, *kashrut*, and *nidah*, brought together in a work entitled *Torat ha-Bayit*; as well as *Avodat ha-Kodesh* on the laws of Sabbaths and festivals, *Piskei Halah*, and well beyond 1,000 responsa. Like Ramban (and unlike most Tosafists, who in their youth typically wrote or copied *Tosafot* on behalf of or in the presence of their teachers), Rashba composed his own *hidushim* at a relatively young age. Rashba essentially "boiled down" the far-ranging analyses of *Tosafot* and Ramban into a relatively concise commentary written in a felicitous Hebrew style, which is often more accessible than the writings of these predecessors.

Later in his life (as reflected principally in his responsa), Rashba had direct access to German rabbinic scholars such as R. Dan, who had studied

⁸⁰ See Kanarfogel, "On the Assessment of R. Moses b. Nahman," 168–9; B. Septimus, "Open Rebuke and Concealed Love": Nahmanides and the Andalusian Tradition," in I. Twersky, ed., *R. Moses Nahmanides (Ramban): Explorations in His Religious and Literary Virtuosity* (Cambridge, MA, 1983), 33; and cf. Moshe Halbertal, *Al Derekh Emet: Ramban ve-Yetsiratah shel Masoret* (Jerusalem, 2006), 343–7.

⁸¹ See Robert Chazan, *Barcelona and Beyond: The Disputation of 1263 and its Aftermath* (Berkeley, 1992), 142–57; Kanarfogel, "On the Assessment of R. Moses b. Nahman," 163–5; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 66–9; *Hidushei ha-Ritva 'al Masekhet Eruvin*, ed. M. Goldstein (Jerusalem, 1976), editor's introduction, 7–29; and Kanarfogel, *Peering through the Lattices*, 12.

⁸² See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 44–48, 50–1, and cf. Kanarfogel, "Progress and Tradition in Medieval Ashkenaz," *Jewish History* 14 (2000), 287–315.

with Meir of Rothenberg prior to his escape to Spain in the face of persecution. Although Rashba's use of *Tosafot* in his commentaries is not much more extensive than what is found in *Hidushei ha-Ramban*, Isaac of Narbonne exposed him to additional Provençal material. Another goal of Rashba in his *hidushim* (for which he also refers to Rabbenu Yonah) is to discuss and clarify comments of Ramban.⁸³

Rashba composed a distinct commentary on selected aggadic portions of the Talmud. Although Asher b. Meshullam of Lunel was technically the first European talmudist to do so, Rashba's commentary is the first to survive in large measure. Unlike Azri'el b. Solomon and other members of the Gerona school of Kabbalah, however, Rashba does not provide deep or even full kabbalistic interpretations, offering only hints to esoteric teachings.⁸⁴

Aaron ha-Levi (Ra'ah), a contemporary of Rashba who was born in Gerona but lived mostly in Barcelona, was a fifth-generation descendant of Zerahyah ha-Levi and another of Ramban's important students. Ra'ah and Rashba sat on the same rabbinic court but tension developed between them, owing perhaps to their common training and interpretational styles and to the sheer breadth of Rashba's corpus. Ra'ah critiques Rashba's *Torat ha-Bayit* in a treatise entitled *Bedeḳ ha-Bayit*, to which Rashba responds in *Mishmeret ha-Bayit*, clarifying his positions in an assertive way. Most of the talmudic commentaries authored by Ra'ah have been lost – only his *hidushim* to *Sukkah*, *Beitsah*, *Ketubot*, *Hulin*, and *'Avodah Zarah* have survived, although Ra'ah also wrote on *Hilkhot ha-Rif* to several tractates.⁸⁵

Born in Zaragoza, Yom Tov b. Abraham Ishvilli (Ritva, c.1250–1325) traveled to Barcelona to study with Rashba and Ra'ah, and later settled in Seville, from whence his family hailed. His main teacher was Ra'ah, whom he cites frequently, although he refers to Rashba's (larger) oeuvre even more. Ritva's talmudic *hidushim* were produced in two versions; the shorter, second version generally reflects a later revision. Ritva consistently presents Tosafist material together with what he received from his Spanish predecessors (including frequent references to *Hidushei ha-Ramban*) for the purposes of interpreting the *sugya* and reaching halakhic conclusions, often adding his own insightful interpretations. Aside from his extensive

⁸³ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 55–66, and Kanarfogel, “Between Ashkenaz and Sefarad,” 247–9.

⁸⁴ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 196–8; Carmi Horowitz, “Al Perush ha-Agadat shel ha-Rashba: Bein Ḳabbalah le-Filosofiah,” *Da'at* 18 (1987), 15–25; *Hidushei ha-Rashba: Perushei ha-Hagadot*, ed. L. A. Feldman (Jerusalem, 1991), editor's introduction, 5–20.

⁸⁵ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 66–9. The best-known of these is on the *Hilkhot ha-Rif* to *Berakhot*.

hidushim, Ritva also wrote on the *Hilkhot ha-Rif* (although only his work on *Ta'anit* has survived). He composed a number of responsa as well as *Sefer ha-Zikkaron*, which analyzes Ramban's critiques of *Moreh Nevukhim* within his Torah commentary, in addition to a largely extant commentary on the Haggadah and a collection of *derashot* that is not extant.⁸⁶

Ritva does not merely include Tosafist teachings even more often than his Spanish predecessors did. In addition to citing recently arrived Ashkenazic figures in Spain (such as Maharam's student, R. Dan), Ritva's significant use of *Tosafot Rabbenu Perets* provides a different dimension of Tosafist material from the *Tosafot Rash mi-Shants*. Although Ritva never mentions Asher b. Yehiel (Rosh), the leading student of R. Meir of Rothenburg who arrived in Spain in 1304–6 (or his collection of *Tosafot*; a single reference to װ'א׳ in Ritva's *hidushim* to *Yevamot* refers to Asher of Lunel), there are instances in which *Hidushei ha-Ritva* and *Tosafot ha-Rosh* contain similar material, perhaps based on the same earlier Tosafist sources.⁸⁷

Rosh (1250–1328) spent two-thirds of his life in Ashkenaz, but he communicated and worked with Rashba (in both halakhic and anti-philosophical contexts), especially after his arrival in Spain. *Tosafot ha-Rosh*, a version of *Tosafot Shants* (that also includes passages from the *Tosafot* of another of Ri's leading students, Judah Sirleon of Paris) to which R. Asher then added pieces of material from Meir of Rothenburg (and from Maharam's immediate predecessors in both northern France and Germany), as well as from Rambam and other Sephardic figures and from Rabad of Posquières, was fundamentally an Ashkenazic work with some of these later addenda included only after Rosh reached Spain. *Piskei ha-Rosh*, in which R. Asher interprets *sugyot* for halakhic purposes according to the order and structure of *Hilkhot ha-Rif*, was composed largely in Spain, and contains a significant and variegated amount of Sephardic material in addition to its Ashkenazic base.

Nonetheless, it appears that this work as well was conceived of by Rosh as a means of presenting an Ashkenazic orientation toward halakhic decision-making, against the approach of his Spanish contemporary, Rashba. Indeed, both the *Tosafot* and *Piskei ha-Rosh* became crucial texts of instruction in the academy at Toledo, through the days of Rosh's son Judah, who succeeded him as *rosh yeshiva*, and beyond. These works

⁸⁶ See *ibid.*, II, 69–72, and Ta-Shma, *Hidushei ha-Ritva 'al Masekhet 'Eruvin*, ed. Goldstein, editor's introduction, 7–29. As Ta-Shma also notes, Ritva was slightly more inclined than either Ramban or Rashba to include (or to refer to) kabbalistic interpretations within his talmudic commentaries. Cf. Kanarfogel, *Peering through the Lattices*, 12.

⁸⁷ See Kanarfogel, "Between Ashkenaz and Sefarad," 249 n. 36, 266 n. 87, and cf. Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 63, 73–4.

effectively introduced students in Toledo to the myriad developments that had occurred in northern Europe, while removing them a bit from *Hidushei ha-Ramban* and related texts that had held sway in Spain.⁸⁸

Nissim b. Reuben (Ran, d. 1376) of Gerona studied with the Provençal talmudist, R. Perets ha-Kohen, who later became rabbi of Barcelona. Ran moved to Barcelona around 1350, to re-establish its academy which had been severely weakened by the Black Plague. His students include Isaac bar Sheshet (Rivash, author of a significant collection of responsa, who left Spain for Algiers in 1391), Hasdai Crescas (philosopher and author of *Or Adonai*), and Yosef Haviva, author of the *Nimuḳei Yosef* commentary on *Hilkhot ha-Rif*.

In terms of talmudic interpretation, Ran is the last direct link in the “chain of Nahmanides.” His works include *hidushim* on the Talmud and commentaries on *Hilkhot ha-Rif*, responsa (less than 100 of which have survived), *derashot* (which are known for their nuanced discussions of Jewish political philosophy), and a Torah commentary. Ran composed *hidushim* to some 10 tractates, although a few of these were originally published under the names or headings of others (such as *Ritva le-Shabbat* and *Shitah Mekubetset le-Beitsah*). Aside from Ramban and Rashba (and *Tosafot*), the most frequently cited authorities are Rashi and Rabbenu Hanan’el, and R. Zerayah ha-Levi and Rabad of Posquières. Like Ramban, Ran invested special effort in the interpretation of tractate *Nedarim*, and his commentary on this tractate is published in the standard editions of the Talmud, in place of *Tosafot*.⁸⁹

⁸⁸ See Yehuda Galinsky, “Ha-Rosh ha-Ashkenaz bi-Sefarad: Tosafot ha-Rosh, Pisḳei ha-Rosh, Yeshivat ha-Rosh,” *Tarbiz* 74 (2005), 389–421; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 19–29, 78–85; *Hiddushei ha-Ramban le-Masekhet Ketubot*, ed. Chwat, editor’s introduction, 31–8; Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 19–29, 63, 73–4, 79–82; Kanarfogel, “Between Ashkenaz and Sefarad,” esp. 249 n. 36, 266 n. 87; Yahalom, *Between Gerona and Narbonne*; and cf. Ibn Zerah, *Tsedah la-Derekh*, introduction, fols. 3b–4a. Even Rosh’s hundreds of responsa (that were composed almost exclusively in Spain) do not cite so widely from Sephardic rabbinic texts, aside from the works of Rambam and Rif. (Ramban and Rashba are also cited to be sure, albeit far less than might have been expected.) A recent theory suggests that, in his responsa, Rosh intended to rule mostly according to his halakhic intuition, without privileging his predecessors, either Ashkenazic or Sephardic. See Tehilla Elizur, “Teshuvot ha-Rosh be-Dinei Neziqin – Hagut Hilkhatit u-Metodologit shel Pesiqah” (Ph.D. diss., Ben-Gurion University of the Negev, 2009), 9–35, 312–34. (The integration of Ashkenazic and Sephardic halakhic teachings remained central for Rosh’s son, R. Jacob, within his *Arba’ah Turim*.) Note also that several anonymous collections of talmudic *hidushim* “float” between Rashba’s circle in the north, and Rosh’s academy in Toledo; see Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 74–8.

⁸⁹ See above regarding Ramban’s *Tashlum (Hilkhot) ha-Rif* to the laws of *Nedarim*. Rif did not write at all on tractate *Nedarim*, perhaps in accordance with a Geonic tradition that

In his commentaries on *Hilkhot ha-Rif* on some fifteen tractates, Ran does not simply interpret the presentation of Alfasi. Like his much younger contemporary, R. Ephraim Vidal (b. 1361), author of the *Magid Mishneh* commentary to Maimonides's *Mishneh Torah*, Ran also tries to locate the earlier rabbinic sources on which Rambam's halakhic rulings were based, and to compare them with those of Rif. Ran also works with the talmudic *sugyot* themselves that Rif had excerpted. All of this perhaps contributes to Joseph Karo's decision (in the introduction to his *Beit Yosef* commentary on the *Arba'ah Turim*) to include Ran in his "second line" of halakhic decision-making, just behind Rif, Rambam, and Rosh.⁹⁰

As noted, Ran's student Yosef Haviva composed his *Nimuḳei Yosef* around the *Hilkhot ha-Rif* as well. Indeed, these two works constitute the major commentaries on *Hilkhot ha-Rif* found in the standard editions of the Babylonian Talmud. Like his teacher, R. Yosef often goes directly to the interpretation of the talmudic *sugya*, beyond the halakhic considerations of Rif. R. Yosef's comments on the Mishnah often echo those of Rashi and R. Yonatan of Lunel, while his comments to the text of the Talmud are based mostly on those of Ran, Ritva, and Rashba.⁹¹

PROVENCE AND LANGUEDOC IN THE THIRTEENTH AND FOURTEENTH CENTURIES

Although talmudic commentary in Spain during this period grew by leaps and bounds as the influence of the teachings of the Tosafists grew, the approach favored by Yonatan ha-Kohen of Lunel, of interpreting Rif's *Halakhot* in its own right, continued to loom large in Provence. Much of the oral law commentary there remained rooted around Rif's work, and took into account earlier Provençal material in particular. Meshullam

the nature and laws of oaths, whose application and nullification could be decided only by qualified rabbinic authorities, should not be discussed in "public" forums or disseminated in published form. Indeed, we do not have Rashi's authentic commentary on *Nedarim* either, and the *Tosafot* available to Ran (and more generally) are also somewhat lacking.

⁹⁰ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 80–5. On R. Perets ha-Kohen, see Joseph Shatzmiller, "R. Isaac ha-Kohen of Manosque and His Son R. Perez," in A. Rapoport Albert and S. Zipperstein, eds., *Jewish History: Essays in Honor of Chimen Abramsky* (London, 1988), 61–83; and Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 139–41.

⁹¹ See Y. S. Spiegel, "Nimuḳei Yosef le-R. Yosef Haviva," *Sidra* 4 (1988), 111–62; and Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 90–1. A suggestive comment, found in some texts of *Nimuḳei Yosef* to *Berakhot* (28a), compares and contrasts the levels of (advanced) Ashkenazic and Sephardic students of the Talmud in his day. See, e.g., Breuer, "Le-Heqer ha-Tipologiyah," 45.

b. Moses (c.1170–1240), head of a large academy in Béziers, authored a series of commentaries under the title *Sefer ha-Hashlamah*. This title plays not only on the name of its author but also hints at this work's main goals – to mediate between Rif and his critics, and to complete Rif's work by relating to talmudic *sugyot* and issues that he did not.

R. Meshullam's father had studied together with Zerayah ha-Levi in Lunel. Indeed, R. Meshullam apologizes in his introduction, lest readers think that he had “stolen” material from Razah, since he heard many similar interpretational traditions from his father who was also a significant scholar. In addition to R. Zerayah, Rabi and Rabad are frequently cited, as are Rambam, Rashi, Rashbam, and Rabbenu Tam. Within the last century, *Sefer ha-Hashlamah* has been published for nearly twenty tractates.⁹²

The period during which R. Meshullam lived was one in which kabbalistic studies began to spread rapidly within Provence. Like his nephew and devoted student, Meir (ha-Me'ili) b. Simeon of Narbonne, R. Meshullam did not support this area of endeavor. Meir of Narbonne also studied with Ramban's teacher, Nathan of Trinquetaille. His talmudic commentary, *Sefer ha-Me'orot*, was found in a single manuscript that covers *Seder Mo'ed*, as well as *Berakhot* and *Hulin*. Although R. Meir comments directly on the Talmud, his interest (like that of his uncle R. Meshullam) was focused on arriving at legal decisions for current questions and areas of Jewish law; he does not comment on theoretical discussions of the Talmud, or those that concerned precepts or issues no longer in vogue.

R. Meir often justifies his uncle's halakhic decisions, although he disagrees on occasion as well, citing the venerable customs and practices of Narbonne. Like his uncle, R. Meir was greatly influenced by R. Zerayah ha-Levi, and he was also partial to the views of Rabbenu Tam and Rambam. On the other hand, Rabad is cited with less frequency. R. Meir wrote against the teachings and dissemination of Kabbalah, and in defense of the thought of Maimonides. His student, Manoah b. Hezekiah, authored a fully fledged commentary on Rambam's *Mishneh Torah*.⁹³

A contemporary of R. Meir in Narbonne, David b. Levi, entitled his commentary *Sefer ha-Mikhtam* (based on the phrase in Ps. 56:1 and elsewhere, *le-David mikhtam*). The extant pieces of this work are also centered

⁹² See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 150–4.

⁹³ See *ibid.*, II, 154–6. R. Meir of Narbonne was also an active polemicist, and his *Milhemet Mitsvah* (best known for its interest in polemic) contains a complaint to the King of France about how the Jews are being treated, and lists the King's responsibilities and moral obligations. Cf. Robert Chazan, “Anti-Usury Efforts in Thirteenth-Century Narbonne and the Jewish Response,” *Proceedings of the American Academy for Jewish Research* 41–2 (1973–4), 45–67, and David Berger, *The Jewish–Christian Debate in the High Middle Ages* (Philadelphia, 1979), 417 (index).

on *Seder Mo'ed*, although it too is directed to those who study *Hilkhot ha-Rif* rather than the Talmud itself. R. David cites Rabad much more than R. Meir of Narbonne does, but like Meir's commentary, David's work is not cited much outside of other Provençal works. It is cited with particular frequency in the Provençal compendium *Orḥot Ḥayim* (c.1300). R. David's reputation within Provence is also seen in several of his responsa that have survived.⁹⁴

The commentaries of Abraham b. Isaac of Montpellier (who was involved in the Maimonidean controversy during the time of Rashba in 1305, and conferred with Menaḥem ha-Meiri in 1314) have been published for virtually all of *Mo'ed* and *Nashim* (and to *Ḥulin*); they are focused on the text of the Talmud, albeit from the practical halakhic standpoint as well. At the same time, however, R. Abraham is also interested in explaining the methods of (and rectifying seeming contradictions within) Maimonides's *Mishneh Torah*, in ways that appear to adumbrate the creative method of R. Ḥayim Soloveitchik of Brisk (d. 1918).⁹⁵

The best-known Provençal talmudic commentator of this period is also one of the last, Menaḥem b. Solomon ha-Meiri of Perpignan (1249–1315). R. Menaḥem came from a distinguished family that had roots in Carcassone and Narbonne, and he was a descendant of several leading Provençal predecessors including Rabi, Rabad, and R. Meshullam, author of *Sefer ha-Hashlamah*. Meiri authored separate commentaries and *hidushim* to several talmudic tractates, as well as a lively work defending Provençal customs (*Magen Avot*); a monograph on the laws of *sefer Torah*, *tefillin*, and *mezuzah* (*Kiryat Sefer*); another on the laws of mourning (*Shever Ga'on*) that was appended to his voluminous work on the laws and strategies of repentance (*Hibur Teshuvah*); commentaries on the biblical books of *Mishlei* and *Tehilim* and on *Pirkei Avot* (with a lengthy historiographic introduction on the figures of Torah scholarship up to his own day); and an epistle in defense of the study of philosophy.

Meiri's largest and most important contribution, however, is his *Beit ha-Behirah*, which covers thirty-five talmudic tractates: all those in the "three orders" (in addition to *Berakhot*, *Ḥulin*, and *Nidah*), as well as tractates *Tamid*, *Midot*, and *Mikva'ot* (which accords with the scope of Rabad's commentaries as noted above). However, except for (several hundred) citations found in the (sixteenth-century) *Shitah Mekubetset* to *Bava Ḳama*, this work remained virtually unknown until publication began haltingly in the mid eighteenth century, with most of it being published only since the 1950s.

⁹⁴ See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, II, 156–7. ⁹⁵ See *ibid.*, II, 157–8.

Meiri cites material from almost every region within Europe, with the exception of Italy, although Germany is also under-represented. However, he refers to rabbinic authors by descriptive (geographic or literary) epithets rather than by name, a practice that occasionally leads to confusion in identifying his sources, since these usages were not entirely consistent. In a clear Hebrew style, Meiri presents a full digest of the multitude of material that he had before him (on aggadic passages as well), regardless of whether these commentaries or works agree with the approach or interpretation that he ultimately prefers. He evaluates the views that he cites, but does not hesitate to add his own views. Indeed, overarching and well-developed themes, such as the importance of ethical behavior and philosophical study and outlook – Maimonides was an unparalleled touchstone for Meiri in these and other matters – and the status of Christianity in Jewish law and thought, can be distilled from within this voluminous work.⁹⁶

FIFTEENTH-CENTURY SPAIN

Original rabbinic scholarship was still to be found in Spain during the century that preceded the expulsion of the Jews in 1492. In his treatise entitled *Darkhei ha-Talmud*, Isaac Campanton of Castile (d. 1463) developed a logical system of talmudic analysis on the basis of classical philosophy, from Plato through the fifteenth century. R. Isaac's method, which was continued within some Turkish *yeshivot* in which those who were expelled from Spain went on to study, was referred to simply as *'iyun*. It was anchored by a deep analysis of the *sugya* under discussion, without reference to any parallel or related *sugyot*, a method unlike that of many thirteenth- and fourteenth-century commentaries. Indeed, Isaac Campanton's work relates mostly to the Talmud and Rashi's comments, and to *Hidushei ha-Ramban*, with little emphasis on *Tosafot*.⁹⁷

⁹⁶ See *ibid.*, II, 158–67, 198–200; M. Halbertal, *Bein Torah le-Hokhmah* (Jerusalem, 2000), 41–9, 54–62, 92–8, 140–51; and Gregg Stern, *Philosophy and Rabbinic Culture* (New York, 2009), 70–110. The only Provençal talmudist of note after Meiri (and prior to the expulsion of 1394) is R. Perets ha-Kohen of Manosque (1305–70; he arrives in Barcelona c.1350, as noted above, and his commentary to *Nazir* is fully extant). See, e.g., Shatzmiller, “Rabbi Isaac ha-Cohen of Manosque”; and Ta-Shma, *Ha-Sifrut ha-Parshanut la-Talmud*, II, 139–41.

⁹⁷ See I. Ta-Shma, “Li-Yedi’at Matsav Limud ha-Torah bi-Sefarad ba-Me’ah ha-Tet Vav,” in Y. T. Assis and Y. Kaplan, eds., *Dor Gerush Sefarad* (Jerusalem, 1999), 47–62 [= Ta-Shma, *Kneset Mehkarim*, II, 261–78]; Daniel Boyarin, *Ha-'Iyun ha-Sefaradi* (Jerusalem, 1990); and Yoel Marciano, “From Aragon to Castile – The Origins of Sephardi

ASHKENAZ DURING THE LATE MIDDLE AGES

Talmudic studies in Ashkenaz during the fourteenth and fifteenth centuries underwent a series of changes in both function and form, largely as a result of the expulsions and persecutions that occurred throughout northern Europe in the late thirteenth and early fourteenth centuries, and the destruction caused by the Black Death in 1348–9. The rabbinic corpus of Meir (Maharam) b. Barukh of Rothenburg (d. 1293; Maharam studied in both northern France and Germany) and several of his students already reflects a crucial transition point.

Although Maharam composed and dictated Tosafot and *hidushim* to a number of tractates, his collections of responsa and legal decisions and customs were his most copious (and best-known) compositions. R. Meir was certainly not the first Tosafist to pen responsa, but he was among the first to preserve his own responsa and those of his predecessors, and to inspire his students to do so on an even larger scale. Moreover, R. Meir expressed unreserved admiration for the writings and methods of Maimonides and Alfasi. Indeed, two of his students, Asher b. Yeḥiel (Rosh) and Mordekhai b. Hillel (who died a martyr's death in 1298) authored halakhic commentaries on the Talmud that presented a large amount of Ashkenazic material according to the order and content of Rif's *Halakhot*. Another of Maharam's students, R. Meir ha-Kohen, composed glosses to Maimonides's *Mishneh Torah*, known as the *Hagahot Maimuniyyot*.

These two developments, the systematic preservation of responsa and the veneration of monolithic Sephardic legal codes, undoubtedly reflected the deteriorating conditions in Ashkenaz. Maharam witnessed the burning of Paris in 1242 as a student, and his responsa refer to questions and practices that arose when Jews were confronted with physical persecutions and even death at the hands of Christians. By preserving legal decisions and

Talmudic Speculation in Fifteenth-Century Spain" [Hebrew], *Tarbiz* 77 (2008), 573–99. Another leading Spanish rabbinic figure of this period, Isaac Aboab (d. 1493), composed a commentary to *Arba'ah Turim / Orah Hayim* (often cited in Joseph Karo's *Beit Yosef*), that compares the *Turim* with the Ran's commentary on the *Hilkhot ha-Rif*, among other connections between the *Turim* and classical Sephardic talmudic literature. The work of the Tosafists was known to R. Isaac through its citation by both the *Turim* and Rosh, but he does not seem to be aware of the *Tosafot* themselves, a situation not so difficult to imagine in light of the new method of study that had developed in Spain at this time. However, other contemporary Spanish talmudists were completely comfortable with Tosafist texts and methods. Note, for example, Yosef Ibn Zaddiq, whose 49-chapter work (entitled *Zekher Tsadik*) was composed in Aragon in 1467, and deals with the laws of prayer, festivals, and non-kosher food according to the teachings of both Ashkenazic and Sephardic predecessors, with many references to northern French *Tosafot*.

talmudic analyses in the form of responsa that left little room for debate or modification, and by linking their works to those of Maimonides and Alfasi, Maharam and his students sought additional stability for the results of their talmudic studies, which might thus better survive the impending demise of many of the Jewish communities in western and central Germany.

Subsequent Ashkenazic talmudists considered Meir of Rothenburg as the “first of the last,” a leading later authority (*batra’ei*) and scion of the heyday of Ashkenazic talmudism. His halakhic rulings and judicial decisions dominated subsequent Ashkenazic rabbinic thought, with regard to larger issues such as communal government and maintaining levels of domestic and social tranquillity, and more mundane questions that arose within ritual or personal law and practice. Moreover, the very nature of German rabbinic literature in the fourteenth and fifteenth centuries reflects the works of Maharam. The genre that R. Meir brought to real prominence in Ashkenaz, the written responsum, becomes the dominant literary vehicle. The responsa of Jacob Molin (*Maharil*, d. 1427), his student Ya’akov (Mahari) Weil, Maharam Mintz, Israel Isserlein (author of *Terumat ha-Deshen*) in Austria, and Mahari Weil’s student Israel (Mahari) Bruna (d. 1480) are by far the most important and influential rabbinic works of their day.

Another rabbinic genre that became popular in the fifteenth century gathers the customs that leading rabbinic figures observed, such as *Minhagei Maharil* (compiled by Molin’s student Zalman of St. Goar in the Rhineland, a number of years after *Maharil*’s death), and *Leket Yosher* by Joseph b. Moses of Hoechstadt (Bavaria), which revolves around the customs and practices of his teachers, Israel Isserlein and Jacob Weil. These works were modeled after collections of this type by students of Maharam, such as *Sefer ha-Parnas* by Moses Parnas of Rothenburg, and the more widely circulated *Sefer Tashbets* by Samson b. Zadoq, which recorded the ritual, personal, and communal practices and customs of Maharam in great detail. This genre became especially important after the turbulent fourteenth century, when it was no longer possible to establish customs accurately and consistently on the basis of what was being done by the general populace.⁹⁸

⁹⁸ See entry by E. Kanarfogel, “1286: R. Meir b. Barukh (Maharam) of Rothenburg, the Leading Rabbinic Figure of His Day, Is Arrested in Lombardy and Delivered to Rudolph of Habsburg,” in S. Gilman and J. Zipes, eds., *Yale Companion to Jewish Writing and Thought in German Culture, 1096–1996* (New Haven, 1997), 27–34; Urbach, *Ba’alei ha-Tosafot*, II, 521–64; S. Emanuel, “Teshuvot Maharam mi-Rothenburg Defus Prague,” *Tarbiz* 57 (1988), 559–97; Y. Y. Yuval, *Hakhamim be-Doram* (Jerusalem, 1989), 17–18, 97–114, 179–80; and Yedidyah Dinari, *Hakhmei Ashkenaz be-Shilhei Yemei ha-Benayim* (Jerusalem, 1984), 229–313. To be sure, the vicissitudes of the time also diminished the literary output of rabbinic figures generally, and may well have

This is not to suggest, however, that the creativity of Ashkenazic (or Sephardic) talmudism had fully run its course. The transfer of the center of Ashkenazic Judaism to eastern Europe, which leads to a revival there from the early sixteenth century until 1650, brings Ashkenazic rabbinic culture into much greater contact with the fruits of earlier Sephardic biblical and talmudic studies (not to mention philosophy and mysticism), and paves the way for the broad acceptance of Joseph Karo's *Beit Yosef* and *Shulḥan Arukh* by the leading Polish rabbinic figure, Moses Isserles (Ramo), who was content to author trenchant glosses and comments to these works. Ramo was followed in his efforts by a series of leading eastern European rabbinic figures during the late sixteenth and early seventeenth centuries and beyond.

At the same time, a number of Ashkenazic authorities were resistant to the Sephardic method of study and codification, which presented many of the talmudic interpretations available (as Joseph Karo did in his *Beit Yosef*), but ultimately decided the Halakhah via rules of consensus and precedent (as Joseph Karo does in his *Shulḥan Arukh*). Thus, in his *Yam shel Shelomoh*, Solomon Luria (Maharshal, d. 1572) adopts a method of study and decision-making that hearkens back (at least initially) to the days of Rabbenu Tam and the Tosafists, as did Mordekhai Jaffe (d. 1612) in his *Levush*. Maharal of Prague, and especially his brother Hayyim b. Bezal'el, bemoan the extent to which creative talmudic study would become diminished if the *Shulḥan Arukh* were to become the singular work that it ultimately became. Somewhat arbitrarily perhaps, the appearance of the *Shulḥan Arukh* (if not the development of the printing process) effectively marks the end of the medieval period in talmudic studies in the east, and in Europe as well.⁹⁹

contributed to the reduced range of rabbinic writings as well. Manuscript research has uncovered talmudic commentaries, as well as the existence of a number of important communal rabbinic figures (such as Zalman Katz of Nuremberg) who had remained almost completely unknown, either because they left no unified or overarching contributions or because their smaller treatises were lost; see Yuval, *Hakhamim be-Doram*, 48–58.

⁹⁹ See, e.g., M. Breuer, "Hashpa'ah Sefaradit be-Ashkenaz be-Sof Yemei ha-Benayim ube-Reshit ha-'Et ha-Ḥadashah," *Pe'amim* 57 (1994), 17–28; Jacob Elbaum, *Petihut ve-Histagrut* (Jerusalem, 1990), 72–81, 324–34; I. Twersky, "The Shulḥan 'Aruk: Enduring Code of Jewish Law," *Judaism* 16 (1967), 141–58 [= Twersky, *Studies in Jewish Law and Philosophy*, 130–47]; Edward Fram, "Jewish Law from the Shulḥan 'Aruk to the Enlightenment," in N. S. Hecht, B. S. Jackson, and S. M. Passamaneck eds., *An Introduction to the Sources and History of Jewish Law* (Oxford, 1996), 359–66; Fram, *Ideals Face Reality: Jewish Law and Life in Poland, 1550–1655* (Cincinnati, 1997), 5–12; and Elchanan Reiner, "The Ashkenazi Elite at the Beginning of the Modern Era: Manuscript versus Printed Book," *Polin* 10 (1997), 85–98.

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THE CAMBRIDGE HISTORY OF JUDAISM

VOLUME VI

THE MIDDLE AGES: THE CHRISTIAN WORLD

VOLUME EDITOR

ROBERT CHAZAN

