

Taking Charge and Fitting In: The Fascinating Story of the Rosh, the New Rav of Toledo in 1305

I. Some Background

מא.

שְׁאֵלֵי שְׂרוּפָה בְּאֵשׁ, לְשִׁלּוּם אַבְלִיָּה,
הַמְתָּאֲנִים שְׁכוֹן, בְּחֶצֶר וְבוֹלְיָה.

שְׁאֵלֵי שְׂרוּפָה — *(Torah) by fire and, seek ... Twenty-four cartloads of the Talmud and its commentaries were publicly burned in the streets of Paris, France in the year 1244. The events leading to this tragedy give us a glimpse of the terrible persecution which befell our ancestors in those dark times.*

French king, Louis IX (1226-1270), was a religious zealot, so much so, in fact, that he took himself the title of Saint Louis. His piety, however, did not extend to his Jewish subjects. In 1244, against whom he enacted many harsh and discriminatory laws. The king's pious zeal manifested itself most clearly in the favor he showed to apostates who abandoned Judaism. In 1250, for example, the king himself would baptize converts and their baptisms.

Donin of La Rochelle was an apostate and especially vicious in his hatred for his Jewish subjects, and who caused the forced conversion of the Jews of Anjou and Poitiers. Five hundred Jews from these cities surrendered to the threat of death and were baptized. In 1250, a majority of Jews, 3,000 martyrs in all, died for their death while sanctifying God's name.

Realized that the bulwark of firm Jewish observance was the holy Talmud, the repository of our traditions and teachings. He felt that if he could eradicate the Talmud he could easily eradicate the Jewish people. At the end, he went to Pope Gregory IX in 1253 and he presented a formal accusation against the Talmud. He charged that

their defense of the Talmud, the official verdict against them was a foregone conclusion. The Talmud would have been immediately consigned to the flames if not for the lone staunch ally the Jews had amongst the churchmen, the bishop of Sens (Shantz), whose arguments and pleas averted any evil decree for one year. At the year's end, while the good bishop was standing in the presence of King Louis, he suddenly convulsed and died in a most grotesque fashion. The anti-Semitic priests convinced the gullible king that this was actually an act of Divine retribution against the bishop for his heresy in defending the blasphemous Talmud. A tribunal of church elders condemned the Talmud to be burnt. Their agents eagerly searched and confiscated over 1200 manuscripts of the Talmud and commentaries. We must bear in mind that this occurred two centuries before the invention of the printing press. Each one of these volumes was a handwritten manuscript which took months, even years to write, at tremendous effort and expense. Moreover, many of the more recent works such as novellae by the Tosafists of France and their correspondence and halachic decisions were transcribed only in a limited number of copies and would be lost forever.

R' Yechiel recognized that this tragedy threatened the very survival of the French Jewish community. He therefore recorded the proceedings of his disputation in a work called simply *Vikuach* (Vikhuach) (Vikhuach) (Vikhuach).

הַמְתָּאֲנִים שְׁכוֹן, בְּחֶצֶר וְבוֹלְיָה. (מִיָּה ע"א) אֵין פּוֹדִין אֶת הַשְּׁבוּיִים יִתֵּר עַל כְּרִי שְׂרָאוִים לְמַכּוֹר כְּשׁוֹךְ כְּתוּרָה עֲבֻדוֹת, מִפְּנֵי תִּיקוֹן מִבְּרִיחֵי אֶת הַשְּׁבוּיִים, מִפְּנֵי תִּיקוֹן הָעוֹלָם, ר"ג יִתְקַן שְׁבוּיִים. מִסְּקִינָן כְּסוּגִיָּא, אִיכְעִיָּא לְהוּ, מִפְּנֵי מִשׁוּם דְּלֹא לִיתָא לִי תִּיקוֹן (וְלִיגְרִי כְּהוּ) ח"שׁ דְּלוּ בְּר דְּרַגְנָה פְּרָקָה לְבִרְתִּיהָ דִּינִי. אִמֵּר אֲבִי מֵאֵן לִימָא לֶן דְּכַרְצוֹן חֲכָמִים מִפְּשִׁיטָא. וְהַקְּשׁוּ הַתּוֹסֵפּוֹת (ר"ה וְלֹא) וְהַרָא"שׁ (סִימָן ח"ס) וְהָא דְגִרְסִינָן בְּכְתוּבָת פְּרָק נַעֲרָה (נ"ב ע"א). מִכְּבָּשִׁין מִמֵּנוּ עַד עֶשְׂרָה כְּדָמִים, פֻּעַם רֵאשׁוֹנָה דְּאִשׁוּנָא חֲשִׁיבָא כְּנֹפֵר יוֹתֵר מִכְּתוּ, וְעַל עֲצֻמָּה לֹא לֵאלֹהִים יוֹנוֹן כֹּל אֲשֶׁר לוֹ בְּעַד נַפְשׁוֹ, וְכֵן תְּלַמֵּיד חֲכָמִים לֹא יִזְקֵין רַבְנָן, כְּדֹאמְרִינָן פְּרָק הַגִּיזְקִין (נִיטִין נ"ה ע"א) וְהַשֵּׁעַ פּוֹיָה חִינוּק שְׁבוּי כְּדָמִים מְרוּבִים, לְפִי שְׂרָאוֹת מִלְּפָנֵי הַמֶּלֶךְ, וְאִפְשָׁר שִׁיחָא אֲדָם גְּדוֹל, וְכֹל שֶׁכֵּן מִי שְׂהוּא גְּדוֹל, גֵּד כֹּאֵן. וְהָא דְּפֻדָּה אֶת עֲצֻמָּה בְּכֹל מִמּוֹן

Yam Shel Shlomo Gittin 4:36

I have heard about the Maharam Rothenberg that was captured in a prison for many years and the community wanted to ransom him and he didn't allow them because he claimed that one could not ransom captives for more than their worth and I don't understand because he was a great Talmud Chacham ...

Certainly, he must have felt that if they redeem him there would be a concern that they would keep doing this to all of the leaders of the generation until there was no money left...

I heard as well that they had thoughts of arresting the Rosh, his student, as well, and he found out and he ran to Toledo.

שמעתי על מהר"ם מרוטנברג זכרונו לברכה, שהיה תפוס במגדול אייגזונו כמה שנים, והשר תבע מן הקהלות סך גדול, והקהלות היו רוצים לפדותו, ולא הניח, כי אמר אין פודין השבויים יותר מכדי דמיהם. ותמה אני, מאחר שהיה תלמיד חכם מופלג, ולא היה כמותו כדורו בתורה ובתסודות, ושרי לפדותו ככל נמון שבעולם, ואם מרוב ענותנותו לא רצה להחזיק עצמו בתלמיד חכם מופלג, מכל מקום היה לו לחוש על ביטול תורה, כאשר כתב בעצמו, שהוא היה יושב בתושך וצלמות, בלי תורה ואורה, והיה מקונן שלא היו אצלו ספרי הפוסקים והתוספות, ואיך לא היה חש לעון ביטול התורה, מאחר שרכיב זריכים לו. ובדאי דעתו היה, שאם יפדו אותו, אם כן יש למחש שלא יעשו כן כל השרים התלמיד חכם המופלג שכדורו, כעבור רוב הממון, עד שלא יספיק ממון הגולה לפדותם, ותשתכח התורה מישראל. כי גם שמעתי שהיה ברעת אותו הצורך לתפוס גם הרא"ש תלמידו, ונודע לו, וברח לטול טיילא, ונצול ברחמיו וברכ חסדיו, ומשום הכי אמר החסיד, מיטב שתאבד מעט חכמה היתרת מישראל, ממה שתאבד חכמת התורה עיקר, וזה האות שאז פסקה אותו הדבר והשמד לתפוס חכמי הגולה, ותו שנינו, אין מבריחין את השבויים, מפני תיקון העולם, רשכ"ג אומר מפני תקנת השבויים וכו'.

Rosh Gittin 4:44

There was no *takana* on a *Talmud Chacham* that was captured as we learn that Rabbi Yehoshua redeemed a captive child for a lot of money for he saw that he was sharp and it was possible for him to become a great man. How much more so for someone who is already.

בבב' אשכנזי (ה) נסד חוקים ושלום חסום חוקים לטורא או משכנולו ליהו ולגור כיה חסא סמט
לג' נר ורמא סק: אברהם נבריסר לאפי רינדי למר אביי תמן לימאלן רבטן המים עבר דלמח
אלו ברטוקמבייט (ח) אל אשכנזי ויה דהילס כסוכות כולמבר (י) נכניס ויה מרקסן
סמט עד ספריה סמט לטויה סרה חסום ולמשי חסיבא כנופי יוהר מוהו ועל עולו
לל חוקן רבין אל וק כל למר ל נסד נסד וכן הלמוד חסם סמכנה כחל לל חוקן כדלמרי'
כ"י הרמקון (י"ג טו) ורבי יוספ סרה חסוק סמטי כדמיס מרוביס נסד ספריה חרף וספרי'
ולמרי ספריה חרף ורוביל ספרי חסא כנר למר גרמו: כרה (ר"ח ס"ה ע"ב) אפי' לקרין
סמט ס' אל דמן חקוק סמט סרה סמט ס' יארף סמט ס' סודר חריות וי'.

Dr. Irving Agus: *Rabbi Meir of Rothenburg* p. 149

Rudolph, on the other hand, wanted to emphasize his right to tax the Jews and to force them into accepting their new status as real *Kammerknechte*. He, therefore, demanded the promised amount as a tax, and not as a payment for a royal favor. Were Rudolph to release R. Meir after receiving the money from the Jews, such money would appear to be received in payment for R. Meir's release, and not as the payment of a direct levy. Rudolph therefore refused to release R. Meir and to help the Jews of Boppard and Oberwessel, in order to emphasize the fact that the money he had collected was in payment of a direct tax upon the Jews.

Ethical Will of Rav Yehuda Ben Asher

The cause of my father's departure from Germany was due to the imprisonment of R. Meir of Rothenburg,¹⁰⁰ of blessed memory. The Count, then head of the government,¹⁰¹ arrested him, and the congregation of Germany ransomed him for a considerable sum.¹⁰² The Governor refused to accept as guarantor any other person than my lord, my father, of blessed memory. He was compelled to become security for a large amount. But before the contributions were apportioned to the various congregations, R. Meir died in prison. The governor unjustly refused to admit my father's plea that as R. Meir died before his release, the guarantee had lapsed. Payment was still demanded from my father and the congregations, and my father escaped to another city; he left Germany altogether because of his fear of the authorities, and settled in the great city of Toledo. In the first year of his residence there, they sent him a written communication from the town-council¹⁰³ of the place where he formerly lived, inviting him to return home. They would despatch fifty officers to meet him on the German frontier, and would give him a

¹⁰⁰ Cf. J. S. viii, 437. He died in the fortress of Eislein, in 1293. The account of the ransom differs somewhat in the present narrative.

documentary safe-conduct from the Emperor. For they recognized his wisdom and excellence, and were wont to follow his advice in all matters. But in face of the frequent ill-treatment of the Jews there, he was unwilling to go back. This was the reason of the coming of my lord, my father, of blessed memory, to this country. "This was the Lord's doing,"¹⁰⁴ to the end that my father might raise up many disciples on Spanish soil. "He executed the righteousness of the Lord, and His ordinances with Israel."¹⁰⁵ For there were not in these lands any thorough commentators.¹⁰⁶ He also wrote commentaries and decisions to the Talmud. Wherever his commentaries, responsa and decisions reached, they made known the statutes of the Lord and His laws. His sons walked in his ways, and maintained his opinions. "As for Asher, his bread was fat;" his Rock guarded him with every care, because he was faithful to his charge. "And of Asher he said: blessed be Asher because of his sons"¹⁰⁷—all of them were interpreters of uprightness¹⁰⁸, who from the least to the greatest of them held fast to the law of God, the Lord of the Universe, and by what they wrought were a shield to their generation. I was by far the most insignificant of all of them; through His grace God raised me up in my father's place, a tendril of his stock, a shooting of his roots¹⁰⁹ and planting, to maintain his

¹⁰⁴ Ps. 118:23.
¹⁰⁵ Deut. 33:21.
¹⁰⁶ Comp. above, p. 166, n. 19

II. Toledo

Why Toledo?

מרות שינויי הרעות והמנהגים שלו⁴³, ואע"פ שטולידו היתה קהילה ותיקה ובעלת מסורת⁴⁴, הסכימו גדולי טולידו, הזקן ר' אברהם אבן שושן, חברו ר' יעקב ב"ר יוסף ושאר זוקני טולידו⁴⁵, לקבל עליהם מנהיג בעל שיעור קומה כמו הרא"ש. מסתבר שלהחלטה זו היו כמה מניעים: יתכן שהיה זה בהמלצת הרשב"א, שכבר שנים רבות היה בקשרים הדוקים עם מהר"ם מרוטנבורג ועם הרא"ש תלמידו, וירע להוקירו כערכו⁴⁶. עוד אפשר שגדולי טולידו רצו להחזיר עטרה ליושנה, ולהעמיד שוב אחד מגדולי ישראל בראש הקהילה גם במחיר של שינויי דעות ומנהגים; מאז פטירת הרמ"ה בשנת ה'ר"ה היתה ירידה כללית במעמדה התורני של טולידו, ומשום מה לא העמידו הרמ"ה, ואחריו רבנו יונה ששהה בעיר שנים מעטות ונפטר בה בשנת כ"ג, ממלאי מקום גדולי תורה. עד שנת מ"ה היה רב העיר ר' טודרוס

Relationship to Colleagues

Teshuva 31:9

...This mistake is made by all those who learn law from the Rambam that aren't experts in Talmud to know from where he got his laws and they make the prohibited permissible and the permissible prohibited because he didn't do like the rest of the writers who brought proofs for their works...Rather he wrote his works as if it was a prophesy...and all those who read it think they understand and it isn't true...Therefore a person shouldn't rely on reading his book to pasken unless he finds a proof from the gemora. I heard from a great person in Barcelona who was an expert in gemora and wondered about the person who doesn't learn the gemora and learns from the Rambam...And I see for myself for I am expert in 3 books of the Mishna and I understand the Rambam on that but his books on *zeraim* and *Kodashim*, I don't understand anything.

Israel Ta-Shma: *Creativity and Tradition* p. 115

זמה שהפא מדגי הרמב"ם ו"ל לא הבין דבריו, כי הוא כחן מתוך המוספתא³ דמניא ואלו הן מי חמציא כל ומן שהגשמיס יודין וההריס טללין⁴ פסקו הגשמיס וההריס טללין הרי הן כמי חמציא. פסקו מלהיות טללין הרי הן כמי גנאין. הנוספר טר גלד המיס⁵ גלד הנהר ומקוס הבין הרי הן כמי חמציא. הנוספר גלד המעין כל ומן שהן גאין מחמץ המעין ואפ"ס שהן פוסקין ומורין ומשכין הרי הן כמי חמציא כחן הרמב"ם ו"ל, ולא איירי ליעין מקוה אלא ליעין החילוק שיש בין מי גנאין ובין מי חמציא כדחנן נפ"ק דמקואות⁷ שז מעלות במקואות. וכן עושים כל המורים הוראות מתוך דברי הרמב"ם ו"ל ואינן קקלין בגמרא לידע מהיכן הוליא דבריו טועין להחיר האסור ולאסור אה המורה, כי לא עשה כשאר המחברים שהביאו ראיות לדבריהם והלאו על המקומות היכן דבריהם בגמרא ומתוך זה יכול לעמוד על העיקר ועל האמת. אבל הוא כחן ספרו כמחננא מפי הגטרה בלא טעם ובלא ראיה וכל הקורא ט פטר שמרן ט ואינו קן, שזס אינו נקי בגמרא אין מתן דבר לאשורו ולאמתו ויכשל מין וכשוראה. לכך לא יסמוך אדם על קריאתו כפירו לודן ולהורות אס לא שימצא ראיה בגמרא. וכן שממתי מפי אדם גדול בגרילונה שהיה נקי

בתלמוד סדרי ואמר חמתי על בני אדם שלא למדו גמרא וקורין בספרי הרמב"ם ו"ל ומורים ודניס מתוך ספריו ופטרין שיכירו נהם, כי ואמר אינו מריר בעלמי כי נב" סדריס שלמדתי אינו מתן כשאינו קורא בספריו אבל בספריו נהלכות קדשים וזרעים אינו מתן נהם בלא ודעתי שכן הוא להם בכל ספריו.

האוס הכותב אשר בן ה"ר יחיאל זצ"ל

existed between the Rosh and the Rashba, and was far more intricate than the simplistic description current among the scholars (see *ktal* 2:14-15, and the latter's reply to it, #461-466). These letters describe one aspect—authentic, true, and intimately personal—of a multifaceted picture. Rashba certainly paved the way to a successful absorption of the Rosh in Toledo. The two rabbis knew each other personally, and there existed a deep and mutual appreciation between them. Rashba inherited from Nachmanides a profound admiration for German talmudic scholarship and the pietist way of life, and R. Asher was certainly the pupil par excellence of R. Meir of Rotenberg, and the faithful carrier of his traditions. On the other hand, his strict adherence to these German traditions and his near-total disregard of the rich Sefardic heritage in his hundreds of responsa written in Spain—added to his occasional expressions of the type quoted above—brought about a similar reaction by the Rashba and his pupils and followers. One of the most powerful phenomena of fourteenth-century rabbinic literature in Spain is the tacit rejection of R. Asher's work by the school of Rashba followers, among them the Riva, Haim b. Samuel of Toledo, Crescas Vidal, Rabbenu Nissim and others, who simply ignore his work. The first to point out this plain fact—and with surprise—was Prof. J. Spiegel in a footnote to his article, "Shaar Reshit Hokhmah he-Arokh," in *Rabbi I. Nissim Memorial Volume*, vol. 3 (1985), pp. 211-212, but he did not notice the reciprocal effect and the literary parallelism, nor their historical significance. Embodied here is much more than local "isolationism" and intellectual seclusion; there is here, rather, a sense of covert disappointment with R. Asher's idiosyncratic style of absorption in his new homeland.

Important works in Spain, Ibid. 117,118, 121

It is historical fact that nearly all Franco-German rabbis from the beginning of the eleventh century until the end of the thirteenth, excluding Maharam of Rotenberg, did not attach a permanent value to the many responsa they wrote or received. Not one of them, with the single exception of the early-eleventh-century R. Judah ha-Kohen of Mayence, author of *Sefer ha-Dinim*, left an organized collection of his own responsa, nor was such a collection kept by a devoted student. Even first-class halakhic figures, such as Rabbenu Gershom Me'or ha-Golah, Rashi and his three rabbis (as well as his famous grandsons), and the outstanding Rabbenu Tam—or, for that matter, Ri ha-Zaken, Rash of Sens, Ritba, and the many other major Tosafists—never took the trouble to gather their own responsa and hand them over to their pupils for the benefit of later generations. Modern scholarship has to go through the infinite task of carefully reading and collating many antique manuscripts in order to identify whole or fragmentary responsa quoted in secondary and tertiary literary sources. We do not yet possess a satisfactory edition for any of these great sages—not even for Rabbenu Tam, whose rich responsa literature is still mostly unknown to us. The same is true for Ri, Rash of Sens, Ritba, and all other major Tosafists. The first to note this curious fact, though unable to explain it to his own satisfaction was Haim Soloveitchik,¹⁴ but he singles out Tosafist

Let us now proceed a little further and ask the question: Who, then, collected R. Asher's Spanish responsa? It was probably not he himself, since he did not care to do so in Germany and had not changed his views about it upon reaching Spain. More probably, his pupils and other Spanish followers and colleagues who studied with him, who were members of his Bet Din, and who admired him greatly did that for him, according to the long-standing Hispano-Jewish literary tradition. This is probably true of the many manuscript collections of the regular type. But the sorted type (later to be printed), which was radically edited, arranged according to topics, and broken into specialized subjects, needs further elaboration.

We now know, thanks to Prof. Urbach's work

century Franco-German scholars toward their own responsa literature. That gave us an answer to our question as to why R. Asher's Ashkenazic responsa were not included in the collection, but the question now seems to loom larger: Why, indeed, did they all adopt such an unnatural attitude, and what made them differ so much in that respect from the long-established Geonic and Spanish tradition? They made abundant use of contemporary responsa, using each other's responsa freely, discussing them in detail, and striving to own copies of the more important ones as they happened to learn about them; yet not even one of them—during a period of nearly three centuries—ever set his mind to form his own, or his teacher's, full and authoritative collection until the days of Maharam of Rotenberg, at the very end of the Tosafist period. This is a bothersome question and it, too, calls for an historical answer. I like to reflect on this problem in terms of the total and inbred Franco-German opposition to centralized halakhic authority. The autonomous status of the old Jewish centers in eleventh-century France and Germany and their complete halakhic independence is very well known and described by many scholars, most recently in the articles and book on France by my good friend I. A. Grossman.²⁰

III. Putting It All together: The Case of Praying for Rain

MISHNAH. ON THE THIRD OF MARCHESHVAN WE [BEGIN TO] PRAY FOR RAIN. R. GAMALIEL SAYS: ON THE SEVENTH, [THAT IS.] FIFTEEN DAYS AFTER THE FEAST SO THAT THE LAST ISRAELITE MAY REACH THE RIVER EUPHRATES.

GEMARA. R. Eleazar said: The halachah is according to R. Gamaliel. It has been taught: Hananiah says: In the Diaspora [we do not begin to pray] until the sixtieth day after the [Tishri] cycle.

Rambam Tefilla 2:16,17

16. from the 7th of Marcheshvan we ask for rain in the blessing of the years as long as we are asking for rain. This is speaking about in Israel but in Mesopotamia, Egypt and places nearby and similar to them we begin 60 days after the 'season of tishrei.

17. Places that require rain during the summer such as the other side of the ocean should ask for rain during the blessing of *Shomea Tefilla*.

מ"ג *ב' כרחשון שואלין את הגשמים רבן גמליאל אמר *כשבעה ב' *
מזז זס ארז ררז כרי שניע אררן שבישראל לגרר פרה : נב * אד אלעוד *
הלכה כרבן גמליאל תניא תניא אמר יבנולה עד ששים בחקפה אמר רב
הנון בר ריא אמר שמאל הלכה כרנניה איני והא בעו מניה משמאל
מאי אה מוכרין וזן מל וספר אמר להו מבי מעייל ציבי לבי מכות *ישבא
דלונא אדי וארי רד שעורא הוא איבעא להו יום ששים כלפני ששים או
כלאוד ששים תיש רב אמר יום ששים כלאוד ששים ושמאל אמר יום
ששים כלפני ששים אד נרמן בר ירחק וסמנך עילאי בעו מא תרא לא
בעו מא אמר רב פפא הלכתא יום ששים כלאוד ששים : מ"ג * יגיעין יו

של פסח אומר מורד הטל : טז משבעה
ימים במרחשון שואלין את הגשמים כברכת
השנים כל זמן שמזכיר הגשם. במה דברים
אמורים כארץ ישראל אבל בשנער ובסוריא
ומצרים ומקומות הסמוכות לאלו והדומין להן
שואלין את הגשמים כיום * ששים אחר תקופת
חשר : יז מקומות שהן צריכים לגשמים
כימות החמה נבן אי הים הרחוקים שואלין את
הגשמים בעת שהן צריכין להן כשומע תפלה.

