Rabbi Jeruham b. Meshullam, Michael Scot, and the Development of Jewish Law in Fourteenth-Century Spain

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One of the most mysterious and haunting of all medieval halakhic figures must certainly be the fourteenth-century sage Rabbi Jeruham b. Meshullam. During the sixteenth century, he was known as "Tamiri"—"the concealed one"—a moniker given to him by Joseph Karo's heavenly interlocutor, the Maggid.[2] Years later, David Azulai, the eminent eighteenth-century rabbinic bibliographer, reported that "a number of Rabbis who had composed commentaries on his work . . . were summoned to the heavenly academy [i.e., they died prematurely] or their work was lost."[3] Even today, scholars who have never opened Jeruham's books are nevertheless aware of the "curse" hanging over the work of this medieval author.[4]

Who was Jeruham b. Meshullam and what did he write? Did his work have significant and lasting influence on rabbinic law and literature? In this study, we attempt to characterize the legal compositions of this author, to evaluate his contributions to the development of Jewish law, and to uncover possible reasons for the

[1] Although this paper is truly the result of cooperative scholarship, there was, nevertheless, a division of labor. The section "Jeruham from Provence" is primarily the work of James Robinson, while the remaining sections are primarily the work of Judah Galinsky. In the spirit of co-authorship, it is hoped that the sum is greater than the parts. The authors would like to thank Susan Einbinder for her many helpful suggestions.

[2] See R. J. Z. Werblowsky, *Joseph Karo: Lawyer and Mystic* (Philadelphia: Jewish Publication Society, 1977) 173.

[3] H. Y. D. Azulai, *Shem ha-Gedolim ha-Shalem, Ma'arekhet Gedolim*, letter *yud* # 382 (Jerusalem: Y. Tietelbaum, 1979) 1:116a.

[4] It seems particularly telling that, in recent years, when medieval halakhic works are constantly being edited, reedited, and reprinted, the standard version of Jeruham's work remains the 1553 Venice edition. Scholars and editors seem to be consciously aware of (and fearful of) the legendary curse.

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peculiar legends surrounding his literary legacy, as they relate to the larger debates between philosophy and kabbalah in the later Middle Ages.

Jeruham b. Meshullam, Life and Works

Jeruham b. Meshullam was born in the latter part of the thirteenth century into a rabbinic family in southern France (which the Jews called "Provence").[5] Though he was but a young man when he was exiled during the expulsion of the Jews from France in 1306, he was still old enough to remember the laws and customs of his birthplace, which he would recount years later.[6] After wandering through the regions of Christian Spain, he finally settled in Toledo, the capital of Castile, where he joined the scholarly community centered there. He studied Jewish law with the famous "Rosh," Rabbi Asher b. Jehiel (fl. 1305–1320), and later continued his studies with Rabbi Abraham ibn Ismail (fl. c. 1310–1330).[7]

While residing in Castile, between the years 1330–1350, Jeruham produced two comprehensive works on Jewish law.[8] The first, *Sefer Meisharim* ("The Book of Uprightness"), deals with Jewish civil law and was written for use by rabbinic judges, whereas the second, entitled *Toldot Adam ve-Havah* ("The Offspring of Adam and Eve"), covers all aspects of religious law pertinent to both rabbi and layman.

[5] See H. Gross, *Gallia Judaica: dictionnaire geographique de la France d'apres les sources rabbiniques* (Amsterdam: Philo Press, 1969) 490–91. As Gross points out (489–91), although "Provence" can refer to any or all of the counties of southern France (Rousillon, Languedoc, Comtat Venaissain, or Provence proper), for Jeruham—as for other contemporary Jewish authors—references to "Provence" in Hebrew may refer to the lower Languedoc region in particular, where the main Jewish centers were located (Béziers, Carcassonne, Narbonne, Lunel, Montpellier). There is an extensive literature now on the history of the Jews of southern France from 1148–1306; see the pioneering essay by I. Twersky, "Aspects of the Social and Cultural History of Provençal Jewry," *Journal of World History* 11 (1968) 185–207.

[6] For background on the expulsion, see William Chester Jordan, *The French Monarchy and the Jews: From Philip Augustus to the Last Capetians* (Philadelphia: University of Pennsylvania Press, 1989) 177–238, and S. Shwarzfuchs, *Yehude Tsarfat bi-Yeme ha-Benayim* (Tel Aviv: ha-Kibuts ha-me'uhad, 2001) 242–64. For Jeruham's use of Provençal traditions, see below.

[7] The little that we know about Jeruham's life has been summarized by A. Freimann, "Ascher ben Jechiel, sein Leben und Wirken," *Jahrbuch der Jüdisch-Literaischen Gesellschaft* (=*JJLG*) XII (1918) 283–85. This article, together with Freimann's article on Asher's sons, "Die Ascheriden (1267–1391)," *JJLG* XIII (1920) 142–254, was translated into Hebrew and published as *ha-Rosh ve-Tsee'tsa'av* (Jerusalem: Mossad ha-Rav Kuk, 1986); see esp. 64–66. See also I. Ta-Shema, "Jeroham ben Meshullam," *Encyclopedia Judaica* (ed. Cecil Roth; 16 vols.; Jerusalem: Macmillan, 1972) 9:1375–76. Regarding Jeruham's teacher Abraham ibn Ismail, a student of Rashba in Barcelona and of Rosh in Toledo, see Freimann, "Ascher ben Jechiel," 278 [*ha-Rosh* 59] and Y. Goldstein, "*Piskei Bava Qamma shel R. Avraham ibn Isma'il*," *Moriah* 15 (1986) 22–23.

[8] Jeruham never explicitly identifies the city where he wrote his works. All we know is that he studied with Rosh and Abraham ibn Ismail, who both taught in and around Toledo. That he shows no awareness of the *Four Turim* by his contemporary Jacob b. Asher suggests that, at least when he wrote his books, he was not in Toledo.

Both of Jeruham's works are unique and original contributions to the history of Jewish law,[9] not for their content but for their literary structure and order. Unlike earlier codes and compilations, Jeruham's writings aimed explicitly to make the technical details of Jewish law easily accessible to all readers, scholars and educated laymen alike—to produce, as it were, a user-friendly reference work. As he himself explains in his introduction to *Sefer Meisharim*, he had organized this first work of his in such a way that even the unlearned could locate any individual law with ease.[10] And to facilitate use of his legal compilation, R. Jeruham prefaced his book with a dual table of contents. A brief description of these two tables of contents can help illustrate the encyclopedic character of his work.

In the first table of contents, Jeruham lists very general, easily identifiable categories, which he calls נתיבות (paths). He lists a total of thirty-two paths (including, e.g., Judges, Contracts, Land, Movables, Torts), and provides a short description of each. The second table of contents provides a detailed listing of subcategories or subsections, what he calls חלקים, in which the author delineates the specific topics included in each general category. In his introduction to *Sefer Meisharim*, Jeruham instructs his readers on how to navigate his system:

> If you the reader choose to seek a particular law, first consider in which category or path it belongs, then consult the second list where the paths are subdivided into [enumerated] sections. Read through these sections and when you find something resembling what you are seeking . . . take that section [number] in your hand and proceed to the [corresponding] place [in the body of the work] where I have elaborated its law.[11]

A revision Jeruham made to his second book, *Toldot Adam ve-Havah*, provides further evidence of the importance he attached to the table of contents. In his preface to path 15 he tells us how it came to his attention that students of the law, למדנים, who had taken special interest in the section on ritual slaughter and dietary laws, were copying only that particular section of the work. He was deeply bothered by this selective copying, arguing that such readers "would not have before them the introduction, where they could observe the table of contents, סידור האותיות, that I had arranged for this section so that the inquirer would be able to find anything

[9] For a good brief introduction to Jeruham's work, see M. Elon, *Jewish Law: History, Sources, Principles* (4 vols.; Philadelphia: Jewish Publication Society, 1994) 3:1269–72. It should be noted that the overall structure of the second work, *Toldot Adam ve-Havah*, which covers laws from birth to death, is similar to that of Aharon ha-Kohen's *Orhot Hayim*, part II, a work of which Jeruham was aware (see Zunz and Shlesinger, cited below, n. 31). Jeruham, however, incorporated within this structure the laws that Aharon had dealt with separately in *Orhot Hayim,* part I. In addition, Jeruham subdivided his work into two parts; the bulk of the work (twenty-one out of twenty-eight paths) is devoted to Adam-Man and a smaller part (the remaining seven paths) to Eve-Woman.

[10] *Toldot Adam ve-Havah ve-Meisharim* (Venice: A. Bragadini, 1553) vol. 2 (*Sefer Meisharim*), 2, col. 4, lines 39–42. For a translation of this section see Elon, *Jewish Law*, 1271.

[11] The quotation appears toward the end of the introduction to *Meisharim*, 2, col. 4, lines 7–16.

[he is interested in finding]."[12] To correct this problem, R. Jeruham decided to reproduce the list of topics of path 15 and place it at the head of the section itself, in the body of the work.

It is clear, in light of R. Jeruham's introductions, that he considered the unique structure of his works his main contribution to halakhic literature. The books, in other words, were constructed according to the ideal plan laid out in the tables of contents and not vice versa. In general, it seems that his books were composed not to be read from cover to cover but, rather, to be used selectively, designed to facilitate the finding of any particular law as quickly as possible.[13]

Although Jeruham's two books were unique primarily because of their structure and aim, they are worthy of note for another reason as well: their broad scope. Indeed, if one were to combine his two legal works, one would have a complete digest of all the relevant laws any medieval Jew would need to know. Although many legal works were composed in Spain during the fourteenth century (as will be discussed below), only one was equally comprehensive: the famous *Four Turim* (rows) by Jeruham's Castilian contemporary Jacob b. Asher (fl. 1320–1340), the son and student of the Rosh.[14]

Fourteenth-Century Spanish Halakhic Literature

In Spain during the fourteenth century, in both Castile and Aragon-Catalonia, there was an extraordinary proliferation of halakhic works. To name just a few, besides those by Jacob b. Asher and Jeruham: *Orhot Hayim* by R. Aharon ha-Kohen, *Mitsvot Zemaniyot* by Israel Israeli, *Shulhan ha-Panim* by R. Isaac Aboab, *Tsedah la-Derekh* by Menahem b. Zerah, *Tseror ha-Hayim* and *Tseror ha-Kessef* by Hayim of Tudela, *Ohel Mo'ed* by R. Samuel Gerundi. There was, it seems, an actual renaissance in the composition of legal handbooks, codes, and compilations.[15] In general, as with Jeruham, the authors of these works made original contributions primarily in the area of literary form rather than legal content; that is, though their works contain

[12] *Toldot Adam ve-Havah*, 114, col. 2.

[13] Jeruham, toward the end of his introduction to *Meisharim*, 2, col. 4, lines 39–45, writes the following: "And because this mode of organization *provides a straightforward way to find the law on any subject*, for all kinds of people, be he a great scholar, a beginner, or an intermediate student . . . *therefore I called it Sefer Meisharim* (emphasis added)."

[14] See for example I. Ta-Shema, "Between East and West: Rabbi Asher b. Yehi'el and his son Rabbi Ya'akov," in *Studies in Medieval Jewish History and Literature* (ed. I. Twersky and J. M. Harris; vol. 3 of *Studies in Medieval Jewish History and Literature*, ed. I. Twersky; Cambridge, Mass.: Harvard University Press, 2000) 179–96. See also J. D. Galinsky, "Ashkenazim in Sefarad: The Rosh and the Tur on the Codification of Jewish Law," *Jewish Law Annual* 16 (2006) 323. One may surmise that it was the influence of Alfonso el Sabio's codification projects that in turn motivated the students of Rosh to produce all-encompassing codes of Jewish law. On Alfonso and his legal codes see Joseph F. O'Callaghan, "Alfonso X and the Partidas," in *Las Siete Partidas* (ed. R. I. Burns; trans. S. P. Scott; 5 vols.; Philadelphia: University of Pennsylvania Press, 2001) 1:xxxxl.

[15] See for example J. D. Galinsky, "On Popular Halakhic Literature and the Emergence of a Reading Audience in Fourteenth-Century Spain," *Jewish Quarterly Review* (forthcoming).

few fresh and original insights on Jewish law, they do present old material in new ways, in a more organized and accessible fashion than had been done previously.

In other words, the literary activity of Jeruham was part of a larger literary-cultural trend in fourteenth-century Spain. Indeed, it would seem that his work is related to a still broader European phenomenon that included Jew and non-Jew alike. As M. B. Parkes and others have noted, the thirteenth and fourteenth centuries were important periods in the history of the book, with crucial advances in the development of study aids and reference tools.[16] As Parkes describes it:

> Thirteenth-century scholars paid close attention to the development of good working tools based on scientific principles. The drive to make inherited material available in a condensed or more convenient form led them to recognize the desirability of imposing a new ordinatio on the material for this purpose. . . . Compilation was not new . . . what was new was the amount of thought and industry that was put into it, and the refinement that this thought and industry produced.
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> The compiler adds no matter of his own by way of exposition . . . but compared with the scribe he is free to rearrange. What he imposed was a new ordinatio on the materials he extracted from others. . . . The compilatio derives its value from the authenticity of the auctoriates employed, but it derives its usefulness from the ordo in which the auctoriates were arranged. [17]

Jeruham's work typified this trend, both in the thought he invested into devising schemes for "information retrieval" in his extensive works and in his expression of the ethos of his era in the opening lines of the introduction to his first work, *Sefer Meisharim*:

> The philosophical sages, חכמי המחקר,[18] have taught that the search for wisdom is of two types: The first is when the subject itself is exceptional

[16] In addition to Parkes's work, see Richard Rouse, "La diffusion en occident au XIIIe siècle des outils de travail facilitant l'accès aux texts autoritatifs," in *Enseignement en Islam et en Occident au moyen-âge* (ed. George Makdisi et al.; Paris: Librairie orientaliste P. Geuthner, 1977) 1154–57; idem, "Biblical Distinctions in the Thirteenth Century," *Archives d'histoire doctrinale et littéraire du moyen âge* 41 (1974) 27–37; idem, "Concordances et index," *Mise en page et mise en texte du livre manuscript* (ed. Henri-Jean Martin and Jean Vezin; Paris: Promodis, 1990) 219–28; idem, "*Statim invenire:* Schools, Preachers, and New Attitudes to the Page," in Rouse & Rouse, *Authentic Witnesses: Approaches to Medieval Texts and Manuscripts* (Notre Dame: University of Notre Dame Press, 1991) 191–220. It should be noted that this process affected all disciplines of learning. For examples of the development of philosophical and scientific compilations and encyclopedias in the thirteenth and fourteenth centuries, see *The Medieval Hebrew Encyclopedias of Science and Philosophy* (ed. Steven Harvey; Dordrecht: Kluwer Academic Publishers, 2000).

[17] See M. B. Parkes, "The Influence of the Concepts of Ordinatio and Compilatio on the Development of the Book," in *Scribes, Script and Readers: Studies in Communication, Presentation, and Dissemination of Medieval Texts* (London: Hambledon, 1991) 35–69. The quoted passages are found on 58–59.

[18] By Jeruham's time, several terms were used in Hebrew for philosophers and scientists, including: פילוסופים, חכמי העיון, אנשי העיון, אנשי המחקר, חכמי המחקר, or just plain חכמים. The terms אנשי המחקר, חכמי המחקר, and פילוסופים are themselves foreign terms, borrowed from the Arabic אהל

> [even if] the order is not good and perfect; the second is when the order is good even if the subject itself is not exceptional, for the soul takes pleasure in proper order.[19]

Obviously, Jeruham did not believe that the content of Jewish law was "not exceptional"; rather, this was his way of saying that although he had little to add to the content of legal discussion, he could contribute a great deal to its order and structure. When Jeruham wrote these words, it was as if he was speaking not only for himself but for all the authors of his time.

Jeruham's Influence

But what of Jeruham's impact during and after his lifetime? Did his books have an influence on the shaping of Jewish law in fourteenth-century Spain and beyond? If we can trust the author's own account, his work had, at the very least, initial success within the judicial and rabbinic communities of Spain. According to his report in *Sefer Meisharim*, due to pressure from "certain known people", אנשים ידועים, who demanded a copy of his work immediately,[20] he allowed his book to be copied even before he felt it was ready to be publicized; and indeed a longer and more complete version of the work appeared subsequently.[21] Similarly, the author tells us that it was common practice of rabbinic students to copy at least one section of his *Toldot Adam ve-Havah*.[22]

As it turns out, fate did not look kindly on Jeruham, for he composed his legal works precisely at the same time Jacob b. Asher produced his; and during the fifteenth century, it was the *Four Turim* that became the most authoritative legal code in Castile.[23] Nevertheless Jeruham's works were not forgotten; they continued to be

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אלבחת and פלאספה. In Arabic there may have been some real difference between these two terms. In Hebrew, however, the terms are used interchangeably, and both would point, in the contemporary readers' mind, to the philosophers. Thus we translate חכמי המחקר here as "philosophical sages," rather than with the awkward and meaningless literal rendering: "sages of investigation."

[19] See the section "Jeruham from Provence" for further discussion of this passage and its source.

[20] *Meisharim,* Introduction, page 2, column 4, lines 34–39.

[21] Ibid, 34–40.

[22] See, e.g., the illustration cited above, n. 12.

[23] To quote Pilar Leon Tello, *Judios de Toledo* (2 vols.; Madrid: Consejo Superior de Investigaciones Científicas, 1979) 1:116: "Durante la Edad Media el *Turim* llegó a ser la obra básica de la codificación judía, y estuvo vigente en España hasta la expulsion." For the evidence for Tello's assertion, see Y. D. Galinsky, "Ve-zakhah zeh ha-hakham yoter mi-kulam she-ha-kol lamdu mi-sefarav: 'al tefutsat Arba'ah Turim le-Rav Ya'akov ben ha-Rosh mi-zeman ketivato ve-'ad le-sof ha-me'ah ha-15," *Sidra* 19 (2004) 25–45. Three of the more crucial indications are: 1) The fact that Torquemada, around the year 1488, based his *Censura et confutatio libri Talmud* on the *Turim*. See M. Orfali, "Le-demuta shel ha-yahadut 'al pi *Censura et confutatio libri Talmud*, 1488," in *Dor gerush Sefarad: kovets ma'amarim* (ed. Y. T. Assis and Y. Kaplan; Jerusalem: Merkaz Zalman Shazar le-Toldot Yisra'el, 1999) 63–83, esp. 69, 76–77. The work of Torquemada has recently been published by M. Lazar, "Anti-Jewish and anti-Converso propaganda; Confutatio libri talmud and Alboraique," in *The Jews of Spain and the Expulsion of 1492* (ed. M. Lazar and S. Haliczer; Calif.: Labyrinthos, 1997) 175–206.

studied by legal scholars, and were used by rabbis and judges.[24] While the works might have been used by rabbis and judges because of their usable tables of contents, advanced legal scholars consulted them, in part, because Jeruham, unlike Jacob in the *Turim*, included references to the Talmudic sources of legal decisions.[25] Even later during the sixteenth century, after the expulsion from Spain, there is evidence that Jeruham's work, even though considered second to the *Turim*, continued to be studied in the Ottoman Empire.[26] For example, R. Joseph Karo, who composed his legal commentary *Beit Yosef* on the *Turim* during the middle of the sixteenth century, cited Jeruham's compositions frequently throughout his work.[27]

Jeruham from Provence

As mentioned at the outset, Jeruham was born in southern France ("Provence"), but he resettled in Spain following the expulsion of the Jews from France in 1306.[28]

Even a cursory glance at these texts reveals that "Rabbi Moysen de Egipto" (Maimonides) is quoted mainly on matters of faith, but it is Rabbi Jacob (or his work) that dominates in matters of religious practice (see especially pages 188–206). 2) The fact that the *Turim* was printed in Spain and Portugal in the latter half of the fifteenth century (between 1479–1495) more times then any other Halakhic work including Maimonides' *Mishneh Torah*. Jeruham's works were not printed at all in Spain. Only later in the sixteenth century were they printed in Constantinople (1516) and Venice (1553). 3) The explicit testimony of the Hispano-Jewish historian A. Zacuta, in his *Ha-yuhasin Ha-shalem Le-rabi Avraham Zakhut* (ed. H. Filipowski; London, 1857) 224a, who lived during the last half of the fifteenth century in Castile. His emphatic formulation "And this scholar achieved more then everyone else for all studied from his works" seems to speak for itself. It is also worth comparing this laudatory description with the very matter of fact description of Jeruham's work (later on the same page): "and he composed his reputable works, *Adam ve-Havah* and *Meisharim*."

[24] As can be easily seen through the computerized catalogue of the "Institute of Microfilmed Manuscripts at the National Library in Jerusalem," six complete or near complete manuscripts of the *Meisharim* from the fourteenth–fifteenth centuries are extant in the various libraries of the world, all written in Sephardic Hebrew script. Of the *Toldot,* as well, we know of six manuscripts from this period written in that script. For medieval works, this number is considered quite substantial and indicates a good reception of both works. For the sake of comparison, here are the number of copies for the various volumes of Jacob b. Asher's *Four Turim* copied in Sephardic script (included in the list of individual volumes are the extant copies of partial sets and complete sets of the work): *Orah Hayim* (vol. 1): 14 copies; *Yoreh Deah* (vol. 2): 16 copies; *Even ha-Ezer* (vol. 3): 9 copies; *Hoshen Mishpat* (vol. 4): 13 copies.

[25] See for example Joseph Karo's introduction to his *Beit Yosef* where he makes this point quite clearly: "For even though God has bestowed upon us the commentary of the Rav ha-Magid [on Maimonides' *Mishneh Torah*] and the work of Rabbi Jeruham, who directs us to the Talmudic sources of the law. . . ."

[26] See the introduction of M. Benayahu to Eliezer Nahum, *Rabbi Eliezer Nahum Pirush Sifre* (ed. M. Benayahu; Jerusalem: Yad ha-Rav Nissim, 1993) 7–10.

[27] A CD search in the Bar-Ilan Responsa Project shows over two thousand citations (mostly under the name Jeruham without reference to one of his works explicitly; but, at times, the author, Joseph Karo, will cite the work and not the author).

[28] See above n. 5.

His Provençal heritage, however, is not prominently on display in his legal works.[29] Both of his works, *Sefer Meisharim* and *Toldot Adam ve-Havah,* follow closely the *Pesaqim* of his teacher in Toledo—the German émigré Rosh. Both works also show the influence of his second teacher, Abraham ibn Ismail, a Catalonian scholar and student of Rashba.[30] In *Toldot Adam ve-Havah,* there are occasional citations of Provençal halakhic works, such as *Orhot Hayim*;[31] and at times Jeruham even gives first-hand reports about Provençal customs, as he had seen them performed during his youth by rabbis and laymen.[32] However, both *Toldot* and *Sefer Meisharim* primarily represent a synthesis of the traditions of Ashkenaz and Sefarad with only a hint of Provençal legal culture.

However, in the introduction to *Sefer Meisharim*, Jeruham shows himself to be a representative of his native heritage in a different manner. He does so not through the use of Provençal legal sources and traditions, but of Maimonidean ideas and themes, drawn not from the legal *Mishneh Torah* but from the philosophical *Guide of the Perplexed*.[33] In fact, the opening methodological statement (cited above), which Jeruham attributes to certain unnamed "philosophical sages," is taken indirectly from the most popular (and somewhat infamous) of Provençal philosophical and exegetical works, Jacob Anatoli's *Malmad ha-Talmidim* ("A Goad for the Students").[34] In order to demonstrate the Maimonidean influences on Jeruham's

[29] While Jeruham, in both of his works, refers to the writings of Rabad of Posquières, a well-known twelfth-century Provençal scholar, he does not markedly differ from the way in which Rosh and Rashba cite him. It should be noted that even in the longer and more elaborate version of *Sefer Meisharim* (which remains in manuscript), it seems that all the additional material comes mainly from the classic works of the Northern France and Spanish legal traditions along with those by Rabad.

[30] Ibn Ismail's influence on Jeruham should not be based solely on explicit citations of his legal opinions (a mere twenty-four times in both works) but from Jeruham's extensive use of the writings of Rashba, ibn Ismail's teacher.

[31] See L. Zunz, *Die Ritus des synagogalen Gottesdienstes* (Berlin: L. Lamm, 1919) 31–32, and M. Shlesinger's introduction to *Orhot Hayim Heleq Sheini* (ed. M. Shlesinger; Berlin: Z. H. Itzikovsky, 1902) XI–XXII.

[32] The explicit instances are quite limited. He cites the practice of Provence four times. See his *Toldot Adam ve-Havah*, Path 3, Part 3 (25b); Path 8, Part 1 (56a); Path 12, Part 19 (102a); Path 26, Part 3 (223d); Path 28, Part 2 (233a). On the practice of the Rabbis see Path 6, Part 2 (49c); Path 8, Part 2 (58a); Path 15, Part 5 (124b). It is worth noting that his citation of the opinions of these "Rabbis" is usually taken from the work of Isaac b. Abba Mari of Marseilles. On his use of another Provençal work see above n. 29.

[33] For background regarding the use of philosophy and philosophical exegesis by Provençal legal scholars, see Moshe Halbertal, *Ben Torah le-hokhmah: Rabbi Menahem ha-Me'iri u-va'ale ha-halakhah ha-Maimonim be-Provans* (Jerusalem: Magnes Press, 2000).

[34] For background regarding Anatoli (c. 1194–1256) and his *Malmad ha-Talmidim*, see especially M. L. Gordon, *The Rationalism of Jacob Anatoli* (Ph.D. Diss.; Yeshiva University, 1974), Marc Saperstein, "Christians and Christianity in the Sermons of Jacob Anatoli," *Jewish History* 6 (1992) 225–42; republished in *Your Voice Like a Ram's Horn: Themes and Texts in Traditional Jewish Preaching* (Cincinnati: Hebrew Union College Press, 1996) 55–74; J. T. Robinson, "The Ibn Tibbon Family: A Dynasty of Translators in Medieval Provence," in *Be'erot Yitzhak: Studies in Memory of Isadore Twersky* (ed. J. Harris; Cambridge, Mass.: Harvard University Press, 2005) 193–224. For the controversial nature of Anatoli's work, see, for example, the criticisms of him

introduction, we will first explicate the background in the *Guide*, before discussing the borrowing from Anatoli.

Jeruham's introduction to *Sefer Meisharim* makes use of several established rhetorical devices and themes.[35] In particular, he begins with a preamble, written in rhymed prose, in which he apologizes for his deficiencies and justifies his writing of the book. His most detailed apology follows some brief autobiographical reflections on the suffering caused by his exile from Provence. It reads as follows:

> How can I occupy myself with Torah when in my house there is no bread [see Isa 3:7] nor any covering in the cold [see Job 24:7], yet my soul burns with heat [see Job 30:30]? On top of this, the capacity of my mind itself is limited, and this [limited knowledge] is among the hindrances that prevent, מונעים, one from ascending the ladder; indeed, it is greater than all [other hindrances] together. In sum, the five causes that prevent anyone from knowledge and understanding were with respect to me a proverb and byword. The hand of my intellect could not grasp even the things that are small and light and fine, let alone those that are great and long and deep. Therefore, the readers, מעיינים, ought not to blame me if I err in my writing or in my language, in the way that my thoughts are expressed [literally "brought up"] in this book, [the purpose of which is] to know the practical law [literally "what is this and what does it relate to"] . . . for they are taken from the great teachers, from the heads of mountains; indeed, the mind of the heroic sages is like the entrance to a great hall. Who can reach even the dust on their feet, let alone the place of their intellect?

What are these five causes that Jeruham refers to in this passage that "prevent knowledge and understanding"? They are precisely the same five causes listed by Maimonides in *Guide of the Perplexed* 1:34, which "prevent the commencement of instruction with divine science, the indication of things that ought to be indicated, and the presentation of this to the multitude." As Maimonides explains there, these "hindrances" to the study of metaphysics include the following: "the difficulty, subtlety, and obscurity of the matter itself"; "the insufficiency of the minds of all

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by Rashba during the controversy of 1303–1306, as described by Halbertal, *Ben Torah le-hokmah*, 174–76. For his influence on later Provence, including the Me'iri, see J. T. Robinson, "Secondary Forms of Transmission: Teaching and Preaching Philosophy in Thirteenth-Century Provence," in *Exchange and Transmission across Cultural Boundaries: Philosophy, Mysticism, and Science in the Mediterranean World* (ed. H. Ben-Shammai, S. Shaked, S. Stroumsa; forthcoming).

[35] For background on ancient and medieval preface traditions, see the discussion and bibliographical references in J. T. Robinson, "Samuel Ibn Tibbon's *Commentary on Ecclesiastes* and the Philosopher's Prooemium," in *Studies in Medieval Jewish History and Literature* (ed. I. Twersky and J. Harris; vol. 3 of *Studies in Medieval Jewish History and Literature*; ed. I. Twersky; Cambridge, Mass.: Harvard University Press, 2000) 83–146, idem, *Samuel Ibn Tibbon's Commentary on Ecclesiastes, The Book of the Soul of Man* (Texts and Studies in Medieval and Early Modern Judaism; Tübingen: Mohr Siebeck, 2007) 28–33.

men at their beginnings"; "the length of the preliminaries"; "natural aptitudes"; and "that men are occupied with the necessities of the bodies."[36]

Jeruham's following remarks in the introduction are equally remarkable for their use of Maimonidean motifs. Referring once again to "[Jacob's] ladder," he writes as follows:[37]

> Thus I, Jeruham b. Meshullam, from the land of Provence, one of the lowliest of the disciples, have come to understand and teach the monetary laws, דינים, of the Torah. Herein [i.e., in the monetary laws] is the source of judgment; without them the nation cannot survive. As a wellspring for all is Jewish monetary law;[38] it testifies to the justice, יושר, of our faith. He who wants to become wise should occupy himself with it, as with water that has no end. They [i.e., the Jewish monetary laws] consist of both commandments and good [ethical] dispositions, [and they are] like a ladder on which one can ascend to the intelligibles, to perfect both the practical and theoretical intellect, as man is political by nature.[39]

Jeruham's emphasis on the ascension to knowledge of the intelligible world—and to perfect virtue—through the law is built upon *Guide* 3:26-27; there Maimonides explains that through the perfection of the body, through acquiring virtue and creating a harmonious political community, one can attain perfection of the soul, which is second in time but first in importance. The individual motifs used by Jeruham are also borrowed from Maimonides and the Maimonidean tradition. Thus while Aristotle's famous statement, "man is political by nature," is undoubtedly drawn from *Guide* 2:40,[40] the "ladder of wisdom," on the other hand, stems from a long philosophical-exegetical tradition, first introduced by Maimonides and then later developed by his Provençal followers, especially Samuel Ibn Tibbon (ca. 1165–1232) and Jacob Anatoli (ca. 1194–1256).[41] According to this tradition, one ascends Jacob's ladder to the knowledge of God through the study of the cosmos or the sciences.

[36] See Moses Maimonides, *The Guide of the Perplexed* (trans. S. Pines; Chicago: The University of Chicago Press, 1963) 72–79.

[37] The printed edition of the text has been corrected according to MS Vatican - Neofiti 13:
והנני ירוחם ב״ר משולם מאר׳ פרובינצ׳ מקטני התלמידי׳ אשר באו להבין להורות בדיני התורות מקום המשפט שמה זולתם לא תתקים (מ)[ה]אומה (ו)[כ]מעיין לכלם דיני תורתינו מעידים על יושר אמונתינו והרוצה להתחכם יתעסק בהם מים שאין להם סוף מימיהם והם מחלקי המצו׳ ומן המדות הטובות כסלם לעלות אל המושכלות להשלים שכל מעשי ועיוני והאדם הוא בטבע מדיני.

[38] See *m. B. Bat.* 10:8, *The Mishnah*, translated from the Hebrew with introduction and brief explanatory notes by Herbert Danby (London: Oxford University Press, 1933) 382: "R. Ishmael said, he that would become wise let him occupy himself in cases concerning property (דיני ממונות, literally monetary laws) for there is no branch of the Law greater than they, for they are like a welling fountain."

[39] Jeruham seems to combine the Talmudic statement that the study of monetary law is essential to the development of the intellect (see previous note) with the Aristotelian emphasis on law as a way of regulating society, "as man is political by nature."

[40] See *Guide* 2:40, 381–82.

[41] See especially the discussion by Alexander Altmann, "The Ladder of Ascension," in *Studies in Mysticism and Religion Presented to Gershon G. Scholem on his Seventieth Birthday by Pupils, Colleagues and Friends* (ed. E. E. Urbach, R. J. Zwi Werblowsky, and Ch. Wiszubski; Jerusalem:

Whether Jeruham accepted and aimed to promote this philosophical hierarchy of values is not clear; but that he had no problem using standard Maimonidean themes, which would have been familiar to his readers, is worthy of emphasis.

Most remarkable, however, is Jeruham's opening statement of methodology. This statement, so important for Jeruham's legal project as a whole, is drawn not from Maimonides but from Jacob Anatoli's *Malmad ha-Talmidim*, one of the most influential works of Provençal philosophy and philosophical exegesis. Moreover, Anatoli's source (suppressed by Jeruham) is the philosopher Michael Scot (fl. 1215–1235), with whom Anatoli had collaborated in Frederick II's court.[42] Thus Jeruham's first statement in his legal work about his governing method is borrowed indirectly via Anatoli from a Christian scholastic!

The relevant text from Anatoli, which reports an interpretation of Eccl 5:1 by "the sage I befriended" (Anatoli's standard cognomen for Scot),[43] will be cited first in full, then compared with Jeruham's use of Anatoli's text. Here first is the full text from *Malmad ha-Talmidim*:

> The sage I befriended said to me regarding this verse [viz. Eccl 5:1] that the search for wisdom is of two types: The first is when the order is good even if the subject itself is not exceptional, for the soul takes pleasure in proper order. The second is when the subject itself is exceptional even if the order is not good and perfect, for example, knowing the science of the soul and the science of the heavens and what is above them [which should come at the end, with respect to order]. This is because the soul is more satisfied by and

Magnes Press, 1967) 1–32; and most recently M. Idel, *Ascensions on High in Jewish Mysticism: Pillar, Lines, Ladders* (Budapest: Central European University Press, 2005) 167–204.

[42] For the best up-to-date biography of and bibliography on Michael Scot, see Charles Burnett's forthcoming entry on Scot in the *Grundriss der Geschichte der Philosophie* (ed. Ruedi Imbach and Peter Schulthess). For Anatoli's relationship to Scot, see C. Sirat, "Les traducteurs juifs a la cour des rois de Sicile et de Naples," in *Traduction et traducteurs au moyen âge: actes du colloque international du CNRS, organisé à Paris* (ed. G. Contamine; Paris: Editions du Centre national de la recherche scientifique, 1989) 169–91, which includes French translations of most of Anatoli's references in *Malmad ha-Talmidim* to "the sage I befriended." For the Hebrew originals, see Jacob Anatoli, *Malmad ha-Talmidim* (ed. L. Silbermann; Lyck: Mekize Nirdamim, 1866) 2*, 12*, 2b, 5b, 9b, 28a, 38a, 45b, 47a, 48a, 53b [twice], 54b, 65a, 77a, 83a, 98a, 122b, 129a, 131a, 136b, 154b, 170a, 170b, 177b (the asterisks, in this note and the next, refer to the pages in Anatoli's preface to *Malmad ha-Talmadim* that lack page numbers).

[43] See *Malmad ha-Talmidim*, 12*: "But no one who closely studies this composition of mine ought to rely exclusively on what I say about any verse or rabbinic dictum. For it is not my aim to teach [in any authoritative way]. For, of the little I have studied, especially in the speculative sciences, I have grasped nothing more than the little I studied with the aforementioned sage [Samuel Ibn Tibbon], and nothing but the small portion I heard from the great sage I befriended, named Michael [Scot]. All the time [that Scot and I were together], when we would come across a verse about which he would discourse philosophically, I would receive it מקבלו and write it in his name, for it is not my intention to become beautified with borrowed tools in order that I might be considered a sage. No sage ought to take me to task for this. Nor ought he despise anything written in [that sage's] name, just because he is not a member of our people. For one ought to examine any statement on its own merit, without any regard to its author. Don't you see how Moses our Master introduced the story of Jethro before the giving of the Torah, because of his love for his opinion!?"

> delighted in contemplating a little amount of wisdom relating to a subject that is dear and noble, than in contemplating a great deal of wisdom related to a subject that is despised and considered inferior. Thus, it is sufficient to contemplate supernal matters with "few words." This is what [Solomon] meant when he said: "therefore let thy words be few" [Eccl 5:1].[44]

When we compare Jeruham's use of the passage side by side with his source, it is evident that the only difference (with the exception of a few minor textual modifications) is that Jeruham changes the order of the two types of study and eliminates the examples cited in *Malmad ha-Talmidim*. It seems that while Anatoli (and Scot) wanted to emphasize the importance of content over order, Jeruham wished to focus on order.

Jacob Anatoli, *Malmad ha-Talmidim*	Jeruham b. Meshullam, *Sefer Mesharim*
The sage I befriended said to me regarding this verse [Eccl 5:1] that the search for wisdom is of two types: The first is when the order is good even if the subject itself is not exceptional, for the soul takes pleasure in proper order. The second is when the subject itself is exceptional even if the order is not good and perfect.	The philosophical sages have taught that the search for wisdom is of two types: The first is when the subject itself is exceptional [even if] the order is not good and perfect. The second is when the order is good even if the subject itself is not exceptional, for the soul takes pleasure in proper order.
והחכם שהתחברתי עמו אמר לי על הפסוק הזה [קהלת ה:א] כי דרישת החכמה היא לשני מינים: האחד לטוב סדרה ואע״פ שאין בנושאה מעלה יתירה כי הנפש תתענג בטוב הסדר. והשני למעלת הנושא ואם אין הסדר טוב ושלם.	כבר אמרו חכמי המחקר כי דרישת החכמה לשני פנים: האחד למעלת הנושא ואין הסדר טוב ושלם. והשני לטוב סדרה אף על פי שאין בנושא מעלה יתירה כי הנפש תתענג בטוב הסדר.

To sum up: Although Jeruham does not seem to have been particularly loyal to the Provençal legal tradition, he does show strong leanings toward the Maimonidean tradition of philosophy in Provence. This is especially evident in his use of Maimonidean motifs in the preface to *Sefer Meisharim* (i.e., the five causes preventing study and the ladder of ascent), in his characterization of practical law in light of philosophical ideas (i.e., "man as a political animal"), and especially

[44] See *Malmad ha-Talmidim*, 48a–b.

his use of a text borrowed from Michael Scot (via Jacob Anatoli) to introduce his legal compilation.

Jeruham the Concealed One

After having established Jeruham's Provençal credentials and demonstrated his affinity to the unique traditions of Jewish rationalism, we may now return to our initial question: Why was Jeruham called the "concealed one", טמירי, by Joseph Karo's Maggid?[45] Why is it that anyone attempting to facilitate study of his work was doomed to failure? A closer look at what the heavenly voice, the Maggid, whispered into Joseph Karo's ear is especially enlightening:

> Wherever you criticize his views, you are correct. I call him "Jeruham my concealed one" because he is concealed in the Garden of Eden. For there are the righteous whose merits are sufficient to allow them to appear in the Garden of Eden but only in concealed [form], and he is one of them; nevertheless he has attained a level that is distinguished and cherished.[46]

In other words, despite Jeruham's greatness, there was something about his spiritual ranking that did not allow him to enter the pantheon of great sages. In contrast, Jacob b. Asher, author of the *Turim*, for example, was not called a "concealed one" but rather דחילי—"the God-fearing one"—which is the same title given the famous Meir of Rothenburg.[47] Thus the Maggid seems to be reinforcing Karo's own intuition that one need not hesitate in any way before refuting a decision of Jeruham. He seems to be telling him that criticizing Jeruham's positions is consistent with the celestial opinion: that Jeruham should remain at a level lower than the great authors of halakhic works.

It is within this context that one can understand the comments of David Azulai in his bibliographic work *Shem ha-Gedolim*:

> And the Maran's [i.e., Karo's] Maggid called him by the name Jeruham the "concealed one." And so it was with a number of Rabbis who composed commentaries to his book, such as Maharash Yonah . . . and others like them; [they] were summoned to the heavenly academy or their work was lost.[48]

It is quite clear that Azulai thought that heavenly intervention was necessary to preserve Jeruham's status as a "concealed one," not only in the Garden of Eden above but also in the lowly world below. The earthly world must mirror the true world above. Just as Karo was given the green light to criticize Jeruham's positions, so those who attempted to explain and justify Jeruham's positions were suppressed; they were literally removed from the scene.

[45] On Karo and his heavenly visitor, the Maggid, see Werblowsky, *Joseph Karo*, 257–86.

[46] Ibid., 173.

[47] Ibid., 172 (Jacob b. Asher, author of *Turim*), 173 (Meir of Rothenburg).

[48] See above n. 3.

In light of the previous discussion, we would like to suggest that the ambivalence of Karo—and his Maggid—towards Jeruham may very well rest upon the question of Jeruham's rationalism. As Werblowsky and others have shown, Joseph Karo was a Jewish mystic, a kabbalist. Even if his kabbalah did not have any profound impact on his halakhah, there is no doubt where his sympathies lay.[49] It is possible that Karo sensed that Jeruham was too attuned to the philosophic-rationalistic values of his Provençal ancestors for Karo's taste, and was not imbued with the simple piety and spirituality that Karo so treasured.[50]

One example can illustrate clearly Jeruham's lack of sympathy for mystical thought, on the one hand, and Karo's discomfort with this lack of sympathy, on the other. It involves the magical use of *Sefer Yetsirah* (*Book of Creation*), a book considered by kabbalists to be one of the classic works of Jewish mysticism.[51] Karo, in his comments to *Yoreh De'ah* 179, states:

> R. Jeruham wrote that [practicing magic] by means of the *Book of Creation* is considered "an act of demons." And this is an error in his hands for they are holy names, just as Rabbenu [Jacob b. Asher] wrote in the name of R. Isaiah and as Rashi explained at the end of the chapter *Arba Mitot*.

In the text from *Toldot* criticized by Karo,[52] Jeruham distinguished clearly between three different kinds of magical acts that utilized the power of demons: prohibited and punishable by stoning; prohibited, but with no corporeal punishment; and permissible. His single example illustrating the permissible use of demons is the use of the *Book of Creation* in magic. While Jeruham seems to recognize the efficacy of the *Book of Creation*, nevertheless he classifies its magical use together with other forms of demonic magic. In contrast, Karo the kabbalist was quite horrified by the thought of associating the use of the holy book and holy names with the

[49] See especially Werblowsky, *Joseph Karo*, 148–68, 189–256.

[50] In contrast, the status of Maimonides as a bonafide Jewish and halakhic hero amongst all elements of the Jewish population of Spain and southern France was already well established at the beginning of the fourteenth century. See Bernard Septimus, *Hispano-Jewish Culture in Transition*: *the Career and Controversies of Ramah* (Cambridge, Mass.: Harvard University Press, 1982) 97–103; Halbertal, *Ben Torah le-hokhmah*, 152–59. An expression of this attitude in Karo's writings is found in the Maggid's defense of Rambam against certain unnamed radical kabbalists who made disparaging remarks about Maimonides because of his excessive rationalism. In contrast, Karo and his Maggid strongly defended him because of his great stature as a Torah scholar. See Werblowsky, *Joseph Karo*, 31 and 170 n. 2.

[51] On the book and its importance to the history of Jewish mysticism, see G. Scholem, *Origins of the Kabbalah* (ed. R. J. Z. Werblowsky; trans. Allan Arkush; Princeton: Princeton University Press, 1987) 24–35.

[52] *Toldot Adam ve-Havah,* path 17, part 5, 159c.

negative demonic cosmic forces.[53] It seems that Jeruham's Provençal upbringing had left him completely deaf to the language of kabbalah.[54]

The last and most surprising development in the legend of Jeruham the fourteenth-century halakhist is also recorded in Azulai's work. He reports in his *Shem ha-Gedolim*[55] what he had heard from "elderly rabbis in the holy city of Jerusalem" who had received their information from "the elders." This would place the origin of the report sometime during the latter half of the seventeenth century, in other words, at least one hundred years after Karo.

The elders of Jerusalem, according to Azulai, predicted a terrible fate for anyone who would write a commentary on the work of Jeruham or on that of an earlier Provençal scholar, Isaac b. Abba Mari: "the commentary will be lost or the author will pass away in his prime." This is because both Jeruham's work and Isaac b. Abba Mari's *'Ittur* fall under the category of things "under the sign of the mystery of the hidden universe," סוד עלמא דאתכסיא; that is, they are works that are not to be revealed, as they emerge from the highest, the most concealed, of the celestial *Sefirot*.[56]

The "elders" do not link the unusual afterlife of Jeruham's works to any qualities possessed by their author; rather they associate it with the special status of the works themselves. For them, it was neither a character flaw of the author nor the subsequent judgment of heaven, which had determined Jeruham's subsequent lack of success; instead, it is the unique mystical fate of the work, of one that must be kept hidden from the eye. This is what prevented any commentary from circulating and kept the book from receiving full exposure. [57]

It is quite ironic that a Maimonidean rationalist, inspired by the words of a Christian philosopher, whose sole purpose was to bring form and order to the chaotic mass of material known as Talmudic law, was by the eighteenth century

[53] One can sense Karo's extreme discomfort with Jeruham's formulation by his attempt later on in his commentary to rationalize it, a rationalization that he himself terms "forced."

[54] It is worth noting that Jeruham's position is quite different from that of Maimonides, who disparaged the various magical practices, including the magical use of God's names, that were customary among Jews. See his *Mishneh Torah*, *Hilkhot Avodah Zarah* 11:10–11, 16, and I. Twersky, *A Maimonides Reader* (New York: Behrman House, 1972) 75–76. For an outraged reaction to his position regarding the efficacy of God's name see the comments of Elijah of Vilna (*Bi'ur ha-Gra*) to the *Shulhan Arukh* 179:13; he accuses Maimonides of being misled by his philosophic learning. Special thanks to Bernard Septimus for the references to these sources and for his other helpful suggestions.

[55] Azulai (above, n. 2), *Shem ha-Gedolim*, *Ma'arekhet Sefarim*, letter *ayin* # 32, vol. 1, 122b.

[56] Ibid. On the three "hidden sefirot," see D. C. Matt, *The Essential Kabbalah: The Heart of Jewish Mysticism* (New Jersey: Castle Books, 1997) 8, 11.

[57] It is worth noting that the second work mentioned by the elders of Jerusalem, the *'Ittur* of Isaac b. Abba Mari of Marseilles, was also composed by a Provençal scholar with ties to philosophic rationalists, specifically Sheshet Benveniste. See "Isaac b. Abba Mari of Marseilles," *Encyclopedia Judaica* 9:12–14; and with regard to Sheshet's philosophical leanings, see Septimus, *Hispano-Jewish Culture,* 46–48.

transformed into a legendary figure whose work had become shrouded in mystery, possessing the disturbing power to take lives and ruin fortunes.

In this paper we have portrayed a unique figure in the history of rabbinic literature. Jeruham b. Meshullam was a Provençal exile who studied in Spain, where he composed important and original legal works that had an immediate and lasting impact. We have also revealed his close affinity to Provençal philosophic culture, an affinity that may have significantly diminished his authority in the eyes of the kabbalist Joseph Karo. When this great mystic and lawyer evaluated Jeruham's work and the state of his eternal soul, he concluded that although Jeruham had attained a level that was "distinguished and cherished," he was not worthy of joining the other truly "God-fearing" legal scholars in the Garden of Eden.