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Historical Background to Nahmanides' Acre *Sermon for Rosh ha-Shanah*: The Strengthening of the Catalonian Center

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This study identifies literary testimony of the conflict over the nature of the Rosh ha-Shanah prayer in Nahmanides' *Sermon.* Acre was in the 13th century home to rival Talmudic academies. In his *Sermon for Rosh ha-Shanah*, Ramban confronts the founding figures of the Tosafist community in the city. His ongoing controversy with contemporary sages can be read between the lines. Aside from brief segments, the majority of its Halakhic section is specifically aimed at opposing the Tosafists' rulings, and the way in which material was chosen also highlights its polemical aim. In Ramban's *Novellae,* he does not hesitate to argue with Tosafist and Andalusian-Geonic Halakhic rulings. Yet in the *Sermon*, he prefers citing reservations he had about the former. In the 13th century the intellectual momentum of the Tosafists came to a halt, simultaneous to the flourishing of Ramban's study hall, and many Talmudic innovations were collected in the *Novellae* written by Ramban and his disciples. This transition forms an intellectual turning point in Talmud study. The confrontation among the academies in Acre may be viewed as a microcosm of this process.

Keywords: Nahmanides; *Sermon for Rosh ha-Shanah*; Acre; Tosafists; Samson of Sens; shofar.

El trasfondo histórico del *sermón de Roš ha-Šaná* de Naḥmánides en Acre: el fortalecimiento del núcleo judío en Cataluña.— Este estudio analiza el conflicto en torno al carácter de la oración de Roš ha-Šaná en el Sermón de Naḥmánides (Rambán). Acre albergaba en el siglo XIII academias talmúdicas rivales, y en su *Sermón de Roš ha-Šaná*, Rambán confronta a las figuras fundacionales de la congregación tosafista de esa ciudad. Su controversia con sabios coetáneos puede leerse entre líneas y, a excepción de alguna otra referencia a otros asuntos, la mayor parte de su exposición halájica, junto a la manera en la que el material expuesto ha sido elegido, se dedica a combatir las decisiones de aquéllos. En sus *Novellae*, Rambán no había dudado en discutir tanto las decisiones halájicas tosafistas como las gueónico-andalusíes, pero en el sermón prefiere subrayar sus reservas acerca de aquéllas. De manera simultánea, el impulso de los tosafistas llegaba a su fin, pero las enseñanzas de Rambán florecían, y muchas innovaciones talmúdicas quedaron recogidas en *Novellae* de Rambán y de sus discípulos. Este trasvase constituye un punto de inflexión en el estudio del Talmud y, por ello, el enfrentamiento entre las academias de Acre puede verse como un microcosmos de ese proceso.

Palabras clave: Naḥmánides; *Sermón de Roš ha-Šaná*; Acre; tosafistas; Sansón de Sens; šofar.

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Following their conquest of the Holy Land (1099) the Crusaders established their new kingdom's economic and political capital in the port city of Acre. An important Jewish community, comprising a broad cross section of Diaspora Jewry, naturally took root in the city. From the East, Jews made their way to the city over land, while from Western Europe Jews took advantage of the sea routes opened up by the Crusader Kingdom. Not only were these Jews' countries of origin different, so too were their religious outlooks and Halakhic traditions. The distinctive prayer versions and different study methods they brought from their countries of origin divided the Jewish community into sectors. Co-existing in the same city were communities that observed the traditions of Ashkenazic Jewry and the French Tosafists, Kabbalistic circles from Provence and Catalonia, rationalists from Spain and Provence, and of course Oriental Jews. The immense cultural diversity extant in such a small geographic area led to intellectual ferment and confrontations between the various parties. [1] Nahmanides was one of those who settled in Acre.

The Land of Israel occupied a central position in Nahmanides' thought, [2] in fact one so central that near the end of his life he ascended to the Holy Land. [3] Nahmanides' arrival in Acre during the year 1267 enriched the spiritual fabric of the city, in the main strengthening the Kabbalistic circle. The Talmudical academy established by Nahmanides functioned alongside the one set up by the French scholars with Nahmanides' unique learning style apparently leading to intra-communal tensions. [4]

One of the consequences of Acre's cultural diversity was the confrontation that erupted in the 1280s between the Kabbalistic circle, Nahmanides' students, and those scholars who were adherents of Maimonides' rationalistic world-view. At the head of those fighting against Maimonides' philosophical writings was Nahmanides' disciple, R. Solomon Petit. However, even before the Kabbalists began their battle, the first of Acre's French Tosafists had

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[1] J. Prawer, *The History of the Jews in the Latin Kingdom of Jerusalem* (Hebrew; Jerusalem 2000), pp. 13-14, 82, 91, 94-95, 102, 130-131, 147-148, 180, 168-169, 268-269 and 273.

[2] On the centrality of the Land of Israel in Ramban's thought, see C. J. Henoch, *Ramban, Philosopher and Kabbalist (*New Jersey–Jerusalem 1998), pp. 114-129; Ch. B. Chavel, *Ramban: His Life and Teachings* (New York 1960), pp. 100-104; H. Pedaya, *Name and Sanctuary in the Teaching of R. Isaac the Blind: A Comparative Study in the Writings of the Earliest Kabbalists* (Hebrew; Jerusalem 2001), pp. 254-256, 273 and 280-284.

[3] See H. H. Ben-Sasson, "Rabbi Moshe ben Nahman: Ish be-sibkhe tekufato," *Molad* 1 (5727 [= 1968]), pp. 360-366.

[4] Chavel, *Ramban: His Life and Teachings*, pp. 13-14.

expressed hostility toward Maimonides. Opposing these trends, the Oriental community of Acre took a unified stand in defense of Maimonides. [5] The Maimonidean Controversy was documented in the historical record, and has been discussed at length in the scholarly literature. In contrast, other controversies concerning Jewish Law and custom have rarely been studied, a lacuna we wish to fill.

In close proximity to Rosh ha-Shanah, Nahmanides gave a festival Sermon in the presence of Acre's scholars. [6] We possess a sermon given on the occasion of Rosh ha-Shanah by the 12th century Provençal scholar Abraham ben David (Rabad). So it is reasonable to assume that Nahmanides continued in the tradition of sermonizing on the advent of special occasions. [7] That Nahmanides originally delivered this Sermon orally, is substantiated by its style and by the transcribed asides which are atypical of written discourse: "Our Rabbis further proceeded with lengthy discussions on the deficiencies of the shofar […] and I speak briefly about them because of the fear of troubling the congregation." [8] As a literary genre committed to documenting a live performance, the sermon is characterized by the revelation of biographical details lacking in other sources. The massacre perpetrated by Acre's Moslem conquerors in 1291, it is fitting to emphasize, led to the complete loss of Acre's sages' literary oeuvre. Among the few survivors who returned to Spain was R. Isaac of Acre, Nahmanides' student. He may have brought the Sermon back to the West. This fact lends an added sense of urgency and importance to the Sermon's study. This study will present the *Sermon for Rosh ha-Shanah* as one of the few extant witnesses to the intellectual tension characterizing Acre's unique community. [9]

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[5] PRAWER, *The History of the Jews in the Latin Kingdom*, pp. 132, 164, 231, 246-247 and 268-269.

[6] Translations of the Sermon are cited from Ch. B. CHAVEL, "Discourse on Rosh Hashanah," in his *Ramban (Nachmanides): Writings and Discourses* (New York 1978), pp. 234-353 [EDITORIAL NOTE: Transcriptions of proper names and Hebrew terms in the quotations of Chavel's translations of Ramban's Sermon have been adapted to the system employed by the author throughout the text of this article].

[7] PRAWER, *The History of the Jews in the Latin Kingdom*, pp. 260-264, 268-269 and 273-280.

[8] CHAVEL, "Discourse," p. 300; I. TWERSKY, *Rabad of Posquieres* (Philadelphia 1980), p. 111. Note, as well, "The apprehension of [overtaxing] the congregation is upon me" (CHAVEL "Discourse," p. 311) and "The verse requires a long explanation for which this is not the occasion" (ibid., p. 349).

[9] M. SAPERSTEIN, *Jewish Preaching: 1200-1800. An Anthology* (New Haven 1989), pp. 33 and 85; PRAWER, *The History of the Jews in the Latin Kingdom*, pp. 164, 167, 270-271 and 280-281.

Defining the Horn and the Shofar

The Mishnah in tractate *Rosh ha-Shanah* invalidates the cow's horn for the purpose of blowing the shofar and explains that the reason given for this ruling is the distinction between the *keren* ('horn') and the shofar: "All shofarot are acceptable except that of a cow, because it is a horn" (mRosh 3:2). [10] In his *Sermon for Rosh ha-Shanah* Nahmanides contends with the Tosafists over the question of what this distinction means. The Tosafists tended to view this distinction as merely a linguistic one. An animal bone given the appellation *keren* by the Holy Scriptures was invalidated for the performance of the commandment of blowing the shofar. Conversely, in so far as Scriptures defined a particular bone as a shofar, it was permissible to blow it in order to fulfill the commandment on Rosh ha-Shanah. This ruling prompted detailed discussions concerning the intent of the verses where the terms *keren* and shofar appeared. Instead of focusing upon the language used by Scriptures, Nahmanides argued that the distinction between the horn and the shofar was an inherently physiological one. A bone constructed as one unit is referred to as a horn, while a bone composed of two parts is called a shofar. The internal part of the bone is called the marrow, and the outer shell is referred to as the *nakvut*. For the purpose of fulfilling the commandment of blowing the shofar, the outer shell alone must be used:

> In the Tosafot, the Rabbis asked […] Let the author [of the aforementioned Mishnah] also say [that the shofar of] a goat is invalid, for it is written, *and the goat had a conspicuous 'keren' [horn] between his eyes*. This may be answered [as follows]: A goat is called *seh* [sheep], as it is written *'seh' of the sheep, 'v'seh' of the goats*. [The horn of] a sheep is a shofar, as it is written, *the 'shofarot' of the rams* […] All this is the learning of the commentators on this Mishnah. I ask their forgiveness, and say that included within the category of shofars are only those hollowed horns which originally contained marrow; and of which the shell was peeled off the marrow, as [in the case of the horns] of sheep, goats, and antelope. However, the horns of most of the animals which are made of one [solid] bone are not called shofar in the Sacred Language; their name is rather *keren*. [11]

[10] Ed. P. Kehati (Jerusalem 5756 [=1996]), p. 40.

[11] Chavel, "Discourse," pp. 280-283. Regarding Ramban's methodology of positing a new conceptual approach to obviate the need for the questions and answers proposed by the Tosafists, see I. M. Ta-Shma, *Talmudic Commentary in Europe and North Africa. Literary History. Part Two: 1200-1400* (Hebrew; Jerusalem 1999-2000), pp. 46-47.

The aforementioned points were originally made in Nahmanides' *Novellae* on *Rosh ha-Shanah* (pp. 50-52) and were cited by Nahmanides –with minor changes– in the Sermon. The distinctive contribution of the Sermon here is to be found in its continuation, where Nahmanides injects a personal tone, by referring to his own youth:

> I established this interpretation in my youth, and I discussed the matter before the French Rabbis, before Ha-Rav Rabbi Moshe ben Rabbi Shneur and his brother Rabbi Samuel, and before Ha-Rav Rabbi Yehiel of Paris through my relative Ha-Rav Rabbi Yonah, who studied there. They all arose and said, "He stated it; he yielded it." [12]

In mentioning the names of these scholars in the context of his Sermon, Nahmanides, however, was not simply providing incidental, autobiographical detail. Around the year 1260, R. Yehiel of Paris lead a group of Parisian Jews intent on ascending to the Land of Israel. R. Yehiel did not manage to complete the journey; however, his son and his students settled in Acre. These scholars founded an academy in Acre called "The Study House of the Parisians," and through their very presence strengthened the hegemony of the French community. The authoritative reputation of the Tosafists of Acre, it is appropriate to note, was recognized throughout the Jewish world. [13] For Nahmanides, their presence in Acre closed a circle in his life. In his twilight years Nahmanides unveiled before R. Yehiel's disciples a *Novella* he had sent to their master in his own youth. As a novice, Nahmanides had presented his *Novella* looking for the approbation of R. Yehiel. Now, Nahmanides judged himself an authority in his own right, able to argue with the opinions of the greatest Tosafists, and challenged the leadership of the French scholars in Acre. [14]

The polemical nature of the Sermon finds expression in its style. In his *Novellae*, Nahmanides wrote with reserve: "And it seems to me" (my translation, p. 50). In the Sermon he adopted a more aggressive tone: "I ask their forgiveness" (Chavel translation, p. 283); "This commentary is true, firm and

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[12] Chavel, "Discourse," pp. 284-285.

[13] I. M. Ta-Shma, "A New Chronography on the 13th Century Tosaphists" (Hebrew), *Shalem* 3 (1981), pp. 318-324: 322-324; I. M. Ta-Shma, "Eretz-Israel Studies" (Hebrew), *Shalem* 1 (1974), pp. 81-95: 82-84; Prawer, *The History of the Jews in the Latin Kingdom*, pp. 159-161, 226-227, 247, 265-267 and 271-272; E. E. Urbach, *The Tosaphists: Their History, Writings and Methods* (Hebrew; Jerusalem 1980), pp. 456-457; S. Emanuel, *The Lost Halakhic Books of the Tosaphists* (Hebrew; PhD Diss., The Hebrew University of Jerusalem, 1993), pp. 241-243.

[14] On many occasions, sermons document turning points in their author's intellectual development. See Saperstein, *Jewish Preaching*, p. 85.

beautiful, regardless of whoever wishes to differ with it. Let whoever wishes to grant it, so admit" (Chavel translation, p. 294). Nahmanides' decision to spend a relatively ample amount of time presenting his approach in the Sermon, compared to the briefer explanation provided in his *Novellae*, also seems to stress the importance he attributed to establishing his approach in the Sermon.

Initially, the Tosafists were willing to examine Nahmanides approach: "They all arose and said, 'He stated it; he yielded it'" (Chavel translation, p. 285). [15] However, a number of scholars attempted to minimize the novelty inherent in Nahmanides' approach, attributing it to their own scholarly circles:

> However, some of them said that Rabbenu Shimshon already saw this interpretation and alluded to it in the Tosafot. He wrote, "The Tanna [of the Mishnah] did not specify, 'except that of a cow or of a wild-ox, etc.,' perhaps because these horns are not empty and are not fit for [use as] a shofar." These are his words.[16]

In his *Tosafot*, R. Shimshon of Sens declared that the lack of a hollow in the wild-ox's horn prevented it from being turned into a valid shofar. Some scholars utilized R. Shimshon's statement as proof that the shofar must possess a natural hollow filled with interior bone matter. Thus, showing that Nahmanides' physiological distinction between horns and shofarot had already been alluded to in the *Tosafot*.

Nahmanides fought against this trend, arguing that this was a forced interpretation of R. Shimshon's words. According to Nahmanides, R. Shimshon was compelled to utilize the filled-in hollow of the wild-ox's horn as an explanation for why it was not mentioned in the Mishnah, not as an explanation for why its horn was invalid for the commandment of blowing the shofar. There is an obvious difficulty in turning a unified bone structure into a wind instrument, and, therefore, the Mishnah did not feel compelled to deal with the hypothetical possibility of turning a wild-ox's horn into a shofar. This notwithstanding, the reason for the Halakhic invalidation of the wild-ox's horn is its being referred to

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[15] I have not found this phrase [*nidon*= 'he yielded it'] elsewhere. But a Baraita cited in *bRosh* utilizes a similar expression: "Our Rabbis learned: Once the first day of Rosh ha-Shanah fell on the Sabbath. Rabbi Yohanan ben Zakkai instructed *bene beterah* [literally, 'the sons of *beterah'*] to blow the shofar. They replied: "Let us discuss this [*nidon*]". He replied to them: "Blow [the shofar] and then we will discuss it [*nidon*]." After they had blown, **they said to him: "Let us discuss it**" [*ameru lo nidon*]. He responded: "The horn has already been heard in Yavneh, and no answers are given after the fact" [29b]. Perhaps, the French Rabbis' phrase alludes to this Talmudic source.

[16] Chavel, "Discourse," p. 285.

by Scriptures as a horn. In this, R. Shimshon did not depart from the traditional rationale accepted in the Tosafists' scholarly circles:

> When those words came back to me, I commented: "If Rabbenu Shimshon uttered this [interpretation], then it is all the more good, and we shall drive nails into it. However, the Rabbis said: '[People say that] a camel in Media dances on a *kab* (a small measure of capacity). Now here is the camel, here is the *kab*, and here is Media.' [17] [Rabbenu Shimshon] should have said, '[The horn] of a wild-ox itself is invalid because it is not hollowed, and although it was pierced, it is not called shofar.' He should have brought proof to the interpretation, as we have said. Now, however, he had said only that 'they are not fit for [use as] a shofar,' meaning that people are not in the habit of making a shofar out of them. The Tanna's statement, 'except that of a cow,' was [made] because it [a cow's horn] is fit and common. The same law applies to the wild-ox if he altered the custom and made a shofar out of it, for the matter depends upon its being called *keren*. [18]

Nahmanides' residence in Acre, in close proximity to the study hall of the Tosafists, enabled him to become acquainted with the writings of R. Elhanan, son of R. Isaac of Dampierre, one of the greatest 12th century Tosafists:

> In this city [of Acre], I have seen the long Tosafot of Ha-Rav, Rabbi Elhanan. There it is written in the following language [...] Nevertheless, if he pierced the marrow without [piercing] the outer shell, [that is, if he removed the marrow and pierced it], it is invalid [for use as a shofar], for it is through the [outer] shell that the marrow grows into the flesh [of the animal] to which it is attached, but [the marrow] itself is not called shofar [...] Thus you see that the Sages [of the Talmud] taught the invalidation of the marrow itself because it is not a shofar. They further explained that because of the outer form [of the horn, the marrow] is cloven to the flesh [of the animal]." By implication, [it is clear] that the horns of animals which are all bone are valid according to his [Rabbi Elhanan's] opinion. [19]

R. Elhanan ruled that the shofar bone must cleave to the head of the animal, and since he presumed that the marrow does not conform to this definition, it is invalid for use as a shofar. From this ruling, Nahmanides inferred that the fact that the marrow was itself an independent, unified bone was not cause enough

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[17] A Talmudic expression (*bYev* 45a) meaning, if you claim that a camel can dance on a vessel the size of a *kab* in Media, let us see it. Here too, Nahmanides asks: If R. Shimshon really meant to make the claim that I did, why did he not say so explicitly?

[18] CHAVEL, "Discourse," p. 285.

[19] CHAVEL, "Discourse," p. 286.

from R. Elhanan's perspective to invalidate it from being used to fulfill the commandment of blowing the shofar. Nahmanides was aware that R. Elhanan and R. Shimshon of Sens wrote *Tosafot* in the presence of R. Isaac of Dampierre, [20] and so he studied their works as one integrated unit, questioning one collection of *Tosafot* based upon statements in the other. Thus, he reached the conclusion that his distinction between the horn, a bone constructed as a single, integrated, unit, and a shofar composed of two parts was unknown to R. Shimshon. Which other scholars did Nahmanides mention, and what was their position on the dispute?

In addition to R. Yehiel, Nahmanides in his Sermon also mentioned R. Moshe ben R. Shneur and his brother R. Samuel of Evreux. R. Yehiel and R. Moshe wrote *Shitot* which aimed to rework and analyze their predecessors' *Tosafot*. R. Moshe also emphasized the unimportance of the present-day masters, arguing for focusing study upon the written works of past masters:

> Ha-Rav Moshe, Rabbenu Yonah's Rabbi, and his brother, Master Samuel of Evreux, wrote in their epistles: "From the day we were exiled from our Land […] and wisdom has diminished, we can no longer declare that the awe of one's Rabbi is like the awe of the Heavens, and all the obligations incumbent upon a student to fulfill for his Rabbi are null and void, because the books, compositions and commentaries are our masters, and everything is in accord with the acuity of the mind and logic." [21]

The absence of wide-ranging discussions that breached the boundaries of the particular issue under discussion is another characteristic of the Sages of Evreux. All these traits are symptomatic of the Tosafists' decline in the 13th century. [22] The intellectual approach adopted by the Sages of Evreux seems to have guided their tendency to attribute Nahmanides' approach to R. Shimshon of Sens' written works. In contradistinction to this intellectual approach, Nahmanides did not view himself as partaking in the "decline of the generations," and fought for his interpretation's recognition as novel and original. [23]

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[20] URBACH, *The Tosaphists*, pp. 253, 273-274 and 283.

[21] *Responsa of the Maharshadam, Hoshen Mishpat* 1; my translation.

[22] URBACH, *The Tosaphists*, 479-484; TA-SHMA, *Talmudic Commentary*, pp. 108-115.

[23] The originality of Nahmanides' approach was also emphasized by his disciple R. Pinhas ha-Levi of Barcelona in the *Sefer ha-Hinukh*: "I have been a bit lengthy for you here, my son, because this explanation was newly given for this passage in the Mishnah recently while those who were beforetime explained it in a different manner" (transl. Ch. WENGROV, Jerusalem 1978, p. 199).

THE ADDITION OF *SHEVARIM* NOTES

In 1211 a large group of French Jews arrived in the Holy Land. This ascent became known as "the Ascent of the Three Hundred Rabbis." The group was led by the greatest of the French scholars, R. Shimshon ben Abraham from Sens. His brother, R. Isaac ben Abraham (Ritzba), although he died prematurely and, thus, was prevented from fulfilling his dream, participated in weaving the messianic world-view and establishing the Halakhic knowledge necessary for the ascent to the Holy Land. The group settled in Acre after failing in its attempt to establish itself in Jerusalem. Their arrival in the city led to intellectual ferment. They spread the Tosafists' study method and caused reservations to arise concerning Maimonides' philosophical writings. In opposition to this trend, the Oriental community took a unified stand in defense of the "Great Master." [24]

Testimony to additional confrontations with the Brothers of the House of Sens' study hall was preserved in Nahmanides' Sermon. The blow-by-blow description of another earlier interaction between Nahmanides and the Tosafists that Nahmanides inserted into the Sermon should be read within this context:

> I heard [the following story] from the mouth of my master Ha-Rav Rabbi Nathan the son of Ha-Rav Rabbi Meir. [25] At first, when he came to study Torah before Rabbenu Isaac ben Abraham, the blower sounded four *shevarim* [instead of three]. Rabbi Isaac then instructed him "perform the entire set again," and he did. After the prayers, his colleagues [*haverim*, my addition] and students stood before Rabbi Isaac in the courtyard of the synagogue, [26] and my teacher asked him, "Our teacher, why did you command him to re-

[24] I. J. YUVAL, *Two Nations in Your Womb: Perceptions of Jews and Christians* (Hebrew; Tel-Aviv 2000), pp. 276-281; A. GROSSMAN, "Saladin's Victory and the Aliya of the Jews of Europe to the Land of Israel," in *Studies in the History of Eretz Israel: Presented to Yehuda ben Porat,* ed. Y. BEN-ARIEH & E. REINER (Hebrew; Jerusalem 2003), pp. 362-382: 376-378; PRAWER, *The History of the Jews in the Latin Kingdom*, pp. 94-99 and 260-262. Nahmanides relates explicitly to the earlier ascents: "Ha-Rav Rabbi Yehonathan ha-Kohen who came [to Acre] in the days of the earlier scholars, wrote in his commentaries on the Halakhot [of Rabbi Alfasi]" (CHAVEL, "Discourse," p. 303). As to whether R. Yehonathan of Lunel took part in "the Ascent of the Three Hundred Rabbis," see PRAWER, *The History of the Jews in the Latin Kingdom*, p. 95. It is worth noting that R. Shimshon of Sens' and Nahmanides' intellectual and pragmatic *foci* upon the Land of Israel creates a point where they meet. See TA-SHMA, "Talmudic Commentary," pp. 50 and 107.

[25] Sh. YAHALOM, "R. Nathan b. R. Meir, Nahmanides' Teacher. The Influence of the Provençal School on Gerona"(Hebrew), *Pe'amim* 91 (2002), pp. 5-25: 5-6 and 15-16.

[26] *Ḥaver* was a honorary title given to well-respected scholars in 12th century France. See I. M. TA-SHMA, "Judeo-Christian Commerce on Christian Holidays in Medieval Germany and Provence" (Hebrew), *Tarbiz* 47 (1978), pp. 197-215: 200.

> peat the entire set? [...]" [Rabbi Isaac] answered [Rabbi Nathan], "I have said, 'Perhaps [...] the *teruʿah* […] comes and interposes [between the *shevarim* and the final *tekiah*] [...] My teacher asked him, "when is it deemed an interposition: A *teruʿah* […] between a *shevarim* and a *tekiah*, or a *shevarim* […] between a *tekiah* and a *teruʿah*, but […] *shevarim* and *shevarim* […], both of them are one type and they are not [considered] to be an interposition." Rabbi Isaac was amazed and remained quiet. [27]

In R. Isaac ben Abraham's academy the shofar blower added to the three *shevarim* required to perform the commandment of blowing the shofar. In response, R. Isaac ben Abraham invalidated the whole series of notes. During prayers, the students did not question the authority of their Rabbi; however, in the theoretical discussion that followed, they rejected his opinion. R. Nathan the son of R. Meir, Nahmanides' master and Rabbi told him about this event. R. Isaac ben Abraham relied upon a Talmudic statement ruling that the addition of a *teruʿah* after the *shevarim* has been blown creates an interposition that invalidates the blowing. In his opinion, this ruling also applied to an extra *shever*. In contrast, his students argued that an extra note of the same type does not create an interposition. R. Isaac ben Abraham was silent, apparently, accepting the validity of his students' argument.

Nahmanides, true to form, suggests a new way of looking at the matter which obviates the very need for the dispute that took place in Ritzba's academy. Nahmanides argues that the Talmudic requirement of three *shevarim* notes is the minimal amount required, to this the blower may add an unlimited number of *shevarim*. Therefore, there is no reason whatsoever to debate whether the fourth *shever* functions as an interposition; rather, it becomes an integral part of the *shevarim* series being blown:

> This is the sequence of events of these great ones. However I say that *none of the men of might have found their hands*, for there is a great matter here which escaped them. If that blower who blew before Rabbenu Isaac sounded all the *shevarim* without any interruption, he then committed no mistake whatsoever [by adding a fourth *shevarim*]. Instead he acted in a befitting and well-regulated manner. In fact, it is permissible to sound four or five or even hundred *shevarim* from the outset [...] the length of a *teruʿah* is comparable to the groanings of three *shevarim*, as taught in the Baraita. All of this represents the minimal [required] length of the *teruʿah*, but there is no limit in extending it. Instead, he [may] prolong the *teruʿah* of wailings and make five or fifty trembling sounds. [28]

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[27] CHAVEL, "Discourse," pp. 312-313.

[28] CHAVEL, "Discourse," pp. 313-314.

Nahmanides introduced his comments with a polemical jibe from Psalms: "none of the men of might have found their hands" (Psalms 76:6). During the course of his discussion, he emphasized the influence of his Spanish background on his approach. And his concluding phrase also seems to be a jab taken at the expense of his opponents, the Tosafists, who opposed Maimonides' rationalism:

> This matter is clear. Rabbenu Hai and his father Rabbenu Sherira Gaon have already [issued] a great responsum with which they answered Mar Rav Bahlul regarding the laws of blowing [the shofar]; part of it is written in the Book of Ha-Maor. There is no need to cite any Gaon or Rabbi, [for additional proof of the above law] because, as the philosophers term it, it is an axiom. [29]

Apparently, both the description of the event that took place in R. Isaac ben Abraham's academy and Nahmanides' adamant rejection of its content derive from the combative atmosphere prevailing between himself and his audience. In this matter as well, there are elements that testify to the prevailing tension between the communities.

COLLECTIONS OF *TOSAFOT* ON *ROSH HASHANAH*

Nahmanides' unmediated encounter with the Tosafists enriched his Halakhic thinking. All his life Nahmanides had the advantage of a voluminous library; however, a comparison of the Sermon and Nahmanides' *Novellae on Rosh ha-Shanah* shows a marked gap in the number of times *Tosafot* are mentioned. While the Sermon is full of citations taken from four separate collections of *Tosafot*, in the *Novellae* mention is made of only one lone *Tosafot.* [30] Undoubtedly this difference stems from Nahmanides' proximity to the Tosafists' study hall in Acre. This point is made explicitly by Nahmanides in his introduction of a citation from *Tosafot R. Elhanan* (R. Isaac of Dampierre's son): "In this city [of Acre] I have seen the long Tosafot of Ha-Rav, Rabbi Elhanan" (Chavel translation, p. 286).

In addition to *Tosafot R. Elhanan*, Nahmanides cites an anonymous collection of *Tosafot* several times during the course of his Sermon. [31] Urbach postulates that

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[29] CHAVEL, "Discourse," p. 314.

[30] See *Novellae on Rosh ha-Shanah*, p. 1, and cf. with *Tosafot*, *Rosh ha-Shanah* 10b, s.v. *sheloshim*.

[31] See CHAVEL, "Discourse," pp. 280-281, 283, 292, 299, 311-312, 315, 323, 329, 335 and 337.

Nahmanides became acquainted with this work due to the anonymous author's participation in the Tosafists' ascent to the Holy Land. Urbach believes that the author was one of R. Tam's students, a member of R. Shimshon of Sens' circle. [32] A third collection cited in the Sermon is *R. Shimshon of Sens' Tosafot*. The citations found in Nahmanides' Sermon lead to the conclusion that the *Tosafot* found on the page of the Vilna edition of *Rosh ha-Shanah* were written by R. Shimshon. [33]

British Library MS 419 contains another collection of *Tosafot* on *Rosh ha-Shanah*. The collection was printed by M. Hirschler under the title *Tosafot Yeshanim.* [34] It is worth noting that except for one lone citation, all texts identified in the sermon as belonging to *Tosafot R. Shimshon* are also extant in *Tosafot Yeshanim.* [35] There is no doubt regarding this collection's connection to R. Shimshon's house of study. [36] The lone exception occurs in a discussion about blowing the shofar in Jerusalem on the Sabbath. Nahmanides delineates the diametrically opposed positions of the anonymous collection and *Tosafot R. Shimshon* on this question:

> The Rabbis of the Tosafot asked. "However, at the end of that Mishnah, it is written: "In this too Jerusalem surpassed Yabneh. Any city within sight [of Jerusalem] and [whose inhabitants] could hear [the shofar being blown in Jerusalem] and go [there within the Sabbath limitations], could have the shofar blown […]. Thus, you see that in Jerusalem they were blowing the shofar."[…] *In the last Tosafot of Rabbenu Shimshon* [my emphasis], they also concluded that at the end [of the Mishnah we mentioned above], it speaks of [the period] after the destruction and that [the Mishnah] states the ordinance of Rabban Yohanan ben Zakkai. [37]

The precise duplication of the passages in *Tosafot Yeshanim* and the anonymous collection emphasizes their agreement on the question of blowing the shofar in

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[32] URBACH, *The Tosaphists*, p. 614.

[33] URBACH, *The Tosaphists*, pp. 613-614. Urbach based his conclusion upon the following parallel passages in the Sermon: p. 285 = Tosafot 26a, s.v. *hutz*; p. 317 = Tosafot 33b, s.v. *shi'ur*; p. 330 = Tosafot 29b, s.v. *abal*.

[34] *Tosafot Yeshamin*, *Rosh ha-Shanah*, E. M. HIRSHLER, Jerusalem 5744 (= 1983-94). In his introduction, the editor erroneously directs his readers to MS no. 264.

[35] Compare the sermon: p. 285 = *Tosafot Yeshanim* 26a, s.v. *hutz*; p. 317 = *Tosafot Yeshanim* 33b, s.v. *shi'ur*; p. 322 = *Tosafot Yeshanim* 33b, s.v. *shi'ur*.

[36] This manuscript also contains *Tosafot* on *Bekhorot*, and in the colophon at the conclusion of the tractate the following is written: "The abridged version of *Tosafot Sens* on tractate *Bekhorot* has been completed, a version abridged by R. Isaac, the *Baḥur* ['youth'], disciple of our Master, ha-Rav Rabbenu Barukh, of blessed memory" (78). This statement seems to provide additional proof for arguing that this collection has its genesis in R. Shimshon of Sens' study hall.

[37] CHAVEL, "Discourse," pp. 329-330.

Jerusalem: "For it is obvious that they would blow [the shofar] in Jerusalem, for in close proximity they state 'any city within sight [of Jerusalem] and [whose inhabitants] could hear [the shofar being blown in Jerusalem] and which was close etc.'" (*Tosafot Yeshanim* 29b, *s.v. hayu*; my translation). Apparently the statement "and in the last Tosafot of Rabbenu Shimson," which only appears once in the Sermon, is intended to emphasize Nahmanides' awareness of the differences between the two editions of R. Shimshon's *Tosafot* on this point. In light of Nahmanides' comment, it is possible to conclude that *Tosafot Yeshanim* is an earlier version of *Tosafot R. Shimshon*, while the *Tosafot R. Shimshon* in Nahmanides' possession –the text found in the later print edition– is a later one.

Blowing the shofar on Fast Days

The presence of Jews from different countries of origin in one city highlighted the differences in their prayer versions and their customs. [38] Nahmanides addressed several of these differences in his Sermon. [39] The Geonic tradition, accepted in Spain, held that the shofar should be blown during the fast day prayers, a ritual absent from the French legacy. As proof for the Spanish custom, Nahmanides cited a Talmudic quotation and argued that according to it, the fast day requirement to sound the alarm is fulfilled by the blowing of the shofar:

> I, however, say that the Geonim relied on that law which is found in the first chapter of Tractate Ta'aniot: We have learned in a Mishnah: "[…] on these [seven fasts], the alarm is sounded" [...] In the Gemara, we have been taught regarding this Mishnah. "With what is the alarm sounded? Rav Yehudah says [it is done] by blowing the shofars [...] All these texts are supports and proofs for the custom of the Geonim [...] We have therefore established a custom in Spain to blow with shofars on fast days [...] That they do not do so at all in France. [40]

[38] Prawer, *The History of the Jews in the Latin Kingdom*, pp. 102 and 106. For additional historical precedents of confrontations over prayer versions and customs as a result of immigration, see I. M. Ta-Shma, *R. Zerahiah ha-Levi –Ba'al ha-Maor u-bene ḥugo: le-Toledot ha-Sifrut ha-Rabbanit be-Provans* (Hebrew; Jerusalem 5753 [= 1992]).

[39] In a letter to his son, Nahmanides described his efforts to establish a synagogue in Jerusalem, see B. Z. Kedar, "The Jews of Jerusalem, 1187-1267, and the Role of Nahmanides in the Re-Establishment of their Community," in *Jerusalem in the Middle Ages: Selected Papers,* ed. B. Z. Kedar (Hebrew; Jerusalem 1979), pp. 122-136: 135-136.

[40] Chavel, "Discourse," pp. 296-298.

Nahmanides, unsatisfied with providing only a textual proof, also argued that the Spanish tradition had an inherent advantage over the French one. According to Nahmanides, the Spanish tradition was a continuation of the living legacy of the Geonic and Amoraic academies. Therefore, Talmudic proofs proffered by the French sages could not negate the actual rituals which had been practiced in the Amoraic synagogues. In his opinion, the French proof was also based upon a corrupt or erroneous text, a consequence of the French scholars' lacking a direct link to the Babylonian Talmud sources:

> further [substantiate] that this was actually done in the two academies [of Babylon, Sura and Pumbeditha], with the custom of their ancestors in their stead from the days of Rav Ashi [...] I further believe that in France, they avoided the blowing [of the shofar] because of what I have seen in the Tosafot,[41] written as follows [...] However, this [text] is certainly an error. Perhaps the variation came to them through a wrong version of the texts of that law. [42]

At the end of his discussion, Nahmanides argued that while the French stance is reflected in the anonymous collection of *Tosafot*, R. Shimshon of Sens, who was aware of the error in this approach, intentionally ignored it: "This matter is clear. It appears to me that Rabbenu Shimshon perceived this problem and carefully avoided writing it in his Tosafot" (Chavel translation, p. 300). In the Sermon, Nahmanides emphasized that *Tosafot R. Shimshon of Sens* was a late collection: "In the last Tosafot of Rabbenu Shimshon, they also concluded" (Chavel translation, p. 330). Urbach proposed that the lateness of *Tosafot R. Shimshon* was relative, late in contrast to the anonymous collection of *Tosafot* cited by Nahmanides. [43] As we have seen, Nahmanides possessed two collections of *Tosafot* deriving from R. Shimshon's study hall. Nahmanides' comments shed light upon the internal changes this study house underwent. This notwithstanding, the claim that there was an interdependent relationship between the anonymous collection and that of R. Shimshon was also raised explicitly by Nahmanides, [44] and in all probability Nahmanides, here, is attempting to attenuate R. Shimshon's Acre disciples' opposition to the Spanish custom.

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[41] Corrected according to MS Moscow, Ginzburg 268 (p. 161).

[42] Chavel, "Discourse," pp. 298-299.

[43] Urbach, *The Tosaphists*, pp. 613-614.

[44] For points of intersection between the two collections, compare Chavel, "Discourse," pp. 280-281 = *Tosafot* 26a, s.v. *hutz*; p.330 = *Tosafot Yeshanim* 29b, s.v. *hayu*; *Tosafot* 35a, s.v. *elemah*.

The approach which perceives the Geonic tradition to be identical to the prayer version recited in the Babylonian Amoraic synagogue is repeated later in the Sermon. This principle is Nahmanides' declared motivation for adopting the Geonic approach, according to which the individual does not include *Malkhuyot*, *Shofarot*, and *Zikhronot* when he recites the Additional Prayer on Rosh ha-Shanah. The Geonim believed that for the recitation of these special blessings, the prayers recited by the Reader of the congregation was sufficient for the congregation to rely upon:

> Since the Geonim testify that it was never done so in the academy, that instead the individual congregants recited seven [blessings] and the Reader of the congregation said nine [blessings] in their presence, and that such was even their custom, we must perforce accept their testimony, for the Geonim received the tradition and observed it from the Saboraim Rabbis. The Saboraim Rabbis observed it from the Amoraim. They taught in the academy and occupied the chair of Rav Ashi, and they prayed in his synagogue. [45]

The presence of the *piyuttim* belonging to *Malkhuyot*, *Shofarot*, and *Zikhronot* in the Ashkenaz High Holiday prayer books during the individual prayers as well, and the procedure of blowing the shofar during the silent recitation of the Additional Prayer over the order of the three blessings testify that the Tosafists did not observe the Geonic custom. [46] This issue was also probably the subject of disagreement among the Acre academies. Other examples of Nahmanides' efforts to prove the veracity of the Spanish community's prayer customs can be found in the Sermon. [47]

The *Tekiah-Shevarim-Teru'ah-Tekiah* Series of Notes

The Masters of the Oral Law debated the question of how to define the blowing mentioned in the Torah. One approach held that the Torah commands a series of short blasts called *teru'ot* be blown. Another argues that the Torah may have demanded three slightly lengthier blasts called *shevarim*. The lack of clarity regarding the Written Torah's intent led R. Abbahu to decree in Caesaria that a joint series of *shevarim* and *teru'ah* notes (*tekiah-shevarim-teru'ah-tekiah*) be blown. [48] Nahmanides considered

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[45] Chavel, "Discourse," pp. 341-342.

[46] See, *Or Zaru'a* 2, *Laws of shofar*, end of *siman* 269, 62, 2. *Tur*, *OH* 191:1. D. Goldschmidt, *Mahzor for the Days of Awe*. Vol. 1. Introduction (Jerusalem 5730 [= 1969-70]), pp. 44-45.

[47] See Chavel, "Discourse," pp. 334-338.

[48] See *bRosh* 34a.

this new series to be a single, unified note that was not be interrupted. Nahmanides position expressly contradicts R. Tam's position that the *shevarim* and *teruʿah* notes always maintain their distinct entities, and, therefore, one may, and, indeed, one must pause between them. Nahmanides argued for his approach by citing the prohibition forbidding interrupting between the *tekiah* and *teruʿah* notes. The interdiction against interrupting exists even though the two notes are different, leading Nahmanides to the obvious conclusion that it would certainly be forbidden to interrupt between *shevarim* and *teruʿah* which possess a common denominator:

> I have seen Rabbenu Tam's response to a question, wherehin [*sic*] he says: "We sound three *shevarim* in one breath [...] However, the three *shevarim* and a *teruʿah* of the order *tekiah–shevarim - teruʿah–tekiah* does not stand to reason, since people do not make groaning and wailing [sounds] in one breath. Thus far is his language. However this is completely incorrect. There is a syllogism of a *kal va-homer* from the words of Rabbi Yehudah, who says that *tekiah - teruʿah–tekiah* are one. Since Rabbi Yehudah maintains that they are one, if [the blower] interrupted to any degree [among them], they are invalid […] [This is true] although they are completely different from each other –their names are different, their sounds are different and in no way similar to each other, and, moreover, their allusions are not similar, for the one [the *tekiah*] is an expression of mercy while the other [the *teruʿah*] is an indication of wailing and crying. [If these dissimilar sounds must be made in one breath], so much more [is this true] in the case of a *teruʿah* and *shevarim* which are of one kind and one name. This is an irrefutable syllogism of a *kal va-homer*. [49]

Nahmanides is clearly unafraid of unequivocally challenging the greatest creative force among the Tosafists. Nahmanides contests R. Tam's approach in the presence of the Brothers' from the House of Sens' disciples, the direct inheritors and caretakers of his Talmudic legacy. There is no doubt that the presence of contradictory prayer services on Rosh ha-Shanah in Acre brought the various study houses' different traditions to the fore.

Parallel Collections

The proliferation of *Tosafot* collections presented Nahmanides with the opportunity to discuss R. Shimshon's selection process on several additional occasions. In order to explore this procedure, Nahmanides statements should be

[49] Chavel, "Discourse," pp. 316-317.

compared with those found in other sources. R. Isaac ben Moshe of Vienna, the author of the *Or Zaruʿa*, an anthological composition from the middle of the 13th century, quotes in *Laws of the shofar* a series of rulings made by R. Isaac ben Asher ha-Levi (Riba), an Ashkenazic Tosafist active at the turn of the 11th and 12th centuries. The first law concerns the length of the *teruʿah* and the *tekiah*:

> And Rabbenu Isaac son of R. Asher and Ha-Rav Rabbenu Isaac ben Ha-Rav Rabbenu Meir, of blessed memory, explain that the *yebava* is composed of three blasts of any length, such that the *teruʿah* is composed of nine blasts, and the length of the *tekiah* is the same." [50]

R. Shimshon records this ruling in his *Tosafot* (*Rosh ha-Shanah* 33b, s.v. *shiʿur*). Another halakhic ruling concerns the distinction between a pause permitted during the course of the shofar blasts, and the blowing of an erroneous note which invalidates the shofar blowing:

> Rabbenu Isaac son of Asher ruled that a blower who interrupts undoes the whole [series] and he must return to the beginning, and even though it is stated further on that one who heard nine *tekiot* in nine different hours has fulfilled his obligation [to hear the shofar being blown], even though he pauses in between them, these words refer to an interruption where the blower does not blow at all in the meantime, and he does not interpose a *shevarim* between the *teruʿah* and *tekiah* […]." [51]

Nahmanides' testimony confirms that this ruling appeared in the anonymous collection of *Tosafot* (*Discourse on Rosh ha-Shanah*, 311), yet it is not mentioned in the *Tosafot* appearing on the talmudic page in the name of R. Shimshon, which have reached us in their entirety via a primary source.

Nahmanides emphasized that R. Shimshon's omission of the Riba's position is not accidental; rather, it results from his adopting R. Tam's conceptualization, according to which even an invalid *tekiah* is not considered an interruption. R. Tam's stance reaches it fullest expression in the Additional Service on Rosh ha-Shanah. This prayer integrates the blowing of the shofar into the recitation of *Malkhuyot*, *Shofarot* and *Zikhronot*. The multitude of note types led to confusion regarding the Halakhically preferred manner of blowing. Therefore, R. Tam and his disciples in France customarily blew *tekiah-shevarim-teruʿah-tekiah* at the conclusion of the blessings. R. Tam presumed that even if the note required is *shevarim*, an extraneous *teruʿah* does not create an interposition:

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[50] *Or Zaruʿa*, Part 2, *Laws of the shofar*, *siman* 269, 62, 2; my translation.

[51] *Or Zaruʿa* 269; my translation.

> […] in his Tosafot, Rabbenu Shimon [*sic*] commented as follows: "Rabbenu Tam established the practice in our countries [France and Germany] of blowing *tekiah–shevarim–teruʿah–tekiah* for the verses on Remembrance and *Shofarot* in the same way as for the verses on Sovereignty. [By doing this,] he has moved beyond [the sphere of] any doubts [over his fulfillment of the precept] ... Thus far is the language [of Rabbenu Shimshon in his Tosafot]. All of this is based on what we have already mentioned. The Rabbi [Rabbenu Tam] asserts that interruption invalidates the blowing of the shofar [...] In agreement with Rabbi Yohanan, who says, "[If he heard the nine sounds] in nine [different] hours of the day, he [thereby] fulfilled his religious duty," […] The law follows the opinion of Rabbenu Tam, according to his commentary that we should be apprehensive over doubts and not over interruptions. However, we have already explained that according to [the opinion of] all Rabbis, an interruption invalidates [the order of the sounds], as clearly explained in the Tosafot. They so expressed [the law] in the name of Rabbenu Isaac the Elder, as we have mentioned. [52]

As we have seen, the proliferation of collections enabled Nahmanides to explore the relationships between them, an exploration which also enriches our knowledge of the Tosafists' creative process and sheds light on the existence of lost collections.

Shofar Blasts During the Order of the Blessings

Among his rulings related to Rosh ha-Shanah, Riba ruled that the three cycles of notes required on Rosh ha-Shanah combine to form a single unit that must not be interrupted. Therefore, one extraneous note blown in one of the cycles requires all the shofar blasts to be blown again. According to the Riba, the combined force of Talmudic doubt over which note is required and the assumption that an extraneous note invalidates the notes blown prior to it prevents the actual fulfillment of our obligation to blow the shofar during the Order of the Blessings. And, therefore, we must be satisfied with the blasts blown before the beginning of the prayer:

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[52] Chavel, "Discourse," pp. 322-323. In the list, found at the end of the Sermon edited in M. L. Katznellenbogen (ed.), *R. Moshe ben Nahman, Derashah le-Rosh ha-Shanah. Hiddushe le-Rosh ha-Shanah* (Jerusalem 5747 [= 1987]), wherein the cryptic appellations used by Nahmanides are decoded, R. Isaac the Elder is posited to be R. Isaac of Dampierre, but a comparison with the *Or Zaruʿa* indicates that the R. Isaac the Elder mentioned is the Riba. It is fitting to emphasize that in several of the French collections of *Tosafot* the Riba's work is often cited, so the citation of the Riba in the anonymous collection of *Tosafot* is not an isolated phenomenon. See Urbach, *The Tosaphists*, pp. 169-170 and 614.

> And Rabbenu Isaac the son of R. Asher ruled that the principal shofar blasts are those we blow while seated, after the reading of the Torah […] while those we blow during the Additional Service are only meant to confuse Satan, and that they did not decree that we should fulfill [the commandment of blowing the shofar] while standing during the Order of the Blessings, for it is preferential to fulfill the obligation during the Order of the Blessings, because we can not fulfill the obligation during the Order of the Blessings, since we are unsure what the *teruʿah* blasts are, and how can we establish them, for even if we decreed to blow over every single blessing the whole series of three *kshr*"*k* [= *tekiah*, *shevarim*, *teruʿah*, *tekiah*], *ksh*"*k* [= *tekiah*, *shevarim*, *tekiah*], *kr*"*k* [= *tekiah*, *teruah*, *tekiah*] […] in any event there would an interruption between the shofar blasts, for if blowing *kshr*"*k* is enough [to fulfill the commandment], then the decree to blow *ksh*"*k* and *kr*"*k* would create an interruption between *kshr*"*k* blown over the first blessing, and *kshr*"*k* which will be blown over the second blessing." [53]

These conclusions are found in the anonymous *Tosafot* (*Discourse on Rosh ha-Shanah*, 311, 315), and, of course, are not repeated in *Tosafot R. Shimshon.* [54]

In contrast to the approach which rules that an invalid note is an interruption, Nahmanides refused to accept that the notes are one, unified whole:

> The arrangement requiring a preceding and a following *tekiah* applies only to the *teruʿah* [...] However, the three *teruʿot* to which the Torah has alluded need not to be joined, nor do they have any [specific] order." [55]

In light of this approach, fulfilling the obligation of blowing the shofar during the Order of the Blessings remains a viable approach. This notwithstanding Nahmanides' preference for blowing the shofar before the Additional Service fits in with his stance:

> Why did they [the people] establish the practice of blowing those first sounds [before the Additional Service] and did not exempt themselves [from their preceptive duty] with the sounds which are blown during the order of the blessings [of the Additional Service]? These latter sounds constitute an obligation, and the people cannot exempt themselves from

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[53] *Or Zaruʿa* 269; my translation.

[54] It is appropriate to emphasize that large parts of *Or Zaruʿa's siman* 269 parallel the anonymous *Tosafot* and *Tosafot R. Shimshon* (33b, s.v. *shiʿur*), which intersect with it at certain points. Perhaps the *siman* in the *Or Zaruʿa*, and the rulings of the Riba cited therein, are quoted from the lost anonymous *Tosafot*. Regarding the word for word copying of *Tosafot* segments in the *Or Zaruʿa*, see URBACH, *The Tosaphists*, pp. 605-606.

[55] CHAVEL, "Discourse," p. 311.

> hearing them […] It was [done] so in order to confuse Satan before the Service [...] they certainly go back and blow the shofar during the order of the blessings. This is similar to the case of fast days and time of war. [On these occasions], we recite verses about Divine Remembrance and *Shofarot* and then sound [the shofar] over them. Although the individual is not at all obligated to [hear] the sounds [of the shofar on fast days and time of war], in public, however, the shofar is blown during the Service, in order that the prayer should ascend [to G-d] with the sound of the shofar. [56]

Nahmanides writes that the need "to confuse Satan" led to the addition of the earlier shofar blowing. [57] As a consequence, the congregants fulfilled their individual obligations before the Additional Service, and the shofar blowing during the Additional Service over the Order of the Blessings was solely intended to mirror the congregations' cries to the Lord as was customary on fast days.

The similar Halakhic outcomes fail to hide the differing rationales that shed light upon the differences between the study houses. In consonance with his Ashkenazic legacy, the Riba understood that the obligation to fulfill the commandment while taking into account all the Halakhic doubts and minutiae was reason enough to void a Talmudic obligation. [58] Only the inability to actualize the Halakhic ideal transformed the shofar blasts during the Additional Service into attempts to confuse Satan. In contrast, Nahmanides, considered a member of the Catalonian and Provençal Kabbalistic circles, yoked the core of his approach to the necessity that Satan use up all of his denunciatory ammunition. [59]

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[56] CHAVEL, "Discourse," pp. 324 and 326.

[57] For various explanations of the notion "to confuse Satan", see *Derashah le-Rosh ha-Shanah*, ed. KATZNELLENBOGEN, p. 169, n. 30.

[58] There are other examples of avoiding the performance of a commandment due to Halakhic concerns. Concerning respect for one's father, see URBACH, *The Tosaphists*, pp. 522-523. Concerning voiding the commandment to settle the Land of Israel, see TA-SHMA, "Eretz–Israel Studies," pp. 81-82; A. REINER, *Rabbenu Tam and his Contemporaries* (Hebrew; PhD Diss., The Hebrew University of Jerusalem, 2002), pp. 86-90; Y. HACKER, "Links Between Spanish Jewry and Palestine: 1391-1492" (Hebrew), *Cathedra* 36 (1985), pp. 3-33: 9.

[59] On the effort of the Kabbalistic circle to uproot Satan's denunciations, see PEDAYA, *Name and Sanctuary*, pp. 145, 242-245 and 293-294. There are additional Kabbalistic references in Nahmanides' *Novellae*, see Sh. YAHALOM, *The Halakhic Thought of Nahmanides according to his Provencal Sources* (Hebrew; PhD Diss., Bar-Ilan University, Ramat Gan 2003), pp. 100-101.

The Differences Between the Notes

The incompatibility between Nahmanides' and the Tosafists' Halakhic traditions regarding the nature of the Rosh ha-Shanah prayer came to the fore on other occasions during the Sermon. R. Shimshon claimed that the length of the notes blown for the *shever* and the *teki'ah* distinguished between them. In contrast, Nahmanides argued for the existence of a qualitative distinction:

> Rabbenu Shimshon wrote in the Tosafot. "It is necessary to be careful not to prolong each of the [three groanings] *shevarim* […] If so [if he will prolong each of the three groanings], each one will become [in effect] a *tekiah* [...] Truly, [Rabbenu Shimshon] has well perceived this [matter], and it is good to be careful. However, from an analysis of the language it appears that the difference between a *shevarim* and a *tekiah* is not whether [the *shevarim*] is long or short. Rather, [the difference is] that this [*tekiah*] is a plain [sustained] sound whose end is similar to its beginning like the sound of a man who raises his voice to sing and rejoice, whereas that one [the *teru'ah*] is a broken sound, similar to the one [made] by he who wails. [60]

Oftentimes the polemical dimension of the Sermon is hidden. Only by examining the Tosafot on the talmudic page does it become clear that R. Shimshon's opinions are the object of discussion. Nahmanides claimed that only a crack on both sides redefines the shofar as a broken vessel, thus invalidating it for the performance of its commandment:

> The meaning of a shofar that "was split" is that the whole shofar was thus affected [...] Such a shofar is invalid because it is not a shofar [at all] but rather broken parts of a shofar, for any vessel which becomes broken is no longer categorized as a vessel, whether with regard to the subject of uncleanness or any other matter. [61]

This stance is diametrically opposed to R. Shimshon's position invalidating a shofar cracked on only one side: "and therefore it seems that it [the shofar] was cracked on one side over the course of its entire length, and because it is no longer designated as a shofar" (Tosafot, *Rosh ha-Shanah* 27a, s.v. *shofar*; my translation).

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[60] Chavel, "Discourse," pp. 317-318.

[61] Chavel, "Discourse," p. 301.

The Maimonidean Controversy

Throughout the 13th century Maimonides' philosophical oeuvre stood at the center of a conflict that divided Acre's scholars. The movement opposing Maimonides began with the ascent of the three hundred Rabbis and reached it peak under the leadership of R. Solomon Petit, Nahmanides' disciple. [62] As was common, Nahmanides expressed reserve regarding some of Maimonides' religious world-views, while holding his Halakhic authority in great esteem. This combination may have had an attenuating effect upon the Maimunist Controversy that had developed in the city. [63] Notably, Nahmanides adopted a middle position and mediated between the warring parties in the debate that had erupted in Europe during the 1230s. [64] Indeed, there is evidence that compromise offers were sent by Rashba, Nahmanides' esteemed disciple, to the Rabbis of Acre. [65] The Sermon, it seems, can be read as a source documenting the extent of Nahmanides' involvement in the local debate.

At several points in the Sermon, Nahmanides basing his argument upon astrological principles, ignores the Maimunist camp's rejection of the very existence of this science: [66]

> The meaning thereof is as follows: G-d created heaven and earth [...] He gave each and every nation *in their lands, after their nations* some known star or constellation, as is known by means of the science of astrology [...] for He allotted to all [nations] heavenly constellations [...] The Land of Israel, however [...] is designated to His Name. He has placed none of the angels as *chief, observer, or ruler* over it [...] Thus, the Land which is the inheritance of *the Glorious Name* will vomit out all those who defile it and will neither tolerate

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[62] Prawer, *The History of the Jews in the Latin Kingdom*, pp. 260-262 and 273-280.

[63] Prawer, *The History of the Jews in the Latin Kingdom*, pp. 268-269.

[64] See Y. F. Baer, *A History of the Jews in Christian Spain* (Philadelphia 1966), pp. 101-110; B. Septimus, "Open Rebuke and Concealed Love: Nahmanides and the Andalusian Tradition," in *Rabbi Moses Nahmanides. Explorations in his Religious and Literary Virtuosity,* ed. I. Twersky (Cambridge, Mass. 1983), pp. 11-34: 24-25.

[65] Prawer, *The History of the Jews in the Latin Kingdom*, pp. 279-280. However, it is appropriate to note that in Europe the Rashba's anti-Maimunist positions were far more rigid than those expressed by Nahmanides. See Baer, *A History of the Jews in Christian Spain*, pp. 287-305 and 316-317.

[66] See D. Schwartz, *Astral Magic in Medieval Jewish Thought* (Hebrew; Ramat Gan 1999), pp. 128-140. D. B. Ruderman, *Jewish Thought and Scientific Discovery in Early Modern Europe* (New Haven 1995), pp. 31-32, 34-40 and 47.

> idol-worshippers nor those who practice immorality. [The entire area] outside the Land of Israel, although it all belongs to *the Glorious Name*, is still not perfect in its purity because of "the servants" [who hold sway] there. [67]

Sometimes Nahmanides explicitly contrasted his interpretation with Maimonides'. [68] According to tradition, human beings are judged both on Rosh ha-Shanah and on the day they die. In the Sermon, Nahmanides attempted to establish the distinct purpose of each of those two dates:

> "On the New Year's Day, all that came into the world pass before Him." Pertaining to matters of this world, each one is judged [to determine] if he is worthy of being granted peace, riches, possessions and honor, or whether he is to be sentenced to die during that year, or to [suffer] visitations of affliction, sorrow and poverty [...] At the time of a person's death, the judgment [which occurs] on that day refers to the departed [alone]. His soul is judged with regard to that world which is the "world of Souls," and all his deeds are individually accounted for before his Creator, blessed and praised be He. [It is then determined] whether his soul deserves to be in the higher or lower *Gan Eden* [...] or whether his soul is to be condemned to *Gehinnom* and many visitations. [69]

In the continuation of the Sermon, Nahmanides emphasized that Maimonides did not take note of this distinction:

> The great Rabbi, Rabbenu Moshe the son of the Rabbi, Rabbenu Maimon, of blessed memory, in *Hilkhot Teshuvah* (Laws of Repentance), wrote the following words: "Just as a man's iniquities and merits are balanced at the time of his death, so are the iniquities of every single inhabitant of the world weighed against his merits on the Festival Day of the New Year" [...] It would thus appear from his words that he paid no attention to the distinction. [70]

The claim that the *Mishneh Torah* lacked precision repeats itself later in the Sermon. [71]

Nahmanides understood the combination of *shevarim* and *teruʿah* to be one unified note, not one to be separated. In light of this assumption, Nahmanides

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[67] CHAVEL, "Discourse," pp. 347-348. For another example, ibid., p. 262.

[68] Nahmanides also integrated Kabbalistic ideas into the Sermon, see pp. 260-263.

[69] CHAVEL, "Discourse," pp. 264 and 270.

[70] CHAVEL, "Discourse," p. 272.

[71] It is fitting to note that over the course of the centuries the *Mishneh Torah* has been judged an exemplary work, one written with the greatest of care. See I. TWERSKY, *Introduction to the Code of Maimonides: Mishneh Torah* (New Haven 1980), pp. 156-159.

understood the group of thirty shofar blasts decreed by Maimonides to be the outcome of his carelessness:

> […] the *teruʿah* of the *tekiah–shevarim–teruʿah–tekiah* and the *shevarim* are [counted] as one. However, Ha-Rav Rabbi Moshe ben Maimon wrote that they total thirty [sounds, an opinion shared by] many of the authors, but they [Maimonides and the others] were not meticulous in [this] matter. [72]

A comparison of the Sermon and Nahmanides' *Novellae* reveals the growing intensification of Nahmanides' criticism of Maimonides. In several, different places, the Talmud presents various criteria for defining the Rosh ha-Shanah shofar. True to form, Nahmanides differentiated between the sources: [73]

> You now find that there are three standards with respect to a shofar. [First], all shofars […] are valid post factum whether they are straight or curved. [Second], the first priority for [fulfilling] the commandment is that [the shofar] be curved […] In the Yerushalmi, the Rabbis explained [that the shofar is curved] so that the people will subject their hearts to prayer. The sounding may be done with any [shofar] that is curved but the best [means of performing] the commandment is that it be done with a ram's horn in memory of the Binding [of Isaac]. [74]

Nahmanides notes that the assumption that one must rely upon a single source led to error in Maimonides' Halakhic decision making.

> The great Rabbi, Rabbi Moshe the son of Ha-Rav Rabbi Maimon, of blessed memory, decided: "All shofars are invalid except the horn of a sheep." Maimonides thought that the conclusion of the Mishnah […] differs with the beginning of the Mishnah, wherein the First Sage states that all shofars are valid except that of a cow […] This is certainly incorrect, as

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[72] CHAVEL, "Discourse," p. 317.

[73] Nahmanides utilized a similar *modus operandi* in reviewing the possible combinations of the blessings and the shofar blasts. See CHAVEL, "Discourse," p. 325. Nahmanides also resolved the contradictory sources concerning the Rabbinic prohibitions by declaring that some of the *derashot* were *asmakhtot* (textual hints or allusions, not proofs, of the law under discussion). See ibid., pp. 255-263. Nahmanides' methodological approach is diametrically opposed to that of the Geonim which privileges one source, voiding all the others. See U. FUCHS, "Preliminary Remarks on Halakhic Decision-Making in Late Gaonic Thought," in *Issues in Talmudic Research* (Hebrew; Jerusalem 2001), pp. 100-124: 110.

[74] CHAVEL, "Discourse," p. 294.

> we have explained, and [Maimonides'] opinion is also not in accordance with that of the Geonim. Ha-Rav Rabbi Abraham ben David already commented upon this, saying "He [Maimonides] exceeded his measures." [75]

In his *Novellae*, Nahmanides was content to criticize Maimonides without naming him: [76]

> That we have learned in the Mishnah, the shofar for the New Year comes from the straight horn of an antelope, that they did not dispute the early mishnah which stated that all the shofarot are valid, except [that] in the *ab initio* case […] and it was necessary for me to write this for I saw that *one of the authors* erred in this matter. [77]

Apparently, Nahmanides' stature near the end of life allowed him to confront Maimonides' head on. Yet, unlike his disciples, Nahmanides did not wage an organized campaign against the works of the "Great Eagle." [78]

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In the *Sermon for Rosh ha-Shanah,* Nahmanides confronts the founding figures of the Tosafist community in Acre. His ongoing controversy with contemporary sages can be read between the lines. The conflict between Nahmanides' teachings and those of his contemporaries in Acre is explicitly expressed in the responsa of the Rashba, his disciple. R. Elijah of Acre claimed that the Halakhic ruling forbidding even the minutest amount (*mah-she-hu*) of leaven on Passover applied to leaven that had dissolved into a cooked dish. However a vessel that only contained leaven absorbed into its walls does not fall into the category of those which prohibit based upon its containing a *mah-she-hu*. The Rashba challenged this distinction, and attacked its proponents for failing to properly comprehend the Geonic traditions:

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[75] CHAVEL, "Discourse," p. 294.

[76] For an additional example, cf. *Novellae*, pp. 77-78 = "Discourse," p. 307.

[77] *Novellae* on *Rosh ha-Shanah*, 52; my translation.

[78] A similar phenomenon occurs regarding the public standing of the Kabbalah. Nahmanides was a principled esotericist, while his disciples worked to spread the Kabbalistic secrets among the masses. See M. IDEL, "We Have No Kabbalistic Tradition on This," in *Rabbi Moses Nahmanides. Explorations in his Religious and Literary Virtuosity,* ed. I. TWERSKY (Cambridge, Mass. 1983), pp. 51-74: 70-73; E. GOTTLIEB, *Studies in the Kabbalah Literature,* ed. J. HACKER (Hebrew; Tel-Aviv 1976), pp. 88-90.

> To the sage R. Elijah who resides in Acre: You originally wrote that the minutest amount of leaven [*mah-she-hu*] is only forbidden on Passover when it is actually dissolved into a dish but its taste is not forbidden if it is less than a sixtieth; and, I responded that according to the opinion of the Geonim, of blessed memory, who stated 'since they did not provide a distinct amount, they must have meant [even] the minutest amount [*be-mah-she-hu*]' [then] it would not matter whether the leaven was actually dissolved into the dish or not. And you replied that the Geonim, of blessed memory, had not stated this; I am shocked that a sage, like yourself, is unaware of the statements of the Geonim, of blessed memory, and that it seems like you have never seen their works at all. [79]

This study attempted to locate literary testimony to the conflict over the nature of the Rosh ha-Shanah prayer in Acre in Nahmanides' Sermon. Notably, the immigrants to the Holy Land had a crucial impact upon the question of when Rosh ha-Shanah would be celebrated in the Land of Israel. *Sefer ha-Maor*, written by the 12th century Provençalian scholar R. Zerahiah ha-Levi, records the unique custom of celebrating Rosh ha-Shanah in the Land of Israel for only one day. This custom derived from the Land of Israel's geographical proximity to the court of law which prevented doubts from arising regarding the exact timing of the new moon's proclamation. The wave of Provençalian immigration, in concert with the influence of the Rif, established the Halakhah, already normative and regnant throughout the Jewish world, in the Land of Israel, as well:

> In those generations, after the order of sanctifying the New Months was decreed based upon the traditions we had kept, all of the Land of Israel became classified as a *bet va'ad* [= the place where the court sat], where no doubts arise regarding the sanctification of the day, and only one day has to be observed, both with regard to Rosh ha-Shanah and to other Festivals. And, this was the established practice in the Land of Israel during all the generations that preceded us, until 'new ones arrived there from close by,' Provençal sages, and accustomed them to celebrate Rosh ha-Shanah for two days, in accordance with *Hilkhot ha-Rif*, of blessed memory. [80]

The confrontational dimension of the Sermon may be determined by a quantitative analysis of the material. Aside from brief segments, the majority of the Sermon's Halakhic section is specifically aimed at opposing the French scholars' Halakhic rulings. [81] The way in which material was chosen for the

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[79] *Responsa, Rashba*, Part One, *siman* 53; my translation. PRAWER, *The History of the Jews in the Latin Kingdom*, pp. 120, 126 and 271-272.

[80] *Sefer ha-Maor*, *Betzah* 3a; my translation.

[81] The following discussions in the Sermon are not related to the Tosafists' positions:

Sermon also highlights its polemical aim. Nahmanides' *Novellae* functions as one of the Sermon's basic foundation stones, [82] and yet Nahmanides forbore citing reservations he had discovered and made explicit therein regarding Spanish-Geonic Halakhic rulings in the Sermon. [83] Nahmanides explicitly notes this intentional omission. In the Sermon, Nahmanides cites a Geonic dispute regarding whether there must be intention to fulfill the commandment during the blowing of the shofar. Nahmanides is aware of corroborative evidence for one of the two sides, which he even cites in his *Sefer ha-Milhamot* (*Rosh ha-Shanah* 7a); however, he emphasizes that he does not have the authority to take a position regarding the dispute. This stance is diametrically opposite to the absolute liberty he granted himself in contesting with the greatest Tosafists:

> We will now direct our attention to the subject of the intent behind the blowing. [In a situation where] he blew [the shofar] with the intent of making musical sounds [but did not intend to fulfill the religious aspect of the commandment], there is a difference of opinion in the Gemara as well as among the Geonim. The author of the Halakhot [the *Hilkhot Gedolot*] decided that the religious duty has not been fulfilled until the hearer and the blower set their minds to [fulfilling] it. Our great Rabbi Rabbenu Isaac Alfasi [decided the same] [...] In the name of Rabbi Hai Gaon, Ha-Rav Rabbenu Isaac ibn Giyyat decided, as Rava said, that he who blows [the shofar] with the intent of making musical sounds has fulfilled his religious duty, for one does not require intent [of heart or mind] in the performance of a religious duty. The same principle, [according to this opinion], applies to all the commandments [...] In the poor measure of our knowledge, we have evidence to substantiate the words of the author of the Halakhot [the *Hilkhot Gedolot*] from that law in Tractate Berakhot in the Chapter *Hayah Kore b'Torah*. These are deep waters, but I shall not prolong on this, for our opinion would not be binding in a controversy among the great Geonim. [84]

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pp. 294-295, 301, 304-305. It is worth noting that we do not possess *R. Elhanan's Tosafot* or the anonymous collection. So the anonymous discussion conducted by Nahmanides might be aimed at these collections.

[82] Sermon segments originally in the *Novellae* (page references to the *Novellae* are found in parentheses): pp. 278-289 (50-52), 290-291 (53), 294 (52), 301 (64-65), 301-302 (65-70), 305 (70-71), 307 (77-78), 309-311 (78-81), 316-317 (86-87), 334-335 (74), 335-338 (88-90), 338 (71-72), 339 (90-92).

[83] In the *Novellae* (pp. 54-63), Nahmanides discusses at length the rejection of R. Isaac ibn Giyyat's commentary on a Talmudic section. There is no mention of this in the Sermon.

[84] CHAVEL, "Discourse," pp. 318-319. On the fundamental difference between how Nahmanides related to the Geonim and the Tosafists, see M. HALBERTAL, "Nahmanides' Conception of the History of Halakhah and the Minhag" (Hebrew), *Zion* 67 (2002), pp. 25-32.

In the 13th century the intellectual momentum of the Tosafists came to a halt. Lacking the innovativeness and originality of their predecessors, this period's scholars dedicated their efforts to redacting and reworking the earlier *Tosafot* collections. Co-temporaneously, as this decline progressed, Nahmanides' study hall flourished and grew. Many Talmudic insights were innovated in the *Novellae* written by Nahmanides and his disciples. [85] The transition from France to Spain forms an intellectual turning point in the history of the Jewish people. The confrontation among the academies in the city of Acre may be viewed as a microcosm of this process.

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[85] See H. SOLOVEITCHIK, "Rabad of Posquieres: A Programmatic Essay," in *Studies in the History of Jewish Society in the Middle Ages and in the Modern Period,* ed. E. ETKES & Y. SALMON (Jerusalem 1980), pp. 7-40: 16-17.