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Law and Spirituality in Jewish History: On the Contribution of Isadore (Yitzḥak) Twersky

Yitzhak [Isadore] Twersky, *Ke-Ma`ayan ha-Mitgabber: Halakhah ve-Ruaḥ bi-Yeẓirat Ḥakhmei Yemei ha-Benayim*. Edited by Carmi Horowitz. Jerusalem: Mercaz Zalman Shazar, 2020. Hebrew, 749 pp. ISBN 978-965-227-363-5. 140 NIS.

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The descriptive title of the new Hebrew edition of Isadore Twersky's collected studies edited by Carmi Horowitz, *Ke-Ma`ayan ha-Mitgabber* (*Law and Spirit in Medieval Jewish Thought*; lit. "Like a Perpetual Wellspring") is most apt. The protean corpus produced by the late Professor Twersky (1930–1997) over more than four decades treats a dazzling array of topics and concepts in the intellectual history of medieval and modern Jews. Horowitz and his team of academic translators have performed a great service by bringing together more than thirty studies, the majority of which were previously available only in English. Their efforts make accessible for the first time to Hebrew readers, and to a community of scholarship to which Twersky felt very attached, essential aspects of his oeuvre. A full assessment of Twersky's contributions, which requires both a wide-ranging and painstakingly detailed essay spanning a variety of disciplines, issues, and locales, is beyond the scope of this review. Readers are directed to Horowitz's excellent introduction to gain familiarity with the trajectory of Twersky's academic career, the range of his intellectual commitments, and his major achievements in the field of Jewish studies.[1] The present essay is limited to an assessment

[1] Also see two contributions in *Be'erot Yitzhak: Studies in Memory of Isadore Twersky*, ed. Jay M. Harris (Cambridge, MA, 2005): Joseph Hacker, "Isadore Twersky, Historian of Jewish Culture," 1–14, and Bernard Septimus, "Isadore Twersky as a Scholar of Medieval Jewish History," 15–24.

of selected aspects of Twersky's contributions to medieval and early modern Jewish intellectual history, with an eye to the generative impact of his scholarship in the decades since his passing.

Twersky's eminent scholarly reputation was established with two highly influential works: his pioneering *Rabad of Posquières: A Twelfth-Century Talmudist*, first published in 1962, and his monumental *Introduction to the Code of Maimonides* (*Mishneh Torah*), published in 1980.[2] Each of these was transformative in its impact on the field of Jewish studies. *Rabad of Posquières*, the first full-scale study devoted to a medieval halakhist, offered a systematic examination of the Provençal scholar's "critico-conceptual approach" to Jewish law in general and to Maimonides's *Mishneh Torah* in particular. In the *Introduction to the Code of Maimonides*, Twersky emphasized the intellectual character of the *Mishneh Torah* and expanded upon his influential thesis regarding the integration of Halakhah and philosophy, which in his view was the work's most salient characteristic. By stressing the interrelationship of law and philosophy—in his words, their "complementarity and reciprocity"—he mounted a compelling case against the prevailing theory advanced by Leo Strauss concerning the bifurcation of Maimonides into a philosopher in the *Guide of the Perplexed* and a jurist in the *Mishneh Torah*. Rejecting the argument that the two works addressed different audiences, Twersky amassed impressive evidence to demonstrate that the *Mishneh Torah* itself embodied many of Maimonides's philosophical positions.

From the time this argument was first advanced in an article devoted to "non-halakhic aspects of the *Mishneh Torah*" (195–215) in 1967, the assumption that the *Mishneh Torah* was intended for the unlettered masses was no longer viewed as tenable. Not all were persuaded, however, that Straussian esoteric readings of Maimonides ought to be set aside, and the question which of Maimonides's writings represented most fully his philosophical worldview remains an ongoing matter of dispute. Nevertheless, to presume that Twersky undertook to resolve this issue may well be a category error, at least as far as the underlying objective of his scholarship is concerned. The main thrust of his decision to highlight the philosophical ideas that Maimonides introduced in the *Mishneh Torah* was the assertion that the law is infused with an unmistakable spiritual-intellectual dimension. The objection to the Straussian reading was less central to his project, and Twersky would leave this to others to address. In the broad sense, his wide-ranging exploration of Jewish law, including its technical details, aimed to provide illustrations of the law's spiritual and intellectual sophistication, and no less important, the creativity of its theoreticians.

[2]Isadore Twersky, *Rabad of Posquières: A Twelfth-Century Talmudist* (Cambridge, MA, 1962); idem, *Introduction to the Code of Maimonides* (*Mishneh Torah*) (New Haven, 1980).

This line of inquiry, in all its complexity, was the scaffolding for Twersky's vast scholarly oeuvre. Over the ensuing decades, he elaborated with new vitality a wide range of issues regarding the interaction of law and philosophy, the active involvement of rabbinic figures in philosophy and extra-Talmudic disciplines, the intricate relationship between code and commentary, and the underlying creative impulse in rabbinic culture. The central theme in virtually every major publication was "meta-Halakhah," a term employed to refer to "that area of study which comes after Halakhah as well as that which is the ... indispensable culmination of the learning process ..., the foundations and goals of religious law and life" (477). Twersky explored the dialectical relationship between the study of Talmud and other disciplines that were meant to provide the theoretical and spiritual underpinnings for a life lived in accordance with Halakhah. He conclusively—and passionately—denied the putative alliance between spirituality and anti-intellectualism.

The studies that appear in *Ke-Ma`ayan ha-Mitgabber* span Twersky's forty-year scholarly career. They reveal his early vigorous and spirited efforts to introduce new analytical categories intended to advance the field of Jewish intellectual history, especially the centrality of rabbinics in that history. Included as well is scholarship that expands on, and in some cases offers modifications to themes treated decades earlier. Much of the volume focuses on the legal, religious, and ethical thought that characterized the writings of Maimonides (chapters 1–14); Rabad's methodology and worldview (chapter 15–16); and studies that amplify the intellectual and cultural trends that prevailed in Provençe among its leading figures and display in full view the cultural dynamism reflected in the study of philosophy and other extra-Talmudic disciplines, as well as the pervasive interaction between religious and secular learning (chapters 24–27). Among these are important studies that were published in specialized venues and for that reason received less notice. As a rule, these later publications reveal a wider lens, greater chronological sweep, and attention to subjects beyond the more limited foci related to twelfth-century Spain, Egypt, and Provence. The final section of the volume (chapters 28–31) contains reflections on developments in the twentieth century, including historical and cultural challenges that Zionism posed to Jewish conceptions of survival; trends in the field of Jewish studies in the United States; and a penetrating analysis of the thought of Rabbi Joseph B. Soloveitchik by applying the analytical category of meta-Halakhah. Characterized by thoroughgoing historical and conceptual rigor, and informed by a long durée perspective, each of these more recent studies remains valuable to students of Jewish studies even decades later.

Twersky emphasized the importance of investigating how Jewish cultural creativity related to surrounding cultures. He viewed the broader social, political, and intellectual contexts as crucial for understanding the cultural universe within which Jews lived, while also taking account of what Joseph

Hacker has called "the structures of parallel spiritual, religious, cultural and human phenomena." However, despite his appreciation for the dynamic relationship between neighboring cultures, Twersky chose not to examine the impact of external forces on Jewish law, philosophy, or religious thought; nor did he seek to identify influences or to investigate the roots of parallel phenomena, since these do not yield insight into "the reasons and historical factors that produced them."[3] His interest was fixed squarely on the origins of rabbinic concepts, their internal consistency, cogency, evolution, and transformation. In charting the course of Jewish cultural history, he proposed the use of "stimulus" rather than "influence" as a more apposite frame of reference.[4]

The present essay will assess certain discrete aspects of *Ke-Ma`ayan ha-Mitgabber*. It begins with consideration of a newly translated article on medieval Halakhah as a case study that highlights Twersky's considerable contributions to medieval Jewish legal thought: his view of Halakhah within the widest possible framework of intellectual and cultural history, including attention to commonalities and disparities between the Ashkenazic and Sephardic orbits; his embrace of the intellectual freedom that he discerned in leading halakhic authorities; and his ability to present trenchant analyses of previously overlooked personages and writings that themselves stimulated further research. This last dimension is another reason why the phrase *ke-ma`ayan ha-mitgabber* is such a fitting characterization of Professor Twersky and his academic achievements. In other words, the new volume draws attention to scholarship that has had, and can be expected to have, enduring impact. The latter part of the essay will assess Twersky's contributions to the field of early modern Jewish history and law. Taken together, many of the studies included in this volume represent a sustained effort, conducted over decades, to reconstruct the history of a phenomenon that had never been treated as coherently and with comparable rigor—the quest for spirituality. We will highlight fields of inquiry initiated by Twersky and topics that represent an agenda for scholars working in the fields of Jewish history, Jewish thought, and Jewish law.

In 1983, Twersky authored an article titled, "The Contribution of Italian Sages to Rabbinic Literature," that was published in Rome in *Italia Judaica*; the Hebrew translation is chapter 17 of the Horowitz volume (404–20). The first half of the article lays out an agenda for assessing medieval Italian rabbinic works and preparing them for publication, highlighting the need to ascertain the extent to which rabbinic scholarship in medieval Italy represented

[3]Hacker, "Isadore Twersky, Historian of Jewish Culture," 3.

[4]See Twersky's review of *Tradition and Crisis: Jewish Society at the End of the Middle Ages*, by Jacob Katz, *Jewish Social Studies* 21 (1959): 249–51.

a distinct strain in terms of halakhic method and thought. It also delineated the scope of this scholarship and the influence it exerted on other Jewish intellectual centers and their rabbinic scholars. A series of probing questions is raised, including the extent to which Italian rabbinic literature made use of or was influenced by the literature of the Geonim (which can serve as a substantive indicator of the nature of the rabbinic culture in a particular area), and the fact that Menaḥem ha-Me'iri of Perpignan (d. 1316) seems to have omitted Italian figures entirely from his otherwise thorough and inclusive survey of post-talmudic rabbinic scholarship. Sixteen medieval Italian rabbis or significant texts (through the thirteenth century) that could have been included in such a list are identified, concluding with the prolific R. Isaiah b. Mali di Trani (hereafter RID, d. ca. 1240), and Zedekiah b. Abraham ha-Rofe Anau (d. ca. 1260), author of *Shibbolei ha-Leqet*.

Twersky suggests that Me'iri's survey does not include Italian rabbinic figures because these scholars did not see themselves as part of a distinct, ongoing rabbinic tradition with roots mainly in Italy. Nathan b. Yeḥi'el of Rome (d. 1106), author of the *'Arukh*, includes in his work significant amounts of geonic material, commentaries by Rabbenu Ḥananel of Kairwan (d. 1056) and from the academy at Mainz during the eleventh century, and Provençal material as well. Compared to the writings of Nathan of Rome's two leading contemporaries, Isaac Alfasi (RIF, d. 1103, who was active in Fez and Lucena) and Rashi (of Troyes, d. 1105, who had studied in the academies of the Rhineland), each of which reflects the more local rabbinic origins and contexts of their authors, there is much less evidence in the *'Arukh* for the role of any Italian predecessors or for a work that was directed to a distinctly Italian rabbinic cohort.

Di Trani who, as noted by Twersky, flourished more than a century after Nathan of Rome, cites several significant Italian predecessors (and is frequently mentioned in turn by *Shibbolei ha-Leqet*). However, he too does not appear to identify himself as part of an Italian rabbinic cohort or tradition in particular. RID's major sources are the writings of the two leading Sephardic authorities, Rabbenu Ḥananel and Alfasi on the one hand, and those of Rashi (to whom RID constantly refers as the teacher par excellence, *ha-moreh*), along with material from Tosafist literature. Moreover, while RID succeeds in putting the Italian center "on the map," the rabbinic achievements of that area overall during the medieval period pale in comparison with the Tosafist enterprise in northern Europe; the copious novellae composed in Christian Spain during the thirteenth century; or even the productivity of rabbinic scholars in southern France from the late twelfth century onward.

At one point, Twersky goes so far as to suggest that RID is "more Ashkenazic than Italian and should perhaps be identified as a Tosafist" (410). Indeed, the fact that Rabbenu Ḥananel's commentaries are cited extensively

within Tosafist literature from its inception, and that Alfasi's *Halakhot* were cited with some frequency in the Rhineland already toward the end of the twelfth century by Rabiah of Cologne and his father, Joel b. Isaac of Bonn (d. ca. 1200), actually might provide further support for such a claim.[5] Nonetheless, this suggestion is immediately downplayed by Twersky, as follows: "Although Urbach in his *Ba`alei ha-Tosafot* includes Eliezer [or Eleazar] b. Samuel of Verona, a student of Ri [R. Isaac of Dampierre, d. ca. 1190] as an Italian Tosafist,[6] he omits RID, who was a student of the [German Tosafist] Simḥah [b. Samuel] of Speyer [d. ca. 1230]."[7] Understandably, the position taken by Urbach, who is still considered to be the greatest authority on the Tosafists and their writings several decades after his passing, was given great weight.[8]

In the second part of the article, Twersky moves to assess the specific literary components of Isaiah di Trani's corpus, much of which was first published only during the second half of the twentieth century.[9] RID produced extensive *Tosafot* and (separate) halakhic rulings (*pesaqim*) on many of the tractates of the Talmud, responsa, and a topical halakhic work called *Sefer ha-Makhria`*, which treats more than ninety complex (and contested) matters of Jewish law. RID's writings were cited already by two major halakhic works

[5]See Avraham Grossman, "From Andalusia to Europe: The Attitude of Rabbis in Germany and France in the Twelfth–Thirteenth Centuries towards the Halakhic Writings of Alfasi and Maimonides" [in Hebrew], *Pe`amim* 80 (1999): 16–24; Israel M. Ta-Shma, *Knesset Meḥqarim: Studies in Medieval Rabbinic Literature* [in Hebrew], 4 vols. (Jerusalem, 2004–2010), 1:43–53.

[6]For a description of R. Eliezer's achievements as a Tosafist see Ephraim E. Urbach, *The Tosafists: Their History, Writings and Methods* [in Hebrew], rev. ed. (Jerusalem, 1984), 433–36, 565, 651.

[7]The index to Urbach's *The Tosafists*, 781, lists eleven references to RID. Virtually all of these concern communications by others to RID or his citations of (or reactions to) Tosafist teachings; there is no discussion of his contributions to that body of teachings at any point. Early on (26), Urbach characterizes RID as "the leading Italian rabbinic scholar of the thirteenth century," while elsewhere (413) he describes RID (without further elaboration) as "one of the harshest critics of the rabbinic scholars of northern France and Germany."

[8]The first scholarly notice published by Twersky following the completion of his doctoral dissertation at Harvard University in 1956 was a lengthy, detailed Hebrew review of the first edition of Urbach's *The Tosafists* (1955), which appeared in *Tarbiz* 26 (1957): 215–27; repr. in Isadore Twersky, *Studies in Jewish Law and Philosophy* (New York, 1982), Hebrew section, 42–54. Although the review was quite critical, it nonetheless lauded *The Tosafists* as the definitive treatment of the Tosafists and their work.

[9]The frequency of the notes in this section—and especially the references to contemporary scholarship—is noticeably less, mainly because little had been written about RID to this point. See the studies cited in 412 n. 25; and cf. Ta-Shma, *Knesset Meḥqarim*, 3:9 n. 1; and Ephraim Kanarfogel, "Solomon Schechter and Medieval European Rabbinic Literature," *Jewish Historical Studies* 48 (2016): 21–24.

of the mid-thirteenth century: *Sefer Or Zarua`* by Isaac b. Moses of Vienna (d. ca. 1255), a fellow student in the study hall of Simḥah of Speyer to whom RID also addressed several responsa, and even more frequently by *Shibbolei ha-Leqet*. And a responsum found among those of Meir b. Barukh (Maharam) of Rothenburg (d. 1293) refers to RID as one of the most outstanding scholars of the previous generations (*geonei 'olam*), alongside Rabbenu Gershom [b. Judah of Mainz, d. 1028], Isaac Alfasi, and Maimonides (413).[10] The breadth of RID's oeuvre, his focused use of talmudic sources beyond the Babylonian Talmud (such as the Tosefta and the Talmud Yerushalmi), and his methodological statements and varied approach toward the use of geonic literature and other sources of post-talmudic precedent, make his writings an excellent foil against which to trace these qualities among other leading medieval rabbinic figures. Twersky notes that he often did exactly this as he sought to flesh out the views and positions of Rabad of Posquières (413–14).

Twersky points to RID's explicit assertion in several of his responsa of the need for intellectual freedom in developing halakhic positions and deciding matters of Jewish law, a view that has been highlighted by both premodern rabbinic thinkers and modern scholarship.[11] Twersky locates this strong tendency toward intellectual freedom, all the while remaining faithful to talmudic and halakhic traditions, in the writings of several leading rabbinic figures in southern France and northern Spain. These include the critiques by Zeraḥyah ha-Levi *Ba`al ha-Ma'or* and Rabad on the writings of Alfasi, along with the defense of Alfasi provided by Naḥmanides. Similar formulations can be found in the *Sefer ha-Hashlamah* talmudic commentary composed by Meshuallam b. Moses of Beziers (d. ca. 1240) and in the subsequent work of Menaḥem ha-Me'iri. Twersky suggestively notes that the term *melekhet shamayyim* ("labor for the sake of heaven") is often associated with this salient dimension of rabbinic literature.

RID programmatically explains and justifies his independent approach toward arriving at halakhic conclusions by citing what he characterizes as the philosophers' parable (*mashal ha-filosofim*), "that we are like dwarfs standing on the shoulders of giants," which maintains that the new and creative conclusions that subsequent scholars are able to reach rest upon the older teachings and methods of their predecessors.[12] Earlier halakhic opinions,

[10] See M. A. Bloch, ed., *Sefer Sha`arei Teshuvot le-Maharam b. Barukh* (Berlin, 1891), MS Prague 286 (sec. 339).

[11] Two of RID's responsa that most clearly enunciate this position are appended on pp. 419–20. See A. Y. Wertheimer, ed., *Teshuvot ha-RID* (Jerusalem, 1975), 6–7 (sec. 1); and 301–03 (sec. 62). See also 147–48 (sec. 27); 89–90 (sec. 15).

[12] The parable originated in northern Europe. It was first enunciated by Bernard of Chartres (d. 1126) and by his student, William of Conches (d. ca. 1150), and subsequently by John of

therefore, should not be evaluated *ad hominem* (i.e., according to the reputation and standing of their authors), but rather by objective textual and analytical means. In this way, no single rabbinic scholar (or group of *poskim*) is necessarily favored, irrespective of the overall quality of their work. RID intended here to go against those who favored regional or other forms of consensus. Criticism in this context goes hand in hand with proper and objective intellectual and textual investigation.

Although a unified Italian talmudic "school" during the medieval period cannot be identified, Twersky concludes by noting that Italian rabbinic figures nonetheless contributed significantly to medieval rabbinic literature. Indeed, the corpus produced by RID suggests that the study of medieval rabbinic literature cannot be undertaken fully without consideration of this corpus, its formulations, positions, and intellectual achievements. Already in his *Rabad of Posquières*, Twersky cited passages by Isaiah di Trani that are in accordance with a conservative geonic view, and others indicating that sources from the Jerusalem Talmud and the *baraitot* (extra-mishnaic traditions) should be relied upon only where they support the teachings of the Babylonian Talmud and not where they contradict it. He further notes that while RID is occasionally outspoken about the need for analytical independence, he generally conforms to geonic precedent.[13]

At the same time, Twersky cites a nuanced statement in RID's *Sefer ha-Makhria`* indicating that while the defense of longstanding ritual customs is always appropriate, there are limits. Indeed, RID indicates that while Rabbenu Tam went to great lengths to justify an existing practice regarding one who is called to the Torah to read the special *haftarah* on a Sabbath of the "four portions" during the period prior to Purim and Passover (or on a Sabbath that coincides with *Rosh Ḥodesh*), he himself believes that this practice is indefensible according to Jewish law and religious practice.[14] The larger positions and expressions of RID often dovetail with those of Rabad, and RID's corpus thus provides a good lens through which the views of Rabad can be assessed, as previously noted. Notwithstanding that RID appears to have spent time in the Rhineland and was familiar with a range of Rabbenu Tam's teachings in particular, on balance Twersky sees RID as more connected with or inclined toward the Provençal and Spanish centers in southern

Salisbury (d. 1180), Peter of Blois (d. 1212), and Giles of Corbeil, among others. See Robert Merton, *On the Shoulders of Giants: A Shandean Postscript* (Chicago, 1993), 37–41, 209–23. See also Umberto Eco's forward, xiv–xv, for additional bibliography.

[13]Twersky, *Rabad of Posquières*, 203, 209, 218–19

[14]Ibid., 242; S. A. Wertheimer, ed., *Sefer ha-Makhria`* (Jerusalem, 1998), 164 (sec. 31); and below at n. 19.

Europe.[15] The fact that Urbach did not consider RID to be an Italian Tosafist seems to have propelled Twersky in this direction although, as was his wont, Twersky suggests that RID's corpus should be investigated further.

Israel Ta-Shma took up this task in a series of studies, explicitly citing Twersky's study on several occasions. Based on several little-known sources, he first reconstructs the chronology of RID's life. RID was born circa 1170 in Italy and made his way as a young man to Eretz Israel, passing through Constantinople on the way there (and spending some time in Alexandria as well). In his later years he expressed the hope to return to Israel and to be buried there, a wish that was not realized following his death in the early 1240s. RID apparently left Israel circa 1190 and made his way to the Rhineland, where he became associated with the Tosafist study hall of Simḥah b. Samuel of Speyer, a slightly older contemporary. There RID met Isaac b. Moses *Or Zarua`* of Vienna, with whom he maintained a correspondence in later years as well, as reflected in a number of RID's responsa. RID spent the second half of his life back in Italy and Byzantium, where he took great interest in the religious lives of major Romaniote figures and the issues facing these communities, again as indicated explicitly within his responsa.[16]

Ta-Shma suggests that RID's earliest work was his commentary on the Torah known as *Nimmuqei ha-RID*, which explains why most of the exegetical predecessors cited by RID are Ashkenazic, including Rabbenu Simḥah of Speyer, his Rhineland contemporary Eleazar b. Judah of Worms (and Eleazar's teacher, Judah he-Ḥasid), and R. Jonathan (b. Isaac of Wurzburg, a teacher of Isaac *Or Zarua`*). Several citations in this work are from Tosafists in northern France, including Rabbenu Tam and his student, Joseph b. Isaac [*Bekhor Shor*] of Orléans.[17]

[15] Rabbenu Tam's teachings reached the Rhineland (and Regensburg) upon the return of several of his leading German students; see Ephraim Kanarfogel, "From Germany to Northern France and Back Again: A Tale of Two Tosafist Centers," in *Regional Identities and Cultures of Medieval Jews*, ed. Javier Castano, Talya Fishman, and Ephraim Kanarfogel (London, 2018), 149–66. In addition, RID cites many formulations by Rabbenu Tam not from *Tosafot* texts but from Rabbenu Tam's *Sefer ha-Yashar*, which is mentioned much more frequently in German rabbinic sources during this period than in Tosafist texts from northern France. See Simcha Emanuel, *Shivrei Luḥot: Lost Books of the Tosafists* [in Hebrew] (Jerusalem, 2006), 29.

[16] See Israel M. Ta-Shma, "R. Isaiah di Trani and his Connections with Byzantium and Eretz Israel" [in Hebrew] *Shalem* 4 (1984): 409–16. Cf. Wertheimer, *Teshuvot ha-RID*, editor's introduction, 27–28, 31–37.

[17] See Israel M. Ta-Shma, "*Nimuqei Ḥumash* of R. Isaiah di Trani" [in Hebrew], *Qiryat Sefer* 64 (1992–93): 751–53. Indeed, as Ta-Shma notes, reference to a Rabbenu Sa`adyah is not to Sa`adyah Gaon but rather to a northern French exegete by that name. Ta-Shma based his study of RID's Torah commentary not on the version found in MS Paris 660 (published by Charles D. Chavel, Jerusalem, 1972), but on a larger manuscript (Moscow, RSL Guenzburg 303).

Following the completion of RID's Torah commentary that he likely began while still in the Rhineland, RID focused on composing his *Tosafot*, which most frequently begin with Rashi's commentary (even as he does not hesitate to disagree with an approach taken by Rashi) and were often aligned to a particular tractate in as many as three or four different versions, reflecting extensive reconsideration and reformulation over a period of time.[18] Citations of Rabbenu Tam throughout are noticeable. When RID sought to decide a halakhic matter based on the talmudic source (just as the classic *Tosafot* typically do), he tended to turn to *Halakhot Gedolot, Hilkhot ha-Rif* and the commentary of Rabbenu Ḥananel (often disagreeing with their views as well), although positions of the Geonim are mentioned far less frequently and those of Maimonides are barely mentioned. Maimonides is almost completely absent in RID's subsequent talmudic and halakhic works,[19] as well as in the final version of *Shibbolei ha-Leqet*, whose author considered RID to be his teacher.[20]

Indeed, Isaiah di Trani's approach to Maimonides dovetails precisely with that of Isaac b. Moses of Vienna in his *Sefer Or Zarua`* (among other fel-

It appears, however, that the Moscow manuscript is compilatory in nature and intersperses Isaiah of Trani's comments with a larger number of comments by *Bekhor Shor*; see Ephraim Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz* (Detroit, 2013), 244.

[18] As points of comparison within Ashkenaz, Moses b. Jacob of Coucy (d. ca. 1255) produced at least two editions of his *Sefer Miẓvot Gadol* (see Israel M. Peles, ed., *Sefer Miẓvot Gadol* (*Semag*) *ha-Shalem*, 2 vols. [Jerusalem, 1993–2003], editor's introduction, 2:17–24), while Eleazar b. Judah of Worms (d. ca. 1230), appears to have been an almost inveterate reviser of his halakhic writings and other works in related areas. See Simcha Emanuel, ed., *R. Eleazar of Worms: Homily for Passover* [in Hebrew] (Jerusalem, 2006), editor's introduction, 62–66.

[19] See Israel M. Ta-Shma, "R. Isaiah di Trani and His *Tosafot RID*" [in Hebrew], in *Meḥqerei Talmud: Talmudic Studies Dedicated to the Memory of Professor Ephraim E. Urbach 3*, ed. David Rozenthal Yaacov Sussmann (Jerusalem, 2005): 916–35; idem, *Ha-Sifrut ha-Parshanit la-Talmud* (*Talmudic Commentary in Europe and North Africa: Literary History*), 2 vols. (Jerusalem, 2000), 2:174–85; and idem, "The Acceptance of Maimonides's *Mishneh Torah* in Italy," *Italia* 13–15 (2001): 79–90. In RID's *Tosafot* to Bava Batra, Solomon b. Aderet's commentary is frequently mentioned—as are the *Tosafot* of Isaac b. Mordekhai (Ribam) of Regensburg (a German student of Rabbenu Tam, which are also cited by RID in his *Tosafot* to *Shabbat*—while the commentary of Ri Migash to Bava Batra is also noted, albeit on far fewer occasions. Similarly, RID's programmatic statements in his responsa (and elsewhere) about the extent to which halakhic precedent must be relied upon is markedly closer to the views of medieval Ashkenazic rabbinic figures than it is to most of their Sephardic counterparts. See Ephraim Kanarfogel, "Progress and Tradition in Medieval Ashkenaz," *Jewish History* 14 (2000): 287–316.

[20] See Israel M. Ta-Shma, "*Shibbolei ha-Leqet* and its Variants" [in Hebrew], *Italia* 11 (1995): 39–51. On the similar intellectual and spiritual proclivities of RID and the author of *Shibbolei ha-Leqet*, see also Ephraim Kanarfogel, "Mysticism and Asceticism in Italian Rabbinic Literature of the Thirteenth Century," *Kabbalah* 6 (2006): 135–49.

low students of Simḥah of Speyer, and the Tosafists more broadly). The *Mishneh Torah* is regularly cited only regarding several selected topics when Maimonides's formulations were viewed by these Ashkenazic authors as especially helpful and even necessary, despite the large array of sources and analyses at their disposal from within their own talmudic and halakhic traditions. Consequently, these works contain no significant references to the *Mishneh Torah* in relation to other halakhic topics. This decidedly Ashkenazic approach, of citation based on utility, also explains why the *Guide for the Perplexed* was cited by RID and other Tosafists in their Torah commentaries, since Maimonides's formulations at times provided insights that earlier Ashkenazic exegetical traditions did not.[21]

The pattern of RID's citation of earlier rabbinic texts remained largely consistent throughout his various works. In his *Sefer ha-Makhria`*, which was composed later in his career than many of his *Tosafot*, RID focuses on the same familiar sources that Nathan b. Yeḥi'el of Rome's eleventh-century *'Arukh* utilized in determining the *halakhah* for a Byzantine audience, the commentary of Rabbenu Ḥananel and the *Hilkhot ha-Rif*, along with extensive citations from many named (and more general) geonic positions. Talmudic interpretation in this work almost always begins with Rashi's commentary and includes more than twenty explicit references to Rabbenu Tam's interpretations and halakhic positions (usually as found in his *Sefer ha-Yashar*), even as RID expended quite a bit of effort deconstructing Rabbenu Tam's views (just as he did with the other sources that he presents). RID also cites a variety of Tosafists and their works: Solomon b. Aderet's commentary to Bava Batra, Eliezer b. Samuel of Metz (author of *Sefer Yere'im*, and a student of Rabbenu Tam), Ri of Dampierre and his *Tosafot*, along with the *Tosafot* of his son, R. Elḥanan. In *Sefer ha-Makhria`* as well, the *Mishneh Torah* is cited only five times all told, including two citations from *hilkhot shevu`ot* (laws of oaths) and one from *hilkhot nedarim* (laws of vows).[22]

It is clear by now that even as RID's Italian roots (and his subsequent return to Italy) led him to present his halakhic conclusions in ways that would

[21] See Ephraim Kanarfogel, "Assessing the (Non-) Reception of *Mishneh Torah* in Medieval Ashkenaz," in *"In the Dwelling of a Sage Lie Precious Treasures": Essays in Jewish Studies in Honor of Shnayer Z. Leiman*, ed. Yitzhak Berger and Chaim Milikowsky (New York, 2020), 123–45.

[22] See Wertheimer, *Sefer ha-Makhria`*, 606–08 (citation index); and cf. above, n. 10. Other twelfth- and thirteenth-century rabbinic scholars who hailed from (or otherwise spent considerable time studying and teaching in) Italy, such as Samuel b. Natronai (a son-in-law of Raban of Mainz) and Avidgdor b. Elijah *Kohen Ẓedeq* (Katz), also associated themselves with northern French and German Tosafists. See Emanuel, *Shivrei Luḥot*, 60–81, 175–81; Kanarfogel, "Mysticism and Asceticism"; and cf. Jeffrey R. Woolf, "Was There an Italian Halakhic Tradition?" [in Hebrew], *Sidra* 10 (1994): 57–59.

effectively speak to the Jewish communities of southern Europe and Byzantium, he also functioned as an interpreter of the Talmud and a halakhic authority who was thoroughly familiar with aspects of the rabbinic teachings and analytical methods of northern Europe. Alongside the initial work done by Steven Bowman,[23] an important avenue of research that remains open is the more precise tracing of the (later) Romaniote phase of RID's career, to gauge the full extent to which he sought to address halakhic questions and Jewish observance and spirituality in that region.

It is equally evident that Twersky ought to be credited for starting this discussion. He was the first to draw attention to the mediating positions that RID might have played, along with his sense that the entire RID corpus must be looked at in greater detail. In a more understated way, several essays in *Ke-Ma`ayan ha-Mitgabber* stress the importance of looking more carefully at the *Sefer ha-Zikkaron* of Yom Tov b. Abraham Ishvilli (Ritva, d. ca. 1325), which occupies an intriguing place between the meta-halakhic approaches of Maimonides and Naḥmanides, just as Ritva's talmudic novellae straddle the best methods, practices, and products of both Spanish and Ashkenazic talmudic studies.[24] These emphases signal Twersky's firm resolve to gauge the activities of medieval halakhists within a comprehensive framework that highlights their views on precedent, their fidelity to earlier authorities, and where they are situated in relation to the Ashkenaz-Sepharad divide.

When Twersky turns his attention to the early modern period, a noticeably new and distinctive approach becomes evident immediately. In the five essays in this volume that are devoted in their entirety to the early modern period (chapters 18–22), one encounters a sustained attempt both to identify broad historical trends that shaped Jewish religious thought and experience over several centuries and to interpret their wider significance. This larger perspective was grounded in the same close textual readings generally associated with his earlier scholarship. A Hebrew translation of Twersky's classic essay "Religion and Law" (chapter 20), which initially appeared in *Religion in a Religious Age*, edited by Solomon Goitein (1973), is a fine thematic introduction to the handful of essays that explore the "tension [that] flows from the painful awareness that manifestation and essence sometimes drift apart," thus requiring "coordination of inner meaning and external observance." This concern, seen by some as the bridging of polarities, is a crucial question that

[23] See Steven B. Bowman, *The Jews of Byzantium, 1204–1453* (Tuscaloosa, AL, 1985).

[24] See *Ke-Ma`ayan ha-Mitgabber*, 114, 210–11, 452, 482. Cf. Israel M. Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:69–74; idem, *Knesset Meḥqarim*, 2:287–88; Kanarfogel, "Between Ashkenaz and Sefarad: Tosafist Teachings in the Talmudic Commentaries of Ritva," in *Between Rashi and Maimonides*: *Themes in Medieval Jewish Thought, Literature and Exegesis*, ed. Ephraim Kanarfogel and Moshe Sokolow (New York, 2010), 249–73; and James A. Diamond, *Maimonides and the Shaping of the Jewish Canon* (New York, 2014), 10, 87–88.

has been discussed at length by scholars working in diverse areas of religious studies, and it is a matter of particular interest to, and certainly is a continuing source of anxiety for, some observers of traditional Jewish law.[25] No scholar of Jewish studies prior to Twersky formulated the question and examined it quite as rigorously as he.

Two of these essays approached the Shulḥan ʻArukh with the foregoing concern in mind. The better known of the two (chapter 18) is a widely-read article that appeared originally in *Judaism* in 1967, titled "The *Shulḥan ʻAruk*: Enduring Code of Jewish Law." It is an elegantly written history that investigates the genesis of the sixteenth-century code, its goals, methods, and place in the history of Jewish law and codification. A central issue addressed there is "the tension between maintaining punctilious observance of law and concomitantly avoid[ing] externalization and routinization." Twersky emphasized that Halakhah "demands the coordination of inner meaning and external observance," and what appears to be "a spiritless, formalistic, even timid" legal code is inconsistent with what the author, Rabbi Joseph Karo, mystic and lawyer, may be presumed to have intended. On Twersky's reading, the terse, rigidly formulated legal manual was not meant to exhaust the full meaning of halakhic regimentation, as it left the choice of spiritual content up to the individual.

The second article (chapter 19) devoted to the Shulḥan ʻArukh appeared originally in Hebrew in *Asufot* in 1989 and was clearly intended for a more limited audience of academic scholars. It explored various complexities related to Karo's intention to produce a legal codex. In contrast to the prevailing perception, Twersky presented Karo as a creative legist who identified exegetical principles of Maimonides's *Mishneh Torah* and proceeded to clarify, reconstruct, and analyze them. This proposition rested primarily on a careful examination of Karo's *Kesef Mishneh* commentary to the Maimonidean code. Building on his detailed analysis of Karo qua exegete, Twersky was able to demonstrate that the author of the Shulḥan ʻArukh drew more heavily from Maimonides than is generally acknowledged. Twersky endeavored as well to overturn the assumption that Karo's restrained formulations in the Shulḥan ʻArukh derived from indifference to the major issues that animated Jewish law, such as discussion of the rationale for *mitzvot* (448–57). Finally, Twersky took exception to Jacob Katz's argument that Karo was a kabbalist

[25] The tension between ritual performance and spirituality was at the core of the intra-Catholic discussion of the Counter Reformation. Driven in part by the fear that people might communicate directly with the divine, it found expression in tensions between practice and belief, and between submission to authority and the cultivation of individuality. See Moshe Sluhovsky, *Becoming a New Self: Practices of Belief in Early Modern Catholicism* (Chicago, 2017), passim.

who was guided by the Kabbalah in his legal rulings. He was equally critical of Gershom Scholem who argued that, as author of the Shulḥan ʻArukh, Karo avoided the Kabbalah. Twersky himself objected to the assumption that Karo's silence, whether regarding the Maimonidean approach to *mitzvot* or to the Kabbalah, could be taken as proof of his work's ideological underpinnings. To the contrary, Karo's primary objective was to produce a code that emphasized the unity of the Halakhah, free of non-halakhic influences. Twersky's effort to explicate the special bond connecting Karo to Maimonides, especially the defense of Maimonides against the claim that he invented reasons for *mitzvot* based on his own judgment rather than on tradition, as well as his argument concerning the role of Kabbalah, introduce important issues and methodological approaches that warrant further discussion.

Twersky understood the alignment of law and spirit to be an ideal that was embraced by intellectuals who were strongly committed to the study of meta-halakhic disciplines. This objective rested on the premise that exclusive preoccupation with Talmud and Halakhah—referred to in these essays as the "halakhocentric" core of Judaism—was incapable of yielding complete spiritual fulfillment. Growing awareness of the spiritual inadequacy of halakhocentrism was identified by Twersky as a powerful force that shaped the intellectual and religious agenda of the late Middle Ages. This valuable discovery—a veritable paradigm shift—was based on his mastery of the vast and varied literature of Jewish thought. It led to the conclusion that the quest for spirituality was of fundamental concern and that its scope and intensity could be gauged by examining the particular meta-halakhic curriculum pursued by one cohort or another.

In chapter 21, a translation of "Talmudists, Philosophers, Kabbalists: The Quest for Spirituality in the Sixteenth Century," which originally appeared in 1983, Twersky set forth in detail his innovative theory concerning the parallel functions served by philosophy and Kabbalah as meta-halakhic complements to Talmudism; he also documented the wide range of extra-halakhic and meta-halakhic works that detail this relationship between Talmud study and meta-halakhic disciplines. This "polychromatic array of authors" at once defended "Judaism against external defamation while presenting their own vision of religious vitality and virtuosity" (491). Twersky proceeded to reconstruct the history of the relationship between cognition and spiritual perfection by examining the intellectual commitments of the aforementioned three archetypes across a wide geographical expanse that comprised Italy, central Europe, Poland, and Turkey. The sixteenth century was well-suited for this undertaking because in Twersky's view it was a pivotal era: leading figures both debated the views of thirteenth and fourteenth century figures and argued with one another over the contested supremacy of Kabbalah, philosophy, and Talmudism. Here too, Twersky opened doors to intellectual trends and figures whose writings merit further study.

A case in point is chapter 22 (originally published in English in 1987), which is devoted to the interaction of law and spirituality in the thought of Rabbi Yair Ḥayyim Bacharach, a renowned halakhist of the seventeenth century. As with the writings of Isaiah di Trani, Twersky raised critical issues and pointed to suggestive methodological formulations advanced by Bacharach in ways that would significantly impact the field in subsequent decades. Centering on *Resp. Ḥavvot Ya'ir* no. 210, a detailed inquiry into Bacharach's approach to meta-halakhic study both confirms the basic premise of the above-mentioned sixteenth-century model and adjusts its application to everchanging developments in the ensuing centuries. Bacharach concluded that it was vitally important to curb the study of extra-talmudic disciplines, though he made it clear that by so doing he did not mean to challenge meta-halakhic study, to which he assented in principle. Based on his considerable acquaintance with sixteenth- and seventeenth-century kabbalistic literature, he recoiled from the study of Kabbalah because, in his view, its doctrines were plagued by inconsistency and internal contradiction—the consequence of the faulty and generally unreliable transmission of mystical traditions, which he documented painstakingly. Precisely because Kabbalah concerned the nature of the Godhead, Bacharach feared that carelessness in the way this tradition was preserved and imparted posed substantial theological dangers.

On epistemological grounds, as Twersky deftly showed, Bacharach's critique of Kabbalah as conceived by its late medieval and early modern exponents was extremely severe. But it should also be noted that although Bacharach's concerns were voiced primarily in connection with kabbalistic tracts devoted to the relative merits of Cordoverian and Lurianic doctrines, his criticism extended to the Zohar as well, as it too contained numerous contradictions. He rejected the claim that kabbalistic hermeneutics offered a legitimate means to interpret rabbinic literature and was equally critical of the popular embrace of mystical practices and doctrines that resulted from the dissemination of printed editions of kabbalistic texts. For these reasons, despite the spiritual benefits attendant to Kabbalah, Bacharach stipulated that kabbalistic books should only be read with the greatest care—if at all.[26]

[26]During the past quarter century there has been a profusion of scholarship on the opposition to, and criticism of, Kabbalah in the early modern period. On Leon de Modena's historicist criticism of Kabbalah and the striking similarity of Bacharach's views to those in *Ari Nohem*, see Yaacob Dweck, *The Scandal of Kabbalah: Leon Modena, Jewish Mysticism, Early Modern Venice* (Princeton, NJ, 2011), 184–87. On kabbalistic trends in the sixteenth and seventeenth centuries, including critical responses, see Jonathan Garb, *A History of Kabbalah: From the Early Modern Period to the Present Day* (Cambridge, UK, 2020), 67–102. For an example of disapproval of Lurianic Kabbalah in the ensuing century, see Jay R. Berkovitz, "Authority and Innovation at the Threshold of Modernity: The *Me'orei Or* of Rabbi Aaron Worms of Metz," in *Me'ah She'arim: Studies in Medieval Jewish Spiritual Life in Memory of Isadore*

Twersky further clarified this nuanced position vis-à-vis Kabbalah by relating it to the extended discussion of astronomy in Bacharach's responsum 219. As in his discussion of Kabbalah, Bacharach displayed genuine fluency regarding the subject matter—the study of celestial bodies—and its incontestable importance, but he was disheartened by the lack of consistency that irretrievably vitiated the scientific theories advanced by Jewish thinkers seeking to align them with Torah concepts. Kabbalah, like astronomy, he insisted, erred in its understanding of empirical reality. On historical grounds, he expressed doubts about the antiquity of Kabbalah, asserting that the loss of an oral tradition was the reason its transmission had become indirect and utterly unreliable. None of this, as pointed out by Twersky, diminished Bacharach's acknowledgment of Kabbalah's authoritative standing however. Bacharach was one of the first halakhic authorities to engage kabbalistic literature in a sustained manner, citing the Zohar and the vast Lurianic literature regularly in *Mekor Hayyim*, his commentary on the Shulḥan ʻArukh, even in those instances when they appeared to contradict the talmudic tradition. Bacharach evidently held that recourse to Kabbalah could provide missing details of ritual practices about which Talmudic sources were either weak or muted. The critical use of Kabbalah thus provided a dependable means, albeit from an improbable source, to fill halakhic lacunae when rabbinic sources were silent.[27] In fact, even when Bacharach rejected a kabbalistic custom, he did so only after he brought textual evidence to substantiate his position. Kabbalah, in his estimation, was an approximate source of Jewish tradition that had now gained a measure of respectability due to its wider availability through printed texts. But overall, Bacharach was apprehensive about the authority of Kabbalah and therefore made it his practice to signal when rituals recommended by the Zohar contradicted the Talmudic tradition and rationality.

Owing to a keen sensitivity to the rhetoric employed in the Bacharach responsa and his superb skill at reading these texts in their immediate and wider context, Twersky drew original and instructive inferences that have eluded other scholars. Responsum 124, for example, which is devoted to curricular recommendations Bacharach proposed to a father seeking guidance for his

Twersky, ed. Ezra Fleischer et al. (Jerusalem, 2001), 249–85. But even those who adamantly rejected the halakhic authority of the Zohar or later kabbalistic sources liberally drew upon its concepts, symbols, and ideas. See, for example, Jacob Elbaum, *Openness and Insularity: Late Sixteenth Century Jewish Literature in Poland and Ashkenaz* [in Hebrew] (Jerusalem, 1990), 356 – 65, and Sharon Flatto, *The Kabbalistic Culture of Eighteenth-Century Prague: Ezekiel Landau and his Contemporaries* (Oxford, 2010).

[27] See the following examples in Bacharach's *Mekor Ḥayyim* (Jerusalem, 2891): 1:4, 4:7–8, 6:2, 25:5, 47:14, 51:7, 92:10, 131:1. For a rare example of Bacharach's reliance on the Zohar in deciding a halakhic question, see *Resp. Ḥavvot Ya'ir* no. 67 on the obligation to send away the mother bird before taking the hatchlings.

son's Torah education, was mined by Twersky to support his contention that the study of Talmud and certain areas of Halakhah, especially *Oraḥ Ḥayyim*, can pave the path toward spiritual perfection. The advantage of Talmudism in the broad sense is that in contrast to Kabbalah and astronomy, it was the product of a reliable, uninterrupted tradition. Bacharach's preference for Halakhah over Kabbalah, argued Twersky, was based on the premium placed on independence and was rooted in the notion that scholars enjoyed the freedom to "constitute the reality of Jewish law" through interpretation, which "is part of the judicial process" (520).[28]

The last quarter of the twentieth century saw significant changes in the way Jewish law, especially Jewish legal history, was approached in the academy. Owing to the formidable influence of the realist school of legal studies, scholarship on the early modern period retreated from its longstanding emphasis on intellectual history. Proponents of legal realism argued that to understand the law, attention also must be given not only to codified rules but also to judicial decisions, since courts often take account of the social implications of dispute settlement. Observing the environments in which decision-makers lived was, and is, seen as crucial for gaining an understanding of the full scope of their judicial deliberations. Indeed, there are areas in which scholarship unquestionably has moved forward, especially with respect to jurisprudence, interaction with general law, methods of halakhic decision-making, and the evolution of legal thinking.

Nevertheless, the discipline of intellectual history is a multidimensional field of inquiry, as William M. Johnston has argued. He delineated three areas of intellectual history, each with its own distinct methodology: the internal history of ideas, the sociology of thinkers, and the sociology of *engagé*

[28]Twersky's suggestion that judicial procedure was a domain where rabbinic interpretive freedom found expression has been elaborated in several recent studies. See, for example, Jay R. Berkovitz, "Competing Perspectives on Legal Decision Making in Early Modern Ashkenaz," *Jewish History* 31 (2017): 149–71, and idem, "Precedent and Freedom of Interpretation in Early Modern Ashkenazic Responsa," *Jewish Law Association Studies* 29 (2020): 56–71. As for Bacharach's assertion that to realize the goal of *shelemut ha-nefesh* (spirituality) the study of *Oraḥ Ḥayyim* is preferred to *Hoshen Mishpat*, it is not clear that this can be taken entirely at face value. The argument advanced by Twersky—that *Hoshen Mishpat* was of limited value because it was no longer applicable in daily life—can be countered with ample evidence of commercial dealings, contracts, torts, inheritance, marital property, and communal affairs that were the subject of the majority of responsa issued by Bacharach and numerous other *poskim*. Moreover, the Bacharach responsa demonstrate on nearly every page that these topics offer ample opportunity for judicial creativity—a criterion that in Twersky's view distinguished Halakhah from Kabbalah. Bacharach's emphasis on "order and gradation" as crucial features of all scientific study applied to Torah study as well, and in his estimation, this was essential for determining which areas of study lead to the attainment of *shelemut ha-nefesh*. His conjoining of cognition and spirituality invites comparison with Hayyim of Volozhin's conception of *Torah lishmah* ("Torah for its own sake") in *Nefesh ha-Ḥayyim* (Vilna, 1824).

intellectuals. The first focuses on the ideas themselves and the arguments advanced in their support, without concern for their social significance. The second, the sociology of knowledge, considers how social milieu influences thinkers. The third area focuses on how thinkers formulate ideologies that are overtly intended to effect social change.[29]

While acknowledging the possible limitations of an approach based solely on the history of ideas, Twersky considered the insistence on understanding ideas in their social context as largely unreliable. However, the preference he assigned to ideas was not antithetical to the weight others attached to a more social-historical approach. His view of historical narrative eschewed isolated historical phenomena, preferring to concentrate on recurrent patterns, institutions, and intellectual typologies. Regarding Jewish law and its relationship to changing historical realities, Twersky emphasized the autonomous development of halakhic norms and therefore discounted the notion that such concepts were shaped by social and economic forces. Accordingly, it was an error to focus on "monadic, historically-conditioned views and deliberate improvisations." But he did not deny the role of "historic contingencies, personal inclinations, and similar variables" in "helping to direct the course of halakhic interpretation or the choice, at a given historical juncture, of one of several 'halakhic options.'" Far from static, "Halakhah is tense, vibrant, fecund, and susceptible to heterogeneous applications."[30] But, clearly, he devoted his efforts to what Johnston described as the goal of understanding ideas on their own terms. Isadore Twersky was one of the foremost proponents of the view that there is an integrity in the internal dynamic of Jewish law and thought. That said, he remained deeply committed to the study of the world of Jewish thinkers and their halakhic, philosophical, and spiritual creativity within the broadest possible intellectual and cultural context.

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[29] William M. Johnston, *The Austrian Mind: An Intellectual and Social History, 1848–1938* (Berkeley, 1972), 1–6. Cf. Hacker, "Isadore Twersky, Historian of Jewish Culture," 4.

[30] See Twersky review of Katz, *Tradition and Crisis*, 249–51.