

Erudition and Error in Early Ashkenaz: Did R. Eliezer HaGadol Study Avodah Zarah?

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History and law are generally thought of as two distinct subjects, but nowhere is this more misleading than in the biographical study of Rabbinical figures. Even when attempting to understand what appears to be a purely historical anecdote, a proper comprehension of Halachah is essential to provide context and meaning to events. For example, it is specious to describe an authority's temperament based on a stringent ruling if there are clear indicators for such a viewpoint within the Talmudic passage it seeks to explain. The overwhelming majority of our historical sources for the period of the *Rishonim* are Halachic texts, and the sporadic biographical insights contained within them are visible only through the lens of the Halachah. When leading authorities are seemingly accused of making a negligent error, as transpired in 11th-century Ashkenaz, the relevant texts can be understood only with a thorough analysis of their Halachic background. This article is an attempt at such an investigation, combining Halachah with a non-dogmatic view of historical reality to explore why great Rabbis allegedly ignored an entire tractate of the Talmud.

The Mishnah in *Avodah Zarah* 74a lists a number of *issurim* that are not subject to the general rule of *bitul*, with *basar bechalav* being one of those mentioned. This seems to imply that even a minuscule amount of meat in milk or vice versa would render the entire mixture forbidden for consumption, provided the substances were actually cooked with each other, since *basar bechalav* must be cooked together to be Biblically prohibited. Rashi quotes such an explanation, but rejects it out of hand:

ויש שלמידים ממשנתנו דבשר בחלב במשהו וסבורין דהאי בכל שהו דקתני כגון
טיפת חלב שנפלה לקדירה...ואפילו אין בה נ"ט וטעות הוא בידם דהא מפרשינן
בגמרא דתנא דבר שבמנין קתני.

* This article would not have been possible without the legendary scholarship of Professor Avraham Grossman whose work is indispensable in shedding light on the otherwise obscure period that is dealt with here. Although I cannot accept his explanation of the episode in question, his works provide a wealth of sources pertaining to 11th-century Ashkenaz and its most important figures.

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Rashi rejects this approach as a ‘mistake’ because the Gemara clearly explains the logic behind the Mishnah’s ruling with the notion that *bitul* is not applicable to a *davar shebeminyan*, i.e. food or another object that is important enough to be sold by unit rather than by weight. Accordingly, this would apply to *basar bechalav* only in a case where a valuable cut of meat that had previously been cooked with milk and became prohibited was subsequently mixed with any number of otherwise permitted pieces of meat. Since the original piece of prohibited meat requiring *bitul* is a *davar shebeminyan*, it remains forbidden, unlike a drop of milk in meat or vice versa where this rule would not apply.

Tosafot (ad loc.) also cite and reject this opinion. However, there it is quoted not as a mere suggestion, but as the position of no less than רבוותי של רש"י, Rashi’s esteemed teachers.¹ Aside from Rashi’s internal issues with this interpretation from the following Gemara, *Tosafot* typically raise an issue from a *sugya* elsewhere. The Mishnah in *Chulin* (108a) clearly stipulates that a drop of milk that adds no flavor to a pot of meat is *batel*, and the subsequent *sugya* is entirely built on that premise. Now that we know the true originators of this explanation, how are we to understand a position that does not accord with the Gemara it attempts to clarify, while also contradicting a Mishnah elsewhere?

The *Sefer HaPardes*, authored by Rashi’s academy, implies a shocking answer. It attributes this ruling to R. Eliezer HaGadol (c. 985–1050), a primary student of R. Gershom, ‘light of the exile.’ Noting that R. Eliezer’s decision is extremely problematic, it explains

R. Eliezer HaGadol did not study *Masechet Avodah Zarah*, and due to being uncertain was stringent even in regard to a minuscule amount.²

¹ *Binyan Shlomo* suggests that Rashi deliberately obscured the originators of this opinion in order to be able to reject it vehemently. This explanation appears to be correct. In *Yevamot* 90b, Rashi quotes an explanation as ‘some say’ and forcefully rejects it as a טעות גדול. The same interpretation is cited by Rashi in *Ketubot* 3a and *Gitin* 33a in the name of his teachers, and it is no coincidence that he consequently argues in a more deferential tone. It is interesting to note that the position that Rashi contests there can be traced to R. Eliezer HaGadol, who is also the originator of the explanation Rashi dismisses here. See R. Eliezer’s responsum in *Teshuvot Chachmei Tzarfat ve-Lotir* no. 63. Another instance of Rashi’s practice to conceal the name of a teacher when objecting to his opinion is presented later in this article.

² *Sefer HaPardes* [1924] p. 156. It is not entirely clear whether this is part of the testimony quoted there in the name of R. Meir b. Samuel (son-in-law of Rashi), or a statement by the redactor of *Sefer HaPardes* (either authored by or based on the works of R. Shemaya, student of Rashi). Like much of the material produced

This is a bewildering statement. R. Eliezer was one of the few scholars in Ashkenaz to be labeled *‘HaGadol* and was the successor of R. Gershom as head of the Mainz academy, at the time the premier Torah center of all the Ashkenazic lands.³ His Halachic opinion was highly sought after by his compatriots, while requests to solve complex *Agumab* issues were addressed to him from France by its leading Rabbi.⁴ It was not unheard of for premier scholars to overlook *Seder Kodashim* in favor of more practical matters.⁵ But *Avodab Zarab* was hardly obscure. It detailed some of the most important day-to-day laws pertinent to medieval times, such as business dealings with gentiles and the halachically acceptable production of wine. If someone could be considered a *Gadol Hador* despite not studying such an important tractate, standards of Torah study in 11th-century Ashkenaz must be deemed pale in comparison with those reached by the Tosafists a century later, to whom the entire Talmud was ‘one sphere.’⁶

Due to the sheer peculiarity of this statement, it has been ignored by traditional commentators. *Binyan Shlomo*, *Shelom Yerushalayim*, *Mishmerot Kehunah*, *Tiferet Yosef*, and in contemporary times R. Asher Weiss⁷ have all attempted explanations, mostly unconvincingly, to try to reconcile R. Eliezer’s ruling with the Gemara in *Avodab Zarab*, despite the evidence that R. Eliezer was unacquainted with the tractate altogether.

in Rashi’s academy, many versions of this monograph can be found in other works of the academy. Cf. Siddur Rashi no. 594, Ms. Parma 1033, Ms. Bodl. 566.

³ Cf. the description of Mainz in Solomon b. Samson’s crusade chronicle, printed in Haberman, Abraham Meir. *Gezerot Ashkenaz ve-Tzarfat*. Jerusalem: Tarshish, [1946], p. 32. “Then fell the crown of Israel, the Torah scholars...the honor of Torah...the splendor of wisdom...”

⁴ Cf. R. Isaac b. Menachem’s query to R. Eliezer in *Teshuvot Chachmei Tzarfat Velotir* no. 63.

⁵ Cf. *Teshuvot HaRosh* no. 31, who testifies that he knew an גודל גדול in Barcelona who knew only 3 *sedarim* of the Talmud (i.e. the halachically relevant orders of *Mo’ed*, *Nashim* and *Nezikin*).

⁶ Maharshal, introduction to *Yam Shel Shlomo*. See *ibid.* ‘they turned it over...until the (entire) Talmud was straightened and connected.’ Cf. Menachem ibn Zerach’s depiction of Ri’s academy in the introduction to his *Zedab Laderech*. The author was a student of R. Judah, son and successor of Rosh.

⁷ *Binyan Shlomo*, AZ 74a, R. Nathan Maz (Rosh Yeshiva of Frankfurt, 1720–93); *Shelom Yerushalayim to Yerushami Zera’im* p. 186, R. Nathan Triebitz (Rabbi of Nicolsburg, d. 1842), *Mishmerot Kehunah* AZ *ibid.*, R. Abraham Yitzhaki (Dayan in Tunis, 1802–65); *Tiferet Yosef* p. 143, R. Y. Pressburger (Rabbi of Mattersdorf d. 1923); *Shemen Leminchab* p. 41.

Academic scholars have also endeavored to understand this passage in a non-literal sense. According to Grossman, this is an instance of early Ashkenazic authorities preferring their own traditions and interpretations of the Mishnah over those of the Talmud.⁸ Grossman argues that R. Eliezer cannot possibly have made a mistake on such a common issue while failing to observe the rulings of his predecessors. Consequently, his decision must have originated from an independent tradition he received from his teachers. This leads to a rather forced interpretation of the statement לא למד מסכת ע"ז. Yet there is another reason that Grossman's theory is entirely inadmissible. This is because R. Gershom, R. Eliezer's chief mentor, explained the Mishnah identically to Rashi and in direct opposition to the interpretation offered by R. Eliezer. The following is a short quotation preserved in *Teshuvot Upesakim Me'et Chachmei Ashkenaz Vetzarfal*⁹ (p.55):

It is written in a responsum of Rabbenu Gershom Me'or Hagolah, that the (ruling of) *basar bechalav* in *Avodah Zarah* can only be (referring to) a piece (mixed) with other pieces, for it provides *davar she-beminyan* as its rationale.

Evidently, the alternative Mainz tradition is a figment of Grossman's imagination. R. David HaLevi, another student of R. Gershom, replied in the same manner when requested for his opinion by Rashi.¹⁰ *Sefer Ha-Pardes* records that two other famous students of R. Gershom and teachers of Rashi, R. Jacob b. Yakar and R. Isaac ben Judah, both of Mainz, disagreed with R. Eliezer on this point. In fact, it states that R. Eliezer was the only stringent authority of all the 'Gaonim of Lotharingia.' Rather than resulting from a previous tradition, R. Eliezer's ruling is clearly an independent decision resulting from his own interpretation of the sources, directly contravening his own teacher's and colleagues' explanation of the Mishnah in *Avodah Zarah*.

⁸ Avraham Grossman, *Chachmei Ashkenaz HaRishonim* (Jerusalem: Magnes Press, [1981]) p. 232.

⁹ *Mekize Nirdamim* [1973]. A collection of responsa published from Bodl. 692, an important manuscript with much original material pertaining to this period.

¹⁰ *Teshuvot Rashi* p. 40, one of the three questions Rashi addressed to R. David HaLevi. A testimony preserved in Ms. Bodlean 566, p. 11, notes that Rashi knew the answers to all those questions, but did not want to rule on them due to 'tongue-wagging.' Rashi was still relatively young at the time and did not feel capable of challenging R. Isaac without the support of Ashkenaz's famous scholars.

I do not presume to suggest that R. Eliezer was aware of R. Gershom's lenient opinion. That R. Eliezer would contest his teacher's opinion from his own conviction would be surprising enough. That he would disregard it despite knowing that he lacked the source that R. Gershom was privy to is highly unlikely. In an earlier dispute with the other great student of R. Gershom, R. Jacob b. Yakar, R. Eliezer had insisted on following their teacher on an issue regarding the laws of *Terefah*, even though R. Gershom had not ruled on it and merely not wished to be lenient.¹¹ What the responsum proves is that R. Eliezer was quite unaware of his own teacher's view and it is wrong to assume that he would have known all his teacher's views on day-to-day matters. Rashi was clearly in the dark regarding R. Gershom's ruling, since he would not have had recourse to querying R. David HaLevi for his opinion if he would have received a tradition stemming from R. Gershom himself. In his commentary to *Beitzabab* 24b, Rashi contends that he recently found a responsum of R. Gershom conforming to his view, as opposed to the stringent judgment of R. Gershom's own disciple R. Isaac HaLevi. Evidently, Halachic decisions in early Ashkenaz were often based on independent Talmudical reasoning, with R. Gershom's own students uninformed of his rulings, even those relating to common matters.

Abraham Berliner, who understands the anecdote literally, assumes that there was no manuscript of *Avodah Zarah* to be found in Mainz, where R. Eliezer lived.¹² R. Eliezer did not willfully ignore the study of *Avodah Zarah*, but was denied access to it due to the scarcity of Talmud copies in Germany. This is highly unlikely. R. Gershom and his school were prolific and meticulous scribes as well as expert scholars. Many sources attest that R. Gershom and R. Isaac b. Judah personally copied entire orders of the Talmud to establish a perfect text, even transcribing the non-halachic tractates of *Seder Kadashim*.¹³ A surviving manuscript even informs us that R.

¹¹ *Ma'aseh HaGaonim* p. 87, see Grossman pp. 216-217 who quotes manuscripts that state clearly that the anonymous 'teacher' is to be identified with R. Gershom. They also record that R. Eliezer actually went further than R. Gershom, and prohibited such an animal's consumption. However, this was clearly a ruling motivated by his teacher's decision, since the text is clear that R. Eliezer prohibited it because "he had a tradition from his teacher not to eat it."

¹² Yehudah Leib Maimon (ed.), *Sefer Rashi* (Jerusalem: Mosad Harav Kook, [1956]) p. 2.

¹³ *Rashbam* commentary to *Bava Batra* 42a ובסדר משנת רבינו גרשם הכי גרסינן *Semag Lavin* no. 137 ובסדר קדשים כתב יד רבינו גרשם מאור הגולה *Chofesh Matmonim* p. 8 הגהות המסכתא מספר רבינו יצחק ב"ר יהודה זצ"ל. Rashi used R. Gershom's autograph manuscript while writing his commentary (*Succah* 40a *s.v. Hach*).

Gershom surprisingly took the time to copy the *Sefer Yossipon*.¹⁴ It is inconceivable that they went to such great lengths to trace and reproduce recondite material while ignoring the highly pertinent tractate of *Avodah Zarah*. There is no evidence of contemporary Christian censorship that would have made *Avodah Zarah* more difficult to obtain than other tractates. Moreover, we have seen that R. Gershom issued a ruling on *basar bechhalav* based on that very Talmud passage in *Avodah Zarah*. Clearly, R. Gershom, who also resided in Mainz, had a perfectly accurate manuscript to refer to when issuing this ruling. Even if R. Eliezer did not have access to it when he issued his ruling, why did he not take interest in the tractate while studying at the academy of R. Gershom?

In fact, there is clear evidence of R. Gershom's school studying and commentating on *Avodah Zarah*. The *Perush Rabbenu Gershom* extant today to some tractates, actually written under his influence by his academy in Mainz, originally encompassed most of the Talmud, including *Avodah Zarah*.¹⁵ *Sefer HaAruch*, which cites the 'Mainz commentary' on numerous occasions, contains at least two quotations from the *Perush* to *Avodah Zarah*.¹⁶ The lexicographical nature of the citations is purely due to the interests of the *Aruch*, and there is no reason to believe that we are dealing with a work of a different nature to the remaining commentaries in our possession. Even if the original layer of the Mainz commentary to *Avodah Zarah* was a mere dictionary, it would suffice to prove that *Avodah Zarah* was studied at R. Gershom's Yeshiva. Thus, the commentary's existence casts serious doubt on Soloveitchik's conclusion that the tractate was not taught in the Ashkenazic academies before the time of Rashi.¹⁷ R. Eliezer's eschewing of its study was something original and peculiar to himself, just as the decision stemming from that practice was unique among all the 'Gaonim of Lotharingia.'

Another issue with the claim that R. Eliezer did not study the tractate of *Avodah Zarah* is the problem already raised by *Tosafot*. The Mishnah in

¹⁴ Rothschild Ms. of *Yossipon* (pseudo-Josephus). See David Flusser, *The Josippon (Josephus Gorionides)*, (Jerusalem: Bialik Institute, 1978).

¹⁵ Ta Shma believes that R. Eliezer's personal notes were actually used for some of the tractates (*Kiryat Sefer* 53, pp. 356–67). See Grossman pp. 165–174.

¹⁶ ערך דגל, ערך סלקרנית. See Haym Soloveitchik, *Hayayim B'yemei Habenayim* (Jerusalem: Shazar, 2008) p. 134.

¹⁷ *Ibid.*, see Haym Soloveitchik, "Can Halachic Texts Talk History," *AJS Review* Vol. 3 (Cambridge, 1978), p. 158 n. 7, who comments that 'these texts only prove something about two leading scholars of Worms (R. Eliezer and R. Isaac HaLevi).' I am not sure what to make of this. R. Eliezer resided in Mainz, not Worms. See the manuscript quoted in *Shu"t Maharshal* no. 29.

Chulin clearly states that *basar bechalah* is *batel* in a ratio of one to sixty and is no different from other *Issurim* in this regard. Even if R. Eliezer had no access to *Avodah Zarah*, how did he ignore a Mishnah in *Chulin*? Furthermore, R. Eliezer's putative ignorance of *Avodah Zarah* is obviously ascribed only to the Gemara portion and not to the Mishnah, for the very ruling in question is based on a Mishnah in *Avodah Zarah*. Besides, R. Eliezer must have been well acquainted with *Chulin*, as there are actually Genizah fragments quoting a commentary of R. Eliezer to the tractate.¹⁸

Until this point, we have discussed only R. Eliezer HaGadol as the source for the interpretation rejected by Rashi and *Tosafot*. In fact, Rashi himself informs us of another leading authority who ruled likewise, his teacher and head of the Worms academy, R. Isaac HaLevi. Although Rashi in all likelihood never met R. Eliezer HaGadol, he studied for a number of years under R. Isaac, R. Eliezer's senior disciple. In two distinct responsa, Rashi relates the following anecdote:

When I studied Torah under R. Isaac HaLevi (and we would engage) in *Chulin*, whenever the text would state that *basar bechalah* is (*batel*) in (a ratio of) sixty, he would teach me not to learn the Halacha from here, as we read in *Masechet Avodah Zarah* that *basar bechalah* is forbidden (even) in a minuscule amount...¹⁹

R. Isaac, following R. Eliezer's lead, was well aware that his interpretation of *Avodah Zarah* was at odds with the Mishnah in *Chulin*. This is why R. Eliezer had never issued a definite ruling but was merely 'uncertain.' He was convinced that the Mishnah in *Avodah Zarah* was to be understood literally, but that led to a contradiction to which he had no solution. This position of insoluble doubt gave him no choice but to be stringent.

...while I was with him I didn't apply (my) mind to understand the matter (for myself), but rather relied on his words...

In the responsum reproduced in *Teshuvot Chachmei Tzarfat VeLotir* no. 84,²⁰ Rashi explains further:

¹⁸ S. Asaf in *Tarbiz* 19, p. 36. See Grossman p. 228.

¹⁹ *Ma'aseh HaGaonim* p.11, *Teshuvot Rashi* p. 109, *Shibolei Haleket* 2 no. 29, *Temim Dei'm* no. 138. We may have been privy to an even fuller account of the matter if not for the fact that Rashi was bedridden when he sent this responsum, which forced him to dictate it to a member of his household. Rashi apologizes to the questioner for its consequent brevity.

²⁰ A separate responsum regarding the same issue. Also reproduced in *Teshuvot Rashi* no. 382.

I did not apply myself to investigating the matter, for our teacher would not study *Masechet Avodah Zarab* (והלא רבינו לא היה שונה מסכת)
 (ע"ע...)

Seemingly, R. Isaac followed his teacher not only in his interpretation of the Mishnah in *Avodah Zarab*, but in neglecting the study of the tractate itself. This is how he came to err in his understanding of the Talmud, as his teacher had before him. However, this is a misinterpretation of the above text. Rashi is explaining why he failed to investigate his teacher's conclusion, not why R. Isaac erred in the first place. His true intention is to reveal that R. Isaac never studied *Avodah Zarab* formally in his Yeshiva, and Rashi therefore never had the opportunity to check R. Isaac's interpretation for himself. In fact, a careful reading of the subsequent passage shows that R. Isaac found *Masechet Avodah Zarab* perfectly accessible:

...and when I came to my town (Troyes) I delved into *Masechet Avodah Zarab* and I had all the same problems that my master (the questioner) has now, (namely) that it is impossible to interpret (the Mishnah) in any way but that it is referring to a piece that subsequently mixed with other pieces and is unrecognizable, so I kept it in mind until I returned to Worms and reasoned to him, (saying) our master has taught that *basar bechalav* is forbidden in any ratio, and demonstrated thus from *Avodah Zarab*, but (in truth) we cannot deduce so from there; he then brought the *sefer* and delved into it before me and retracted, and I swear to (the truth of) this by heaven and earth...

The words והביא הספר imply that R. Isaac had a manuscript of *Avodah Zarab* to consult with immediately, and was surely acquainted with the relevant Talmudic discussion when interpreting the Mishnah literally. We can also infer this from the existence of a number of rulings preserved from him on issues pertaining to and based on *Masechet Avodah Zarab*, which is not expected of one who did not study it and could not refer to the subject at hand. The *Sefer HaOrab* states, "it appears to R. Isaac HaLevi from the language used...in *Masechet Avodah Zarab*..."²¹ This would not prove that he would not rely on his own tradition against Talmudic precedent, as Grossman claims, but even Grossman admits that this source is a serious problem for his theory. If R. Isaac was relying on his own tradition transmitted to him by R. Eliezer, why did he retract when Rashi demonstrated to him that his view was not consistent with that of the Talmud?

²¹ *Sefer HaOrab* no. 133, see Soloveitchik p. 227 for further sources.

In fact, the notion that either R. Isaac or R. Eliezer could err by being unaware of the *Sugya* in *Avodah Zarah* is actually impossible to accept. According to such an understanding of the *Sefer HaPardes*, they believed that none of the *Issurim* reckoned in the Mishnah are ever subject to *bitul*, and not merely when they are a *davar shebeminyan*. However, the Talmud in *Zevachim* 71b quotes our Mishnah, and immediately makes its ruling contingent on the *issur* being a *davar shebeminyan*! Even asserting that he literally never studied *Avodah Zarah* takes us no further to understanding R. Eliezer's position, for he could have learned as much from *Masechet Zevachim*. We must conclude that while conceding that the other *Issurim* mentioned are no exceptions to *bitul* and are forbidden in any amount only when they are a *davar shebeminyan*, they maintained that *basar bechalav* is a different category altogether, and despite including all *Issurim* in one list, the Mishnah actually records two fundamentally different laws. Indeed, *Ran*²² assumes an identical reading with regard to the prohibition regarding idolatry, namely that it is forbidden in any amount and the Talmud resorts to *davar shebeminyan* only to those prohibitions that are essentially subject to *Bitul*. These authorities were fully cognizant of the Talmudical discussions in both *Zevachim* and *Avodah Zarah*, but contended that they do not refer to all the cases in the Mishnah.

But why did these *Rishonim* prefer to read the Mishnah to mean that *basar bechalav* is not subject to *bitul*, rather than to explain straightforwardly that it is no different from the majority of cases in the Mishnah which are simply referring to a *davar shebeminyan*? Plainly, no logical explanation for such a law can be compelling, since it was rejected by the Mishnah in *Chulin*. Rather, the Mishnah suggested this ruling to them by its very wording. *בשר בחלב אוסר במשהו* implies that meat, when it is 'in milk,' causes the mixture to be forbidden in any amount and vice versa. The interpretation later taken up by Rashi involves two distinct stages of mixing and appeared to these authorities as unnecessarily convoluted. Despite R. Gershom's concordance with Rashi in his actual decision, he is clearly reticent in explaining the Mishnah this way, and one senses that he was forced to adopt an understanding of the Mishnah he was uncomfortable with to conform to what he perceived was the Talmud's view on the matter.²³

How did R. Eliezer explain the logic behind the new ruling implied by his reading of the Mishnah? Why should *basar bechalav* be any different

²² Ad loc.

²³ *ליכא לאוקומי אלא בחתיכה בין החתיכות*. דהא תלי טעמא (בגמרא) בדבר שבמנין. There is certainly no indication of Rashi's argument that the Mishnah itself must be read in such a fashion.

from any other *issur* in regard to *bitul*? *Tosafot* to *Avodah Zarah* 65b pose the following problem:

...isn't *basar bechalav* (a substance) which each component alone is permitted and (only) forbidden when mixed together and nevertheless is *batel*...

Tosafot believed that *basar bechalav* is subject to *bitul*, but questioned their own view by differentiating between *basar bechalav* and other *issurim*. *Bitul* can be applied only to a minority *Issur* that does not affect the permitted status of the larger substance within the mixture. In the case of *basar bechalav*, however, a minority of milk mixed with meat renders all of the meat *basar bechalav*, and there is no permitted majority to activate *Bitul* at all. Ultimately, *Tosafot* conclude that *Bitul* is, after all, applicable to *basar bechalav*, since the Talmud states (commenting on the Mishnah in *Chulin* 108a) that *basar bechalav* must be cooked together in a significant ratio of one to sixty (*derech bishul*) to be considered as meat cooked with milk and vice versa. According to R. Eliezer, this statement is relevant to the Mishnah in *Chulin*, which permits a minuscule amount of milk in meat, but was rejected by the Mishnah in *Avodah Zarah*, and thus there is no basis for the *bitul* of *basar bechalav* whatsoever. Some may counter that justifying R. Eliezer's decision by the *Tosafists'* reasoning is an anachronism, but this is an unfair objection. The distinction offered by *Tosafot* is forceful and hardly a novel subtlety that the pre-*Tosafist Rishonim* could not have fathomed. Secondly, the *Ba'alei HaTosafot* arose not in a vacuum, but in those very Yeshivot of Ashkenaz that R. Eliezer and R. Isaac presided over. *Tosafot's* analytical style was already latent in Ashkenaz in this early period, and in all likelihood many of their teachings were developed upon traditions from the earlier scholars, whom the *Ba'alei HaTosafot* highly venerated. In fact, Rashi spells out this exact point in regard to *Kilayim* in his commentary to *Temurah* 34a, dispelling the notion that such logic originated with the *Tosafists*.

If R. Eliezer had an alternative reading of *Avodah Zarah* 74a, what caused R. Isaac to retract? Besides the Talmudical discussion directly relating to the Mishnah, Rashi had two other objections to R. Eliezer's ruling. Firstly, Rashi insisted that far from supporting R. Eliezer's view, the internal language of the Mishnah suggests an interpretation akin to that offered by himself. The Mishnah begins "these are forbidden, and forbid in any amount." This implies that the *issur* was already prohibited before it mixed with the permitted substance. This is clearly the meaning of the Mishnah in relation to the other *issurim* mentioned, since all other prohibitions do not depend on a mixture to make them prohibited. Similarly, the case of *basar bechalav* must be referring to a substance that already was

basar bechalah before mixing with other pieces.²⁴ The other argument is that made in Rashi's commentary to the Mishnah. Rashi notes that elsewhere in *Avodah Zarah*, no exception is made for *basar bechalah* in the general rule that all prohibitions are *batel*, provided they do not add taste to the mixture. Rashi deliberately adduces an example from *Avodah Zarah* itself, despite the existence of far clearer Talmudic statements in *Chulin*, which are only alluded to in passing by Rashi. As we have seen, R. Isaac conceded that this law was not consistent with other tractates in the Talmud. Rashi sought to demonstrate that a careful examination of the discussions relating to *bitul* in *Avodah Zarah* itself shows that it does not diverge from the view espoused by the Mishnah in *Chulin*.²⁵

We can now understand what the intention of the *Sefer HaPardes* was when justifying R. Eliezer's error as having been due to not studying *Avodah Zarah*. As we have already noted, when made in relation to R. Isaac, this statement means that *Avodah Zarah* was not formally studied in the Yeshiva. Since learning in the Yeshiva in that period simply involved the students taking part in their teacher's studies, this means R. Eliezer and R. Isaac would never read *Avodah Zarah* systematically as they did with other tractates. When a question was asked regarding a specific topic, they would consult the Talmudical passage pertaining to the question at hand and issue a ruling, as R. Isaac did in the passage of *Sefer HaOrah* quoted above. When Rashi returned to Troyes, he studied *Avodah Zarah* in depth, and returned to make the objections outlined above, asserting that in fact a systematic analysis of *Avodah Zarah* as a whole does not support such an interpretation. Rashi's expression *וְדָנְתִי לְפָנָיו* suggests an intricate discussion involving a variety of sources, not simply showing his mentor a straightforward Talmudical passage. R. Eliezer erred because of his practice not to study *Avodah Zarah* formally, and thus did not take the earlier Talmudical statement of all prohibitions being *Battel* into due consideration when issuing his ruling. R. Isaac followed his teacher's practice in this regard, and we can assume that Rashi's academy attributed his error to his neglect of *Avodah Zarah* too.

However, this explanation begs a question. If these *Rishonim* possessed copies of *Avodah Zarah*, why indeed was it not studied in their academies? Since no justification is given for this phenomenon in the literature

²⁴ *Teshuvot Rashi* 382, *Teshuvot Chachmei Tzarfat* 84.

²⁵ This explains why Rashi did not note the inconsistency with *Chulin* at all during his confrontation with R. Isaac, despite doing so in passing in his commentary. Since R. Isaac conceded that his view was inconsistent with *Chulin*, mentioning these examples would have been entirely pointless.

describing it, we can only speculate as to the reasoning behind it. The most likely hypothesis is that offered in passing by Haym Soloveitchik.²⁶ Soloveitchik's primary thesis is that prior to Rashi, the scholars of Ashkenaz conceded that they did not fully understand the tractate, and could not teach it on a satisfactory level to their students. We have already rejected this approach, as the existence of the Mainz commentary indicates that they did engage in commentating on this tractate. There is no obvious reason that *Avodah Zarah* would be a particularly difficult tractate to understand in relation to *Yevamot* or *Eruvin*.²⁷ Additionally, Soloveitchik refers specifically to the latter part of *Avodah Zarah*, dealing with the laws of Gentile wine. The majority of the tractate is entirely unrelated to this issue and does not present any of the same difficulties to the student. Our sources are clear that R. Eliezer and R. Isaac neglected the entire tractate and not simply the portion dealing with wine and its production.²⁸ Yet Soloveitchik offers another suggestion worth considering.²⁹ He postulates that many conclusions of the Talmud in *Avodah Zarah* were at odds with the accepted practice in Ashkenaz at the time. Often the change in circumstances in Jewish society and its relationship to Gentiles meant that conventions had diverged from those endorsed in Talmudical times. In medieval Ashkenaz, custom was deemed sacrosanct and was not abandoned when it appeared to negate Talmudical Halachah.³⁰ R. Yakar b.

²⁶ *Hayayin Biyemei Habenayim* (ibid.).

²⁷ There is no noticeable difference between Rashi to *Avodah Zarah* and other tractates, even though Rashi overwhelmingly based his commentary on the teachings of the Ashkenazic academies. This is admitted by Soloveitchik on p. 348, who asserts that Rashi astonishingly trailblazed a path through those difficulties independently, while imitating perfectly the manner in which his mentors expounded upon other tractates.

²⁸ For this reason, Soloveitchik's non-literal interpretation of *לֹא לִמַּד מִסֵּכַת ע"ו*, that he had a poor understanding of the material, is impossible to accept. Why would an incomplete understanding of the discussion pertaining to wine make him err in regard to *basar bechalah*?

²⁹ He has developed this idea more recently in the controversial article 'The Third Yeshiva of Bavel', cited in the footnotes below. However, I have expounded the theory in somewhat different terms. I find it far more likely that their reticence to accept *Avodah Zarah*'s conclusions was due to reverence of custom rather than a willful compromise of Halachah for a supposed ideological necessity. Soloveitchik does not frame the argument this way, as it would soften his argument that the pre-eminence of custom in Ashkenaz has been exaggerated by historians.

³⁰ See Israel Ta Shma, *Minhag Ashkenaz HaKadmon* (Jerusalem: Magnes Press, 1992). For Soloveitchik's criticism of the notion that any of the early Ashkenazic scholars explicitly justified abrogating Halachah due to custom, see *Collected Essays vol. 2*, (Littman, 2014), pp. 29-65.

Machir commented on a certain hoary practice of Speyer that contravened accepted Halachah, “it was bizarre in my eyes, but it is forbidden to think (skeptically) of it.”³¹ Many laws implied in *Avodah Zarah* were in conflict with the standard practice of the times, and the incompatibility between them led scholars to abandon its study altogether.³²

We can accept Soloveitchik’s theory only with a reservation. The conflict he described disturbed not all of the Ashkenazic scholars, but R. Eliezer and his student alone. The attribution of R. Eliezer’s error to his neglect of *Avodah Zarah* clearly implies that the other *Rishonim* who disagreed with his stance had no such compunctions. It was R. Eliezer’s insistence of meticulously observing the minutiae of Talmudic law that led him to be so perturbed about the failure of Ashkenazic Jewry to conform to the strictures of the Talmud. Despite the lenient view both prescribed by his peers and adopted by the populace, “someone testified...regarding R. Eliezer HaGadol, may his memory be blessed, that it was exceedingly difficult for him to make his Succah in his house...so he bought it (a courtyard) for double its (true) price...”³³ R. Isaac followed his teacher in his rigorous application of the law, citing evidence from the Talmud in support of his unconventional observance of Yom Kippur for two consecutive days.³⁴ As we have noted, questioning the validity of the ‘holy community’s’ customs was not an option, which meant that a full practical study of *Avodah Zarah* without apologetic compromises was impossible.³⁵

³¹ *Shibolei Haleket Hasbalem* no. 266.

³² Despite the plethora of sources quoted below supporting this assertion, it cannot be deemed as evident without a thorough examination of other tractates by the same criteria. Surprising examples prove little regarding one book if they are manifest in others. In Soloveitchik’s main thesis, for example, *Raavya*’s usage of the term והדברים מרובים in regard to Gentle wine is cited as an admission of unfamiliarity with the subject. However, the phrase is used by *Raavya* for two other unrelated subjects (2, 328 and 3, 262 in Devlitsky ed.). The language used in these sources, such as וקצרנו or וידע את הכל, actually shows that והדברים מרובים is simply a substitute for the standard והאריך.

³³ *Machzor Vitri* p. 413.

³⁴ *Sefer HaPardes* p. 234.

³⁵ On several occasions, R. Isaac actually did go further than his teacher and challenged the accepted custom, although these reforms were restricted to the field of liturgy. The changes were easier to implement, as they made little difference to people’s lives. Nevertheless, the fact that they contravened local custom was enough to incur the wrath of his contemporaries. See Grossman pp. 282–285. Rashi contrasted his innovations with the conservative approach adopted by R. Jacob b. Yakar (*Siddur Rashi* p. 80).

The actual examples that Soloveitchik adduces are again restricted to the portion dealing with Gentile wine alone, although admittedly this law did pose a serious problem to a people heavily involved in the wine trade, profoundly engaged in employing and trading with Gentiles in a non-Jewish country. Soon after R. Eliezer, Rabbinic literature is replete with statements such as ‘the non-Jews of today do not pour wine,’ while some went as far to suggest that the entire prohibition was not applicable to contemporary times.³⁶ However, there is a plethora of such examples relating to other issues in *Avodah Zarah* too. Jews in Ashkenaz would entrust their animals to Gentiles for grazing or leave livestock in their homes, despite the prohibition outlined in the Mishnah (22a).³⁷ Similarly, the sale of certain animals to them is proscribed by the Mishnah (14b), but this admonition was totally ignored in medieval times.³⁸ Perhaps even more challenging was the injunction against letting properties to idolatrous tenants (21a), equally flouted by Jewish landlords.³⁹ The increasing involvement of Ashkenazic women in financial matters during the medieval period made *Tosafot* state, “it is impossible for a woman never to be secluded with a non-Jew,” despite such a situation being Talmudically prohibited.⁴⁰ Ashkenazic Jews made ample use of Gentile doctors, again disregarding the Talmud’s warnings (27b).⁴¹ The most prominent instance of such an enforced inconsistency is the Talmudical ruling (6a) forbidding business with Christians, which was impossible for Jews in a Christian country to observe.⁴² In his scathing critique of R. Meshulam’s lenient Halachic innovations, R. Tam argues that using the Talmud solely as a reference point

³⁶ See the sources quoted by Soloveitchik, *ibid.* See also *Tosafot* 32b s.v. *Kach*; *Rosh* to ch. 5, no. 12.

³⁷ *Tosafot* *ibid.* s.v. *Ein*.

³⁸ *Tosafot* 15a s.v. *Eimur*.

³⁹ *Tosafot* *ibid.* s.v. *Af*. Interestingly, *Tosafot* rationalizes this practice by arguing that the prohibition was not intended for the Diaspora, although the link may be too tenuous to suggest that this is due to the impossibility of its observance within non-Jewish countries.

⁴⁰ *Tosafot* 23a s.v. *Vetu*. The new situation is described by *Raavan*, in a passage arguing for a change in the law preventing women from taking oaths. “Especially today when women are guardians, shopkeepers, do business, borrow and lend. . .” (*Sefer Raavan Hashalem*, Devlitsky p. 431). Cf. Avraham Grossman, *Pious and Rebellious* (Waltham: Brandeis University Press, 2004) pp. 117–122.

⁴¹ *Tosafot* *ibid.* s.v. *Kol*.

⁴² Cf. *Tosafot* 2a s.v. *Asur*. Rashi had already grappled with the problem, cf. *Sefer HaTerumah* ch. 134 (Venice 1523, subsequently censored). *Me’iri* famously concluded that the Talmud does not actually refer to Christians when using the term *Notzri*. After writing this article, I found that Soloveitchik does cite this latter

while disregarding tradition would lead to a profusion of radical stringencies, which he proceeds to enumerate.⁴³ Incredibly, six of the eight issues raised pertain directly to *Avodah Zarah*. In summary, the new circumstances Jews found themselves in, ensconced in Europe and extensively engaging with their Christian neighbors, inevitably led to practices that did not conform to the Talmudical precedent concerning non-Jews and idolatry. Later, the Tosafists would apply their new casuistic method to resolving these difficulties, but it takes little imagination to envisage them being a troubling conundrum to R. Eliezer and his colleagues.

Rashi's testimony of R. Isaac's initial ruling stands in stark contrast to the report of his son-in-law, R. Meir b. Samuel. According to R. Meir, also a student of R. Isaac, R. Isaac was fully aware that *basar bechalah* is subject to the regular criteria of *bitul*, and forbade it only to uphold the 'honor of his teacher,' R. Eliezer HaGadol. Soloveitchik insists that we are forced to either label Rashi a liar or inculpate R. Isaac's students with covering up their teacher's error with a more flattering explanation. I.H. Weiss assumes the latter scenario,⁴⁴ as does Soloveitchik, who considers it the only plausible option. These suggestions are impossible to accept and entirely unnecessary. R. Meir's asseveration dates to the period following R. Isaac's retraction. R. Isaac continued to refrain from *basar bechalah bemashehu*, but only so as not to appear as repudiating his teacher's legacy.⁴⁵ This dating is evident from a simple chronology of events. Referring to a

example in support of his argument, in his much more recent article "The Third Yeshivah of Bavel," *Collected Essays vol. 2* (Littman, 2014), p. 191. He also adduces the edicts limiting the use of servants, midwives and nursemaids.

⁴³ *Sefer HaYashar (Mekizzei Nirdamim)* p. 83. In the Paris disputation of 1240, R. Yechiel of Paris defended many of the Talmudical exhortations against idolaters mentioned above by claiming that they do not apply to 'moral Gentiles' such as Christians. He buttresses this notion by pointing out that Jews will give up their lives for their faith when required, and yet have no compunctions regarding their dealings with Christians in all the manners proscribed by the Talmud (*Viknuach Rabbenu Yechiel*, Margaliyot p. 21). This is similar to the approach eventually taken by *Me'iri*, although it is highly unlikely R. Yechiel actually believed in his own solution, which so radically differs from those offered by previous Tosafists. Yet here too, the tension between contemporary practice and the idealized view of medieval Ashkenazim as 'people who keep Torah with all their souls' is plain to be seen.

⁴⁴ *Beit Talmud* 2, p. 38. However, Weiss imputes the alleged whitewash to R. Isaac himself, after being 'embarrassed' over the matter by his student, Rashi.

⁴⁵ The practice of following a teacher's ruling in practice whilst rejecting his opinion in theory was also espoused by Rashi, as can be seen in the quotation reproduced here.

different dispute with R. Isaac, Rashi relates, “I am not disputing the authority of my teacher, for I will treat it as forbidden until I have the merit to return (to Worms) and discuss it with him, and he will admit to my words,⁴⁶ just as I discussed the subject of *basar bechalah* before him, for he taught me (it is forbidden) in any amount, **and after five years** I discussed it before him and he admitted to (the truth of) my words.”⁴⁷ Rashi left R. Isaac’s academy not long after 1065,⁴⁸ and therefore this episode could not have taken place much later than 1070, when R. Meir was presumably not much older than ten.⁴⁹ R. Meir was still alive when his son Rivam passed away, which makes it difficult to place his birth any earlier than 1060.⁵⁰ Accordingly, R. Meir studied in the Worms academy at earliest in 1075, during the last years of R. Isaac and after his encounter with Rashi. In fact, R. Meir was still studying in the Worms academy during the death of R. Isaac, a fact that can be proved by a responsum addressed to him for the consideration of the academy after R. Isaac’s passing.⁵¹ Obviously, R. Meir’s testimony reflects the final view of R. Isaac on the matter.

There is but one more twist to the saga. One of the aforementioned responsa of Rashi was sent to him by Abraham b. Meir HaKohen,⁵² who

⁴⁶ Rashi’s planned trip never materialized. In the letter printed in *Chofesh Matmonim* p. 1, Rashi explains to R. Nathan b. Machir that since leaving Germany he has met his teacher ‘only once in 25 years.’ This dates the letter to around 1095, at least 10 years after R. Isaac’s death.

⁴⁷ Ms. Cambridge Add. 67, p. 67b. Rashi also caused R. Isaac to observe *Mitzvat Succah* on *Shemini Atzeret*, contrary to his earlier practice. Perhaps this is not mentioned because Rashi was joined in this confrontation by his colleagues (*Ma’aseh HaGaonim* p. 42). See another case where R. Isaac was silenced by Rashi’s arguments in *Teshuvot Rashi* no. 210.

⁴⁸ Cf. *Chofesh Matmonim* p. 1-2, where Rashi laments the enforced shortness of his studies in Germany due to pressing material concerns. He had already spent around five years under R. Jacob b. Yakar, who died in 1064, before moving to Worms.

⁴⁹ Another argument supporting an earlier dating of this episode is Rashi’s reticence to challenge R. Isaac’s position without consulting R. David HaLevi, due to worry of ‘tongue-wagging.’ This can only be due to Rashi’s relative youth at the time. The evidence presented here that R. Isaac changed his opinion once again after the encounter with Rashi also makes it likely the confrontation took place many years before R. Isaac’s demise.

⁵⁰ *Sefer Hayasbar, Chelek Hateshuvot*, no. 41.

⁵¹ *Or Zarua* 2, no. 140. See Grossman, Avraham. *Chachmei Tzarfat HaRishonim*. Jerusalem: Magnes Press, 1995, p. 169, who proves conclusively that R. Meir was the **addressee** of this responsum, not its co-author.

⁵² A descendant of the great Ashkenazic sage R. Judah HaKohen, author of *Sefer HaDinim*. See *Chachmei Ashkenaz HaRishonim* p. 181.

was perturbed after hearing from the students of a ‘great man’ who had forbidden *basar bechalah bemashehu*. Rashi responded by imploring his questioner to believe his testimony that R. Isaac had in fact already retracted from this position, before proceeding to rationalize the reported ruling in a way that was contrary to the ‘great man’s’ own disciple’s account of his teaching. Why did Rashi feel required to offer an apologetic explanation for his ruling, when he was perfectly aware that it was an established opinion in Ashkenaz, albeit one Rashi was convinced was mistaken? Once we strip the ‘great man’ of his anonymity, however, the problem ceases to exist. Rashi’s response is related in third person by *Mordechai*, and the unnamed Rabbi is revealed to be none other than R. Isaac himself.⁵³ It is notoriously difficult to ascertain the original and correct version of any portion of *Mordechai*,⁵⁴ and this paragraph in particular is corrupt throughout all extant variants of the work. Nevertheless, it is likely that the printed note identifying the initial decisor as R. Isaac is correct. Other readings determine Rashi as the stringent authority, which is patently absurd.⁵⁵ We have already noted that Rashi had a habit of not mentioning his teachers by name when he wished to attack their opinions.⁵⁶ He swore to Abraham that R. Isaac had indeed retracted from his earlier position, and had no choice but to justify R. Isaac’s later ruling as consistent with what he could only suppose was R. Isaac’s current opinion. What had happened in the interim that had made R. Isaac forget about his encounter with Rashi, at least according to the testimony of his own students?

Rashi’s interpretations are always primarily guided by internal considerations of the text he deals with, and *basar bechalah* is no exception, as evident from the fact that he highlights the inconsistency of R. Eliezer’s explanation with the *Avodab Zarab* text itself as the primary reason for its rejection. R. Isaac, on the other hand, did not embrace Rashi’s alternative understanding of the Mishnah for these reasons alone. Rashi informs us he had always been disturbed by the contradiction between *Avodab Zarab* and *Chulin*, and Rashi had offered him a reading that would solve that problem. But now R. Isaac had come up with a novel solution that could also reconcile the two Mishnahs, while retaining the core of R. Eliezer’s

⁵³ Mordechai, *Chulin* no. 691.

⁵⁴ There are two early versions of *Mordechai*, and much of the material may have been expanded or edited by students. See Solomon Schechter; Louis Ginzberg, “Mordecai b. Hillel b. Hillel,” *Jewish Encyclopedia* vol. 9, pp. 10–13.

⁵⁵ This mistake is repeated in *Shibolei Haleket* 2, no. 29. The error derives from the fact that Rashi quoted this opinion in his responsum, although in reality this was only to express his unbridled opposition to it.

⁵⁶ See fn. 1 of this article.

interpretation and reasoning. “That which we learn (in *Chulin*) that *basar bechalav* (is *Bateh*) *Benoten Ta’am* (one in sixty) is only before it has become *basar bechalav*, but once it has become *basar bechalav* it is forbidden *bemashehu*.” R. Isaac now conceded that the requirement of a significant cooking of meat and milk together is universally accepted, and a drop of milk can never cause a pot of meat to be considered *basar bechalav*. However, the Mishnah in *Avodah Zarah* refers to a case where a compound had already become *basar bechalav* before mixing with other hot meat or milk.⁵⁷ *Derech bishul* is required only in order to create an *issur* of *basar bechalav*. Once that status has been achieved, R. Eliezer’s initial reasoning is once again applicable, namely that the law of *basar bechalav* renders the entire substance as forbidden and thus contains no majority of permitted substances to activate *Bitul*. R. Isaac salvaged R. Eliezer’s reasoning to harmonize with both *Avodah Zarah* and *Chulin* with an interpretation that at no time resorted to the rule of *davar shebeminyan*.⁵⁸ Yet again, R. Isaac had shown that his views stemmed not from ignorance of *Avodah Zarah*, but rather from a careful qualification of its conclusions.

⁵⁷ This approach relies on the interpretation of *Chulin* offered by Rashi and evidently originating from his teacher, as opposed to that adopted by later *Rishonim* including Ramban. The second portion of the Mishnah states **ניער את הקדירה אם יש בה כנ"ט באותה קדרה אסור**. Ramban understands that this refers to the first piece that has become *basar bechalav*. Consequently, even once it has reached that status it still forbids the mixture only in a significant amount, contradicting R. Isaac’s interpretation of *Avodah Zarah*. According to Rashi however, it pertains to the original drop of milk, which now fell into an entire pot rather than just one piece. This conforms perfectly to R. Isaac’s explanation, and considering that Rashi studied *Chulin* under him, we can safely assume that this was R. Isaac’s understanding too. However, it must be noted that R. Isaac’s distinction solves only the contradiction of the two Mishnahs and not the Gemara text in *Chulin* which seems to suggest that even *basar bechalav* that subsequently mixes with other meat or milk is prohibited only if ‘*min bemino lo batel*.’ Is R. Isaac proposing a solution that he knew was not thought of by the Gemara? (Cf. Grossman p. 156 for evidence regarding the precedence of Mishnah over Gemara in R. Gershon’s rulings. See also Soloveitchik’s critique in *Collected Essays vol. 2*, pp. 86-93.) Or did he perhaps develop an interpretation of the Gemara differing from that elucidated in Rashi’s commentary? Unfortunately, a detailed analysis of the Talmudic text in relation to R. Isaac’s ruling is beyond the scope of this article.

⁵⁸ Although he still conceded to Rashi’s argument that the Mishnah refers to *basar bechalav* together in a mixture and not meat alone mixing with milk or vice versa. Therefore, his final point of contention with Rashi was not due to his reading of the Mishnah but rather stemmed from a purely logical argument. Now that *Chulin* was dealt with, he could assert his position for logical reasons without support from the Mishnah text itself.

R. Eliezer HaGadol and R. Isaac HaLevi did not study *Avodab Zarab* in their academies, but their rulings based on the tractate were founded on solid logical and textual foundations. It has been shown that at different occasions R. Isaac professed no less than three different opinions regarding *basar bechalav bemashehu*. This says nothing about his ignorance of the Talmud, and everything about the singular pursuit of truth that so characterized early Ashkenaz.⁵⁹ Unlike the rigid didactic system of the east, Ashkenazic students and teachers wrestled with each other as equals, constantly reexamining their own rulings.⁶⁰ I surmised that their very reticence to teach *Avodab Zarab* emanated from an uncompromising attitude towards Talmudic law, demanding accurate Halachic practice in spite of 'holy custom.' The Ashkenazic sages always admitted they were fallible. They recognized that mistakes are mere stepping stones on the path to the truth.⁶¹ ❧

⁵⁹ R. Isaac also changed his position regarding *Mitzvat Succab* on *Shemini Atzeret* after admitting he was uncertain if his ruling was correct (*Ma'aseh HaGaonim* p. 42). R. Isaac was not a weak man. On the contrary, he boldly challenged the Ashkenazic establishment over long-held practices, as we have noted earlier. Both of these stances are equally emblematic of his uncompromising demand for the truth. Rashi's certainty that R. Isaac would retract once presented with the evidence is yet another strong testimony to R. Isaac's intellectual integrity.

⁶⁰ Rashi similarly reviewed and corrected his teachings with his students. "I made a mistake in my commentary...my words contradicted each other...and now I have delved into it with our brother(!) R. Shemaya and corrected it..." (*Teshuvot Rashi* no. 10). Rashi famously followed his teachers in their disregard of personal ego in his own rulings and commentaries. He admits, more than a hundred times across his writings, to being unable to explain a difficult passage. C.f. R. Tam's justification of basic errors in Rashi's responsa; "he did not focus on his responsum... (and) erred in innocence" (*Sefer Hayasbar, Mekizei Nirdamim* p. 80). Even Rashi's debates with his teachers do not bear a trace of hubris. He would initially analyze the relevant subject from every angle to try to reconcile their opinion with the Talmudic text (*Succab* 40a s.v. *Hachi*). The description of Rashi in the literature of his academy is remarkably human. It records the instance he forgot to consume the *Afikoman* (*Teshuvot* 304), his inability to pray when feeling ill (*ibid.* 90), and his habit of eating meals naked in a bathtub (*ibid.* 265). He declined to eat bread for *Seu'dab Shlishit* in the winter, claiming it would be an '*Achilab Gasab*' (*Kitzur Semag* pp. 68-69).

⁶¹ 'A person does not grasp words of Torah if he does not slip up on them first' (*Gitin* 43a).