







of the Jewish communities to live in peace with the various Gentile neighbors with the implicit goal of maintaining the existence of Jewish life. The responsa also reflected a very deep concern for what the Gentiles thought of Jewish activities. Often the Jewish conception of how they were being viewed by the Gentiles determined future actions on the part of the Jews.







































This international state of affairs along with the continuing internal turmoil was climaxed when Naṣr abandoned his position to be replaced by his nephew, Ismā'il (1313-1325). The tributes were discontinued and in their place, Ismā'il produced an army which reclaimed some of the land which had been taken by the Christian king. Proof that the internal strife never abated came with the assassination of Ismā'il by his cousin who was also the governor of Algeciras.

This period was a difficult one for the state of Granada. It was marked by conflicts both domestically and internationally. The major characteristic was the instability of Granada. Within the relatively short time span of twenty-five years, there were four changes in the political leadership and only one of them was the result of the king's natural death.



















































If a man plastered and tiled an ordinary house for idolatry and renovated it, one may remove the renovations (and the house is permitted). If he had only brought an idol into it and taken it out again, the house is permitted."<sup>7</sup> Asher suggested that the third example was similar to a description of the "church" in this case.

What is not stated, but can safely be assumed, is that this particular fugitive was running from the non-Jewish authorities. That would be an unstated reason for Asher to rule on the side of leniency here, because he had written in another responsum that the local non-Jewish courts were quick to shed Jewish blood.<sup>8</sup> So, if this ruling would protect the Jewish fugitive from the local authorities, then Rabbenu Asher was willing to help.





law. But since the action was on the part of a Jew, he did have to pay for damages.







kings of Castile entered a town that had its Jewry, it paid for every book of the law it possessed twelve maravedis to the king's body guards, to protect them from insult and injury, requiring the safeguard of the king to defend them from a lawless soldiery." (Lindo, p. 120)

















































































DOCUMENT NO. XIII

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Please instruct us concerning a (Jewish) man on a gallow whom the Gentiles hanged. Some people came and told his brother about it who lived in another city, at which time he immediately began to mourn. After three days, he  
5 was informed that the man was still hanging on the gallows (and would remain there) until they (the members of the Jewish community) would give them a great deal of money. The elders of the city went to appease them with some money. They were not appeased and finally they (the Jews) despaired  
10 from burying him. From when does the obligation to mourn fall on a person? From the time that he hears the news (of the death), or from the time that he despairs (i.e., gives up hope of burying the deceased)? There is one (rabbi) who decided that he should complete (i.e., he will have fulfilled)  
15 his mourning from the time he hears the news. My heart pains in this matter in that they did not despair from burying him until the end of three days.

Answer: Know that mourning before the burial, or before the despairing is not mourning at all because one is not  
20 yet obligated to mourn. His situation is like the one who heard that a sick person died and began to mourn and afterwards, they said to him that the man was still alive and kied only now in which case he had to begin again the seven days of mourning; likewise is this matter.

25 Thus says Asher the son of the teacher, Rabbi Yehiel, may the memory of the righteous be for a blessing.

NOTES TO APPENDIX B

<sup>1</sup>Talmud Yerushalmi, Baba Qamma VIII, 6c.

<sup>2</sup>Pirke Avot 3:17.

<sup>3</sup>Pirke Avot 2:2.

<sup>4</sup>The law of compensation requires that one must pay, even though the damage that he caused was indirect.

<sup>5</sup>God's designation in Hebrew and Arabic is similar in sound.

<sup>6</sup>"Gibeonites" is referring to גִּבּוֹנִים in the text, but that word should probably be amended to גִּרְרִים, based on the Talmudic discussion in Yebamot 79a. It is explained that King Saul wanted to nullify the promise that the Israelites swore to the Gibeonites in the days of Joshua (Joshua 9:16) and destroy them. Accordingly, the Gibeonites asked King David to hand over to them Saul's sons so that they could take revenge. David handed over two of Rizpah's sons which she bore by Saul (II Samual 21:18), and why did he do this? Doesn't it say in Deuteronomy 24:16, "The fathers shall not be put to death for the children?" And why did they leave their bodies on the tree: doesn't it say, "His body shall not remain all night on the tree (Deuteronomy 21:33)? Rabbi Johanan replied in the name of Rabbi Simeon ben Jehozadak: It is proper that a letter be rooted out of the Torah so that thereby the heavenly name shall be publicly hallowed; for

passers-by were enquiring, "What kind of men are these?"

"These are the sons of kings." "And what have they done?"

"They laid their hands upon the unattached (גֵּרִים) strangers."

(i.e., they laid their hands on the Gibeonites who had unattached themselves and converted against the will of Israel.)

Then they said, "There is no nation in existence which one ought to join as much as this one. If (the punishment of) the sons of kings was so great, how much more that of common people; and if such (was the justice done for) unattached proselytes, how much more so for Israelites. (For the sake of sanctifying God's name, we may transgress the prohibition of "His body shall not remain all night on a tree.)

<sup>7</sup>There is an incident recalled in the Talmud of one who rode his horse on the Sabbath. He was brought before the Jewish court and they stoned him, not that his deed merited such a punishment, but rather that the historical times required it. The incident occurred during the "Greek" (Syrian) domination of Israel. Talmud Bavli, Yebamot 90b.

<sup>8</sup>Talmud Bavli, Bechoroth 2b.

<sup>9</sup>Exodus 23:13.

<sup>10</sup>Talmud Bavli, Gittin 23a.

<sup>11</sup>ibid. A slave, though not born a Jew, had to be circumcized and immersed and was also required to follow certain commandments (i.e., the laws which Jewish women had to follow). The reason for this was that the slave was, in fact, very close to the family. He was, to a certain degree, a Jew.

<sup>12</sup>The requiring of a Jew is only applicable to those parts

of the ceremony which have legal significance. The actual transporting of a document from party A to party B is a mechanical process which has no legal implications and therefore can be done by a non-Jew.

<sup>13</sup>Deuteronomy 24:1. "A man takes a wife and possesses her. She fails to please him because he finds something obnoxious about her, and he writes her a bill of divorcement, hands it to her and sends her away from his house."

<sup>14</sup>Talmud Bavli, Yebamot 90b.

<sup>15</sup>Talmud Bavli, Sanhedrin 46a.

<sup>16</sup>Talmud Bavli, Baba Bathra 35b.

<sup>17</sup>Hazakah - literally, "the strength." This refers to taking possession of the title to the land; having the legal "strength." Example: If a Jew purchases land and does not use the Jewish law of kinyan in the transaction, the land may not be his, but he still is responsible for damages caused to another Jew.

<sup>18</sup>three years

<sup>19</sup>Talmud Bavli, Baba Bathra 35b.

<sup>20</sup>Exodus 34:15.

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