

PAT 'AKUM IN MEDIEVAL  
FRANCE AND GERMANY

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## ABSTRACT

This paper traces the development of the laws of pat 'akum, the rabbinic prohibition on Gentile bread, in medieval Ashkenaz from the beginning of the eleventh century through the end of the Tosafist period. Compliance with this prohibition, originally instituted as an added barrier against intermarriage, became increasingly more difficult in a period when Jewish bread was generally unavailable. The story of pat 'akum is that of an ever expanding allowance in both common practice and halakhic theory. In this paper, the course of the heter is followed first in Germany and then in France. Though German and French Jewry constituted essentially one community, they show marked differences with regard to pat 'akum. In Germany, the radical allowance was reached only through a progressive development; in France, the prohibition seems never to have been widely observed.

Alongside the majority who accepted the heter, there persevered throughout the period a recognizable minority who maintained the prohibition. This quest for maximal religious observance was recognized as meritorious by the rabbinic authorities, but only when it did not implicitly criticize the actions of others. A number of rulings demonstrate how the cohesiveness of Jewish society could have been threatened by the coexistence of two customs regarding the permissibility of Gentile bread.

Vestiges of the prohibition were retained even among the majority who ate Gentile bread. The linguistic stigma attached to Gentile bread, the hesitation regarding the recitation of blessings over it and the surfacing of the prohibition during periods of special piety all demonstrate that Ashkenazic Jewry never lost consciousness of the prohibition.

A tradition of partial allowance of pat 'akum by means of

## II

Jewish assistance continued throughout the period. But Jewish participation in the baking process underwent progressive devolution until it became almost unrecognizable. The final triumph of the heter of pat 'akum was achieved when even those who had adopted the more stringent custom found themselves , for all practical purposes, eating Gentile bread.

The story of pat 'akum, the rabbinic prohibition on Gentile bread, as it unfolded in medieval France and Germany is not marked by decisive doctrinal developments or interpretational creativity. The halakhic mechanics underlying the ever expanding allowance (heter) constitute, however, only one aspect of the account. Hidden between the lines is the larger story of the conflicting forces which shaped the development of the allowance. Practical considerations - the centrality of bread in the medieval diet<sup>1</sup> and the unavailability of Jewish bread - are pitted against canonized texts and a genuine desire to follow their dictates. Accompanying the radically lenient rulings is a persistent doubt as to their validity, creating tensions which left their imprint on halakhah. Alongside the majority who accepted the heter, there persevered a minority who maintained the prohibition. And though this quest for maximal religious observance was in itself commendable, it nevertheless posed to the halakhists the threat of a breach in communal solidarity.

It is these opposing tendencies and the attempts at their resolution which lie beneath the simple catalogue of rulings and form the story of pat 'akum. We shall first review the development of pat 'akum in the Talmudic period and examine aspects of medieval realia, before approaching our primary concern - the history of pat 'akum in Ashkenaz from the beginning of the eleventh century through the period of the Tosafists. After tracing the general pattern of the heter in Germany and in France, we shall discuss some specific problems arising from common practice. We shall reveal ambiguities and contradictions which, while perhaps obscuring the clarity of the doctrines of pat 'akum, shed light on the conditions of Ashkenazic Jewry, within which the laws of pat 'akum developed.

The prohibition of pat 'akum is already mentioned in the Mishnah<sup>2</sup> and is included among the eighteen decrees agreed

upon by the schools of Shammai and Hillel.<sup>3</sup> The injunction of Gentile bread was part of a general program aiming at the segregation of Jewish and non-Jewish society. Formally the prohibition was instituted to prevent intermarriage, though historically it emerged as an extension of the prohibition on Gentile wine.<sup>4</sup> The significance of bread in daily life made it the target of rabbinic prohibition. But the very fact that bread was a daily requirement made the prohibition difficult if not impossible to abide by. This inherent problem accompanied the prohibition almost from the time of its inception.

The Talmud cites statements to the effect that R. Judah ha-Nasi permitted pat 'akum, at least in certain circumstances.<sup>5</sup> From the Talmudic discussion, however, it would appear that these reports were based on a misunderstanding and that the lenient position was rejected. When R. Judah II was approached two generations later to permit pat 'akum, he declined; his reason being that he had already been involved in a number of lenient rulings and was afraid for the reputation of the court he headed.<sup>6</sup> In the later Amoraic period, a bifurcation in the development of the prohibition appeared. In Erez Israel, pat 'akum was included among a group of disregarded laws- הלכות של עמיות : The Talmud Yerushalmi explains that Gentile bread really ought to be prohibited even in a place where the bread of a Jew is unavailable. Because, however, bread is so essential a food ( משום חיי נפש ), the prohibition was disregarded in places where pat 'akum was the only bread to be found.<sup>7</sup> This allowance may have been limited to the bread purchased from a professional baker. The status of the disregarded laws- whether they were officially repealed or only overlooked by the authorities- is unclear. In Babylonia, however, the prohibition remained in force, though in actual practice a certain leniency may have developed. The Talmud Bavli reports that Aivo ate pat 'akum, evoking the disapproval

and condemnation of his contemporaries.<sup>8</sup>

Such was the situation in Erez Israel and Babylonia in the Talmudic period.<sup>9</sup> Notwithstanding the fact that Jews lived in sizable communities, they were not always able to provide fully for their own daily needs of bread; the prohibition became one with which many people could not comply. When we move to medieval Europe, with its far smaller Jewish communities and more limited occupational opportunities, one can easily imagine how these difficulties intensified. R. Isaac Alfasi, the Spanish authority, cites the lenient position of the Yerushalmi and apparently rules accordingly.<sup>10</sup> Maimonides mentions that there are places where leniency is practiced regarding the bread of a non-Jewish baker where a Jewish baker is not to be found.<sup>11</sup> In his commentary to the Mishnah, he refers to this practice as the custom of the Jews of Spain.<sup>12</sup> It is significant that this lenient custom evoked no expression of shock on the part of Spain's two leading authorities. There is none of the lengthy soul searching, which, as we shall see, will characterize the reaction of the scholars of France and Germany to the very same practice in their own countries. This lack of surprise in Spain may be due to the fact that in Spain far graver injunctions were being violated and the minor infraction of eating pat 'akum did not evoke concern. Or it may be the result of an intellectual approach according to which discordant texts need not be resolved and a ruling may be issued in accordance with a single text. Indeed, both factors may have been operative. In France and Germany, where even the slightest violation was not ignored, the eating of Gentile bread had to be justified. With the dialectical approach to halakhic texts at its height in the Tosafist schools, the sources which implied an injunction could not be discarded. It is to Ashkenaz that we now turn our attention.

In the Middle Ages, bread was baked in one of three ways.

First, many people baked their bread in their own homes.<sup>13</sup> This was particularly common in rural areas but was the case even in the growing urban centers, especially among the lower classes. Second, a communal oven, the furnum, was available to all.<sup>14</sup> The dough would be kneaded at home and brought to the furnum to be baked. Setting up an oven involved considerable expense and therefore such establishments from the very outset were undertaken only by the wealthy. With the growth of seigneurial power, the right to set up and operate an oven developed into a feudal privilege. The ban on the furnum limited the number of ovens in the community and gradually became a feudal abuse.

With the growth of the cities, the professional baker emerged as the third source of baked goods. The baker would prepare the dough, bake it and sell the finished product to his customers. By the thirteenth century, bakers had already organized guilds. Governments intervened early, regulating relations between the bakers and the cities. For example, the loaves had to be sold at prescribed weights and set prices, with identifying seals placed on the loaves to insure compliance with the law. Numerous other regulations were instituted regarding both the production and the sale of bread.<sup>15</sup>

All three options were open to Jews as well. The rabbinic evidence indicates, however, that the Jews of northern France and Germany did not bake much bread at home. Of course, the preoccupation of the literature with Gentile baking proves nothing, since the halakhic problem of pat 'akum did not arise with regard to Jewish baking. Yet questions regarding the preparation of food in the Jewish home did come up when non-Jewish servants were involved.<sup>16</sup> The silence in the sources on the potential question of pat 'akum concerning the baking of Gentile domestic servants strongly indicates that bread was baked generally outside of the home.

Were there then Jewish bakers from whom pat visrael could be purchased? At the outset of our period, though we find communal ovens in the hands of Jews, there is no explicit mention of Jewish bakers.<sup>17</sup> This evidence, however, is largely self-selecting, because mostly the references to Jewish-owned ovens are connected with the profits earned on the Sabbath, a time when of course no Jew would himself bake. By the end of the twelfth century, to be sure, there are explicit statements that Jewish bakers are not to be found and this situation was indeed the foundation of the heter of Gentile bread. Whether there were Jewish bakers in the earlier period or not, it is clear that Ashkenazic Jewry did not long remain self-sufficient with regard to the production of bread.<sup>18</sup>

The first document on pat 'akum in Ashkenaz is contemporaneous with the earliest halakhic literature of the region. Unlike Spain, Ashkenaz opens with a flat prohibition (issur). The text, a ruling of R. Gershom of Mainz, is not without its difficulties<sup>19</sup> (it is not even clear how much of the text may be attributed to R. Gershom<sup>20</sup>), but two salient facts emerge from the passage:

פסק רבינו גרשום. פה של גוים אפילו (בישלו) בביתו של ישראל אסור, שהרי אסור משום חתנות כדאמרינן לעיל גזרו על פיתן ושמן משום יינן, ואף על גב דשאר איסוריין אינן אסוריין אלא בבית גוי כדאשכחן גבי שטר, (ופה) פתן בכל מקום אסורה, כדאמרינן בא לאסרו בשדה, מכלל דאסרוהו אף בשדה. אפילו אפאו (ישראל) [פלטרי] אסור, כדאמרינן לעיל כסבורין העם לומר פלטר גוי, והוא לא אמר אלא פלטר ישראל, ואפילו זבניה מיניה דהא פלטר סתם זבין, ודייק האסוריין. ופה ישראל שאפה גוי בבית ישראל אסור משום בישולי גוים וכך כל שאר בישולי גוים אסוריין בביתו של ישראל מדתניא מניה ישראל בשר על גבי גחלים עד שיבוא מבית הכנסת או מבית המדרש, הא ודאי בבית ישראל מיירי, וקתני מניה ישראל, אבל אם לא הניח לא, אלמא בבית ישראל אסור משום בישולי גוים, ועוד הא הלכתא סתמא קאמרי דאסוריין בכל מקום. אבל אם סייע ישראל אפילו בביתו של גוי מותרין שאר בישוליין, חוץ מפה שאסור בכל מקום.

There are two important points in R. Gershom's position.

First, the prohibition of pat 'akum is still in effect. The possibility mentioned in the Talmud that R. Judah ha-Nasi revoked the prohibition is disregarded, and the view of R. Yohanan that the prohibition had not been revoked prevails.

The second significant point is R. Gershom's definition of pat 'akum and his distinction between פת של גויים and פת של ישראל שאפה גוי. Bread, as it belongs to the larger category of foods in general, is included in the broad prohibition of bishul 'akum. The prohibition of bishul 'akum includes all foods cooked by a Gentile, regardless of whether the food belongs to the Jew or to the Gentile. The fact that the Gentile did the cooking creates the prohibition. But only when the food is cooked exclusively by the Gentile does the prohibition apply. If the Jew assists the Gentile in the cooking process, the food is permitted, since it is no longer considered bishul 'akum, but rather the cooking of a Jew.

The bread of a Gentile, however, is subject to a more specific prohibition, namely pat 'akum. Apparently the only criterion for the prohibition is the ownership of the bread at the time that it is baked. If the bread belongs to a Gentile, even if it is baked by a Jew, the prohibition of pat 'akum applies; certainly the mere assistance of the Jew in the baking process does not remove the prohibition.

Two principles, then, govern the status of bread baked by a Gentile: The bread of a Gentile, even if baked with the assistance of a Jew, is prohibited because of pat 'akum. The bread of a Jew baked by a Gentile alone is prohibited because of bishul 'akum. If a Jew assists in the baking the latter prohibition is removed. It is not clear what led R. Gershom to this distinction. The Talmud cites a ruling to the effect that the general prohibition of bishul 'akum applies only when the Gentile cooks the food from beginning to end. Assistance by a Jew removes the prohibition. The Talmud continues:

אמר רבינא: הלכתא הא ריפתא דשגר עובד כוכבים ואפה  
ישראל, א"נ שגר ישראל ואפה עובד כוכבים, א"נ שגר עובד  
כוכבים ואפה עובד כוכבים ואחא ישראל וחתי בה חתויי שפיר  
דמי.<sup>21</sup>

Although there are a number of variant readings to the passage, none necessitates the interpretation that the passage is dealing exclusively with the bread of a Jew baked by a Gentile. The ruling that Jewish assistance removes the prohibition could just as well apply to bread owned by a Gentile. Perhaps R. Gershom was prompted by the separate listing in the Mishnah of bread ( פה ) and cooked foods ( שלקוח ), which would imply that pat 'akum is a distinct category and not just a particular instance of bishul 'akum. Consequently, pat 'akum may be governed by its own regulations. Later authorities who arrive at R. Gershom's position explicitly cite this line of reasoning.<sup>22</sup> R. Gershom's doctrine was to enjoy a remarkable/resiliency within the Ashkenazic tradition. After an eclipse of two centuries, it would reemerge at the end of our period.<sup>23</sup>

According to R. Gershom, then, the prohibition of pat 'akum was still in full effect. The הא ריפתא passage could have been construed to allow a certain leeway, but R. Gershom precludes this option. A Jew may not purchase bread from a Gentile, even from a professional baker and even if the Jew contributed to the baking process. The impact of the ruling is unclear. How the ruling was applied would have depended on the state of the institution of professional baker, which was only then in its early stages of development. A Jew could, however, make use of a Gentile's furnum, or employ a Gentile in his own furnum, provided that the dough belong to the Jew and that he participate in the baking process.

Other than a vague echo of one aspect of R. Gershom's doctrine<sup>24</sup>, our sources from the generation after R. Gershom's testify to a significant change. A ruling of R. Isaac b. Judah of Mainz (Ribi), who may even have been a student of

R. Gershom, clearly reflects contemporary practice and indicates a shift away from the views of R. Gershom.

עניין התרה פתן של גוים והפת פורני של גוי שזרק ישראל  
עצים לתוכו ואפאו גוי מותר, דאמר רבה בר בר חנא אמר ר'  
יוחנן בין שהניח גוי והופך בו ישר' וכו' הילכך האי רפתא  
דשגר גוי ואפה ישר' אי נמי שגר גוי ואפה גוי ואחא ישר'  
וחתי חתויי בגחלים שפיר דמי, ואם נפש אדם לומ' משום  
גיעולי גוים שמחממים במיחום שלהם לצורך לישא אפילו הכי מותר  
לפי שדרכן של נחתומין מייחדין מיחם שלהם לצורך לישא במקום  
שעושיין פת של סולת נקיייה ועוד הואיל ואין הנחתומין  
מרתיעין המים לצורך לישא אין כאן גיעולי גוים שאין המיחם  
פולט אלא על ידי רתיחה כדאמ' כשם שבלעו בניצוצות כך פלטו  
בניצוצות. 25

Ribi's opening words ( or those of the compiler)- ענין התרה -  
פתן - are telling. Pat 'akum henceforth will always be  
presented within the context of its desired circumvention.  
The situation described by Ribi is that of a professional  
baker who both prepares the dough and bakes the bread. He  
has special equipment to heat the water with which he will  
knead the dough. While the water must be warm, it was not  
brought to a boil.<sup>26</sup> Ribi rules that the bread of a Gentile  
is permitted if the Jew participates in the baking. Whereas  
R. Gershom limited the effectiveness of Jewish assistance  
to the bread of a Jew baked by a Gentile, Ribi extends it to  
the bread of a Gentile as well. According to Ribi there is  
no distinction between the prohibitions of pat and bishul  
'akum. Both are still in effect and both lend themselves to  
a heter through assistance on the part of a Jew. The revo-  
lutionary position of Ribi, that even the bread of a Gentile  
is permitted when baked with Jewish assistance, will never  
again be doubted, although its theoretical underpinning will  
be questioned. The issue from now on will only be defining  
what is meant by assistance on the part of a Jew. Signifi-  
cantly, Ribi opens with a liberal interpretation; throwing  
sticks into the fire is considered sufficient. The Talmudic  
support for such a view is dubious, but the practice will go  
unquestioned for generations until it is re-examined by the  
Tosafists. When compared with the degree of Jewish partici-

pation required by the end of our period, Ribī may even be considered to be demanding.<sup>27</sup>

Not only does Ribī rule out R. Gershom's injunction, but he forbids other objections as well. Permitting the bread of a Gentile raises a second question: is the bread kosher? Not only non-kosher ingredients, but even utensils that were used for non-kosher foods would render the food unfit through the prohibition of gi'ulei 'akum. Ribī rules that this prohibition does not apply here because the baker uses a special utensil to heat the water; moreover, it is not brought to a boil. The concern about gi'ulei 'akum will prove to be more intractable than the prohibition of Gentile bread and will only be resolved by R. Jacob Tam.<sup>28</sup> In the eleventh century, it is still the Gentile's bread, rather than his baking, which is deemed most problematic. Even after R. Gershom's outright issur was swept away, restrictions due to questionable ingredients or utensils lingered. By the end of our period, however, when a far wider heter will already have been accepted, greater allowances will be granted to Gentile bread than to the bread belonging to a Jew baked by a Gentile.

Ribī's ruling still barred the employment of a Gentile baker without Jewish participation. It did, however, free the Jew from the task of preparing the dough. Considering the work involved in the preparation of the dough, this would appear to be a weighty concession. Even if the Jew were fortunate enough to have domestic servants, these could now be employed in less time-consuming chores, while dough was obtained from a Gentile baker.

There is a second passage in the eleventh century literature which deals with pat 'akum. This anonymous passage, which follows the position of Ribī and has even been attributed to him, reads thus:

הורה אדם אחד ישראל שנתן סימן על עיסתו והוליכה לגוי  
והוליכה והכניסה הגוי לפורני והוציאה מן הפורני ומצא סימן  
שלו אם הסיק ישראל עם הגוי או שהטיל עמו מעט עצים תחת  
פורני ואפילו הותה בגחלים ולא הטיל עצים שלו והוציאה מן  
הפורני ומצא סימן שלו מותר לאוכלה ואין בכך כלום. ושגר  
גוי ואפה של ישראל או בעיסתו של גוי כשאמר הלכה וגמרא  
בעיסתו של ישראל נאמרה, אלא אם ישב ישראל עם הגוי כשהוא לש  
עיסתו וידע שאינו מטיל אותו גוי בעיסתו לא שמן ולא בשר ולא  
חלב ולא מחים ללוש בהם ביורה שמבשל גוי בשולו אף עיסת  
גוי מותרת כשהוא מקיים שגר גוי ואפה ישראל וישראל מחתה  
בגחלים שפיר דמי.<sup>29</sup>

This text deals with the operator of a furnum who bakes both the dough brought to him by his customers and dough which he prepares himself. Due to the large size of the oven, customers who would bring their own dough to be baked would mark their loaves for purposes of identification.

Although one important line of the text is enigmatic<sup>30</sup>, the author's general position is clear. He regards the practical problem of Gentile bread as that of non-kosher foods, rather than the prohibition of pat 'akum. The bread of a Jew baked by a Gentile is permitted, provided that the Jew assist in the baking. The dough of a Gentile would also be permitted with a similar proviso. Other factors, however, such as the ingredients and the utensils, may render the Gentile's dough unfit. If indeed proper supervision is maintained while the Gentile prepares his dough, then the bread of a Gentile baked with Jewish assistance would be permitted. Our author accepts the lenient ruling of Ribī, but his requirement of direct supervision over the preparation of the dough would diminish the benefits to be derived from employing a Gentile baker.

A third reference to pat 'akum in the eleventh century collections is found in Sefer ha-Pardes.

עניין הפח של ארמאי. במקום שאין פח ישראל מצוייה דין  
הוא שיהא פח גוי אסור אלא שנמנו עליה והיתירוה מפני חיי  
נפש. רב דקיסרי בשם ר' יעקב אמר לדברי המתיר ובלבד מן  
פלטורי פת.

אמ' ר' יוסף פעם אחת הלך ר' במקו' אחד וראה מקום דחוק  
לחלמדיים, אמ' אין כאן פלטר אינהו סברי פלטר גוי והוא לא

אמ' אלא פלט' ישראל. אמ' ר' חלבו אפי' למאן דמתי' אינו  
אלא במקו' דליכא פלטר ישראל אבל איכא פלטר יש' אסור. אמר  
ר' נתן אפי' למאן דאמר התיר ר' הפת של ארמאי ה"מ בשדה אבל  
בעיר לא. אייבו מנכית ואכיל אמצרי דמתא. אמר רב נחמן  
לאייבו דאכיל לחמא דארמאי לא השתעוץ בהדי דאייבו, פי' על  
שהיה אייבו אוכל לחם של גוים ציוה רב נחמן בבית המדרש שלא  
ידברו לאייבו.

פח ארמאי אפי' שיגר גוי ואפה וישראל מהדורי הדורי  
שפיר דמי. רבנן אמרי האי ריפתא ששיגר גוי ואפה ישראל שרי  
או ששיגר ישראל ואפה גוי שרי ואפי' שיגר גוי ואפה גוי ואחא  
ישראל וחתה בגחלים מותר. אבל עיסת ישראל אסור שילוש גוי  
אלא אם כן יושב ישראל עם הגוי כשהוא לש אח עיסתו ויודע  
שאיך הגוי מכיל לעיסתו לא שומץ בשר ולא שומץ חלב בין עיסה  
של ישראל בין עיסה של גוי אינה מותרת עד שישב שומר ישראל  
בצד הגוי והכל משום והתקדשתם והייתם קדושים וגו' לשלם  
שכר טוב לצדיקים ולהיפרע מן הרשעים.

This passage, too, is recorded anonymously. It is composed essentially of three sections- the heter of the Yerushalmi, the discussion in the Bavli concerning R. Judah's position on pat 'akum, and the question of Jewish assistance. Starting with the last section, we may immediately note the replay of Ribi's position. Jewish assistance is effective even with regard to the bread of a Gentile. The more vexing problem concerns the ingredients added to the dough, so that even the dough of a Jew that is kneaded by a Gentile requires supervision. The concluding line of the passage is significant. There is an admission that the high standard of supervision is not being maintained by all. Moreover, though there is a recognition that the concern about non-kosher ingredients is a special stringency going beyond the normal requirements of the law, there is also an implied criticism of those who are lenient.

The first section of this passage introduces a new element, the Yerushalmi statement according to which the prohibition of pat 'akum was revoked or at least disregarded. There is no attempt to integrate this section within the passage as a whole, and it may be only a later gloss. It is possible that attention was drawn to this fragment already in the eleventh

century; the discordant text was registered, although its resolution was not attempted. Its contents certainly would not have been unwelcome to many in the Ashkenazic community.

We may best enter the twelfth century through the writings of a central German Tosafist, whose discussion, while constituting a new stage in the development of pat 'akum, also enables us to check our analysis of the eleventh century. In a lengthy passage, R. Eliezer b. Nathan (Raban) writes:

אבל פת של עכו"ם [לא] הותר משנגזר עליו... ואשמעיןן  
ר' יוחנן דלא הותר ואסור לאכלו אפילו בשדה וכו' יוחנן קיימא  
שמעתא דאמר (ר') איבו היה אוכל פת גוים אמצרי העיר ולא בבית  
גוי דסבר התיר רבי את הפת בשדה אמר להו רבא ואיתימא רב נחמן  
לא הישתעו מיניה דאיבו אכיל נהמא דארמאי.  
גירסת ירושלמי פיתן ר' יעקב בשם ר' יוחנן מהלכות של  
עימעום ומסקנא כן הוא במקום שפת ישראל מצויה בדין הוא שתהא  
פת גוים (עכו"ם) אסורה ועימעמו עליה והיתירוה מפני חיי נפש.  
ונ"ל דאהא סמכו הראשונים והיתירו פת גוים (עכו"ם) והצריכו  
חיתויי האש משום בישולי גוים (עכו"ם) שלא עמעמו על בישולי  
גוים שאין בהם חיי נפש כמו בפת.  
ואית דמפקי היתר פת גוים (עכו"ם) מהא דאמרינן שגר גוי  
ואפה ישראל או שגר ישראל או חיתה בגחלים ואפה הגוי פתו  
דמותר לישראל הפת, ולא הוא דנהי דבישולי גוים ליכא מיהו פת  
גוים איסורא איכא דהוא מי"ח דבר שגזרו ופת לא הותרה בבית  
דין דר' שמלאי אמר ליה לר' יהודה נשיאה בימינו תתיר גם את  
הפת אמר ליה אם כן קרו לן בי דינא שריא ולא דמי לשכר של  
גוים דאסור משום חתנות בבית הגוי ומותר בבית ישראל משום  
דשכר אינו מי"ח דבר שגזרו אלא מאיליהן אסרו משום חתנות  
ושוב לא הותר.  
והא דאמר שגר גוי ואפה ישראל וכו' בפת ישראל מיירי  
דבין שגר גוי את החנור ואפה ישראל ובין שגר ישראל ואפה בו  
גוי פיתו של ישראל דאין זה פת גוי כיון שיד יהודי באמצע.  
אבל אם קנה ישראל בציקו של גוי או קנה לחם (אחר) [אחד]  
בעודו בצק וסימנו או לא סימנו אלא איזה שארצה אקח לאחר  
אפייה וחתני בגחלים שרי ליה דעל הפת גזרו ועל הפת לא גזרו  
כדתניא הבציקות של גוים אדם ממלא כריסו מהן וכיון דזבין  
ישראל את הבצק הוי פת של ישראל.<sup>32</sup>

The prevalent custom in early twelfth century Germany is clearly stated. Even the bread of a Gentile was eaten provided that the Jew assists in the baking of the bread. This is not regarded as a recent innovation; rather it is perceived as an old practice which had already received the approval of previous generations of rabbinic authorities.

Though the doctrine of Ribbi seems to have been dominant in the eleventh century, and had its adherents even in the twelfth century, Raban reverts to the position of R. Gershom. The Talmudic regulation concerning Jewish assistance refers only to the bread of a Jew baked by a Gentile, which is prohibited only because of bishul 'akum. Gentile bread, however, constitutes a separate prohibition, pat 'akum, for which Jewish assistance is ineffective. But with the discovery of the Yerushalmi passage, a loophole in R. Gershom's uncompromising issur could now be found. The Yerushalmi includes pat akum among the laws which were disregarded because of difficult circumstances. Exactly how Raban understood the relationship between the positions of the Bavli and Yerushalmi is not clear. On the one hand, pat 'akum is one of the eighteen decrees that can not be repealed; on the other hand, its inclusion in the class of הלכות של זעזום renders it inoperative. At the most, however, the Yerushalmi's allowance removes the specific prohibition of pat 'akum. To remove the general prohibition of bishul 'akum participation by the Jew is necessary.

Raban's allowance went no further than that of Ribbi. Both permitted the bread of a Gentile baked with Jewish assistance. Raban's accomplishment was to neutralize the position of R. Gershom by citing the recently introduced Yerushalmi text. In one stroke, both common practice and ancient tradition were justified.<sup>33</sup>

A means of permitting Gentile bread without resorting to the Yerushalmi heter is also suggested by Raban. He argues that only the bread of a Gentile is prohibited; the dough he prepares is permitted.<sup>34</sup> If a Jew purchases the Gentile's dough and puts an identifying mark on it, or even without marking the dough, specifies which loaf he will take once the dough is baked, the bread is not considered pat 'akum and is permitted if the Jew participates in the baking. This

plausible commercial solution may well have been a customary practice in the earlier period. By the time of Raban, however, the prevalent custom was to purchase the bread after it was baked. Significantly, concern about the ingredients and the utensils that the baker uses is not expressed; there is no echo of the words of the Pardes. The battle for close supervision over the baker has been lost.

Let us summarize the development of pat 'akum in Germany through the beginning of the twelfth century. The eleventh century opened with an outright issur on pat 'akum; a Gentile could, however, bake the dough of a Jew. The degree of compliance with this injunction of R. Gershom is uncertain. We do know that, by the next generation, Gentile bread baked with Jewish assistance was being eaten. The practice was justified through Ribbi's new doctrine which erased the distinction between Gentile and Jewish bread and established the presence or absence of Jewish assistance as the only criterion for the prohibition of pat 'akum. The Gentile baker could now not only bake the bread for the Jew but prepare dough for him as well. The strongest opposition to Ribbi's doctrine arose not from a concern for pat 'akum, but from a suspicion of non-kosher ingredients. The new allowance of Gentile bakers initially led to a concern that the bread be free from non-kosher ingredients and that proper supervision be maintained. By the twelfth century, the fear of non-kosher ingredients had diminished, and Gentile bakers were more freely used. The remaining objection, the old doctrine of R. Gershom, disappeared with the penetration of the Yerushalmi heter. But even Raban required Jewish participation in the baking process. The sweeping potential of the heter inherent in the Yerushalmi had yet to make itself felt.

The common practice to which Raban attests went only as far as to permit the bread of a Gentile baked with Jewish assistance. The possibility of permitting pat 'akum outright

was specifically ruled out. A ruling of R. Shemaryah b. Mordecai of Speyers confirms our conclusions regarding the limited nature of the heter on Gentile bread in the first half of the twelfth century and breaks the ground for a more radical allowance.

R. Shemaryah addresses the problem facing the Jewish traveler. When at home, a Jew could prepare dough in his own house, bring it to the local oven and assist the Gentile in the baking. This option was highly impractical for the traveler. Even assisting the Gentile in the baking of the Gentile's dough would present difficulties for one who is on the road and anxious to continue his journey.<sup>35</sup> Significant then is the position of R. Shemaryah who ruled that pat 'akum may be eaten by a traveler.

וכן מצאתי שהחיר רבינו שמריה פת של עובד כוכבים למי  
שהולך בדרך, ועוד הביא ראיה מהא דתנן מאכילין את העניים  
דמאי ואת האכסניא דמאי ואע"פ שיש בו איסור דרבנן.<sup>36</sup>

R. Shemaryah compares the prohibition of pat 'akum to that of demai which according to the Mishnah is relaxed for the traveler. This analogy is noteworthy. Demai is not treated as a bona fide forbidden food because of its unique status—a stringency applied where a suspicion exists that tithes have not been properly removed, despite the fact that most people do, in fact, remove them. Certainly, R. Shemaryah does not intend to extend the peculiar leniency of demai to all rabbinic prohibitions; he refers only to pat 'akum. Later, R. Isaac of Dampierre (Ri) will utilize this same comparison to permit the taste (ta'am) of pat 'akum within a mixture.<sup>37</sup> R. Shemaryah's ruling does not represent a novel theoretical reinterpretation of the prohibition of pat 'akum, according to which pat 'akum is not considered a bona fide forbidden food. Rather, R. Shemaryah's ruling as well as the later position of Ri seem to be ad hoc allowances, which betray the attitude that pat 'akum in practice can no longer be treated

like other prohibitions. R. Shemaryah rules, at least with regard to a traveler, that a heter for pat 'akum must be found.<sup>38</sup>

During this period, the middle of the twelfth century, a fierce controversy broke out among the authorities of Germany.<sup>39</sup> Though the dispute did not involve the question of pat 'akum per se, it did affect the practical benefits to be derived from the Gentile baker. Once again those who prohibited Gentile bread were concerned with the ingredients in the dough. The bakers of Germany were accustomed to leaven the dough with the dregs of wine.<sup>40</sup> According to the Talmud, the dregs of wine of a Gentile are permitted after twelve months, because after such a period of time they are desiccated and there is no longer any prohibition of Gentile wine.<sup>41</sup> R. Ephraim of Regensburg reasoned that since the German bakers dried the dregs of their wine in their ovens before using them to leaven the dough, there should be no prohibition. R. Ephraim permitted the bread prepared with such leavening agents. At a later stage of the controversy, he went so far as to permit fresh dregs that were not dried. These allowances met the stiff opposition of the scholars of Speyers, including R. Shemaryah. When they could not prevail upon R. Ephraim to retract his ruling, they sent for support to R. Tam in France, who replied with an unsparing attack on R. Ephraim. R. Ephraim then sought in vain the support of his student R. Joel b. Isaac ha-Levi of Bonn who sided with the rabbis of Speyers as well.

When R. Ephraim permitted the bread of a Gentile baker who leavened the dough with the dregs of wine, none of the disputants raised the question of pat 'akum. There is no reason to assume that the lack of reference to pat 'akum reflects a new position; the allowance granted by R. Ephraim was thus limited to bread baked with Jewish assistance.<sup>42</sup> The German rabbis, however, were unanimous in their opposition

to R. Ephraim's ruling. Regardless of the difficulty, the issur on bread leavened with the dregs of Gentile wine was maintained. The theoretical allowance concerning Gentile bread baked with Jewish assistance, generally accepted since the days of Ribbi, must have been significantly limited in actual practice as a result of the special procedure of many German bakers.

## II

In Germany, by the middle of the twelfth century, the severity of R. Gershom's doctrine had been softened. The initial fear of Gentile dough had been overcome. An opening wedge to a wider allowance had been introduced by R. Shemaryah's ruling. Yet the prohibition of pat 'akum was a living injunction. When we turn our attention to France, we find its common practice unlike that of Germany. Though the earliest literature is enigmatic, when France does begin to speak clearly about pat 'akum, it assumes the eating of pat 'akum without any limitations as the general custom. We may indeed question whether northern French Jewry ever maintained a prohibition on pat 'akum. This would be significant since through the eleventh century, France and Germany are substantially one Jewish community and we do not expect different religious practices. Even if we were to conclude that the widespread lenient practice only slightly predates the earliest allusion to it, we would encounter a striking phenomenon. For already from the time that the lenient custom is first mentioned, nobody recalls any period in which pat 'akum was prohibited. The French Tosafists assume that their situation had not changed since Talmudic days.<sup>43</sup> Whether accurate or not, the assumption that France had always enjoyed a heter of pat 'akum had a profound effect on the Tosafists when they first began to reflect on the problem.

Our earliest source in France is Rashi, but unfortunately he does not clarify his position on pat 'akum. The relevant portions in his commentary are sparing, the only significant expansion comes with regard to the question of minimal Jewish assistance. In the commentary of Rashbam dictated to him by Rashi there is an apparent reference to the contemporary practice of throwing a stick into the fire or stirring the fire with a poker.<sup>44</sup>

More important is the testimony that Rashi himself did not refrain from eating Gentile bread. Whether or not Rashi required Jewish assistance is not clear. The only question discussed is the permissibility of Gentile dough from the viewpoint of the utensils used in its preparation; two approaches to the problem of gi'ulei 'akum are reported.<sup>45</sup> On the subject of pat 'akum, however, there is silence. According to a minimalist interpretation, Rashi would insist on Jewish participation. In that case, he went no further than his teacher Ribi. It is possible, however, that Rashi's discussion refers to real pat 'akum baked without any Jewish assistance. A second ruling of Rashi adds to our suspicion that already in his time the prohibition of pat 'akum was no longer observed by all and that this practice had his tacit approval.<sup>46</sup>

While the custom of eleventh century French Jewry and the position of its leading authority are uncertain, as we move into the twelfth century all doubts are dispelled. Wide segments of the Jewish population are eating pat 'akum. This leniency is not confined to the common people. Even members of the religious and intellectual elite are consuming pat 'akum. For the following ruling is reported in the name of R. Samuel b. Meir (Rashbam):

שמעתי בשם רבינו שמואל שהיה אומר שאם שני בני אדם  
אכלו בחבורת זימון, אחד מהן נזהר מפת של נכרי' ואחד מהם  
אינו נזהר, אע"פ שאין אותו שנזהר יכול לאכול מפת של נכרים  
כיון שאותו שאינו נזהר יכול לאכול מפתו, מצטרפי' זה עם

זה לזימון, וראה מדאמרי' בריש ערכין הכל חייבי' בזמון  
כהנים לויים וישראלים, פשיטא, לא צריכא דכהנים אוכלים  
חרומה וקדשים וזר אוכל חולין, מהו דתימא דזר לא מצי אכיל  
חרומה וקדשים לא מצטרף, קמל"ן כיון דכהן מצי אכיל חולין  
שפיר דמי. 47

This is the earliest explicit reference to people who eat pat 'akum. The more stringent practice of refraining from eating pat 'akum is observed by some. This abstention is not to be construed as evidence of a transition period from issur to heter. As we shall see, though the lenient custom was to be dominant for the duration of our period, there would always be a conspicuous minority who did not accept the allowance. The communal problem which could arise from such a situation already presents itself in Rashbam's ruling. Rashbam rules that those who refrain from eating pat 'akum may join with those who do not for zimmun to say Grace together after the meal. From his analysis, it is clear that Rashbam did not consider those who eat pat 'akum as violators of the law. He compares pat 'akum to terumah which priests may eat while others may not, rather than tevel which is prohibited to all. Rashbam must consider pat 'akum to be basically permitted.

The allowance was not limited to the periphery of Jewish society. Rashbam himself, together with his brother R. Tam, are reported to have eaten pat 'akum. The discussion deals with bread, whose dough was kneaded with eggs, which raised a number of halakhic questions:

נראה לר"ת עיסה שנילושה בביצים מותר ליקח אותה מן  
העכו"ם... אבל היכא שלש מהם עיסה יש שם היתר גמור, ומי שאינו  
נזהר מפה של עכו"ם יכול לאכול מהם. ומעשה היה ואכלו מהם  
רבינו שמואל זצ"ל ור"ת. 48

The reference to מי שאינו נזהר מפה של עכו"ם is further evidence that many ate pat 'akum and that others did not. Most significant is the fact that Rasbam and R. Tam were included among those who ate pat 'akum. Indeed, we should expect that the tale of pat 'akum would now come to a close,

since the allowance had already penetrated the highest circles of religious leadership. The remarkable thing is that the story continues.

Not only did Rashbam and R. Tam accept and adopt an allowance concerning the prohibition of pat 'akum, but the legal as well as the emotional reservations concerning Gentile dough were no longer operative either. Regarding gi'ulei 'akum, R. Tam resurrected what seems to have been the earlier position of Rashi, according to which Gentiles' utensils may be presumed not to have been used since the previous day.<sup>49</sup> In this particular case, the eggs added to the dough introduced multiple possibilities of issur, all of which were countered by R. Tam.

Now that we have assembled the data from the twelfth century, we may ask again whether the lenient practice of eating pat 'akum was newly introduced or whether it was an old tradition. Though the evidence concerning Rashi is ambiguous, nothing precludes the possibility that the eating of pat 'akum was already widespread in his time. When Rashbam first alludes to those who eat pat 'akum, the allowance is an established and accepted fact. To be sure, circumstances in the twelfth century would tend to strengthen reliance on Gentile bakers. If a sizable number of Jewish bakers had ever existed, the ban on the furnum and the growth of the bakers' guilds in the twelfth century would tend to diminish their numbers. When the heter is first formulated, it is predicated on the assumption that Jewish bakers were generally not to be found.<sup>50</sup> The pressure, particularly on the Jewish traveler is recognized.<sup>51</sup> Yet, the common practice permitting pat 'akum can not be ascribed to the growing pressure of the twelfth century alone. What is unique to the northern French allowance is that from the very beginning it was not confined to situations where pat yisrael was unavailable. Though Jewish bakers were not to be found, the communal oven was

still in use and the Jew could assist the Gentile operator. Indeed those who refrained from eating pat 'akum must have practiced such an arrangement. The cumulative evidence suggests that the prevailing custom was not due to dire circumstances alone; it may have been in accordance with an ancient tradition predating any of our sources or simply a matter of convenience. In any case, the injunction on pat 'akum seems never to have been widely observed in France.

We should not be surprised that a practice which contradicts an explicit Talmudic dictum should pass unnoticed and uncriticized in the earlier literature. It was only in the twelfth century, with the development of the Tosafist schools, that a systematic effort was made to harmonize all practices with Talmudic regulations. Limiting ourselves to the area of pat 'akum, we may mention the old custom of throwing a splinter of wood into the fire. Only in the twelfth century is it analyzed in the light of the Talmudic requirements of assistance and is an attempt made to give it a solid foundation.<sup>52</sup> So too, the radical allowance concerning pat 'akum may have significantly preceded the first reflections concerning its validity.

The Tosafists recognized the problem facing them and scoured Talmudic literature for precedent and justification of what they correctly perceived as a practice contradicting the apparent meaning of the Talmud. It is to R. Tam and to Ri that the heter of pat 'akum is attributed. The heter may be found in the works of a number of Ri's students.<sup>53</sup> Only in one is the name of R. Tam mentioned and even there it is unclear how much of the passage may be attributed to him. Though R. Tam was certainly involved in the formulation of the heter, we can safely attribute the bulk of the material only to the school of Dampierre. R. Judah Sir Leon of Paris, a student of Ri, reports the following version:

אומר ר"ת ואנו שאוכלין אע"פ דבכולה שמעתין דהכא מודו כולהו אמוראי דפת גוים אסורה, יש לנו לסמוך להתיר מדקאמר הכא א"ר יוחנן אפילו למ"ד התיר רבי את הפת הני מילי בשדה וכו', ומשמע דאיכא למ"ד דפת גוים שריא, ואין זה טעות גמור, ובשל סופרים הלך אחר המיקל.

ואמרינן נמי לעיל ר' ירמיה זבן פיתא, וחימה וכי אכל בישולי גוים. ואין לומר שלהאכיל לכלבו היה צריך, דהא אמרינן בירושלמי בפירקין בשמעת' דידיה גבי ר' ירמיה זבן פיתא חכם אחד יתמא עבד רבך הכי ואתה לא לקחת גלוסקין מימך, א"ל שנייה היא דא"ר יוחנן לא אסרו דבר שהוא חיי נפש. פירוש לא אסרו משום יריד דבר שהוא חיי נפש. ומסתבר לו לשון חיי נפש שרי ר"ל לישראל, דמשום חיי נפש דגוי ובהמה לא איכפת לן למישרי. ואין נראה לדחות שישראל סייע אותו באפייתו. ואמרי' נמי בירושלמי בפ"ק דשבת אלא במקום שאין פת ישראל מצויה בדין הוא שתהא פת גוים אסורה אלא עימעמו עליה והתירוה מפני חיי נפש.

ואמרינן נמי בירושלמי בפרק ב' דפסחים, חמץ של נכרי שעבר עליו הפסח מותר בהנאה ושל ישראל אסור וקאמר מתניתין במקום שלא נהגו לאכול פת גוים אבל במקום שנהגו לאכול פת גוים/מותר. משמע דבמנהגא תליא מילתא.

ועוד אמרינן לקמן דאמר ליה ר' שמלאי לר' יהודה נשיאה בימינו תתיר את הפת כמו שהתרת את השמן מפני שלא פשט איסורו ברוב ישראל. וא"כ פת נמי שאלו ר' שמלאי שיתירנה לא פשט איסורא ברוב ישראל. ואנו נסמוך על זה, שנאמר אנחנו מרוב שלא פשט האיסור.

ועוד אמרינן בהלכות שבין בני ארץ ישראל לבני בבל, בני בבל היו זורקין עץ בתנור ובני ארץ ישראל אומרים עץ זה מה מועיל ומה מוריד, אם נחענה יום או יומיים מותר מפני חיי נפש. ועכשיו אין אנו רגילין בפלטר ישראל ואין מצויה בינינו פת ישראל, ואע"פ שעושיין בעלי בתים לחם, מ"מ אין פת מצויה לעוברים ושבים, וגם להני אינו מצוי כל שעה. ועוד אמרינן בירושלמי, אם הלכה רופפת בידך ראה היאך הציבור נוהגין ועשה כן.<sup>54</sup>

R. Tam's initial thrust is unpersuasive: The mistaken view found in the Talmud that R. Judah ha-Nasi revoked the prohibition is not totally erroneous, and may therefore be relied upon in the case of a rabbinic prohibition. This tenuous argument was rejected by R. Samson of Sens, who admitted that no heter is possible according to the Babylonian Talmud.<sup>55</sup>

The first substantial argument is the citation of the Yerushalmi passage which expressly permits the eating of pat 'akum in places where pat yisrael is unavailable. We

have already come across this passage in the ruling of Raban, but note how different is the utilization of the passage by the French Tosafists. Raban permitted Gentile bread baked with Jewish assistance. According to Raban, Gentile bread is included in both the general prohibition of bishul 'akum and the more specific prohibition of pat 'akum. Only the latter was suppressed according to the Yerushalmi, while the former remained in force, only to be removed through Jewish participation. The Tosafists derived from the Yerushalmi an outright heter of pat 'akum. Here the Tosafists took advantage of a novel distinction of R. Tam: cooking and baking were now regarded as two distinct activities. Bishul 'akum enjoins cooked foods while pat 'akum prohibits baked goods. This doctrine apparently originated within the context of an entirely different problem- whether baking is to be considered a type of cooking for the purpose of eruv tavshillin. R. Tam applied his distinction between cooking and baking to the question of the relationship between bishul and pat 'akum. Bishul 'akum, which is the earlier of the two prohibitions, includes only items cooked but not those baked. Pat 'akum is a later enactment prohibiting Gentile bread as well.<sup>56</sup> With this doctrine, the Tosafists could utilize the Yerushalmi heter to a far greater extent than could Raban. With the prohibition of pat 'akum removed, the problem of bishul 'akum no longer remained to be overcome.

The Yerushalmi passage, however, has only limited applicability, since it expressly stipulates that the heter is valid only in a place where pat yisrael is not to be found.<sup>57</sup> But Gentile bread was eaten in northern France even in places where pat yisrael is available. A more radical argument was necessary to justify this practice. Instead of basing the heter merely on the revocation of the practice that was once in force, it was argued that the prohibition never went into effect in certain areas. Here the Tosafists could benefit

from their wider scope of texts and their collective memory. Whereas Raban had a single citation from the Jerusalem Talmud, the Tosafists had a full literature on the subject.<sup>58</sup> They could draw on the distinction, found elsewhere in the Yerushalmi, between places where it was customary to refrain from eating pat 'akum and those where it was not. The prohibition, then, depends on custom. This conclusion was correlated with the attempt made to permit pat 'akum associated with R. Judah II reported in the Bavli. Had the prohibition spread throughout all, or at least a majority, of Israel, it could not have been repealed in any case, and R. Judah would not have declined to issue a ruling merely on the extraneous grounds that he feared developing a reputation as heading a lenient court. The question then arises where had the prohibition been accepted and where not. The French Tosafists could justifiably perceive themselves as part of the רוב שלא פשט האיסור; they believe that pat 'akum had always been eaten in France. Raban knew that in Germany the prohibition had been observed. Memories, whether accurate or not, can determine the scope and relevance of certain texts.

One additional proof text cited by R. Judah of Paris to permit pat 'akum remains to be discussed. He quotes the record of the different practices of the Jews in Babylonia and those in Erez Israel, which is widely cited in the literature on pat 'akum,<sup>59</sup> but its citation in the present context is puzzling. The Babylonian custom required Jewish participation, only broadening the definition to include the throwing of a splinter of wood into the fire. The Jews of Erez Israel permitted pat 'akum only to one who has already fasted a day or two. Neither practice appears to support the French allowance which R. Judah is trying to justify, namely, eating pat 'akum baked without Jewish assistance.<sup>60</sup> To make matters worse, in another passage, R. Judah writes that the common practice, indeed, was to throw a splinter of wood into the fire, thereby permitting Gentile

bread.<sup>61</sup>

We appear to be dealing with two separate customs which were practiced in the same community, both of which received rabbinic approbation. Some ate pat 'akum baked with no Jewish assistance, while others insisted on at least minimal Jewish participation. Why R. Judah refers to both local customs in the same breath remains enigmatic. More exact perhaps are the formulations of R. Judah's students, R. Moses of Coucy and R. Isaac of Vienna, who justify the eating of pat 'akum and continue:

ואפילו במקום שנהגו איסור אמרינן בפרק אין מעמידין... ואפילו  
לא זרק אלא עץ אחד לתוך התנור התיר כל הפת שבו כדאיחא  
בדברים שביין בני בבל לבני ארץ ישראל.<sup>62</sup>

הילכך על זה יש לסמוך ולאכול פת גוים אפילו אית ליה פת  
ישראל ומי שנהג איסורא בפת גוים על ידי חיטוי גחלים ודאי  
שרי, כדתייא בברייתא ששונה בה דברים שביין בני בבל ובני ארץ  
ישראל.<sup>63</sup>

Both permit pat 'akum. Even those who refrain from consuming pat 'akum may eat bread in whose baking the Jew participated, however minimally, i.e. if all he did was throw in a splinter of wood. They deal with these two practices as separate customs.

These are the arguments put forth to justify the prevailing practice: The injunction, where accepted, was revoked; in France it had never been accepted in the first place. After all the proofs, R. Judah is still unconvinced of the validity of his argumentation. Yet, he is willing to accept the heter. He ends with the only possible conclusion: אם הלכה רופפת בידך ראה היאך הצבור נוהגין.

With the school of Dampierre, the heter was firmly established. In the course of the thirteenth century, little was added concerning the allowance of Gentile bread. R. Moses of Coucy cites the heter on pat 'akum, following closely the R. Tam-Ri tradition.<sup>64</sup> R. Isaac of Corbeil records a restriction

on the heter suggested by others: Some authorities claimed that only if pat yisrael is unavailable may pat 'akum be eaten, restricting the heter to that which is explicitly permitted in the Yerushalmi. The common practice, however, continued according to the more lenient ruling with no such restriction.<sup>65</sup> With R. Isaac of Corbeil, to whom we shall have yet occasion to return, the Tosafist period in France drew to a close.

As we have seen, in France from the days of Rashbam (and most probably even earlier) down to the period of R. Isaac of Corbeil, a radical allowance of pat 'akum prevailed. In Germany the situation had been quite different. Raban testified to the common practice which required Jewish participation in the baking process. To be sure, in R. Shemaryah's relaxation of the law for Jewish travelers, the first sign of pressure on the observance of the prohibition is felt. Still, through the twelfth century the general injunction remained in force. By the beginning of the thirteenth century, the old Ashkenazic tradition had begun to weaken. R. Eliezer b. Joel ha-Levi (Rabiah) relates the following:

...ומיהו (מכאן) [מאן] דשרי אמר לגמרי החיר הכל בין בשדה בין בעיר בין אי איכא פלטר בין אי ליכא פלטר וכיון דפליגי רב דימי ורב יוסף בהיתר דעיר בשל סופרים הלך אחר המיקל ובמנהגא חליא מילתא ושוה הירושלמי והבבלי והמחמיר יפה עשה כדחזינון דקאמר רבא לא חשתעי מיני דאיבו דקא אכיל נהמא דארמאי אבי מצרי... והאוכל פתן אפ' בעיר לא הפסיד דבמנהגא חלי' מילתא... ובפת יש פרושים שאינם אוכלים אותה כי אם בחיתוי ויש אנשים גדולים שראית' שהיו אוכלים פת של גוים וידעתי כי אפי' בהמתן של צדיקי' אין הקב"ה מביא חקלה על ידיהן, צדיקי' עצמן לא כ"ש. ומרבותי לא קיבלתי כן שיטה זו והא קמן דנהוג רובא דעלמא גפת של גוים (החיר) [התי'] והלכה רופפת ראה האיך ציבור.<sup>66</sup>

Rabiah reports on the widespread use of Gentile bread. Among those who eat pat 'akum are counted a number of "great people". As in France, the allowance was accepted even in the highest circles of religious leadership. Again, as in France, the lenient practice preceded the theoretical

justification. Rabyah has no tradition for the lenient practice. The argument from common practice is the ultimate rationalization. Rabyah enters into a lengthy discussion, attempting to establish a legal basis on which to construct a heter. His major innovation is to suggest that the practice could even be harmonized with the Bavli. The opinion cited that R. Judah ha-Nasi had revoked the prohibition was not a mistake, but a valid opinion. Rabyah bolsters his heter with the lenient Yerushalmi position according to which the prohibition depends on the custom of the community. For Rabyah, however, this merely indicates that in different communities different practices were observed. He does not share with his French counterparts the radical assertion that the prohibition had never been accepted among Ashkenazic Jews. Rabyah must have been aware that in the time of his grandfather, Raban, the injunction was still generally accepted in Germany. This might also explain Rabyah's view that one who is stringent on himself and refrains from eating pat 'akum ought to be praised, a commendation which we do not hear among the French Tosafists. Nevertheless, Rabyah rules that one who adopts the lenient position is also acting properly.

Despite the similarities, there does not appear to be a common tradition linking R. Tam to Rabyah. The widespread practice of eating pat 'akum may well have been a consequence of the general loosening of the old Ashkenazic traditions at the end of the twelfth century and the progressive pull of the French ways. But in the formulation of the heter, Rabyah specifically states that he is not working from an established tradition and certain deviations from the French Tosafist version occur. It was only R. Isaac 'Or Zarua who brought together the traditions of two of his teachers, R. Judah Sir Leon and Rabyah, uniting the French and German formulations.<sup>67</sup> With R. Isaac 'Or Zaru'a the Germanic tradition on pat 'akum, as in many other areas of halakhah, came to an end.<sup>68</sup> R. Isaac, following Rabyah, continues the

attempt to build a heter on the Bayli's discussion of the status of pat 'akum. The rest, however, follows the French intellectual tradition. He is oblivious to the old custom of refraining from eating pat 'akum, maintaining like the French Tosafists, that the prohibition had never spread to his community and therefore is in no need of revocation. Rabyah's qualification- המחמיר יפה עשה - is no longer heard. Within one generation, the Ashkenazic tradition of a prohibition was forgotten. Apart from a lone dissenting voice raised against Rabyah by a certain R. Baruch, the mainstream of later German Tosafists followed the French tradition.<sup>69</sup> Both R. Mordecai b. Hillel and R. Asher b. Jehiel accept the heter based on the French Tosafist formulation.<sup>70</sup>

The distinction between France and Germany thus disappeared. The long-standing allowance which prevailed in France was reached in Germany only through a progressive development. Gentile bread passed from total injunction, to partial allowance through Jewish assistance, to total allowance for Jewish travelers, and finally to the blanket allowance for all.

### III

We have so far traced the story of pat 'akum simply in terms of issur and heter. In France and then later in Germany, Gentile bread was widely eaten and the practice was justified by the most eminent halakhists. But this presentation would do little justice to the larger story lying behind it. When we probe a bit more deeply, the decisiveness is overshadowed by hesitation, the clarity is clouded by confusion and even contradiction. The injunction, which in light of the development thus far presented ought to have died out completely, showed remarkable vitality. Though the prohibition in theory had never been accepted, in practice it was never completely

forgotten. It is to this large area of ambiguity to which we now turn our attention.

Throughout our period, in both France and Germany, from the opening days of the Tosafist period in Rasbam's time to those of the last great Tosafists in the German academies, we hear of people refraining from eating pat 'akum. Rashbam and R. Tam themselves ate pat 'akum while a recognizable minority of Jews persevered with the prohibition. Thereafter, there is a continuous series of references to people who go beyond the accepted standards of the rabbinic authorities and abstain from Gentile bread. It may be significant that these people are sometimes given the special designation פרושים.<sup>71</sup> Who are these people who do not eat pat 'akum? Sefer Hasidim suggests that at least one known group, Hasidei Ashkenaz, did refrain from Gentile bread,<sup>72</sup> but the stringent custom does not seem to have been limited to them. The sources imply that there existed a wider group united by this conscious observance of a higher level of religious practice with regard to pat 'akum.

The religious authorities, while recognizing the validity of aspirations for more meticulous religious observance, did all in their power to counter this religious stratification. The coexistence of two practices concerning such a staple food item as bread could ~~wreak~~ have had havoc to internal Jewish social relations. If one group of Jews eats pat 'akum, while another does not, the two groups would not be able to eat together, because of the precautions necessary to prevent mixing the two meals and the passing of even a taste from one to another. It would be bitter irony if social relations among Jews would break down on account of pat 'akum. An injunction intended to preserve solidarity against the non-Jewish world would become a source of divisiveness among Jews themselves. Moreover, due to their small size, the Ashkenazic communities would not be able to tolerate stratification; small communities cannot afford the luxury of a divided society. The need for cohesiveness was

all the more felt in a period of growing persecution. Religious elitism at the expense of Jewish solidarity could not be accepted.

The most serious consequence of division over the permissibility of Gentile bread is the inability of the two groups to eat together. Significant then is the ruling of Ri that no caution needs to be taken to keep the meals separate, because the mere taste (ta'am) of pat 'akum is not prohibited, even for those who are stringent.

ועוד כתב מורי שרבינו יצחק היה מיקל להחיר שיאכל הנזוהר מפת  
של גוים עם שאינו נזוהר בקערה אחת ואין לחוש על טעם פת של  
גוים כמו שלא גזרו על התערובת של דמאי.<sup>73</sup>

Ri once again invokes the argument first utilized by R. Shemaryah that pat 'akum ought to be compared to the prohibition of demai whose ta'am is permitted. At first glance, this ruling contradicts a second decision of Ri. The pastede, fish or meat wrapped in dough, was a food item available on the Gentile market whose permissibility was questioned. R. Tam ruled that whereas the fish itself was prohibited because of bishul 'akum, the dough of the pastede was permitted to those who eat pat 'akum. The taste of the fish absorbed in the dough is permitted as well, since a prohibition on the ta'am of bishul 'akum is nowhere explicitly mentioned.<sup>74</sup> Ri however disagreed. He maintained that the oil of the fish is absorbed in the dough and hence the dough is prohibited because of the ta'am of bishul 'akum.<sup>75</sup> The same scholar, however, ruled that the taste of pat 'akum is permitted.

Seeing what the coexistence of two separate groups within the tiny Jewish communities could lead to, the apparent contradiction in the two rulings is resolved. Ri's motivations become transparent. Indeed, there is ta'am of pat 'akum transferred to the food of one who observes the prohibition from that of one who ignores it, just as there is a taste of bishul 'akum passed from the fish to the dough of the pastede. But

the results of prohibition are very different. In the former case, a social barrier is built. Exactly what was to have been achieved between Gentile and Jew, i.e. separation, is attained between Jew and Jew. Regarding the latter case, however, there is no need for solidarity between fish and dough. Whereas the pastede is bereft of any social significance, the prevention of mixed meals has massive implications, and undesirable ones at that. Ri solved the problem by selectively utilizing the analogy to demai.

A second form of separation could have resulted from the coexistence of two separate practices. Given that members of the two groups could eat their meals together, can they join together for zimmin once they are finished? If separation is required, the breakup of the social bond would occur just at the point when a specifically religious act is called for. The communal problem, apparent already with a group of three, is more glaring when thought of in larger terms, say six or seven people, half of whom eat pat 'akum, while the others refrain. After they have eaten their meals together, they must suddenly split into two groups for zimmin. The one group would officially be recognized as being stricter in observance than the other. Rashbam was already faced with the problem and ruled that those who refrain from eating pat 'akum and those who do not may join together for zimmin.<sup>76</sup> Rashbam argued that pat 'akum is to be compared to terumah which priests may eat while others may not and not to tevel which is prohibited to all. Rashbam insisted that those who do not eat pat 'akum must view themselves as practicing a self-imposed stringency, rather than perceiving these who do eat pat 'akum as violators of the law. This would allow for religious elitism without bringing about separatism.

Another example of the social divisiveness brought about because of the two standards regarding pat 'akum can be seen in the following ruling of Ri:

ומיהו אומר רבי שלאותן שנוהגין לאכול פת כשר, אם משלחין ישראל ליקח מבית אדם אחד שיש שם פת כשר ליקח פת משם, צריך להזכיר לו שם הנהחוס, דאי לא הכי מצי לאישתמוטי אם אינו לוקח מביתו, דחנן בבכורות בפרק כל פסולי המוקדשים מייחתי לה, האומר למי שאינו נאמן קח לי ממי שהוא מעשר אינו נאמן משום דמצי לאישתמוטי ולומר סבור הייתי שבבית פלוני היה פת כשר, אבל אם אמר לו מאיש פלוני נאמן, משום דלא משקר כיון דאית ליה תובע. ומכאן אומר רבי דבפת הקילו ונהגו לשלוח פת כשר ואפילו על ידי גוי ולא החמירו כמו במעשר כדפרישית וכן המנהג.

Ri deals with questions involved in the purchase of pat yisrael via an agent and its transfer from place to place. Though the situation described is not clear,<sup>78</sup> what is implied is that two standards - kosher and non-kosher - found expression in daily conversation. To be sure, those who were lenient with regard to pat 'akum considered the bread that they ate to be kosher as well. Did not the greatest halakhic authorities approve of the practice? Yet even they referred to pat yisrael as "kosher bread". Despite the common practice and despite rabbinic sanction, there is yet a linguistic stigma attached to Gentile bread.<sup>79</sup>

The progressive evaporation of this stigma, particularly when social cohesiveness was at stake, manifests itself in Rabyah's writings. Gentile bread baked by a professional baker was often superior in quality to that baked by a Jewish householder. The question arose regarding one who has before him both fine white bread baked by a Gentile and black bread baked by a Jew: on which of the two loaves should the blessing be recited? Rabyah ruled that if the two loaves are equal in quality, the blessing is to be said over pat yisrael, but if the pat 'akum is superior, one may recite the blessing over either one.<sup>80</sup> But Rabyah goes even one step further:

ואומר אני שאם הסיב על השלחן אצלו ישראל האוכל פת של גוים אפילו הכי יכול לבצוע מי שאינו רגיל לאכול. ולא אמרינן הכא (ד) אם אתה יכול לקיים את שניהם מוטב, ולא דמי נמי להך דעירובין דאמרינן... ועוד דכשנאסר פת של גוים לשניהם נאסר ואם כן מצינו חוסא נשכר. ומוטב שיברך בעל הבית שמצוה מוטלת

עליו, או אם ראוי לברך (עליו) מפני פרישותו, מפני שהתירו לו, ואי לא מיחזי כיוהרא... וכיון שהותר לו לבצוע הותר לו בכל הסעודה הזאת... דלא החמירו באיסורי דרבנן. ועוד דאינו כבוד שמים ששוב יחדל משום איסור והוא כבר בצע ובירך ואין זה מברך אלא מנאץ.<sup>81</sup>

Normally the host rather than the guest is obligated to break the bread and recite the blessing. If the guest, however, should have with him fine white bread which is pat 'akum, while the host is one who refrains from eating pat 'akum and only has black bread, the question arises who then should break the bread. Rabyah ruled that as the obligation rests on the host, he should fulfill it. The same scholar who had commended המחמיר יפה עשה with regard to abstaining from Gentile bread, here rules that such a stringency is praiseworthy only when it has no social implications. In the context of a host-guest relationship, to refrain from eating pat 'akum is mere haughtiness. Not only may the host break the bread, but he may, despite his usual practice, continue to eat pat 'akum throughout the meal. Reciting the blessing and then refraining from eating the bread would turn the blessing into an insult.

The psychological acceptance of the heter was not complete; resistance and vestiges of the stigma of Gentile bread did linger on. Not all agreed with Rabyah's ruling concerning the blessing recited over pat 'akum.

והוא הדין פת כשר ופה של נכרים אם שוין יברך על הכשר  
ואם של נכרים נקי וחביב ושל ישראל אינו נקי וחביב על איזה  
שירצה יברך אם אינו נזהר מפני של נכרים. אבל השר מקוצי  
צוה לסלק הפת לבן של נכרים מעל השלחן עד לאחר ברכת  
המוציא.<sup>82</sup>

Some French authorities allowed the benediction to be recited over either of the two loaves. R. Samson of Coucy, a younger student of Ri, however, reportedly ordered the white bread of the Gentile to be removed from the table until after the blessing had been recited. Though he permits the eating of

pat 'akum, he is yet unwilling to allow the blessing to be recited over it when pat yisrael, albeit of inferior quality, is available. He tacitly admits that the benediction ought to be recited over the Gentile bread, for if not, there would be no need to remove it from the table; yet, he orders it to be removed. This is more a matter of psychological reservation than of legal reasoning. The motivation behind this ruling is even more glaring in the formulation of a similar decision by a contemporary of R. Samson, R. Moses of London:

פח קיבר טהורה ופח נקייה טמאה מברך על איזה מהן שירצה.  
ופי' הר"ר יצחק ב"ר פרץ דה"ה לפת נקייה של גוי ולפת קיבר  
של ישראל למי שאינו נזהר מפתן. ומו' אבי רבי נ"ע חמה על  
זה ואמר על האכילה אנו נושאים במקו' שיש פלטר ישראל ואחם  
מגלגלין להקדימו לברכה.<sup>83</sup>

R. Moses admits that "we are embarrassed" on account of the mere eating of pat 'akum where pat yisrael is available. Reciting the blessing on pat 'akum is therefore inconceivable. Theoretically, the heter of pat 'akum assumes either that the prohibition had been revoked or that it had never been accepted. The conclusion drawn by Rabyah, R. Isaac b. Perez and the majority of the French Tosafists, that pat 'akum be treated on the par with pat yisrael regarding the blessing, is thus legally correct. Psychologically, however, the distinction between pat 'akum and truly "kosher" bread persisted and is reflected in the rulings and language of R. Samson and R. Moses.

It is impossible to surpress completely what is contained in canonized texts; in some groups it will be retained, while in others it will periodically reemerge. Periods of special piety evoked the reappearance of the prohibition among the general public.

ירושלמי בפ"ק דשבת ר' חייא רבה מפקיד לרב אי את יכול  
למיכל כולה שתא בטהרה אכול ואי לא אכול שבעה ימים בשתא  
וכתב ראב"י העזרי ז"ל קבלתי שאלו שבעה ימים הן שבין ראש  
השנה ליום הכפורים. על כן נהגו באשכנז אף אוחן שאין  
84. נזהרין מפת של נכרים כל השנה בעשרת ימי החשובה נזהרין.

The accepted custom in Germany was that even those who ate pat 'akum throughout the year refrained from doing so during the period between Rosh ha-Shanah and Yom Kippur. Such a stringency, which emphasized the distinction between Jew and Gentile, rather than that between Jew and Jew, was welcomed by the rabbinic authorities.

Though circumstances and practical pressures forced the Ashkenazic rabbis to permit pat 'akum, a recognizable minority, aspiring to maximal religious observance, held fast to the prohibition. The quest for religious improvement was recognized as meritorious by the rabbinic authorities, but only when it did not implicitly criticize the actions of others. Elitism which would shatter the cohesiveness of Jewish society was viewed with disfavor. Remnants of the prohibition, however, lingered on even after the use of Gentile bread became widespread, and Ashkenazic Jewry never did relieve itself of the consciousness of the prohibition. The ambivalent attitude toward Gentile bread is reflected in its stigma as non-kosher bread, the hesitation regarding the recitation of the blessing, and in the surfacing of the prohibition during the High Holy Day period.

#### IV

We have already traced the development of pat 'akum in both Germany and France through the middle of the thirteenth century; one would have imagined that afterwards nothing further remained to be said. All the practices had been long entrenched, all the texts had been cited, and all the inconsistencies had already found their expression. Suddenly, however, in works which are generally limited to summaries of the old, we hear of a new doctrine and a new restriction. We are forced to ponder whether there was not greater life and continuity in the ancient practices and doctrines of Ashkenaz. We must even entertain the possibility that the far-reaching Tosafist

heter was in fact utilized in a far more restricted manner.

The Tosafists' heter had made no distinction between the bread of a Gentile and the bread of a Jew baked by a Gentile. There is no evidence that such a distinction had ever been made in France even in the period before the heter was formulated, while in Germany this distinction had been a matter of dispute. R. Tam's view, that bread was excluded from the prohibition of bishul 'akum because it is baked rather than cooked, would make the distinction impossible. Both the bread of a Gentile and that of a Jew baked by a Gentile would be pat 'akum and not bishul 'akum. If Jewish assistance is effective or necessary, it should be so regarding both of them. If the prohibition was revoked, both should have been permitted. Indeed, neither R. Tam, Ri nor their disciples mention any limitation on the heter of which they approved. It is surprising, then, to read a ruling of R. Isaac of Corbeil:

רכב. שלא לאכול שלקוח זהו בישולי גוים אך הפה עמדו  
עליו חכמים והחירוהו. ויש מפרשים שהיחר זה אפילו מצוי  
פה של ישראל וכך נהגו. וי"מ במקום שאין פה של ישראל מצוייה  
אבל אם פה של ישראל מצויה אסור. ומיהו עיסה של ישראל  
שנאפה על ידי גוים אסורה לדברי הכל. 85.

According to R. Isaac, all are agreed that the dough of a Jew baked by a Gentile is not included in the heter. No explanation for the position is offered. Nor is his ruling unique. A responsum of R. Meir b. Baruch of Rothenburg (Maharam) reads:

אשר שאלת על פה של ישראל ואפאה גוי ולא חיתה בגחלים,  
יודע לך חביבי ר' אליעזר הלוי שבצרפת אוסרין אותו. ואפילו  
לגוים אסור לזבוני דילמא אתי לזבוני לישראל אחר, כדחיישינן  
בפרק כל שעה גבי ההיא ארבא דטבעא בחישתא ואסרה רבה לזבוני  
לגוים מהאי טעמא. וכך מצאתי בספרי הגאונים דהא דהתירו  
פה של גוים, ה"מ של גוים אבל של ישראל שאפאה הגוי אסורה.  
אבל ליתן לפועליו מותר. <sup>86</sup> נבכל ענין דליכא למיחש דילמא אתי  
לזבוני לישראל. ושמב"ש.

Maharam testifies to the ruling of the French rabbis that the dough of a Jew baked by a Gentile without Jewish assistance

is prohibited. Maharam himself concurs with the ruling and the position was accepted by most of Maharam's students who cite the ruling in their master's name.

From the various discussions regarding the dough of a Jew baked by a Gentile, it becomes clear that what is at stake is not bread baked by Gentile servants, but rather bread baked at a public oven by a Gentile proprietor.<sup>87</sup> Although R. Tam's theoretical position allows no room for any restriction, in actual practice, a distinction may have been made. The heter of pat 'akum may have been used only on an ad hoc basis, i.e. when necessary. If a Jew were to bring his dough to the furnum, he may still have insisted on participating, at least formally, by throwing a splinter of wood into the fire. The puzzling discussion of R. Judah of Paris about "our custom" of throwing wood into the fire may not have been addressed to those who did not accept the heter of pat 'akum alone. Such a position, however, could not be formulated, because it had no legal basis given R. Tam's position.

By the end of the thirteenth century, the practice secured a theoretical foundation as well. Ironically, after all of the Tosafists labors, the end position bears some resemblance to the original contours in old Ashkenaz. Once again we hear the old view that Gentile bread is prohibited because of pat 'akum, while Jewish bread baked by a Gentile is forbidden because of bishul 'akum.<sup>88</sup> This had been the original Rhineland position voiced by R. Gershon and later by Raban. The reemergence of the old doctrine is less likely a product of a continuous underground tradition than it is due to the inherent persuasiveness of the position and the prevailing custom which would certainly suggest it. The return to the old doctrine in all of its details could no longer be made. The texts discovered since its original formulation and the prevailing allowance of Gentile bread had to be taken into consideration. Gentile bread enjoined because of pat 'akum was now permitted

on the basis of the heter of the Yerushalmi. The prohibition of bishul 'akum on Jewish bread baked by a Gentile remained in effect, only to be removed through Jewish assistance.<sup>89</sup>

This view became the final position of the Ashkenazic authorities. Gentile bread is permitted while that of a Jew baked by a Gentile requires Jewish assistance. No attempt is made to find a heter for Jewish bread baked by a Gentile without Jewish assistance. This is in marked contrast to the situation in Spain during the same period, where the question of חמץ לנו, "our bread", continued to be debated after the heter on Gentile bread was accepted.<sup>90</sup> It appears then that the requirement of Jewish participation did not contradict the established practice in Germany and France. This can only be explained if we assume that Ashkenazic Jewry did not, in practice, push the heter developed by the Tosafists to its logical conclusion. The idea of distinguishing between the dough of a Jew and that of a Gentile must have persisted. We must conclude that this apparent stringency went unrecorded until the very end of our period.

A paradoxical development presents itself when we compare the dominant halakhic concerns of the eleventh century with the final Ashkenazic position in the thirteenth. In the earlier period, once the stringent position of R. Gershom was overcome, the troublesome area was Gentile dough. By the end of our period, the radical allowance on pat 'akum was restricted to Gentile bread. While in the earlier period Jewish dough baked by a Gentile was granted conditional allowance, the final position required greater stringency with regard to Jewish bread baked by a Gentile than for Gentile bread itself.

Throughout our period, alongside the outright heter of Gentile bread, there continued a tradition of partial allowance by means of Jewish assistance. This was certainly true for those who did not accept the heter. Moreover, even those who did accept the heter did not extend it to the dough of a Jew

baked at the furnum by a Gentile, in which case Jewish assistance was required. What form of participation in the baking process was considered sufficient? Here conflicting tendencies were operative. On the one hand, we are dealing with people who are voluntarily accepting an added stringency and are apparently motivated by a commitment to uphold the injunction in its purest form. On the other hand, numerous forces were working in the opposite direction and ultimately reduced the definition of minimal assistance almost to the absurd. The final triumph of the heter of pat 'akum was achieved when even those who had theoretically adopted the more stringent custom found themselves, for all practical purposes, partaking of Gentile bread.

The earliest sources reveal that, from the very outset, the assistance required during the baking process was formal in character, generally limited to throwing splinters of wood into the fire. This practice is already mentioned in the eleventh century by Ribī. It is cited by Rashbam who adds as another form of assistance stirring the coals with a poker.<sup>91</sup> From subsequent discussions, it is clear that the practice of throwing into the fire a splinter of wood continued to be widespread.<sup>92</sup> This custom was actually an inheritance from a much earlier period and its efficacy had been disputed between the Jews of Erez Israel and Babylonia. When the practice first was questioned by the Tosafists, the text preserving the earlier dispute served as the primary basis for justifying the prevailing custom. Though the attempts to harmonize the practice with the Talmudic requirements are unpersuasive,<sup>93</sup> the entrenched custom survived scrutiny by halakhic purists down to the very end of our period and never faced any serious challenge in the practical sphere.<sup>94</sup>

This already questionable practice, however, underwent progressive devolution until it became almost unrecognizable. Practical pressures were almost certainly involved. Even the

limited participation of throwing a splinter of wood required the Jew's physical presence at some early point in the baking process. Moreover, the recognition that the required assistance is formal rather than substantive inevitably opened the door to an ever more perfunctory participation in the baking process. For if the meaning of participation is not a real sense that the bread has been baked by a Jew, but merely some sign that the prohibition of pat 'akum is recognized, then the most formal assistance should be considered sufficient. The injection of the Maimonidean formulation, according to which all that is needed is a token symbol of participation, aided in this direction as well.<sup>95</sup>

A third factor seems also to have been operative. The prohibition of pat 'akum was instituted to insure the separation of Jewish and non-Jewish society. If the Jews would have their own bakers, this goal could have been peacefully achieved. But utilizing Gentile bakers and yet insisting that a Jew must at least formally participate in the baking process would cause not only separation but hostility as well. There is evidence, if only from beyond the geographical boundaries with which we are concerned, that the custom of throwing a splinter of wood into the fire was considered at best as insulting and at worst threatening to Christian society.<sup>96</sup> The tension created by such a custom may well have led to a search for less conspicuous forms of participation. For others, it may even have been a contributing factor in the acceptance of the outright heter of pat 'akum.

Two questions were raised regarding Jewish assistance- how late and how early in the baking process could it be administered and still be effective. Reasoning from the reverse case found in the Talmud about a Gentile's participation in Jewish bread, R. Judah Sir Leon ruled that throwing the wood into the fire is effective only if it is done before the crust of the bread has begun to harden. After that point, the bread is already

considered as baked. Others argued that so long as continued baking improves the bread, Jewish assistance is effective. The argument was stretched to the extreme when one, who had forgotten to assist while the bread was being baked, was permitted to return the loaf into the oven, add a splinter of wood and thereby regard the bread as baked with Jewish assistance.<sup>97</sup>

So too with regard to the earliest possible stage of Jewish participation in the baking process. Ri had ruled that the splinter of wood affects the status of the bread only as long as the oven remains hot. Once the oven was cooled, a second act of formal participation is required when it is subsequently restored to use. R. Mordecai refers to a case in which a Jew had baked his bread in an oven several times a day, each time throwing in a splinter of wood. During the last baking, however, he forgot. Hesitantly, R. Mordecai permitted the last batch of bread as well. Other authorities extended the allowance even further, claiming that a splinter of wood thrown into an oven is effective as long as the oven does not stand unheated for a twenty four hour period. In medieval Christian society, the oven had its rest on Sundays. Throughout the week, though the oven does cool off at night, it does retain some heat and hence the splinter of wood is still effective. One piece of wood cast into the furnum early Monday morning removes the prohibition of pat 'akum for the entire Jewish community for up to eight days. And none of this assumes the outright heter of pat 'akum.<sup>98</sup>

Thus the story of pat 'akum comes to an end. Practical pressures made full compliance with the prohibition impossible. But despite the widespread and radical allowances, Ashkenaz remained committed to maintaining the injunction, if only in its own particular way. If only within certain groups, if only at certain times of the year, if only by insisting upon what amounted to perfunctory participation, Ashkenaz never rid

itself of the prohibition. Though the heter triumphed, the prohibition was never completely erased. In whatever form it took, pat 'akum remained as one additional sign of the separateness of the Jewish community from general society.

Footnotes

1. A description of the role of bread may be found in Robert Mandroux's Introduction to Modern France, 1500-1640 (New York, 1975, pp.13-18), and more extensively in Fernand Braudel's Capitalism and Material Life, 1400-1800 (New York, 1973, pp. 66-120). Though both works deal with the early modern period, their conclusions are valid for the Middle Ages as well.
2. 'Avodah Zarah (AZ) 2:6.
3. AZ 36a; Shabbat 17b.
4. מִשּׁוֹם חֲתָנוּת is the formal reason given for the prohibition of pat akum. See AZ 35b. The historical emergence of the prohibition is evidenced by the Talmudic statement (AZ 36b):  
על פיתן ושמן משום יינג ועל יינג משום בנותיהן ועל בנותיהן משום דבר אחר ועל דבר אחר משום ד"א.

5. AZ 35b:

א"ר כהנא א"ר יוחנן פת לא הותרה בב"ד. מכלל דאיכא מאן דשרי אין דכי אחא רב דימי אמר פעם אחת יצא רבי לשדה והביא עובד כוכבים לפניו פת פורני מאפה סאה, אמר רבי כמה נאה פת זו מה ראו חכמים לאוסרה בשדה, כסבורין העם התיר רבי אח הפת ולא היא רבי לא התיר את הפת. רב יוסף ואיתמא רב שמואל בר יהודה אמר לא כך היה מעשה אלא אמרו פעם אחת הלך רבי למקום אחד וראה פת דחוק לחלמידי, אמר רבי אין כאן פלטר, כסבורין העם לומר פלטר עובד כוכבים והוא לא אמר אלא פלטר ישראל.

See Massekhet 'Avodah Zarah, edited by Shraga Abramson (New York, 1957), p. 182 for variant readings.

6. AZ 37a:

מיסתמין ואזיל ר' יהודה נשיאה אכתפיה דרב שמלאי שמעיה. א"ל שמלאי לא היית אמש בבית המדרש כשהתרנו את השמן. אמר לו בימינו תתיר אף את הפת. אמר לו א"כ קרו לן בית דינא שריא. Abramson, p. 183.

7. Jerusalem Talmud (JT) AZ 2:8, 41d; JT Shabbat 1:4, 3c:

פיתן ר' יעקב בר אחא בשם רבי יוחנן פת מהלכות של עמעות היא. כך אני אומר מקום שפת ישראל מצויה בדין הוא שחא פת נכרים אסורה ועימעמו עליה והתירוה או מקום שאין פת ישראל מצויה בדין הוא שחא פת נכרים מותרת ועימעמו עליה ואסורה. א"ר מנא וכי יש עמעות לאיסור ופת לא כתבשילי נכרים הוא כך אנו אומרים מקום שאין חבשילי ישראל מצויין בדין הוא שיהו חבשילי נכרים מותרים אלא כיני מקום שאין פת ישראל מצויה בדין הוא שחא פת נכרים אסורה ועימעמו עליה והתירוה מפני חיי נפש. רבנן דקיסרין בשם רבי יעקב בר אחא כדברי מי שהוא מתיר ובלבד מן הפלטר ולא עבדין כן.

See Saul Lieberman, Ha-Yerushalmi Kipshuto (Jerusalem, 1934), pp. 45-47 for variant readings.

8. AZ 35b:

איבו הוה מנכית ואכיל פת אבי מצרי. אמר להו רבא ואיתמא רב נחמן בר יצחק לא חשתעו בהדיה דאיבו דקאכיל לחמא דארמאי. Abramson, p. 182.

9. The distinction between Erez Israel and Babylonia may have

- persisted through the geonic period. See Louis Ginzberg, Ginzei Schechter, (New York, 1929), vol. 2, pp. 542-543.
10. Isaac Alfasi, Sefer ha-Halakhot, p. 14a-b (sec. 1242) in standard edition. (No variants were found in the Constantinople, 1509 ed.) See also comments of R. Nissim b. Reuben in his Commentary to Alfasi, ad loc.
  11. Maimonides, Mishneh Torah, Ma'akhalot Asurot 17:12.
  12. Maimonides, Perush ha-Mishnayot, Pesahim 2:2. Maimonides bases the lenient practice on the Yerushalmi passage (Pesahim 2:2, 28d) that the prohibition depends on local custom, a passage which will be much utilized by the Tosafists. This passage was cited already by an earlier Spanish authority, R. Isaac b. Judah ibn Ghayyat. The latter's interpretation of the line במקום שנהגו לאכול פת של גויים אפילו באכילה מותר as a place where a Jew assists in the baking should be noted. (See his work published as Hilhot Pesahim, edited by D. Zomber, p. 4a and especially note 65.) In addition to the exegetical difficulties already raised by R. Isaac b. Abba Mari in his Ittur, we may note the (deliberate?) non-utilization of the passage to justify the prevalent custom in Spain.
  13. On the significance of bread baked at home see: Sir William Ashley, The Bread of our Forefathers, an Inquiry in Economic History (Oxford, 1928), p. 154.
  14. On the furnum see: Marcel Arpin, Historique de la meunerie et de la boulangerie depuis les temps prehistoriques jusqu'a l'annee 1914, Tomb II (Paris, 1948), pp. 103-105; Ambroise Morel, Histoire illustree de la boulangerie en France (Paris, 1924), pp. 55-60.
  15. For the categories of bakers see Arpin, Historique, p. 29. For bakers' guilds see Morel, Histoire, Livre IV, Organisation des Metiers. For the regulations governing the bakers and their guilds see: Histoire General de Paris. Les Metiers et corporations de la ville de Paris. Les Livre des Metiers d'Estienne Boileau, published by Rene de Lespirasse and Francois Bonnardot (Paris, 1879), pp. XIX-XXV, 3-15.
  16. The heavy involvement of non-Jewish servants in the Jewish household is attested to by a number of halakhic discussions among the Tosafists. a) The cooked foods of a Gentile, bishul 'akum, are included in a rabbinic prohibition similar to that of pat 'akum. (See Mishnah AZ 2:6. There the injunction first appears as one on שלקין. In the Talmud, the prohibition is referred to as bishul 'akum.) Whether or not the prohibition applies to domestic servants is debated among Ashkenazic scholars. See Tosafot, AZ 35a, s.v. אלא מדרבנן. b) Precautions are required to insure that the non-Jewish servants be not able to add non-kosher ingredients into the pot while they are cooking. See Eliezer b. Nathan, 'Even ha-Ezer, sec. 203; See also Tosafot, AZ 12a, s.v. ושדי עובר כוכבים. c) Dough too was prepared at home by Gentile servants, raising the issue whether hallah needed to be taken from such dough. See R. Eliezer b. Joel ha-Levi, Sefer Ravyah, vol. 1, sec. 165; R. Isaac 'Or Zaru'a, 'Or Zaru'a, vol. 1, sec. 235.

17. See Teshuvot Ge'onim Qadmonim, nos. 62 and 123; Teshuvot Rabbenu Gershom Me'or ha-Golah, no. 62; Sefer ha-Oreh II, no. 41 and parallels cited there in note 1. For a summary, see also Irving Agus, The Heroic Age of Franco-German Jewry (New York, 1969), p. 116.
18. There is no need to posit any discrimination as an explanation for the lack of Jewish bakers. The lot of the medieval baker was not envious and Jews may well have avoided the profession. See H. E. Jacob, Six Thousand Years of Bread, Its Holy and Unholy History (New York, 1945), pp. 133-40.
19. Sefer ha-Oreh, sec. 111, from which the section is explicitly transferred to Sefer ha-Pardes (Constantinople, 1802) p. 18a (sec. 252 in Warsaw, 1870 ed.). The passage is prefaced with the words פסק רבינו גרשום, and continues with a further discussion of bishul 'akum. It is not clear where R. Gershom's ruling ends. Another version of the ruling is found in R. Aaron b. Jacob's 'Orhot Hayyim II, sec. 63; equivalently in Kol Bo, sec. 100. (See also Teshuvot Rabbenu Gershom Me'or ha-Golah, no. 20.) There the passage reads:

והר' גרשום ז"ל כתב דאפילו פה פלטר גוי אסור ממה שאמר אין כאן פלטר וסבורין העם לומר פלטר גוי והוא לא אמר אלא פלטר ישראל אבל פלטר גוי ודאי אסור ואפילו זבניה מיניה דהא ודאי סתם פלטר זבין ודייק באיסורין. (ופת של גוי אפילו בביתו של ישראל) [פת של ישראל שאפה גוי בבית ישראל] אסור משום בישולי גוים וכן כל שאר בישולי גוים אסורין אפילו בביתו של ישראל אבל אם סייע ישראל אפילו בביתו של גוי מותרין כל שאר (ישראל) [כשולין] חוץ מן הפת שהוא אסור בכל מקום אפילו אם סייע ישראל עכ"ל.

The 'Orhot Hayyim version is an abbreviation of the Oreh version. Both texts present difficulties and only by combining the two can R. Gershom's position be reconstructed. Regarding the 'Oreh version, Buber points out (note 1) that the twice-used phrase כדאמרין לעיל indicates that the passage originally belonged to a larger work. Among the items to be noted are the following: a) The opening line of the passage reads: פת של גוים אפילו בשלו ישראל אסור. In all of the literature concerning pat 'akum, nowhere is the verb בשל used in connection with bread. Furthermore, the principle that Jewish assistance is of no avail with regard to pat 'akum is developed in the second half of the passage. Rather the line should read: אפילו בביתו של ישראל. R. Gershom contrasts pat 'akum with other prohibitions, the former prohibited even in a Jew's house, the latter restricted to that of a Gentile. b) The citation בא לאסרו בשדה refers to AZ 35b. There, however, the passage reads: מה ראו חכמים לאסרה בשדה. c) אפילו אפאו ישראל אסור again is the enunciation of the principle that R. Gershom formulates at the end of the passage. The supporting proof text, however, is irrelevant. Rather, the line should read אפילו אפאו פלטר אסור, as it is found in the 'Orhot Hayyim. R. Gershom emphasizes that even the

the bread of a Gentile baker is forbidden. d) I don't understand the phrase: דהא פלטר סתם זביין ודייק האטוריקן. It apparently refers to the preceding phrase, ואפילו זבניה מיניה, which states that even where he purchases the bread from the Gentile baker, the bread is forbidden. If so, why should the Gentile baker be careful about prohibitions? The Kol Bo, which is only a variant of 'Orhot Hayyim', reads ולא דיק באטוריקן. Eidelberg understands the phrase as referring to a Jewish baker, but then the transition is difficult. e) The second half of the passage deals with the bread of a Jew baked by a Gentile. The reference to בית ישראל and ביתו של גוי refer not only to the places where the bread was baked, but also to the places where the bread is to be eaten. f) The last line חוץ מפת שאטור בכל מקום can refer only to the bread of a Gentile and not to the bread of a Jew, because if not, there would be no difference between the two- both would be prohibited in all circumstances- and R. Gershom is clearly distinguishing between the two. g) The 'Orhot Hayyim' text ופת של גוי אפילו בביתו של ישראל should be corrected according to the 'Oreh' to read: ופת של ישראל שאפה גוי בבית ישראל.

20. The 'Oreh' passage continues:

וליכא למימר דבישולי גוים אטור משום חתנות ובפת נמי איך  
בו אלא משום בישולי גוים ויהא מותר היכא דאפי ליה ישראל  
הא ליכא למימר דאם איתא דבישולי גוים אטור הוא משום חתנות  
אמאי אטורין יותר משכר.

I don't understand the argument. It seems to be saying that the prohibition of bishul 'akum is not due to חתנות. (See Rashi, AZ 38a, s.v. מדרבנן). If it were due to חתנות, it would be no stricter than the prohibition of the beer of a Gentile. But, surely, all must concede that there are different levels of prohibition due to חתנות, because pat 'akum, which is certainly due to חתנות, is stricter than the prohibition of Gentile beer. This argument is not found in the 'Orhot Hayyim' version and may not be part of R. Gerhom's ruling.

21. AZ 38b; Abramson, pp. 185-186.

22. R. Abraham b. Isaac of Narbonne, She'elot u-Teshuvot, no. 216; Isaiah di Trani, Tosefot Rid, AZ 35b, s.v. פיסקא הפת והשמך; R. Nissim b. Reuben, Commentary to Alfasi (13b in standard edition of Alfasi), s.v. מתני.

23. It may be more than mere coincidence that our earliest Provencal ruling reflects a doctrine similar to that of R. Gershom. R. Abraham b. Isaac of Narbonne (see previous note) was amazed to hear that the northern French rabbis permitted pat 'akum baked with Jewish assistance; he assumed that the distinctive character of the prohibition does not allow for such a heter. A common tradition linking Germany to Provence may be suggested.

24. Sefer ha-'Oreh, MS Bodley Neubauer 563:

אסור למיכל בישולי גוים ריפתא דישראל ואפי ליה ארמאה ובשרא  
וכוורא דמטוי ליה ארמאה.

See also Buber's edition, sec. 111 (p. 139) and note 1. I don't understand the text that Buber printed. According to the Bodley MS, this passage, which deals with the prohibition of bishul 'akum, refers to the bread of a Jew baked by a Gentile along with meat and fish roasted by a Gentile. Certainly the laws regarding the bread of a Gentile are at least as strict as those regarding other cooked foods of a Gentile. Why then is the prohibition limited to the bread of a Jew baked by a Gentile? Apparently, the author of this passage assumes with R. Gershom that the bread of a Jew baked by a Gentile is included in the prohibition of bishul 'akum and no more. Therefore, Jewish assistance is ineffective and indeed that regulation is recorded at the conclusion of the passage. The bread of a Gentile, however, is included in the prohibition of pat 'akum and is forbidden even if a Jew participates in the baking.

25. Ma'asei Ge'onim, sec. 89; Teshuvot Hakhmei Sarefat ve-Lotir, no. 5, where the passage appears as the second half of a responsum of R. Isaac b. Judah; Zedekiah b. Abraham Anav, Shibbolei ha-Leget II, sec. 1, where it is introduced with כן מצאתי לגאונים.
26. Unfortunately, there are no detailed descriptions of the baking process from the medieval period. The earliest descriptions date only from the eighteenth century. See Arpin, Historique, pp. 144, 195. Fortunately, however, there seems to be little development in the bread making industry before the nineteenth century. See Ashley, Bread, p. 98. The detailed work of M. Malouin, Descriptions et details des arts de meunier, du vermicilier et du boulanger can be used cautiously to verify the few hints at baking customs found in the much earlier rabbinic literature. On the temperature of the water for optimal kneading, see Malouin, p. 127.
27. See below p.38ff.
28. Provence too began with a concern about the kashrut of pat 'akum. For R. Abraham b. Isaac, see above note 22. For the most radical position, see R. Abraham b. David of Posquierres, Perush 'al 'Avodah Zarah, 38b, s.v. הלכך האי ריפתא (p.81):  
ואע"פ שאין הסוגיא אוסרת משום גיעול כדקתני...אלמא קדירה  
בה יומא לא שכיחא, אבל הרי רגילים עכשיו בקדירה בה יומא  
שאיין כח בידינו להתיר ממנו איסור גיעול.  
The Talmud is not concerned with gi'ulei 'akum; Rabad is. This position was rejected by later Provencal and Spanish authorities. See Menahem Meiri, Beit ha-Behira 'al Massekhet 'Avodah Zarah, p. 119; R. Moses b. Nahman, Hiddushei ha-Ramban le-Massekhet 'Avodah Zarah, p. 96.
29. Ma'asei Ge'onim, sec. 90. There the passage is reported anonymously. A. Grossman (Tarbiz, XLVI (1977), p. 131) has identified the passage as the product of Ribbi on the basis of Bodley MS 566. The relevant passage there, however, is

- parallel to sec. 89 of the Ma'asei Ge'onim and not sec. 90. Apparently, Grossman understands the subject of הור"ה in sec. 90 to be identical with the author of sec. 89.
30. ושגר גוי ואפה ישראל של בעיסתו של גוי כשאמר הלכה וגמרא בעיסתו של ישראל נאמרה.
- Since, however, he permits Gentile dough when prepared with proper supervision, he can not understand that there is a basic distinction between Gentile bread and Jewish bread baked by a Gentile.
31. Sefer ha-Pardes, fol. 17b ( sec. 250 in Warsaw ed.).
32. Raban, 'Even ha-'Ezer, sec. 303. The text should read:  
אבל פת של עכו"ם לא הותר משנגזר עליו. Regarding the reading  
במקום שפה ישראל מצויה, see Lieberman, Ha-Yerushalmi Kipshuto, p. 46.
33. Justifying ancient practice and tradition was a chief aim of Raban's work. See the introduction to his Even ha-'Ezer, p. 2:  
אקרא לספר הזה אבן העזר על כי עזרני צורי לגלות בו טעמי מנהגי הראשונים וגם עמקי סחרי דינין ופירוש עמקי הלכות ואיסור והיחר.
34. Raban bases his heter on a statement in Pesahim 40a: בצקוה של נכרים אדם ממלא כריסו מהן ובלבד שיאכל כזית מזה באחרונה. The statement in its own context does not deal with pat 'akum, but rather with the question of shimmur regarding hamez. But it assumes that there is no problem of pat 'akum involved. There is a difference between the two cases. There, the dough is prepared by the Gentile; the baking, however, may be done by the Jew. Raban deals with the case where the Gentile prepares the dough, sells it to the Jew, and then bakes the bread, albeit with the assistance of the Jew. Assuming Raban's principles, however, the analogy is valid. Pat 'akum is prohibited even if it is baked exclusively by the Jew. Had the time of the preparation of the dough been the critical factor in determining what was to be considered pat 'akum, the בצקוה של נכרים in Pesahim would have been prohibited even if the Jew bakes the bread. Since it is permitted, Raban concludes that the critical factor is the ownership of the bread while it is baked and not before. Buying the dough makes it pat yisrael and subject only to the prohibition of bishul 'akum, regarding which Jewish assistance is effective. See also Ramban, AZ 35b, s.v. מה ראו חכמים. The Pesahim passage is cited in regard to the question of gi'ulei 'akum. It is not clear whether the citation is part of a responsum of Rashi quoted there or an added proof text supplied by Ramban.
35. The prohibition of Gentile beer was also most problematic for the Jewish traveler. The first allowance granted with regard to Gentile beer was made for the benefit of the traveler. There, however, the heter was based on משום איבה, lest refraining should cause hostility between Jew and Gentile, and not the analogy to demai. See AZ 31b, and Tosafot ad loc.,

- s.v. והרוייהו. The heter based on משום איבה is first recorded by R. Baruch b. Isaac in his Sefer ha-Terumah, sec. 158.
36. Mordekhai, AZ, sec. 830 in standard edition. (No significant variants were found in Constantinople, 1509 ed.)
37. See below, p. 30.
38. The validity of the analogy between pat 'akum and demai is discussed within another context, namely zimmun. See Perush Ribeban and Meiri to Berakhot 45a.
39. On the controversy see 'Or Zaru'a', vol. 4, secs. 182-183; Teshuvot u-Pesagim me-'et Hakhmei Ashkenaz ve-Sarefat, no. 58, p. 85-87; Rabyah, AZ, sec. 1048.
40. On the use of beer as the leavening agent, see Malouin, Descriptions, pp. 148-151. I have found no references to the use of wine. From the Hebrew sources, the custom seems to have been limited to the bakers of Germany. See especially R. Tam's remarks cited in 'Or Zaru'a'.
41. AZ 34a.
42. Only from R. Tam's reply would it appear that it was pat 'akum baked by a Gentile with no Jewish assistance that was in question. He ends with the following:  
ומשום הכי נראה לי שכל הפת של גוים שבמדינות שלכם אסור  
אפילו לאותם שאינן זוריקין בנישול גוים משום שמרים.  
He may, however, have been reading the French reality into the query submitted to him by his German counterparts. For the situation in France and the position of R. Tam, see below.
43. See Haym Soloveitchik, "Can Halakhic Texts Talk History?", AJS Review, III (1978), p. 194.
44. This section of the commentary is cited in 'Or Zaru'a', vol. 4, sec. 189. The citation ends with the words מ"ר (מורי רבי), referring to Rashi. (On Rashbam's commentary to AZ, see E. E. Urbach, Ba'alei ha-Tosafot, p. 50). The extended comment on the phrase סגר ישראל can not be justified as necessary for the comprehension of the Talmudic text. Clearly it is referring to contemporary practice. The פורגון is to be identified with the fourgon; see Malouin, Descriptions, p. 120.
45. Two rulings are reported in the name of Rashi concerning gi'ulei 'akum. They are based on the principles that an enjoined food which imparts a worsened taste into another food does not cause the latter to become prohibited (נותן טעם) and that a utensil, a day after use with one such food, imparts only a worsened taste. According to one report, Rashi ruled that all of the utensils of a Gentile are presumed not to have been used on the same day for non-kosher foods and therefore they are not prohibited. See Ramban, p. 95; R. Jeroham, Sefer Toledot Adam ve-Havvah 17:7. R. Judah of Paris reports that Rashi later retracted this position. See R. Judah of Paris, Tosafot, AZ 36a, s.v. נמנו.

(The Tosafot of R. Judah of Paris have been published by M. Blau as the Tosafot of R. Judah b. Isaac of Berena, in Shitat ha-Qadmonim 'al Massekhet 'Avodah Zarah. See I. Ta-Shma, "Seridim mi-Toratam shel ha-Rishonim," Moriah II (1970), nos. 3-4, p. 62, note 3, for the proper identification of these Tosafot.)

A second approach of Rashi assumed that even utensils used by a Gentile on that very day impart an unwanted taste with regard to bread:

ושמעין מהכא דפה אפילו קדירה בת יומא נותנה טעם לפגם הוא  
וגם רבי אינו פורש מלאכול פיתם משום גיעולים דודאי נותן  
טעם לפגם הוא ודומה לו מאיסות בפה.

See: Siddur Rashi, sec. 605; Sefer Issur ve-Heter, sec. 81; Oreh II, sec. 95. The last line, ודומה לו מאיסות בפה, is the reading found in Siddur Rashi. The 'Issur ve-Heter reads ומוחר אלא משום דמאיסות דומה לו, while in the 'Oreh, it is missing altogether. The reading of Siddur Rashi can be understood as an explanation why the principle of נותן טעם קדירה בת is invoked regarding bread even with a יומא. The 'Issur ve-Heter reading seems to imply that Rashi indeed did refrain from eating pat 'akum, but only because of מאיסות. Whatever this may mean, Rashi does not seem to be concerned with pat 'akum.

46. ישראל שרגיל לקבל ככרות ממערופיא שלו בכל יום בשבוע של פסח אינו מקבל אבל מקבל הוא לאחר הפסח מאותו שבוע עצמו. Siddur Rashi, sec. 377 and parallels cited there in note 1. Ma'arufya refers to the tie between a Gentile client and a Jew who was his permanent supplier, moneylender, or financial administrator. The Gentile owned an oven and sent a number of loaves to the Jew daily. Rashi rules on the question what is to be done during the Passover week since the bread is hamez. It is not specifically mentioned that the Jew would eat the bread; since it is the Passover week, there are additional problems of mere possession and enjoyment. The simplest reconstruction of the case, however, leads us to the conclusion that the bread was eaten by the Jew and not merely given to Gentile members of the household or resold. If so, it would appear that pat 'akum was eaten and that such action had the tacit approval of Rashi.
47. R. Judah of Paris, Tosefot Rabbenu Yehudah Sir Le'on 'al Massekhet Berakot, 45a, s.v. אכל טבל וכו' (p. 473) and parallels cited there in note 1.
48. 'Or Zarua, Hilkot Terefot, vol. 1, sec. 436. This version appears to be the most genuine of all the reports of this ruling. (See also R. Samson of Sens, Tosafot, AZ 38a, s.v. קמ"ל דקמח עיקר; 'Or Zarua, vol. IV, sec. 194; R. Baruch b. Isaac of Worms, Sefer ha-Terumah, sec. 27; R. Asher b. Yehiel, Tosefot Rosh, AZ 38a, s.v. קמ"ל קמח עיקר; Tosafot, AZ 38a, s.v. קמ"ל קמח עיקר; Tosafot, Hullin 64a, s.v. קמ"ל. ) The passage continues with the later view of R. Tam, as well as the

- position of Ri. The 'Or Zaru'a version resolves the discrepancies between the various versions whether R. Tam permitted or forbade such bread and whether it was R. Tam or R. Isaac who issued the ruling. This is the only version in which Rashbam is associated with the ruling.
49. R. Jacob Tam, Sefer ha-Yashar, sec. 718; Tosafot, AZ 38b, s.v. אי משום.
  50. R. Judah of Paris, AZ 35b, s.v. לא חשתי בהדיה דאייבו.  
עכשיו אין אנו רגילין בפלטר ישראל.
  51. Ibid.: ואע"פ שעושיין בעלל בחים לחם, מ"מ אין פה מצויה לעוברים  
ושבים.
  52. See below, p.39.
  53. R. Judah of Paris, AZ 35b, s.v. לא חשתי בהדיה דאייבו;  
R. Samson of Sens, AZ 35b, s.v. פת לא הותרה בב"ד; R. Baruch  
b. Isaac alludes to the heter in his Sefer ha-Terumah, sec.  
27. Subsequently, the heter is cited by all later Tosafists.  
In the printed Tosafot, see AZ 35b, s.v. מכלל דאיכא מאן דשרי.
  54. R. Judah of Paris, ibid.
  55. R. Samson of Sens, AZ 35b, s.v. פת לא הותרה בב"ד.
  56. R. Tam, Sefer ha-Yashar, sec. 392; R. Judah of Paris, AZ 35b,  
s.v. והפת והשמן; R. Samson of Sens, AZ 35b, s.v. והפת והשמן;  
Sefer ha-Terumah, sec. 27. In the Sefer ha-Yashar version,  
the point of departure appears to have been the question  
whether baking is included in the category of cooking with  
regard to eruv tavshillin. In the formulation of R. Tam's  
position cited in the various Tosafist traditions, it was  
the double listing in the Mishnah of the prohibitions of  
pat and bishul 'akum which troubled R. Tam. Whatever the  
initial stimulus, the new doctrine proved to be useful in  
Tosafist thought.
  57. R. Samson of Sens specifically notes the problem (AZ 35b, s.v.  
ומ"מ מחור מסקנת הירושלמי אין לנו): פת לא הותרה בב"ד  
סמן להחיר במקום פה ישראל מצויה.
  58. In addition to the Yerushalmi passage which makes the issur  
dependent on local custom, the French Tosafists were also  
aware of the Yerushalmi's story about R. Yirmiyah, as well  
as the record of the diverging customs of Babylonia and  
Erez Israel.
  59. See Benjamin M. Lewin, Osar Hilluf Minhagim bein Benei Eres  
Israel u-bein Benei Bavel, pp. 60-65 for citations and  
variant readings.
  60. A later authority, R. Asher b. Yeḥiel, adduces support for the  
heter from the Palestinian custom, arguing that the situation  
in which pat yisrael is generally unavailable may be compared  
to that in which one has fasted for three days. See Pispei  
ha-Rosh, AZ 2:27: R. Judah, however, does not seem to be  
using this argument.
  61. R. Judah of Paris, s.v. אילימא דאי לא הפיך ביה.
  62. R. Moses of Coucy, Sefer Mizvot Gadol (Semag), injunction 148.
  63. 'Or Zaru'a, vol. 4, sec. 189.
  64. Semag, injunction 148.

65. R. Isaac of Corbeil, 'Amudei ha-Golah (Sefer Mizvot Qatan, Semag) (Constantinople, 1510), no. 222 (in later editions, no. 223).
66. Rabyah, Bodley MS 638, sec. 954.
67. 'Or Zaru'a, vol. IV, secs. 187-189.
68. On R. Isaac 'Or Zaru'a, see Haym Soloveitchik, "Can Halakhic Texts Talk History?", p. 195. On the general decline of the independent traditions of the German schools in the thirteenth century, see Haym Soloveitchik, "Three Themes in Sefer Hasidim," AJS Review, I (1976), p. 75.
69. See Teshuvot u-Pesagim me-et Hakhmei Ashkenaz ve-Sarefat, no. 39 (p. 75):  
ור' ברוך הוכיח מן המדרש הנקרא איכה רבתי דגר' הח' כי אהה עשית וגו' אילו התרתה לנו להתחתן בהן ולשתוח מיינן ולאכול מפיתן אז לא היה גלותי' גלות וכו', משמע דפח של גוים אסור.  
I have been unable to identify this R. Baruch. This argument is dismissed in a marginal note of the manuscript.
70. Piscei ha-Rosh, AZ 2:27; Tosefot Rosh, AZ 35b s.v. ככלל מכלל. דאיכא מאן דשרי. (The work published by Y. L. Sachs as Hiddushei ha-Rashba to AZ is really Tosefot Rosh, beginning with the comments to AZ 33b. This is the conclusion of Abraham Rosenthal in Kiryat Sefer, XLII (1967), p. 139); Mordekhai, AZ sec. 830 in standard edition.
71. Rabyah, op. cit.; R. Moses of Rothenburg, Sefer ha-Parnes, sec. 93.
72. Sefer Hasidim, no. 1940.
73. Semag, injunction 148; R. Samson of Sens, AZ 35b, s.v. פח לא פת הותרה בב"ד. R. Meir ha-Kohen of Rothenburg, Haggahot Maimuniyyot, Ma'akhalot 'Asurot, chapter 17, note 70 in standard edition. (No significant variants in Constantinople, 1509 ed.)
74. R. Samson of Sens, AZ 35b, s.v. פח לא הותרה בב"ד:  
מעשה בא לפני ר"ח בגוי ששלח דגים לישראל אפויים בעיסה שקורין פשטדא ואסר לו הדגים והחזיר לו הפח למי שאין נזהר על פח של גוים. אבל על הדגים אמר דהיינו שלקות ולא הותרו מעולם. ומחמת שהדגים נוחנין טעם בפח אין לאסור, דלא מצינו שגזרו על הטעם.
75. R. Baruch of Worms, Sefer ha-Terumah, sec. 27:  
אותם פנטייזא של דגים שאפאן עכו"ם שהדגים אסורים משום בשולי עכו"ם כמו כן אף העיסה מבחוץ אסורה דאע"ג דפח החזירו וגם שמנונית של דגים הבלוע בה אינו בעין מכל מקום קודם שנבלע בעיסה היה אסור ונמצא שהעיסה בלועה מאיסורא דרבנן.
76. See above note 47.
77. R. Judah of Paris, AZ 35b, s.v. לא השתעי.
78. Apparently, the case deals with the professional sale of bread. A Jew seems to be involved in the baking, though it is not clear whether he is a true baker or only a formal assistant to the Gentile baker. This would be the only reference to a Jewish baker, if only a formal assistant, in all of the Ashkenazic literature.

79. From this term developed a new phrase (attested to only in a slightly later period)- להכשיר את התנור - which is used, in the context of pat 'akum, to mean to throw a splinter of wood into the fire as assistance to the Gentile. See: Mordekhai, AZ sec. 830; R. Isaac b. Meir Dueren, Sha'arei Dura, no. 75; Sefer 'Issur ve-Heter, 44:10.
80. Rabyah, Berakhöt, sec. 111.
81. Ibid.
82. Mordekhai, Berakhöt, no. 129; Pisqei ha-Rosh, Berakhöt, 6:21; Haggahot Maimuniyyot, Berakhöt, chapter 7, note 4; Tosafot, Berakhöt 39b, s.v. אבל פרוסה.
83. R. Elijah of London, Peirushei Rabbeinu Eliyahu mi-Londres u-Pesqav, p. 78; R. Jacob b. Judah Hazzan, Es Hayyim, p. 103. For R. Isaac b. Perez, see Urbach, Ba'alei ha-Tosafot, p. 403, note 62.
84. Pisqei ha-Rosh, Rosh ha-Shannah, chapter 4, sec. 14 (end). There the reference to the common practice follows a citation of Rabyah's interpretation of a Yerushalmi passage, according to which the seven days between Rosh ha-Shanah and Yom Kippur require a special stringency in another area (אכילה חולין בטרה). Comparing the citation with the Rabyah itself proves that Rabyah himself made no reference to the custom of refraining from eating pat 'akum during the High Holy Day period. See Rabyah, vol 2, sec. 529 (p. 208) and note 6 and Aptowitzer's remarks in vol. 3, pp. 726-727. See especially R. Samson b. Zadok in his Sefer Tashbes, sec. 117, from which it would appear that Rabyah himself argued for the stringency. Also cited there is the position of R. Samuel of Bamberg that the logical conclusion of the humrah during the High Holy Day period should be the acceptance of the prohibition throughout the year. It would seem that he has no objections to the stringency per se, but rather to its implications for the general practice during the year, namely, that a prohibition is being violated. Common practice, however, does not always follow strict legal reasoning. The testimony of R. Asher proves that the stringency during the High Holy Day period was accepted in Germany. Testimony from a later period proves that the humrah was accepted in Austria as well. See R. Joseph b. Moses, Sefer Lecet Yosher, vol. I, p. 132. The humrah entered the major codes as well; see Tur and Shulhan 'Arukh, 'Orah Hayyim, sec. 603.
85. See above note 65.
86. R. Meir b. Baruch of Rothenburg, Teshuvot Pesaqim u-Minhagim, responsum no. 34 and sources listed there.
87. See sources listed in previous note. See also Sha'arei Dura, sec. 75; Jacob b. Moses Moellin, Sefer Maharil (Crimona, 1558) c. 102b (76b in Warsaw ed.)
88. R. Jacob b. Asher in his Tur, Yoreh De'ah, sec. 112 explicitly argues that Gentile bread is included in the prohibition of pat 'akum alone. This prohibition falls under the heter of the Yerushalmi. Jewish bread baked by a Gentile

- is prohibited because of bishul 'akum, an issur which is still in force.
89. R. Jacob b. Asher seems to have made a full return to R. Gershom's position (barring the heter of the Yerushalmi), insisting that Jewish assistance is ineffective regarding Gentile bread. If the heter is accepted, participation is unnecessary; if it is rejected, such assistance is no answer. This position invalidates the custom of the minority who refrained from eating Gentile bread baked without Jewish assistance. Others, however, cite the custom and expressly argue that Jewish assistance removes the prohibition of pat 'akum as well. See Sefer ha-Parnes, sec. 93.
90. See especially R. Aaron b. Joseph ha-Levi in his commentary to AZ, 38b, s.v. איבקי'א להו, as well as in his Bedeg ha-Bayyit (Venice, 1608) p. 90a (p. 187 in Josefov ed.); Yom Tov b. Abraham Ishbili, Hiddushei ha-Ritva, AZ 38b, s.v. מנה. There the thrust of the argument is that the prohibition does not apply because there is no concern about intermarriage with regard to the operator of a furnum. The general argument that the prohibition of pat 'akum no longer applies because there is no longer a concern about intermarriage is raised in Spain as well, but it is rejected by her leading authorities. See Ramban, AZ, pp. 102-103; See also R. Abraham b. Adret, Teshuvot She'elot, no. 248. There is no echo of such an argument in France or Germany. Regarding bishul 'akum, however, it was argued that the cooking of a Gentile domestic servant was permitted because משום חתונה does not apply to them. See R. Judah of Paris, AZ 38b, s.v. ואתא ישראל; Sefer ha-Yashar, sec. 733; Mordekhai, AZ, sec. 830; Tosafot, AZ 38a, s.v. אלא מדרבנן.
91. For Ribi, see above p. 8. For Rasbam, see above p. 18.
92. See above note 61.
93. The Talmudic requirements themselves are somewhat unclear. See particularly Rashi's opinion as cited by Rashbam in 'Or Zaru'a, vol. IV, sec. 189. See also R. Judah of Paris, AZ 38a, s.v. אילימא דאי לא הפך, who cites Ri's formulation.
94. R. Asher b. Yehiel, with whom our period ends, though intellectually unable to accept any of the justifications, is ready to allow the practice to continue. His position may be contrasted with that of Ramban (AZ, p. 101-102), who rejects the custom on the grounds that it does not satisfy the Talmudic requirements.
95. Maimonides, Mishneh Torah, Ma'akhalot 'Asurot, 17:13:  
...ואפילו לא זרק אלא עץ לתוך התנור החיר כל הפת שבו שאין  
הדבר אלא להיות היכר שהפת שלהן אסורה.  
In the Tosafist literature, this formulation is cited by R. Moses of Coucy, injunction no. 148.
96. In Leget Qazar, a thirteenth century Provençal commentary to the Torah, sections of which were published by Frank Talmadge ("Ha-Pulmus ha-Anti-Noṣri Be-Hibbur Leget Qasar", Michael IV

(1976), pp. 61-71 of the Hebrew section), a section reads (p. 64):

שאל גוי אחד למה אנו משימים עצים בחנוך. השובה להשיב הערלים  
כי השם אומר בזעם אפיך תאכל לחם, מכאן שלא נאכל עד שנשרה  
בו מעט לקיים הפסוק.

The passage attests both to the Jewish practice with regard to Gentile bread and to Christian sensitivity to the custom. This sensitivity was based on a fear that Jews harbored a pernicious motive. Talmadge refers to J. Shatzmiller's Reserches sur la communaute juive de Manosque au moyen age, in which the following incident is discussed. In 1313, a Jew of Manosque was brought to trial, charged with attempting to poison Christian bread. The Jew cleared himself by explaining that throwing the stick into the oven was required for religious reasons.

97. The initial position of R. Judah of Paris was rejected by most of the later Tosafists. The more lenient position that assistance is effective even after the crust of the bread begins to harden, became the accepted view with the backing of R. Yehiel of Paris, Maharam, Rosh, and R. Perez b. Elijah of Corbeil. The extreme position that, when necessary, the bread may be returned to the oven was already accepted by R. Yehiel of Paris. Though the major Tosafists of the thirteenth century fail to mention it, this radical view is incorporated in later codes. See Maharam, Teshuvot Minhagim u-Pesacim, no. 97 and the sources listed there. See also R. Yehiel b. Joseph of Paris, Pisgei Rabbenu Yehiel mi-Paris ve-Hora'ot mi-Rabbanei Sarefat, sec. 4 (p. 14). For the later works, see Sha'arei Dura, sec. 75; R. Jonah Ashkenazi, 'Issur ve-Heter he-'Arokh, 44:10; Maharil (Crimona) p. 103a (Warsaw ed., p. 76b).
98. For the position of Ri, see R. Judah of Paris, AZ 38a, s.v. אילימא דאי לא הפיך. For Mordecai, see Mordekhai, AZ sec. 830. (On reheating the oven several times a day, see Malouin, Descriptions, p. 248.) For the radical position that Jewish assistance is effective up to eight days, see Pisgei Rabbenu Yehiel mi-Paris, sec. 4; R. Moses of Zurich, Semaq mi-Zurikh, p. 347. In the later codes, this position becomes standard. See 'Issur ve-Heter he-'Arokh, 44:10; Maharil (Crimona), p. 103a (Warsaw ed. p. 77a).

## Bibliography

### I. Primary Sources

- Aaron b. Jacob ha-Kohen. Orhot Hayyim (M. Schlessinger, ed.), pt. 2, Berlin, 1901.
- Aaron b. Joseph ha-Levi. Perush 'al Massekhet 'Avodah Zarah, in Shitot ha-Qadmonim 'al Massekhet 'Avodah Zarah.
- Abraham b. David of Posquierres. Perush ha-Rabad 'al Massekhet 'Avodah Zarah (A. Sofer, ed.), New York, 1981.
- Abraham b. Isaac of Narbonne. Sefer ha-Eshkol (S. Albeck, ed.), Jerusalem, 1934.
- \_\_\_\_\_. She'elot u-Teshuvot (J. Kafih, ed.), Jerusalem, 1962.
- Adret, Solomon b. Abraham. Hiddushei ha-Rashba le-Rabbenu Shelomo ben Adret 'al Massekhet 'Avodah Zarah (J. L. Sachs, ed.), Jerusalem, 1966.
- \_\_\_\_\_. She'elot Teshuvot, Bologna, 1539.
- \_\_\_\_\_. Torat ha-Bayit, with Aaron b. Joseph ha-Levi, Bedeq ha-Bayit, Venice, 1608; Josefov, 1882 (Jerusalem, 1963, reprint.)
- Alfasi, Isaac b. Jacob. Sefer ha-Halakhot, Constantinople, 1509.
- Asher b. Yehiel. Pisdei ha-Rosh. Standard edition.
- Baruch b. Isaac of Worms. Sefer ha-Terumah, Venice, 1523; Warsaw, 1897.
- Dueren, Isaac b. Meir. Sha'arei Dura, Venice, 1547.
- Eliezer b. Joel ha-Levi. Rabayah (V. Aptowitzer, ed.), vols. I-III, Berlin-Jerusalem, 1914-1938 (Jerusalem, 1964, reprint).
- \_\_\_\_\_. Rabayah le-Massekhet 'Avodah Zarah (D. Deblitzky, ed.), Bnei Brak, 1976.
- \_\_\_\_\_. Rabayah, Bodley MS 638.
- Eliezer b. Nathan. 'Even ha-'Ezer (S. Albeck, ed.), Warsaw, 1905; (S. Ehrenreich, ed.), Simleul-Silvaniel, 1926 (Jerusalem, 1975, reprint).
- Elijah of London. Peirushei Rabbenu Eliyahu mi-Londres u-Pesadav (M. Y. Sachs, ed.), Jerusalem, 1955.
- Gershom b. Judah Me'or ha-Golah. Teshuvot Rabbenu Gershom Me'or ha-Golah (S. Eidelberg, ed.), New York, 1955.
- Isaac b. Abba Mari. Sefer ha-'Ittur (M. Yonah, ed.), Warsaw, 1874-75 (Jerusalem, 1970, reprint).
- Isaac b. Joseph of Corbeil. 'Amudei ha-Golah, Sefer Mizvot Qatan, Constantinople, 1510; Satmar, 1935.

- Isaac b. Judah ibn Ghayyat. HilKhot Pesahim (D. Zomber, ed.), Berlin, 1864.
- Isaac b. Moses. 'Or Zaru'a', pts. I and II, Zhitomir, 1862 (Jerusalem, 1968, reprint); pt. IV, Jerusalem, 1887 (Jerusalem, 1968, reprint).
- Isaiah di Trani. Tosefot Rid 'al Massekhet 'Avodah Zarah (N. Sachs, ed.), Jerusalem, 1959.
- Jacob b. Asher. Tur Yoreh De'ah. Standard edition.
- Jacob b. Moses Moelin. Sefer Maharil, Crimona, 1558; Warsaw, 1874 (Jerusalem, 1969, reprint).
- Jacob b. Judah Hazzan. Es Hayyim (I. Brodie, ed.), Jerusalem 1964.
- Jacob b. Meir Tam. Sefer Ha-Yashar (S. Schlessinger, ed.) Jerusalem, 1959.
- Jehiel b. Joseph of Paris. Pisqei Rabbenu Yehiel mi-Paris ve-Hora'ot me-Rabbanei Sarefat (E. Pines, ed.), Jerusalem, 1973.
- Jeroham b. Meshullam. Toledot 'Adam ve-Havvah, Venice, 1553 (Tel-Aviv, 1959, reprint).
- Jonah Ashkenazi. 'Issur ve-Heter he-'Arokh', Ferrara, 1555; Vilna, 1891 (New York, 1959, reprint).
- Joseph b. Moses. Leqet Yosher (J. Freimann, ed.), Berlin, 1903 (Jerusalem, 1964, reprint).
- Judah b. Benjamin ha-Rofe. Perush Ribeban le-Massekhet Berakhot, in Ginzei Rishonim, Jerusalem, 1967.
- Judah b. Isaac of Paris. Tosafot, in Shitat ha-Qadmonim 'al Massekhet 'Avodah Zarah.
- \_\_\_\_\_. Tosefot Rabbenu Yehudah Sir Le'on 'al Massekhet Berakhot (N. Sachs, ed.), Jerusalem, 1972.
- Judah b. Isaac of Berena. Tosafot, in Shitat ha-Qadmonim 'al Massekhet 'Avodah Zarah.
- Judah b. Samuel he-Hasid. Sefer Hasidim (J. Wistinetzki and J. Freimann, eds.), Frankfurt, 1924 (Jerusalem, 1964, reprint).
- Kol Bo, Naples, 1490; Lemberg, 1860 (New York, 1946, reprint).
- Ma'asei Ge'onim, (A. Epstein, ed.), Berlin, 1910 (Jerusalem, 1967, reprint).
- Maimonides, Moses. Mishneh Torah, Constantinople, 1509 (Jerusalem, 1972, reprint).
- \_\_\_\_\_. Perush ha-Mishnayot (J. Kafih, ed.), Jerusalem, 1963.
- Massekhet 'Avodah Zarah. (S. Abramson, ed.) New York, 1957.
- Meir b. Baruch of Rothenburg. Teshuvot Pesaqim u-Minhagim (I. Z. Kahana, ed.), vol. II, Jerusalem, 1960.

- Meir ha-Kohen. Haggahot Maimuniyyot, in Maimonides, Mishneh Torah, Constantinople, 1509.
- Menahem b. Moses Meiri. Beit ha-Behirah 'al Massekhet 'Avodah Zarah (A. Sofer, ed.), Jerusalem, 1965.
- \_\_\_\_\_. Beit ha-Behirah 'al Massekhet Berakhot (S. Dickman, ed.), Jerusalem, 1960.
- Mordecai b. Hillel. Mordekhai, Printed together with Alfasi's Sefer ha-Halakhot, Constantinople, 1509.
- Moses b. Jacob of Coucy. Sefer Mizvot Gadol, Venice 1547 (Jerusalem, 1961, reprint).
- Moses b. Nahman. Hiddushei ha-Ramban le-Massekhet 'Avodah Zarah (C. D. Chavel, ed.), Jerusalem, 1970.
- Moses of Rothenburg. Sefer ha-Parnes, Vilna, 1891.
- Moses of Zurich. Semaq mi-Zurikh (I. Har-Shoshanim, ed. ), vol. II, Jerusalem, 1976.
- Nissim b. Reuben Gerondi. Commentary to Alfasi. Printed together with Alfasi's Sefer ha-Halakhot, Constantinople, 1509.
- Samson b. Abraham of Sens. Tosafot, in Shitat ha-Qadmonim 'al Massekhet 'Avodah Zarah.
- Samson b. Zadok. Tashbez, Venice, 1556; Warsaw, 1875.
- Sefer ha-'Oreh, (S. Buber, ed.), pts. I and II, Lemberg, 1905 (New York, 1959, reprint).
- Sefer ha-Pardes, Constantinople, 1802; Warsaw, 1870.
- Shitat ha-Qadmonim 'al Massekhet 'Avodah Zarah, (M. Y. Blau, ed.), 2 vols. New York, 1969.
- Siddur Rashi, (S. Buber, ed.), Berlin, 1912 (Jerusalem, 1963, reprint).
- Teshuvot Ge'onim Qadmonim, (D. Cassel, ed.), Berlin, 1848 (Tel-Aviv, 1964, reprint).
- Teshuvot Hakhmei Sarefat ve-Lotir, (J. Mueller, ed.), Vienna, (Jerusalem, 1967, reprint).
- Teshuvot u-Pesacim me-'et Hakhmei Ashkenaz ve-Sarefat, (A. Kupfer, ed.), Jerusalem, 1973.
- Yom Tov b. Abraham Ishbili. Hiddushei ha-Ritva 'al Massekhet 'Avodah Zarah, in 'Oreyan Telita'i, Salonica, 1759.
- Zedekiah b. Abraham. Shibbolei ha-Leqet ha-Shalem (S. Buber, ed.), Vilna, 1886 (New York, 1959, reprint).
- \_\_\_\_\_. Shibbolei ha-Leqet, pt. II, Jerusalem, 1969.

## II. Secondary Sources

- Agus, Irving. The Heroic Age of Franco -German Jewry, New York, 1969.
- \_\_\_\_\_. Urban Civilization in Pre-Crusade Europe, New York, 1965.
- Aptowitzer, Victor. Mavo le-Sefer Rabyah, Jerusalem, 1938.
- Arpin, Marcel. Historique de la meunerie et de la boulangerie depuis les temps prehistoriques juscu'a l'annee 1914. Tom II, Paris, 1948.
- Ashley, William. The Bread of our Forefathers, an Inquiry in Economic History, Oxford, 1928.
- Braudel, Fernand. Capitalism and Material Life, 1400- 1800, New York, 1973.
- Gies, Joseph and Frances. Life in a Medieval City, New York, 1973.
- Ginzberg, Louis. Ginzei Schechter, New York, 1929.
- Grossman, Abraham. "Benei Makhir ve-Sifram Ma'aseh ha-Mekhiri," Tarbiz, XLVI (1977), pp. 110-132.
- Histoire General de Paris. Les Metiers et corporations de la ville de Paris. Les Livre des Metiers d'Estienne Boileau, published by Rene de Lespirasse and Francois Bonardot, Paris, 1879.
- Holmes, Urban Tiger, Jr. Daily Living in the Twelfth Century Based on the Observations of Alexander Neckam in London and Paris, Madison, 1952.
- Jacob, H. E. Six Thousand Years of Bread, Its Holy and Unholy History, Garden City, 1945.
- Katz, Jacob. Exclusiveness and Tolerance, Studies in Jewish-Gentile Relations in Medieval and Modern Times, New York, 1962.
- Lieberman, Saul. Ha-Yerushalmi Kipshuto, Jerusalem, 1934.
- Malouin, M. Descriptions et details des arts de meunier, du vermicillier et du boulanger, 1767.
- Mandroux, Robert. Introduction to Modern France, 1500-1640 (translated by R. E. Hallmark), New York, 1976.
- Morel, Ambroise. Histoire illustree de la boulangerie en France, Paris, 1924.
- Rabinowitz, Louis. The Social Life of the Jews of Northern France in the XII-XIV Centuries as Reflected in the Rabbinical Literature of the Period, London, 1938.

Rosenthal, Abraham. Review of J. L. Sachs' edition of Hiddushei ha-Rashba 'al Massekhet 'Avodah Zarah, Kiryat Sefer, XL (1967), pp. 132-139.

Shatzmiller, Joseph. Reserches sur la communaite juive de Manosque au moyen age, 1241-1329, Paris, 1973.

Soloveitchik, Haym. "Can Halakhic Texts Talk History?", AJS Review III(1978), pp. 153-196.

\_\_\_\_\_. "Three Themes in Sefer Hasidim," AJS Review, I (1976), pp. 311-357.

Ta-Shma, Israel. "Seridim mi-Toratam shel Rishonim," Moriah, II (1970), no. 3-4, pp. 60-64.

Talmadge, Frank. "Ha-Pulmus ha-Anti-Nosri be-Hibbur Leqet Qasar," Michael, IV (1976), pp. 61-71.

Urbach, Ephraim E. Ba'alei ha-Tosafot, Jerusalem, 1955.