

RABBI YAAKOV BEN ASHER

Author of HaTurim

Yahrzeit date – 12th of Tammuz 1,340

This famous Rabbi is responsible for the famous set up of our classic Tur Shulchan Oruch. True the work that we rely on (the Shulchan Oruch) was penned by Rabbi Joseph Karo, but that was really only a summarization and commentary to the "real work" (the Tur) which was by Rabbi Yaakov. The world famous Shulchan Oruch utilizes the same array of Chapters used by his predecessor, Rabbi Yaakov.

The big difference between the **Turim**, and that of the **Rambam** who preceded him, was **[1]** that the former restricted his code to appertain only towards those Laws which are applicable in our day and age; whilst the latter wrote a more compendious work, dealing with all the Halachot mentioned in the Talmud, even though many of them are not applicable today, such as Temple laws, Sanhedrin Laws, items of ritual purity or impurity etc. Therefore, the work of Rabbi Yaakov is much more practical, or even much more interesting to the standard layman.

[2] Another point of great value is that Rabbi Yaakov's work pays attention to the Rulings of several other great Halachah experts, such as Rabbenu Tam, the Rosh and so too the ancient Geonim. Since the Rambam's decisions did not pass without criticism (especially by the Ravad) and therefore standard custom was not always consistent with the Rambam's rulings, it would not be fair to ignore the differing opinions. Therefore Rabbi Yaakov contributed a great service to his and to the following ages by recording the variety of Halachic decisions. Opening the way for choice. Immediately his work enjoyed a great popularity and reached many hands, in many lands. Compared to the choice of words utilized by some of his contemporaries, that of Rabbi Yaakov was short and to the point, and quite precise. Not long afterwards his work was benefited by a super-commentary, the "Beit Yossef", written by Rabbi Yoseph Karo, who quoted the pertinent Talmudic sources to Rabbi Yaakov's work (not forgetting to copy the pertinent passages of Rashi), so that the Tur was of great value, both as a study device as repetitive rereading of the laws involved, and so too to be able to ascertain the ancient Talmudic sources, so to get at the origin of the enactments and legal decisions. So too the famous Rabbi Moshe Isserles (the RaMo) wrote his Darkei Moshe, to explain the rulings of the Tur, and add the different Ashkenzi opinions.

It is important to know that Rabbi Yaakov was in difficult financial conditions and suffered from dire poverty. This is attested by his short comment (in Orach Haim, chapter 242) that he had not the money to purchase anything "extra" for honoring the Shabbat with dainty or tasty foods. Therefore he had to eat regular weekday food (which was simple, sparse and not tasty). The question he asked his famous father (the **Rosh**) was if it would be permitted for him to accept charity from the community chest, for that slight extra sum necessary so to add the extra margin of better food. We all know the Talmudic dictum that one should shy away from accepting charity, unless it was absolutely necessary (Tractate Shabbat 118a).

Was the honoring of Shabbat to be considered an absolute necessity? The father didn't answer his son. This information adds color to our understanding of Rabbi Yaakov's great piety.

We know that Rabbi Yaakov had great genius in the field of Gematriot. His classic work on the Humash is well known in every Torah true household. However, not many are acquainted with the fact that the four titles to his Halachic Tur are given such names as would numerically equal the number of chapters involved. If we calculate the gematria equivalent of Orach Haim (283), and Yoreh Da'o (300) and Even Ha-ezer (335) and Hoshen Mishpat (787) we arrive at the sum total of **1,705**. But if we on a parallel basis count the chapters involved: for Orach Haim 697 chapters, for Yoreh Da'o 403 chapters, for Even Ha-ezer 178 chapters and for Hoshen Mishpat 427 chapters, this too comes to a tally of **1,705!** This teaches us that he had a hidden reason for choosing just these names for his monumental work.

So too, Rabbi Yaakov loyally records the amount of words that compose each and every benediction the Shmoneh Esreh prayers. The first one has 42 words, the second blessing has 49 words, the third has 14, the fifth 15, and the sixth has twenty, etc. (as itemized in his Tur, chapter 113 et al) .All together amount to **613**, which is the number of Biblical commandments that we comply with. (The exact computation is to be found in the Rebbe Yaakov Emden Siddur, Shmoneh Esreh). We see therefore that Rabbi Yaakov blended his wizardry at numbers (which is apparent in his commentary to the Bible), and inserted a smattering thereof in his Halachic work, and thereby deepened its import and spiritual dimensions. A Jew sees that all is not as simple as it appears on the surface, but all has deep implications, with many subsidiary ideas. The words of our Prayers are built upon deep Kabbalistic allusions.

Rabbi Yaakov was a great pietistic.

He starts his book with the wonderful adage of Rabbi Yudah (which concludes the chapters of Avot) "Be courageous as a leopard, agile as an eagle, swift as a deer, and strong as a lion, so to apply yourself to observing the will of your Heavenly Father". This is a Mussaric advice which gives the keynote to the atmosphere of his book. He immediately links to this the concluding words of the Rambam (in his "Guide to the Perplexed") that a person should so conduct himself as if he was actually in the Presence of the Divinity; to talk softly, walk with humility, conduct oneself with dignity as befitting the attitude of being situated facing the Master of the Universe. A person must constantly exercise his imagination so as to really feel this Great Presence. These holy words show the way of life which Rabbi Yaakov attempted to put into practice in his personal life.

We find another great hint to his exalted "Mussar".

We all know that our Patriarch Abraham banished his wife Hagar, at the instigation of Sarah. However how many of us recognize any linkage to the depredations and terror attacks of our contemporary Arabs against Jews? But this exactly is the lesson taught by Rabbi Yaakov in his commentary to the Torah (Bereshis 16, 8). Why "Borachat"? Since we caused this innocent woman (Hagar) to run away and escape troubles, so too her grandchildren (the Moslems) will persecute Abraham's descendents. There is justice in the world. It takes time to be put into effect, but it will be eventually practiced. This sad point is a genuine production of Rabbi Yaakov's deep religiosity, completely novel to all ancient Rabbinical chronicles, who actually praise Abraham for his banishing his son at becoming irreligious (see Rashi's words, Bereshis 21, 14). We find that the great medieval Kabbalist, author of "Tzror Ha-Mor" goes even one step further and in sharp language castigates Abraham and Sarah at their unwise step.

Rabbi Yaakov was a great master of Biblical knowledge.

In his explanations to the amount of words in each and every blessing (Orach Haim, chap. 113 on) he finds correlations to many biblical passages which have similar word counts. We all know that in that ancient period there were no Bible Concordances. Not only because the printing press was unknown, but the chapters of the Bible were not yet counted and numbered. So too the sentences of the chapters of the Bible were not yet numbered. Therefore it was not yet

possible to register the place of any verse, and of course it was impossible to “find” easily any quotation. Therefore the great facility whereby Rabbi Yaakov cites passages is remarkable.

One great innovation that we see in his work, is the matter of “Kavvanah” (intent) upon uttering the Divine Name. As Rabbi Yaakov writes (Orach Haim, chapter five), it doesn’t suffice that a person just say the words, but one must concentrate upon the import of the Divine Names. This innovation is novel to Rabbi Yaakov, unmentioned by the Rambam or even Rabbi Yaakov’s father, the Rosh. So too, in chapter six, he dwells on the importance of “Birchat Asher Yatzar”, and teaches of the biological wonders of the human body. This point of dedicating thought to the content matter is unique.

How is it that his “Turim” had even greater success (in being accepted as an authoritative work) than that of the Rambam or his father’s work, the Rosh on the Talmud?

The answer is that the Rambam allows no multiplicity. The Rambam gives a very definite and solitary opinion, allowing for no nuances. This hems in the student, allowing him no free parlance, narrowing his ability to add original thought. At most the student can attempt to verify the source of the Rambam, or examine well his words to see what can be derived therefrom. But there is no room left for flexibility, for differing opinions. This drawback is lacking in Rabbi Yaakov’s work, who brings at least three or four diverse opinions, allowing room for flowering thought, and for “choosing” what appears to be more appropriate and proper for the situation at hand.

When we examine the work of **the Rosh**, we find that it is too glued to the Talmud. He records tersely the debates of the Rabbis, doesn’t translate the Aramaic, but coerces the reader to refer back to the Talmud. **But Rabbi Yaakov** releases a student from his necessity, since he generalizes the abstracts of the Talmudic discussions. Upon reading the words of the Tur, there is no actual need to hark back to the tomes of the Talmud. This makes the study easier. So too Rabbi Yaakov doesn’t get involved in any side pilpulim. He sets up a simple system and discusses the topic at hand in a conversational and easy style.

Let us conclude with some historical and biographical details.

He was born about the year **1,270**, in Germany. When his father left the country (due to the anti-Semitic persecutions rampant there) he accompanied him to Spain (in 1303).

Rabbi Yaakov wrote the "Piskei Ha-Rosh", the halachic conclusions to the Commentaries of his lustrous father, printed at the end of each tractate.

Rabbi Yaakov was careful not to get involved in "the Rabbinate", since he shied away from all honors. However, he did participate in Tzdoko matters, and was a gabbai tzdoko (a charity trustee). The Hebrew Encyclopedia (article concerning our subject) records that there is extant a P'sak Din that Rabbi Yaakov signed the death decree against a slanderer (who delivered Jews unto their Gentile oppressors). This shows that he held a position of influence in the community. He died in **1,340** in Toledo. His masterwork is a classic and is avidly studied in each and every Yeshiva.