

# ***THE RULING OF THE ROSH***

***IN THE TIMES OF THE SANHEDRIN  
THEY WOULD HAVE PUT TO DEATH THE  
ONES WHO OPPOSE THE ERUV***

***TO ALL THOSE WHO STAND AGAINST THE  
ESTABLISHMENT OF THE ERUV WE WILL BRING HERE  
WORDS FROM THE HOLY RABENNU ASHER Z'L [THE  
ROSH] (SHEELOT U TSHUVOT HA ROSH KLAL 21-22)  
WHO WAS THE POSEK OF ALL THE ASHKENAZIM AND  
HIS RULINGS WERE ACCEPTED BY ALL ISRAEL AND IS  
ONE OF THE THREE PILLARS ON WHICH  
THE SHULCHAN ARUCH IS BASED.***

In the Sheelot u Teshuvot ha Rosh (Klal 21- 8,9) it is brought down that a Rabbi in Spain was against the establishing of an Eruv in his City and so angry and upset was the Rosh over this to the point where the Rosh issued a Cherem against this Rabbi. Here are some excerpts:

**“You Rabbi Yaakov son of Rabbi Moshe of Valencia I already wrote to you regarding the Eruv that all the exiles of Israel have used to permit carrying within their cities and you have forbidden it in your city and you wrote to me your reasoning and I let you know that your thoughts have no logic nor substance. And I am warning you to go back on your stance and let the people carry through fixing the alleys (With the shape of the opening) according to the usage and custom of the**

Gedolim in your cities. And I have heard that you cause the many to sin regarding the desecration of the Shabbat, therefore I decree upon you that after a few weeks that you receive this letter with the appropriate witnesses you shall have established the Eruv in your city. And if you don't make the Eruv as I have written I will put you in Niddui. And had this occurred in the days of the Sanhedrin, they would have put you to death because you come and oppose the Talmud that Rabbi Ashi arranged and you dispute against all the great Rabbanim that lived up until this day, those who already died Z'L and those who still live. Therefore return from your mistake and don't forsake the Torah of Moshe Rabbenu Peace be upon him  
Signs, Asher Ben Rav Yechiel ZTK'L

## **THE ONE WHO OPPOSES THE ERUV SHOULD BE SEGREGATED FROM THE CONGREGATION AND PLACED IN NIDDUI**

Rabbenu Asher further writes: "The letter that I sent to that one lacking brains, you and another one should force him and if he doesn't go back I compel you and all the community to treat that crazy one Rav Yaakov ben Moshe in Niddui and you should put him apart and away from the congregation of Israel. All this needs great strength so that no fool lacking intelligence will come and annul the Torah of Moshe Rabbenu Peace be upon him...Because we are obliged to give up our very lives to uphold the Torah of Hashem and to destroy from within us he who does evil...

Signs, Asher Ben Rav Yechiel ZTK'L

Sheelot u Teshuvot ha Rosh (Klal 21- 8,9)