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The Popularization of Jewish Legal and Customary Literature in Germanic Lands during the Thirteenth Century

Coming on the heels of the eleventh century, during which the rabbinic literature produced by the leading Ashkenazic talmudic academies at Mainz and Worms was generally brief and often fragmentary, owing both to the design of its authors and the disruptions caused by the First Crusade,¹ the mid-twelfth century and onward witnessed a veritable explosion of rabbinic literature throughout the rapidly rebuilt Rhineland center, which came to include rabbinic scholars in Speyer, Bonn and Cologne as well. This is also the case for the Jewish legal literature produced in Regensburg, as well as the literary productivity of the newly expanded center in north-east France (in the Champagne region, where Rashi, the most prolific medieval Jewish commentator on the Bible and the Talmud, died in Troyes in 1105), and moving westward to the Isle de France, the royal realm, and beyond.

The leading rabbinic scholars in northern France and Germany during the twelfth and thirteenth centuries are known as the Tosafists. Their stock-in-trade were the *Tosafot*, intricate glosses and comments to the entire text of the Talmud which took both the text of the Talmud itself and the commentaries of Rashi—their progenitor and teacher—into account as well. The *Tosafot* glosses were intended not only to make crystal clear the text and concepts of the Talmud at the particular passage that was being studied and parsed, but also to correlate that passage with other related passages within the talmudic corpus—what we might describe as critical dialectic—in order to rectify any seeming contradictions and ultimately to suggest Jewish legal conclusions on the basis of this study.²

The seasoned medievalist might suggest that all of this sounds a bit like Peter Abelard's *Sic et Non* on the biblical text, or even better, the Bolognese legal scholar Gratian's *Decretum*. Indeed, there is much to say about the relationship (both real and imagined) between Christian and Jewish glossators and commentators at this time, although this is not the subject of the present study.³ The three leading north-

1 See Avraham Grossman, *Hakhmei Ashkenaz ha-Rishonim*.

2 See E. E. Urbach, *Ba'alei ha-Tosafot*.

3 On this issue, see Ephraim Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 84-110. Cf. John Wei, "Gratian and the School of Laon," *Traditio* 64 (2009),

ern French Tosafists during the twelfth and early thirteenth centuries were Rashi's grandson, Rabbenu (Jacob) Tam of Ramerupt (d. 1171); Jacob's nephew (and Rashi's great grandson), Isaac of Dampierre (Ri, d. 1189); and Isaac's prized student, Samson of Sens, who died in the land of Israel in 1214.⁴

German Tosafists favored the same kinds of dialectical methods as their French counterparts and a number of them produced running glosses, *Tosafot*, much of which are no longer extant.⁵ However, their preferred literary vehicle was a free-standing Jewish legal compendium that contained talmudic interpretations, halakhic rulings, and responsa - specific questions that were sent to them and the often intricate answers that they and their colleague provided. Large amounts of the internal discussion that was circulated in connection with these rulings are also recorded, in addition to other briefer forms of legal decisions.⁶

To match the three leading northern French Tosafists just named above, mention should be made of the German Tosafists, Eliezer b. Nathan of Mainz (Raban, d. c. 1160); his son-in-law, Joel b. Isaac *ha-Levi* of Bonn (d. c. 1200); and his grandson, Eliezer b. Joel *ha-Levi* of Cologne (Rabiah, d. c. 1225). There have been a number of attempts to understand the root of the difference in the preferred literary vehicles between Germany and northern France. I have suggested elsewhere that this difference stems, in large measure, from the fact that the Tosafists in Germany served as sitting judges on the rabbinic courts in their locales, and taught their students mainly in the context of judicial structures and procedures, while the Tosafists in northern France saw themselves primarily as academy heads, *rashei yeshivah*, whose fundamental role and commitment was to explicate and teach the talmudic text and related bodies of literature for their own sake, with the additional purpose of arriving at legal rulings. This distinction further serves to explain why the three leading Tosafists in northern France during the twelfth century (and their successors) raised an impressive number of students between them, which was not the case for the German rabbinic scholars just mentioned, whose students were not nearly as numerous.⁷

In any case, the production of *Tosafot* in northern France continued at a good pace throughout the thirteenth century. The latest such collection, from the study hall of Perez b. Elijah of Corbeil (known as *Tosafot Rabbenu Perez*), was put together throughout the second half of the thirteenth century, and was completed even

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- 4 Urbach devotes chapter three of his *Ba'alei ha-Tosafot* to Rabbenu Tam, chapter four to Ri and his study hall, and much of chapter six to Samson of Sens.
- 5 On the German *Tosafot* (and their fate), see Israel Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*: 116-20; Simcha Emanuel, *Shivrei Lohot*, 60-61, 81-86, 112-23, 157, 293-97, 315; and E. Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 7-8.
- 6 See I. Ta-Shma, *Knesset Mehqarim*, vol. 1 (Jerusalem, 2004), 117-25; S. Emanuel, "'Ve-Ish 'al Meqomo Mevo'ar Shemo," 426-27; and E. Kanarfogel, *The Intellectual History*, 5-6, 78.
- 7 See E. Kanarfogel, *The Intellectual History*, 74-77; and idem, "From Germany to Northern France and Back Again: A Tale of Two Tosafist Centers," in *Formation and Reformation of Medieval Jewish Subcultures*, ed. T. Fishman and E. Kanarfogel (forthcoming).

beyond the death of the teacher, Rabbenu Perez, in 1297.⁸ Germanic Tosafist compendia were produced apace as well: Barukh of Mainz (d. 1221) issued his voluminous but no longer extant *Sefer ha-Hokhmah* (which appears to have had nearly 500 sections or entries);⁹ Isaac b. Moses of Vienna (who hailed from Slavic lands and studied in both the Rhineland and Paris) composed his *Sefer Or Zarua'* in four rather large and discursive parts;¹⁰ and Meir of Rothenburg (d. 1293), the leading German authority in the second half of the thirteenth century, is best known for his hundreds of responsa (more than any of his predecessors), many of which stemmed from his role as a rabbinic judge or court of last appeal.¹¹

The Tosafists in northern France did begin by the end of the twelfth century to compose free-standing halakhic works, the first of which was *Sefer ha-Terumah* by Barukh of Isaac, a student of R. Isaac (Ri) of Dampierre. However, despite its descriptive table of contents and clear writing style, *Sefer ha-Terumah* is a *reportatio* of Ri's talmudic lectures and teachings, organized by selected topics in Jewish law (the laws of the Sabbath, the laws of marriage and so on) rather than according to the twists and turns of the talmudic corpus itself, which often moved very quickly from one topic to another.¹²

There is no doubt that all of the works that we have described to this point: the northern French *Tosafot*, the German *Tosafot*, the large and dense German compendia—and even a somewhat more stylized French halakhic work such as *Sefer ha-Terumah*—were intended for scholars of Jewish law and talmudic studies, who were either connected directly with a Tosafist academy or who had achieved a very high level of erudition in these subjects. In a word, all of these works were written for a group of readers whom we might refer to in modern historical terminology as first-level elites. Individuals with strong training in these disciplines might also be able to follow and appreciate these works, but irrespective of the literacy levels within Ashkenazic society, these works would have been barely accessible to an untutored layman who was not intimately familiar with the Tosafist method, even if he were fully literate in Hebrew.¹³

Contemporary scholarship has noted that there is a well-known northern French work from the mid-thirteenth that runs somewhat counter to this pattern. Moses of Coucy, in his *Sefer Mizvot Gadol* (lit., the great book of commandments), sought to

8 See E. E. Urbach, *Ba'alei ha-Tosafot*, 2:575-81; and I. Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, 2:112-13.

9 See S. Emanuel, *Shivrei Lohot*, 104-46.

10 See E. E. Urbach, *Ba'alei ha-Tosafot*, 1:436-40; and cf. Rami Reiner, "From Rabbenu Tam to R. Isaac of Vienna: The Hegemony of the French Talmudic School in the Twelfth Century."

11 See E. E. Urbach, *Ba'alei ha-Tosafot*, 2: 529-40; and Teshuvot Maharam mi-Rothenburg va-Haverav, ed. S. Emanuel (Jerusalem, 2012), editor's introduction, 179-82.

12 See S. Emanuel, "Ve-Ish 'al Meqomo Mevo'ar Shemo," and Haym Soloveitchik, "The Printed Page of the Talmud."

13 See E. Kanarfogel, "Prayer, Literacy and Literary Memory in the Jewish Communities of Medieval Europe."

encourage not only scholars but also members of the rank and file to delve into the background and the legal requirements of the Torah's precepts, bringing the full range of talmudic and rabbinic literature through his own day to bear. It is not so much, however, that this work was meant to be read by educated laymen, since it contains much complex Tosafist material even though this material is often presented in a more readable or manageable form. Rather, *Sefer Mizvot Gadol* was composed and organized in a way that non-Tosafist rabbinic scholars could have good access to it, and it was certainly intended as a blueprint to be used in teaching and encouraging laymen to become more involved in these discussions. As Moses of Coucy attests, a large part of the impetus for his producing this work was the time that he spent preaching in various locales in Western Europe, and especially in Spain. In the course of his travels, he encountered many Jews who were ignorant of various commandments and of their own halakhic responsibilities, and so he viewed his *Sefer Mizvot Gadol* in no small measure as a means of teaching the less knowledgeable laity among the Jews of Spain, as well as others in northern Europe.¹⁴

In turn, Moses' work, which was completed around 1240, inspired some additional works that were even more openly directed toward what we might call second-level elites as well as members of the laity. The best known of these works, *Sefer Mizvot Qatan* (lit. the small book of the *mizvot*, and known also by the title *The Seven Pillars of the Diaspora*, (שבועה עמודי גולה), was composed in 1270 by Isaac b. Joseph of Corbeil. Isaac (and his supporters) intended this work to be accessible to men, women and children as a manual of practical Jewish law, that listed and briefly described the requirements for all of the precepts that could currently be fulfilled in the Diaspora, and as a work that could be studied as a text or simply memorized (either the content or just the list of the precepts themselves – the title *Seven Pillars* connotes that it was divided into seven sections, each of which should be reviewed on one day each week), so that all Jews could know something about the ritual and Jewish legal requirements incumbent upon them. And unlike *Sefer Mizvot Gadol*, *Sefer Mizvot Qatan* does not include or discuss precepts and laws that are no longer binding such as the sacrificial system and the like.¹⁵

Judging by the tens of manuscripts of this work that have survived, this book became a "best-seller," and had at least some of its desired effect (and certainly bested the competition). Another, similar work that was produced around the same time in northern France (in 1265), entitled *Simmanei Taryag Mizvot* (Notations of the 613 Precepts) or simply *Qizur Semag* (an abbreviation of Moses of Coucy's much larger work) was published (on the basis of a mere five or so manuscripts) less than a decade ago.¹⁶ Like *Sefer Mizvot Qatan*, however, and working much more closely off of

14 On the goals and format of Semag, see E. E. Urbach, *Ba'alei ha-Tosafot*, 1:465-77; and Judah Galinsky, "The Significance of Form."

15 See E. E. Urbach, *Ba'alei ha-Tosafot*, 2: 571-75; and I. Ta-Shma, *Kneset Mehqarim*, 2:114 (n. 9).

16 See *Qizur Sefer Mizvot Gadol*, ed. Y. Hurwitz (Jerusalem, 2005); and the introductory essay by

Sefer Mizvot Gadol in terms of content, this too was a work that was accessible to non-Tosafists and other less learned readers.

What has gone almost unnoticed, however, is the situation in Germanic lands. Beginning in the mid-thirteenth century, two new and different types of works were produced by Tosafists and their students that are not simply abbreviations of earlier works or more simplified listings and discussion of the precepts, but rather works that sought to tap heretofore unused formats to convey talmudic teachings and halakhic knowledge in a way that would make them more accessible to those who were not among the rabbinic elite.

I am not referring here to brief documents such as the *minhagei Erfurt*, a listing or table of Erfurt's liturgical customs that was initially composed in 1267, which deals mainly with the cycle of liturgical poems (*piyyutim*) that were to be recited on the various festivals or fast days, as well as the days on which *tahanun* and other penitential prayers were not to be recited. This kind of text, which exists for other locales in Germany at this time as well, was not intended as a text of study or instruction. It was simply a listing, even though it contained a series of significant details, that would allow the officiants in the synagogue (and in their absence, perhaps certain layman) to maintain the liturgical customs of that locale in proper order.¹⁷

Rather, I refer to much more extensive *sifrei minhagim*, books of customs, which began to appear in Germany at this time, some of which were studied in a recently completed doctoral dissertation at the Jewish Theological Seminary of America by Rachel Mincer.¹⁸ These books are fairly extensive works that cover a range of areas of Jewish law and practice and mention not only the conclusions that their authors reached, but also the names (and various positions) of the Tosafists and other leading rabbinic figures who developed and promulgated these halakhic positions and customs. Let us briefly review two examples from this genre, both of which were composed in the mid-thirteenth century.

The first, by Hezekiah b. Jacob of Magdeburg, deals with a wide range of customs and practices (aside from liturgical instructions) that were organized around the yearly calendar. The rulings and theories of both better known and lesser known German Tosafists and rabbinic scholars are mentioned.¹⁹ One of the most interesting in this regard is a ruling put forward by R. Judah the Pious, Rabbi Barukh and Rabbi Abraham about when to bake the *matzot* for the Passover seder when Passover eve occurs on the Sabbath. As corroborated by *Sefer Hasidim* (and an additional manuscript citation from this group), these three figures, R. Judah the Pious, R. Barukh b. Isaac and R. Abraham b. Moses sat together as judges on the rabbinic court in Re-

I. Ta-Shma, 13-21.

17 See the version of *minhagei Erfurt* published by Zvi Avineri in *Sinai* 47 (1960), 264-68; and see also S. Emanuel, *Shivrei Luhot*, 228-37, regarding *minhagei Rothenburg*.

18 See Rachel Mincer, "Liturgical Minhagim Books: The Increasing Reliance on Written Texts in Late Medieval Ashkenaz."

19 See S. Emanuel, *Shivrei Luhot*, 219-28; and R. Mincer, "Liturgical Minhagim Books," 107-11, 123-40.

gensburg. This grouping signifies a rather unique amalgamation of one of the leaders of the German Pietists together with two German Tosafists. From this and other recorded rulings of this court, it emerges out that the gap between the Pietists and the Tosafists that some contemporary scholars have posited was much smaller than they imagined.²⁰

In any case, the audience for Hezekiah's work was certainly not the students of the Tosafist study halls, even as a number of Tosafists are cited by name, including R. Barukh b. Isaac, author of *Sefer ha-Terumah*, R. Judah Sirleon of Paris, R. Isaac b. Mordekhai of Bohemia and R. David of Muenzberg. Rather, the intended audience would seem to have been lesser rabbinic scholars or perhaps even educated laymen who were able to understand the detailed, yet clearly written (and intentionally unencumbered) rulings, customs and explanations gathered in this work. A slightly later rabbinic scholar, Hayyim Palti'el b. Jacob, who was a direct student of the last German Tosafist, R. Meir of Rothenburg, essentially glossed Hezekiah's *minhagim*, deleting a number of names but adding quite a bit of material.²¹

The second such mid-thirteenth century work is the book of customs produced by Abraham Haldi'q (or Hildi'q) of Bohemia. Whereas Hezekiah's work was intended for those who wished to understand the issues (and debates) that stood behind the various customs that were being formulated and did not require detailed assistance in digesting this material, Hildi'q's work is constructed as a rather user-friendly, step-by-step ritual guide that could be consulted for immediate, practical use. As such, Hildi'q's work contains many more details but far fewer source citations and usages of complex halakhic terminology; it presumes less halakhic expertise and interest in the theories and halakhic considerations behind the various customs than does Hezekiah's work. Nonetheless, Hildi'q's *minhagim* are still quite robust in terms of the halakhic material that can be found in them. In addition, Hildi'q's work contains quite a bit of biblical and rabbinic homiletics related to the various customs being discussed, again perhaps to inform and enrich the intended audience of lesser scholars and capable laymen.²²

Neither Hezekiah's nor Hildi'q's works was intended for a Tosafist audience, making them the first such halakhic works produced during this period in Germany. Among the reasons for this shift, Mincer correctly notes the greater availability of written works in Europe during the thirteenth century - and well before the invention of printing-and the shift in medieval Europe generally from an oral culture to a writ-

20 See E. Kanarfogel, "R. Judah he-Hasid and the Rabbinic Scholars of Regensburg."

21 Hayyim Palti'el hailed from northern France, and later moved to central and eastern Europe, where he lived into the early fourteenth century. A version of Hayyim Paltiel's work was published by the late Israeli liturgical scholar, Ernst Daniel Goldschmidt, in 1979. S. See Emanuel, *Shivrei Luhot* (above, n. 19); Mincer, "Liturgical Minhagim Books," 112-19; and Y. E. Zimmer, 'Olam ke-Minhago Noheg, 271, 276-77, 282-83, 286-88, 292, 296-97.

22 See Mincer, *ibid.*, 228-55; and the introduction and notes by Shlomo Spitzer to *Minhagei Rabenu Avraham Hildi'q*, published in his *Sefer ha-Minhagim le-Rabbenu Avraham Klausner* (Jerusalem, 2006), 193-253.

ten that had begun already in the twelfth century.²³ Liturgical handbooks can also be seen as professional manuals for rabbis and cantors, and for communal leaders, and simply as a testament to the venerable origins and traditions of a particular community or area. To be sure, these works were markedly less complete or variegated (and surely less cumbersome) than some of the earlier and more scholarly liturgies (*mahzorim*) that had been produced in the Tosafist period. The most notable of these works, *Mahzor Vitry*, was clearly intended for a Tosafist-type audience of deeply learned rabbis and knowledgeable *hazzanim* (prayer-leaders), while the thirteenth-century "books of customs" by Hezekiah of Magdeburg and Abraham Hildiq were not.²⁴

Indeed, if we now turn to the other new rabbinic genre that appears in Germanic lands in the mid-thirteenth century, we can suggest that both of these genres had a particular and rather significant educational aim, in addition to the other motives that have been suggested. This second genre consists of several works that put forward a wide range of halakhic decisions, practices and customs and were not limited at all to the areas of liturgy and year-round ritual, but were organized according to the order of the weekly portions of the Torah. This kind of organizational style is generally quite rare. One of the few such extant examples is the *She'iltot of R. Ahai Gaon*, which dates from the mid-eighth century in the land of Israel. We are unaware, however, of any such compositions in either northern France or Germany until we encounter no fewer than three such works in the mid-thirteenth century.²⁵

The first two of these compendia on the Torah - actually all three in some respects - are associated with members of the Tosafist academy of Simhah b. Samuel of Speyer (d. c. 1230), which suggests that this development was a rather purposeful one. Although he is barely mentioned in the French *Tosafot* to the Talmud, Simhah of Speyer was a greatly venerated German Tosafist, and the teacher of a series of highly capable Tosafists, with Isaac b. Moses of Vienna first among them. As noted above, Isaac of Vienna produced a major and voluminous halakhic compendium that has survived, *Sefer Or Zarua*. Simhah of Speyer's own large compendium, known as *Seder 'Olam*, is no longer extant, although we are aware of its breadth and depth from a number of sections and fragments that are cited by others.²⁶

Simhah's son Shmaryah produced a work entitled *Sefer Kol Bo*, literally a book that includes everything. It too is no longer extant, but Simcha Emanuel has recently described parts of it on the basis of its citation by others, and on the basis of a number of pieces from it that are found in marginal glosses to ms. Bodleian 682.²⁷

23 See Mincer, *ibid*, 43-64

24 On the contents and nature of *Mahzor Vitry*, see I. Ta-Shma, *Ha-Tefillah ha-Ashkenazit ha-Qedumah*, 15-29; and cf. Mincer, *ibid*, 73-76.

25 On the *She'iltot*, see Robert Brody, *The Geonim of Babylonia, 202-15*; and cf. E. E. Urbach, *Ba'alei ha-Tosafot*, 395, 551; and I. Ta-Shma, *Knesset Mehqarim*, 1:35.

26 See Urbach, *ibid*, 1:411-18; and S. Emanuel, *Shivrei Luhot*, 158-61.

27 See Emanuel, *ibid*, 166-75.

From these various passages, it becomes clear that Shmaryah wrote his extensive halakhic comments according to or attached to verses found in the weekly Torah portion. Thus, his in-depth discussion of the *'eruv tavshilin*, the rabbinic instrument that permitted cooking to be done for the Sabbath on the day of a festival that occurs just before the Sabbath, appears in the portion of *Be-shalah*, where the Torah discusses the gift of the manna and the instructions for how the manna should be properly gathered before (but not on) the Sabbath. A similarly detailed discussion of what to do if leaven is found in a cooked dish or in a fowl that was to be served on Passover is discussed in the immediately prior Torah portion of *Bo*, which contains the story of the first Passover. The procedure for teaching a young boy to properly wear a prayer shawl (which includes points of both ritual law and custom) is found in the portion of *Shelah*, which concludes with the precept of making ritual fringes or *zizit* to adorn a four-cornered garment. Similarly, laws of vows and their annulment is tied to the Torah portion of *Matot*, which opens with just such a discussion; and so on.

In addition to matters of strict Jewish law and custom discussed over a wide range of themes and contexts, Shmaryah also presents matters of interpretative *ag-gadah*, and even aspects of mystical behavior. In the portion of *Va-Ethanan*, one of Shmaryah's comments on the section of *Shema Yisra'el*, which proclaims the unity of the Divine, is that based on a passage in *Sefer Hekhalot*, it is proper to rise on one's heels (and raise one's eyes) during the recitation of the *Qedushah* prayer.²⁸ And, as I have discussed elsewhere, Shmaryah also has something to say about an individual who attempts to serve as the community cantor without the full approbation of the community.²⁹ Many of Shmaryah's discussions of the biblical text and subsequent formulations are framed by the word *pesaq*, or ruling. His obviously trying to connect and anchor his halakhic rulings and practices within the biblical text, even as he cites a wide range of talmudic and other rabbinic literature and a host of post-talmudic authorities.

We do not know just how extensive Shmaryah's work was, but we have another very large-scale (and complete) work that operates in similar ways and was produced by a student of Simhah of Speyer, Avigdor b. Elijah *Kohen Zedeq* (or Katz). Avigdor's work was published less than twenty years ago from a British Library manuscript under the title, *Perushim u-Pesaqim le-R. Avigdor Kohen Zedeq. Perushim u-Pesaqim* also follows the order to the Torah and it makes quite a number of points of local exegesis on various verses, in addition to offering all kinds of rulings (and observations) as Shmaryah did (that are also often prefaced by the word *pesaq*). Avigdor, who apparently was alive for a good part of the thirteenth century, hailed from northern France and studied with Rabbenu Simhah in the Rhineland, before setting off for an extended period of time studying and teaching in Italy (esp. in

28 See Ivan Marcus, "Prayer Gestures in German Hasidism," and Y. Zimmer, 'Olam ke-Minhago Noheg, 76-78, 108-111.

29 See E. Kanarfogel, "The Appointment of Hazzanim in Medieval Ashkenaz," 17 (n. 30).

Ferrara), prior to his return to Vienna to serve as the communal rabbi there after Isaac Or *Zarua'*. Meir of Rothenburg considered Avigdor to be a distinguished senior colleague.³⁰

As such, Avigdor had a remarkably wide grasp of European (Tosafist) rabbinic literature from the twelfth century and through his own day, and he brings all of it to bear in his work. He traces long-standing differences of custom and law between northern France and Germany including, for example, the fact that the practice in northern France (but not in Germany) was for minor girls to be married (based in part on the verses in the Torah portion of *Hayyei Sarah* [Gen. 24:57-58] in which Rebecca/Rivkah appears to have been betrothed to Isaac, with her approval, at a very young age), and the differences between the various communities (and rabbinic scholars) of Europe as to when they scheduled the third meal on the afternoon of the Sabbath which had become a matter of considerable debate.³¹

Avigdor details the rites and procedures to be applied in the case of a returning apostate (immersion is required, with some rather extensive and thorough preparations), and he also deals with the situation of two converts to Judaism who wished to be married to each other.³² He is the earliest source, as far as I know, to assert that there was a smattering of exceptionally pious Jewish women in medieval Ashkenaz who donned both prayer shawls and phylacteries.³³ Even in these few samples, we have already encountered Avigdor's halakhic views on Sabbath ritual, marriage law, women's issues, apostasy and conversion. There are many more examples from each of these areas of Jewish law in this commentary, as well as an array of discussions about money-lending, oaths, payments and other monetary issues as well.³⁴ In short, this is a very well-rounded and inclusive kind of rabbinic work.

Before engaging in further discussion of the goals or mission of these works, we turn to the third somewhat briefer (but no less inclusive) example, which was composed by Isaac Or *Zarua'* of Vienna's son Hayyim, who is also known as Hayyim Or *Zarua'*. Like Avigdor Katz, Isaac Or *Zarua'* was a student of Simhah of Speyer, while Hayyim was a student of Meir of Rothenburg. Hayyim composed an abridgement of his father's massive *Sefer Or Zarua'*, because he believed that many would not be able to properly follow and assimilate his father's very large and rather discursive halakhic compendium. Already in this instance, Hayyim betrays an admirable desire to make this voluminous and complex work of halakhic literature more accessible.³⁵

30 See E. Kanarfogel, *Peering through the Lattices: Mystical, Magical and Pietistic Dimensions in the Tosafist Period* (Detroit, 2000), 107-110, 225-27; and S. Emanuel, *Shivrei Lohot*, 175-84.

31 See *Perushim u-Pesaqim le-Rabbenu Avigdor*, 6 (pesaq 15); 93-97 (pesaq 125).

32 See *Perushim u-Pesaqim*, 409-11 (pesaqim 454-56); and cf. E. Kanarfogel, "Returning to the Jewish Community in Medieval Ashkenaz."

33 See *Perushim u-Pesaqim*, 171-72 (pesaqim 213-14).

34 See, e.g. *Perushim u-Pesaqim* 53-54 (pesaqim 84-86); 60-61 (pesaqim 96-100); 195-96 (pesaqim 239-41).

35 See E. E. Urbach, *Ba'alei ha-Tosafot*, 1:442-47.

In addition, Hayyim *Or Zarua'* produced a work entitled *Derashot* (sermons). It is somewhat unclear as to whether these sermons were actually delivered or whether they existed solely in written form (or both), but the intent behind them is quite clear. Based on various portions of the Torah, Hayyim sought to tackle a wide range of halakhic questions and issues, and to set forth proper customs and observances, with no small amount of references to the two centuries of Tosafist teachings that preceded him. He typically begins his sermons with a homiletical or exegetical point based on the text of the Torah but he quickly proceeds to what is usually a series of detailed halakhic issues: proper observances of festival days (including both the prohibitions and the positive performances that must be observed), laws of kashrut and of foods cooked by non-Jews, laws of inheritance and damages and so on.³⁶

The version that we have is replete with the names of Tosafists from both northern France and Germany, and is a digest of or extract from the original formulations as they appear in the works of the Tosafists. The level of discussion is high, but nonetheless accessible. As was the case for the commentaries by Shmaryah of Speyer and Avigdor Katz, R. Hayyim *Or Zarua'* was trying with these *Derashot* to bring his non-Tosafist audience into complex world of Tosafist talmudic and halakhic thought by deftly summarizing and simplifying the Tosafists' words and by presenting them around themes found in the weekly Torah portion, in which many of those in the synagogue likely had some interest.³⁷

Mention should also be made here of a type of Ashkenazic biblical commentary or compendium that develops around 1240 and continues to be produced well into the fourteenth century. This genre (which has engendered renewed interest in recent years) is referred to and described as the *qevazei* or *perushei Ba'alei ha-Tosafot 'al ha-Torah*, the compilatory Tosafist Torah commentaries. Most of these collections, which were produced in both northern France and Germany, were not put together by actual Tosafists, even as they contain a mélange (which is not always presented in tight sequence or order) of brief exegetical, midrashic, halakhic and talmudic comments that were made by Tosafists and their associates. In this instance as well, the target audience would seem to be second-level rabbinic scholars and students and non-scholars of some training.

Indeed, we sometimes encounter the names of rabbinic figures involved in the gathering and presenting of these collections who appear to have been members of the second-level elite themselves. This rather large genre - there are approximately ten published volumes of this material and a very large and impressive number of manuscripts beyond that - should be linked with the works that we have discussed above, all of which appear to have part of a well-developed program within Ashke-

36 See *Pisqei Halakhah shel R. Hayyim Or Zarua': Derashot Maharah*, ed. I. S. Lange (Jerusalem, 1972); and *Teshuvot Maharah Or Zarua'*, ed. M. Abittan (Jerusalem 2012), in the final section entitled *derashot u-pisqei halakhot*, 1-75.

37 See also *Sefer ha-Qushiyyot*, ed. Y. Y. Stal (Jerusalem, 2007); and see now Yoel Binder, "Liqqutim Ashkenaziyyim," *Yerushatenu* 6 (2013), 31-61.

nazic rabbinic culture to make its elite teachings writings (or at least their content) more accessible to a broader audience and, in the case of the Tosafist Torah compilatory works at least, to encourage non-Tosafist rabbinic scholars to play a role in the process of making this material available. Interestingly, one of the significant German collections of Torah commentary of this type was produced by a student of R. Hayyim Palti'el, whose more popular collections of laws and customs was referred to earlier.³⁸

After nearly two centuries of extensive but not always so easily understood Tosafist creativity and writings, the various German rabbinic scholars whom we have noted - as well as a number of their northern French counterparts - sought ways to bring the sheer volume and complexity of the Tosafist enterprise to those Jews who were outside of the Tosafist circles. The consumers of these newer works had to be somewhat educated in the ways of talmudic and halakhic study, but they did not have to be able to master the full extent of that study on their own.

Whether this was due primarily to more altruistic educational concerns, or whether it reflected a sense or a foreboding of impending decline among the Jewish communities in northern Europe during the second half of the thirteenth century is almost beside the point.³⁹ What we have here, in addition to issues of orality and literacy more broadly, is a first attempt to transpose the most difficult methods and texts of the Tosafist enterprise into presentational formats that could be appreciated by a much larger number of committed Jews within the larger Ashkenazic society, mirroring in some ways the development of the genre known as *compilatio* in Christian society at this time as well.⁴⁰ To be sure, it is not easy to gauge the success of these works; their impact on the late Middle Ages may well have been greater than their immediate impact.⁴¹ Moreover, a number of these works are no longer extant in their original forms, as has been noted. Nonetheless, this effort emerges as one that is quite noticeable and substantive. It thus merits further attention and study, as a suggestive turning point in the history of rabbinic and cultural transmission.

38 On the Tosafist Torah commentaries, see, e.g. Samuel Poznanski, *Mavo 'al Hakhmei Zarefat Mefrashei ha-Miqra*, 92-114; Sara Japhet, *Dor Dor u-Parshanav* (Jerusalem, 2008), 364-82; *Sefer ha-Gan*, editor's introduction, 83-97; and E. Kanarfogel, "Midrashic Texts and Methods in Tosafist Torah Commentaries." See also *Perushei ha-Torah le-R. Hayyim Palti'el*, ed. I. S. Lange (Jerusalem, 1981).

39 Cf. J. Galinsky, "On Popular Halakhic Literature and the Jewish Reading Audience."

40 See, e.g., Neil Hathaway, "Compilatio: From Plagiarism to Compiling," *Viator* 20 (1989), 19-44; and M. A. Rouse and R. H. Rouse, "Ordinatio and Compilatio Revisited."

41 See my entry for 1286, "R. Meir ben Barukh (Maharam) of Rothenburg, the leading rabbinic figure of his day, is arrested in Lombardy and delivered to Rudolph of Habsburg," in *Yale Companion to Jewish Writing and Thought in German Culture, 1096-1996*, ed. S. L. Gilman and J. Zipes (New Haven, 1997), 27-34.

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עבודת התורה על 1365 – דוגמה לתוכן של הספר פולחן של אבותינו: הלכות ונהגות

אחד מהספרים המפורסמים ביותר שכתב הרב יצחק אייזיק שניידמן בסוף המאה התשע עשרה, היה ספרו "פולחן של אבותינו: הלכות ונהגות" (1900). הספר נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן, והוא נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן. הספר נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן, והוא נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן. הספר נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן, והוא נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן.

הספר נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן, והוא נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן. הספר נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן, והוא נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן. הספר נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן, והוא נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן. הספר נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן, והוא נחשב לאחד מהספרים המרכזיים ביותר שכתב הרב שניידמן.

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1. "פולחן של אבותינו: הלכות ונהגות" (1900). <http://www.doron.org.il/Books/Books.asp?BookID=1365>

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