

THE ^עALIIYAH OF "THREE HUNDRED RABBIS"
IN 1211: TOSAFIST ATTITUDES TOWARD
SETTLING IN THE LAND OF ISRAEL

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1

Quite often in the study of medieval Jewish history we find that an event which occurred in a particular country is recorded most comprehensively in a later source which emanates from a completely different area and milieu. A case in point is the following happening chronicled in the *Shebet Yehudah*, a major *oeuvre* of sixteenth century Sefardic historiography:

In the year 4971 (= 1211 C.E.), God inspired the Rabbis of France and England to go to Jerusalem. They numbered more than three hundred and were accorded great honor by the king. They built for themselves synagogues and houses of study. Our teacher the great *kohen* R. Jonathan ha-Kohen went there as well. A miracle occurred. They prayed for rain and were answered, and the name of Heaven was sanctified because of them.¹

The first task of the historian is to attempt to ascertain, from sources that are contemporary to this event, whether such an impressive emigration did in fact take place.

Judah al-Ḥarizi did meet several French scholars, whom he calls *בציון לשכון צרפת מארץ הבאים עלין חסידי עליון* during his own visit to Jerusalem in 1216. Among these scholars were the Tosafist R. Joseph of Clisson (cited in Tosafot as R. Joseph *ʿish*

¹ *Shebet Yehudah*, ed. Yitzhak Baer and Azriel Shochat (Jerusalem, 1946/47), p. 147. This section is from a portion of the work composed neither by Solomon nor by Judah ibn Verga—it is an appendix compiled by Solomon's son Joseph, on the basis of a chronicle attributed to R. Shem Ṭob Sanzulo. See Joshua Praver, "Peraqim be-Toledot ha-Yehudim be-Mamleket ha-Ṣalbanim," *Shalem*, 2 (1976), 105.

Yerushalayim) and his brother R. Meir.² Maimonides' son Abraham, writing in defense of his father in 1235, also mentions a contingent of great French scholars, including R. Joseph, who had apparently passed through Egypt on their way to Israel.³ Moreover, R. Abraham mentions something that he heard in the name of the Tosafist R. Samson (of Sens), *שהיה בעכו שלא ראינו אותו מפני שלא עבר דרך עלינו*.⁴ Thus R. Samson and one of his students (who was also mentioned by R. Abraham) emigrated to Israel as well, although not via Egypt as some of their colleagues had done. That R. Samson did reach Israel is clear from the writings of later Tosafists and scholars in which he is referred to occasionally as *ish Yerushalayim* or R. Shimshon *me-³Ereṣ Yiśra²el*.⁵ R. Solomon Luria records, in his well-known responsum on the genealogy and succession of the Tosafists, that R. Samson went to Jerusalem and was buried at the foot of Mt. Carmel.⁶ In a recent article Joshua Prawer reiterates the conclusion, based on his own exhaustive studies produced over a number of years, that there were two waves of emigration from

² *Tahkemoni*, ed. Israel Toporovsky (Tel Aviv, 1952), *Sha^car* 46, p. 349. On R. Joseph of Clisson see E. E. Urbach, *Ba^cale ha-Tosafot* (4th edition, Jerusalem, 1980) [hereafter: Urbach], I, 318–20, and S. H. Kook, *‘Iyyunim u-Mehqarim* (Jerusalem, 1963), II, 258–62.

³ *Milhamot ha-Shem*, in *Qobeṣ Teshubot ha-RaMBaM we-Iggerotaw* (Leipzig, 1859), pt. 3, p. 16, column 3.

⁴ Cf. Urbach, I, 277.

⁵ Moses ben Jacob of Coucy, *Sefer Miṣwot Gadol* (Venice, 1547), *miṣwat a^cseh* 48 (fol. 126:4), 63 (141:3). Cf. Henri Gross, “Étude sur Simson b. Abraham de Sens,” *REJ*, 6 (1883), 176, n. 1.

⁶ R. Solomon Luria, *Responsa*, 29. On the composer and date of composition of this record see J. N. Epstein, “Ha-He^ceteq shebi-Teshubat RaShHaL 29 Mi Ḥibro?”, *Ha-Qedem*, 1 (1907), 129–30. Cf. the chronicle published by Israel Ta-Shma in *Shalem*, 3 (1981), 323. This chronicle records the date of R. Samson's emigration to Israel as 1212. The burial of R. Samson at the foot of Mt. Carmel is also attested to by a student of Naḥmanides; see Simḥah Assaf, “Toṣa²ot ³Ereṣ Yiśra²el,” in *Yerushalayim* (Journal of the Jewish Palestine Exploration Society dedicated to the memory of A. M. Luncz), ed. E. L. Sukenik and I. Press (Jerusalem, 1928), p. 54. R. Samson may have settled in Akko, as R. Abraham Maimuni indicates, and then have been removed to Jerusalem for burial. Cf. Prawer, *Toledot Mamlekheth ha-Ṣalbanim be-²Ereṣ Yiśra²el* (Jerusalem, 1963), II, 391–92, who suggests that R. Samson first attempted unsuccessfully to settle in Jerusalem, and then settled in Akko. Cf. H. Gross, *REJ*, 6 (1883), 177. See S. H. Kook, *‘Iyyunim*, II, 141, n. 24, regarding the question of whether R. Jehiel of Paris settled in Akko or in Jerusalem, and below, n. 51.

France. The first, from southern France, took place in 1209 or 1210—there is extant a letter from a certain R. Samuel ben Samson who reached Israel with R. Jonathan ha-Kohen of Lunel and celebrated Purim there in 1210.⁷ The second wave of 1211, from northern France, had two or more branches, one apparently reaching Israel directly and another traveling via Egypt.⁸ These findings confirm that there was an Ashkenazic *aliyah* in 1211, as the *Shebet Yehudah* had reported.

There are, however, two aspects of the *Shebet Yehudah's* report which have not been confirmed. It is clear from all the sources cited above that a number of the emigrants were eminent French scholars. Certainly R. Samson of Sens, R. Jonathan ha-Kohen of Lunel, and R. Joseph of Clisson fit this description. But were there indeed three hundred Rabbis who left for Israel, as the *Shebet Yehudah* records, and were these Rabbis all of a high caliber? If indeed three hundred leading scholars did leave France and England for the Holy land at this time, we have here a movement of epic proportions.

In fact, we cannot corroborate either the number or the high quality of these Rabbis who arrived in Israel around 1211. The three hundred could not possibly have all been French and English Tosafists. Recent research into the size of the northern French Jewish communities and the number of students who studied in the *batte midrash* of the Tosafists confirms this conclusion.⁹ Indeed, the total number of French and German Tosafists known to us does not reach three hundred. Even if we

⁷ See Abraham Ya'ari, *Iggerot Ereš Yiśra'el* (Tel Aviv, 1943), pp. 78–83. On the identity of R. Samuel see Urbach, I, 276, who suggests that he was a son of R. Samson. Cf. Praver, *Ha-Šalbanim* (Jerusalem, 1975), p. 303, n. 140. This letter clearly indicates that R. Jonathan of Lunel did indeed go to Israel at this time (Ya'ari, p. 78), confirming this statement in the account of the *Shebet Yehudah*. Joseph ibn Šaddiq recorded that R. Jonathan died in 1205; see Isadore Twersky, *Rabad of Posquières* (reprinted Philadelphia, 1980), p. 73, n. 29.

⁸ See Praver, *Shalem*, 2 (1976), 106 and the literature cited in n. 12.

⁹ On the size of the Jewish communities in northern France at this time see Shalom Albeck, "R. Tam's Attitude to the Problems of his Time" [Hebrew], *Zion*, 19 (1954), 104–05; S. W. Baron, "Rashi and the Community of Troyes," in *Rashi Anniversary Volume* (New York, 1941), pp. 58–62; Bernhard Blumenkranz, "Quartiers juifs en France (XII, XIII, XIV siècles)," *Mélanges de philosophie et de littérature juives*, 3–5 (1958–62), 77–86. On the small number of students in the Tosafist academies see Mordechai Breuer, "Toward the

include the Provençal group led by R. Jonathan of Lunel as part of the three hundred (which the text of the *Shebet Yehudah* seems to reject), it is clear that the number three hundred cannot refer solely to Tosafists or leading Rabbinic scholars.¹⁰ The chronicler who wrote this section of the *Shebet Yehudah* could have included lesser Rabbis and students or well intentioned lay followers of the Tosafists in the term *Rabbanim*. Given the many instances in *Shebet Yehudah* where historians have shown that the author embellished or even imagined historical facts and details for a variety of purposes, we need not be surprised that some of the details of the emigration of 1211 as described by the *Shebet Yehudah* do not stand up under careful scrutiny. Some historians have simply attributed the number of emigrants to the imagination of the chronicler and assign to it no historical validity.¹¹ It is clear that the base of the Tosafist operation remained in western Europe well after 1211, thriving and vital, if not as creative as in the twelfth century.¹² In terms of intellectual history the departure of R. Samson of Sens may have signalled the end of the creative era of R. Tam and R. Isaac (RI) of Dampierre. But the immediate significance of the *ʿaliyah* of 1211

Investigation of the Typology of Western *Yeshivot* in the Middle Ages" [Hebrew], in *Studies in the History of Jewish Society in the Middle Ages and the Modern Period* (Jerusalem, 1980), pp. 48–55.

¹⁰ The number of English Tosafists known to us is likewise quite small. See Urbach, II, 493–520. Indeed, there is some question whether English Tosafists participated in this emigration. Prawer, (*Ha-Ṣalbanim*, p. 303) contends that *Anglitaria* in the *Shebet Yehudah* refers not to England but to that part of southwestern France which was under English control. Cf. Prawer, *Ha-Ṣalbanim*, p. 390. n. 11.

¹¹ See. Gerson Cohen, "Messianic Postures of Ashkenazim and Sefardim," in *Studies of the Leo Baeck Institute* (New York, 1967), p. 124, and the literature cited in n. 14. Cf. Prawer, *Ha-Ṣalbanim*, pp. 302–03. S. W. Baron, *Social and Religious History of the Jews*, VI, 225, seems to accept the number as realistic. Regarding the historical accuracy of the *Shebet Yehudah* generally see F. Y. Baer, "Heʿarot Ḥadashot le-Sefer Shebet Yehudah," *Tarbiz*, 6 (1934–35), 152–53, and Y. H. Yerushalmi, *The Lisbon Massacre of 1506 and the Royal Image in the Shevet Yehudah* (HUCA Supplement, no. 1) (Cincinnati, 1976), pp. 3–4. Azriel Shochat, in the notes to his edition (Jerusalem, 1946/47), often comments that a particular detail is incorrect or fabricated (e.g., p. 168, lines 5, 6, 20; p. 223, line 29).

¹² See Haym Soloveitchik, "Three Themes in the *Sefer Hasidim*," *AJS Review*, 1 (1976), 339, n. 91.

as a link in the chain of medieval Jewish attitudes toward the Holy Land can only be uncovered if we study the motives behind it.

The ultimate importance of the *Shebet Yehudah's* account depends not on whether three hundred Tosafists actually went to Israel in 1211, but on whether this emigration was the spontaneous reaction by a handful of scholars to some external stimulus or the product of a reasoned scholarly position on the Land of Israel and its religious significance. There is no concrete historical evidence to confirm a large scale migration. But we do know that R. Samson of Sens, R. Joseph of Clisson, R. Baruch ben Isaac of Worms (author of *Sefer ha-Terumah*),¹³ R. Samson of Coucy,¹⁴ their students, and perhaps some additional Tosafist colleagues did emigrate to Israel circa 1211. These men constitute a significant scholarly contingent. It is to the reason for their action that we now turn.

2

Historians have suggested various motives for the Tosafist emigration of 1211. S. Krauss, writing in 1926, suggested that the emigration was tied to the nascent Maimonidean controversy. The Rabbis who emigrated wished to convene a Rabbinic synod to discuss the charges against Maimonides' works and perhaps even present its findings at the grave of Maimonides.¹⁵ In a note to Krauss' interesting but untenable thesis,¹⁶ E. N. Adler attributes the emigration to the growing Jewish messianic fervor in Europe in the early thirteenth century.¹⁷ G. Cohen, writing forty

¹³ See below, n. 39.

¹⁴ See below, n. 56.

¹⁵ Samuel Krauss, "L'émigration de 300 rabbins en Palestine en l'an 1211," *REJ*, 82 (1926), 333-43. In the second part of his article (pp. 343-52) Krauss enumerates the major and minor scholars for whom there is documentation that they were part of the migration to Israel. There may have been some anti-Maimonists who came to Israel in the middle of the thirteenth century to ask forgiveness for their actions at Maimonides' grave. See Praver, "The Jews in the Latin Kingdom of Jerusalem" [Hebrew], *Zion*, 11 (1945-46), 59, n. 136.

¹⁶ See the cogent objections of H. J. Zimmels, "Erez Yisrael in der Responsenliteratur des späteren Mittelalters," *MGWJ*, 74 (1930), 47.

¹⁷ E. N. Adler, "Note sur l'émigration en Palestine de 1211," *REJ*, 85 (1918), 71. Cf. Jacob Mann, "Ha-tenu'ot ha-Meshihyyot bi-Me Masa'e ha-Şelab ha-Rishonim," *Ha-Tequfah*, 24 (1926), 349-52.

years later, rejects this claim (without mentioning its first proponent) and attributes this emigration, which he suggests probably did not number hundreds, to general considerations of piety.¹⁸ Cohen's interest in this emigration was limited to his study of medieval Jewish messianism, and once he rejected this *aliyah* as a product of millenarist messianic fervor, it ceased to hold his interest. He does not discuss what the considerations of piety were.

Thus far all the scholarly opinions about the motives of the Tosafists suggest spiritual or intellectual motives. E. E. Urbach, on the other hand, sees in the emigration of 1211 a reaction to the worsening economic and political situation of northern French (and English) Jewry, especially as indicated by the expulsion of the Jews from the royal dominions in northern France from 1182 through 1198. At the same time political conditions in the Land of Israel were becoming more favorable for Jews.¹⁹ This view, that the emigration was politically or economically motivated, is held also by R. Chazan, who attributes the emigration to special taxation of the Jews by the English monarch John Lockland and the French king Phillip Augustus. Indeed, an especially heavy exaction was ordered by Phillip in 1210.²⁰ This type of approach to explain the emigration was first employed by H. Gross in 1883, who argued that the emigration was a response to the fanatical policies of Pope Innocent III (rose to the papacy in 1198). Here, too, it was an outside stimulus, in this case a mixture of religious and political pressure, which forced the Jews to leave.²¹

I would like to suggest, however, that the emigration of 1211 was undertaken principally not as a result of political, economic, or religious pressures, or as a manifestation of messianic fervor, but indeed as a manifestation of piety. Certainly there were vicissitudes of life which might have underscored the uncomfortable reality of living in France as a Jew. The Jews' economic

¹⁸ Gerson Cohen, "Messianic Postures," p. 124.

¹⁹ Urbach, I, 125-26.

²⁰ Robert Chazan, *Medieval Jewry in Northern France* (Baltimore, 1973), pp. 80, 86-87. Cf. Abraham Ya^cari, *ᵎIggerot ᵎEres Yiśra^eel*, p. 75.

²¹ Henri Gross, "Étude sur Simson b. Abraham de Sens," *REJ*, 6 (1883), 176. See also J. Prawer, "Yerushalayim bi-Tefiśat ha-Noṣrut, weha-Yahadut . . .," *Cathedra*, 17 (1981), 72.

and social problems created a source of annoyance which might have strengthened any decision to leave for the Holy Land in order to begin a new life. Just as in Nahmanides' emigration in 1267, a specific event might have led to the actualizing of this theoretical position.²² But to consider the Jews' problems as primary motives for emigration is to ignore what may be a significant aspect of Tosafist thought. A Tosafist-led emigration could hardly be construed as one caused by physical hardship. If life in France was indeed so difficult, why didn't laymen leave in droves? Why didn't they lead the way? There is no evidence that the emigration of 1211 consisted of anyone but Tosafists, their families, and their students. It was certainly not a popular movement.²³

In addition, the specific causal incidents suggested by historians are not compelling. None of these events could be considered cataclysmic and none of them signals a radical change in Jewish life and status.²⁴ At the same time, while the quality of life in Israel improved at the end of the twelfth century beginning

²² See Yitzhak Baer, *A History of the Jews in Christian Spain*, I, 159. Cf. Isidore Twersky, *Rabad of Posquières*, p. 73. The sources which Twersky cites in nn. 28, 31, 32 must be evaluated carefully to determine the attitude of their authors toward settling in Israel. They appear for the most part at the end of treatises or commentaries and reflect the standard desire for Jewish oppression to be ended and for the Jews to return to their promised homeland. Nahmanides' corpus, on the other hand, contains many formulations which indicate very clearly that settlement in Israel is a desideratum. See below, n. 43.

²³ See Krauss, *REJ*, 26, 337-38, and Gerson Cohen, *op. cit.* Of course, the migrations of 1210-11 may have inspired other Jews to leave for the Holy Land on their own initiative. See Praver, *Ha-Šalbanim*, p. 304.

²⁴ Urbach's suggestion that the emigration was caused by the expulsion ordered by Phillip Augustus in 1182 is very difficult to accept. This expulsion affected only Jews in the royal dominions and required them simply to move to another area of northern France not under Phillip's control. See Chazan, *Medieval Jewry in Northern France*, p. 68. Although it was unique, the expulsion can hardly be construed as a cataclysmic event which would compel emigration to the Holy Land as a response. A similar argument may be made against Chazan's suggestion that the economic sanctions of 1210 led to the migration. Certainly the Jewish economic status in northern France was beginning to decline. But the degree of instability in 1210 did not yet indicate a radical change. Perhaps a case may be made that later French emigrés (e.g., R. Jehiel of Paris) were significantly motivated by the policies of Louis IX, who ascended to the throne in 1223. See below, n. 49. For a strong critique of Gross' theory, see Krauss, *REJ*, 82 (1926), 335-36, and H. Z. Zimmels, *MGWJ*, 74 (1930), 46.

with the conquest of Saladin in 1187, it still did not achieve stability prior to the Tosafists' arrival, even in an established Jewish settlement like the one in Akko.²⁵ The Jerusalem settlement, which also included Tosafists, had never enjoyed economic and political security, and it fell into serious disarray within ten years of the Tosafists' arrival from France.²⁶ Moreover, there are additional factors to be considered when discussing the merits of settling in Israel at that time. Tosafists, both those who endorsed and those who did not endorse settling in Israel circa 1211 pointed to the severe economic and physical hardships of living in Israel at that time.²⁷ Even when the economic and political conditions did worsen radically in France and Germany, in the latter half of the thirteenth and in the beginning of the fourteenth centuries, while some scholars did go to Israel, others moved to more viable and tolerant areas within Europe.²⁸ The same option was available to French Tosafists in 1211, if they felt compelled to leave their homeland. In short, the scholar who went to Israel at this time did not do so with the primary aim of finding greater economic security or political or religious freedom. Rather, he did so because of spiritual (or intellectual) considerations. Perhaps somewhat improved conditions in Israel made achieving this goal easier. In the case of the Tosafists, I propose to explain their emigration as a function of their halakhic sensibilities about living in Israel. The piety involved in this emigration was quite specific and was the subject of precise debate among the Tosafists themselves.

3

R. Samson of Sens was, as we have seen, a leader of the Tosafist migration of 1211. We discern both in him and in his older brother, R. Isaac (RIŞBA), who died just prior to the

²⁵ See Praver, *Zion*, 11 (1945–46), 57–58; *idem*, *Ha-Şalbanim*, pp. 318–19; S. H. Kook, *‘Iyyunim*, II, 126–27; Sylvia Schein, in *Şilṭon ha-Muslamim we-ha-Şalbanim*, ed. J. Praver (Jerusalem, 1981), p. 346.

²⁶ Praver, *Ha-Şalbanim*, pp. 294–312; Schein, *ibid.*, pp. 341–43.

²⁷ See below, nn. 34, 46, 49.

²⁸ While R. Meir of Rothenburg set out ostensibly for Israel (see below, n. 52), R. Asher ben Jehiel and his family set out for Spain. They encouraged other Ashkenazic Jews to follow them. See Simḥah Assaf, “Ḥalifat She’elot u-Teshubot beyn Sefarad u-beyn Şarefat,” *Tarbiz*, 8 (1937), 163. Cf. I. A. Agus, *Rabbi Meir*

²⁹ *aliyah*, an abiding concern with *hilkhot Ereš Yiśra'el* on the practical level. From RIŠBA we have several halakhic decisions concerning *hilkhot Ereš Yiśra'el*. One was sent to R. Jonathan of Lunel at his request, before R. Jonathan left for Israel.³⁰ There is evidence that both R. Isaac and his brother R. Samson were in close contact with the Jews in Israel in order to be updated on current halakhic practices there.³¹ As for R. Samson, it may be suggested that part of his motivation for composing a commentary on the tractates without Gemara was to study carefully the *mišwot ha-teluyot ba-areš*, principally derived from *Seder Zera'im*.³² When R. Samson was consulted, apparently prior to his own emigration or at the time of the emigration,³³ by one who had vowed to go to Israel but ostensibly could not keep his vow owing to his pregnant wife, R. Samson ruled that the vow could be nullified. The nature of the nullification is quite interesting:

Regarding the vow that you made to go to Israel, even if it was made publicly (*al da'at rabbim*), it can be nullified since your wife is pregnant, for nothing stands in the way of preserving life and there is danger in transporting your wife while she is pregnant. Also, until the baby has gained strength and the summer months have come [there is also danger] . . . And do not retort that this is not a life-threatening situation since you can go without your wife, because you cannot leave her alone (*le-agnah*) and you are beholden to her. Thus this is a case of [a vow which would preclude the performance of]

of *Rothenburg* (New York, 1947), I, 127–28. The literature cited by Assaf in n. 10 (pp. 163–64) indicates that some French Jews migrated to central and eastern Europe beginning with the period of the Crusades. See Meir Balaban in *Bet Yiśra'el be-Polin*, ed. I. Halperin (Jerusalem, 1948), I, 2.

²⁹ See. I. Ta-Shma, *Shalem*, 3 (1981), 323, and Urbach, I, 270–71. Praver's statement that R. Isaac went with R. Samson to Israel (*Zion*, 11 [1945–46], 50) is incorrect. Cf. Ta-Shma, p. 321.

³⁰ Urbach, I, 263.

³¹ For R. Isaac, see *Kesef Mishneh to Mishneh Torah, Hilkhot Terumat*, 1:11, and I. Z. Kahana in *Sinai*, 37 (1955), 158, n. 100. For R. Samson see his commentary on *Hal.* 4:8. Cf. Avraham Grossman, "Ziqatan shel Yahadut Ashkenaz le-Ereš Yiśra'el," *Shalem*, 3 (1981), 90, n. 122.

³² See Urbach, I, 298. Cf. Twersky, *Rabad*, p. 72.

³³ See Zimmels, *MGWJ*, 74 (1930), 48.

an important precept (*mišwah merubbah*) and it can be nullified. . . .³⁴

Several points should be made about this responsum. First, it is clear that had the questioner not been married to a pregnant woman, the *pesaq* would probably have been different, even though the journey does not appear to have been an easy one. Second, compared with other medieval authorities who were asked to nullify vows to go to Israel, R. Samson is much more specific and narrow in his argument to nullify the vow. He does not grant a broad exemption based on overall danger or on the fact that living in Israel is not a strict obligation, as other medieval halakhists do.³⁵ Finally, the most significant consideration for R. Samson is that *aliyah* should not be undertaken if other *mišwot* are thereby compromised. Although the concept of *mišwah merubbah* being enough to nullify a vow made publicly is a standard aspect of *hilkhot nedarim*, its use here may have added significance, given R. Samson's own proclivity toward going to Israel.

In order to appreciate R. Samson's posture on living in Israel, let us turn to the position of one of his older contemporaries, R. Ḥayyim Kohen. Exactly what view R. Ḥayyim held is somewhat problematic. *Tosafot Ketubot*, dealing with the *sugya* of whether spouses may force each other to go to Israel, cites R. Ḥayyim Kohen, who claims that the *sugya* is not applicable (in the Tosafist period) because

Presently, one is not commanded to live in the Land of Israel because there are several precepts which must be kept in the

³⁴ The responsum is found in the Prague edition of the responsa of R. Meir of Rothenburg (published in 1895), unsigned. It appears identically in *Haggahot Maimuniyyot to Mishneh Torah, Hilkhot Shebu'ot* 5:7 as a responsum of R. Samson of Sens. Cf. Urbach, I, 278, n. 40, and I. A. Agus, *Teshubot Ba'ale ha-Tosafot* (New York, 1954), p. 163.

³⁵ Medieval responsa dealing with nullification of vows to go to Israel are conveniently collected in I. Schepansky, *ḤEreṣ Yiśra'el be-Sifrut ha-Teshubot* (Jerusalem, 1966), v. 1, part 2, section 1, chapter 4. For comparisons with the position of R. Samson, see especially the responsum of R. Joseph ibn Megash (p. 135) and the responsum of R. Asher ben Jehiel (pp. 136–37):

You have inquired concerning one who vowed to go to the Land of Israel. That vow can be nullified in the same manner as other vows. If he made the vow and then regretted it, he should go before three [scholars] who know the nature of vows, and they will nullify this vow. . . .

Land (*mišwot ha-teluyot ba-³areš*) and several punishments [for malfeasance] about which we cannot be careful and abide by.

Tosafot also record another reason, offered anonymously:

This [the prerogative of one spouse to compel the other to go to Israel] is not applicable at this time because there is danger in traveling (*sakkanat derakhim*).³⁶

The author of *Haggahot Mordekhai* records this statement only, in an embellished form, as a responsum of R. Ḥayyim Kohen on this matter.³⁷ It is not clear therefore which reason R. Ḥayyim himself actually suggested. He may well have suggested both of them.³⁸ In any event we have in the first statement a bona fide Tosafist position which counsels that one ought not to go to Israel, because fulfilling required *mišwot* there would be impossible.

³⁶ *Tosafot Ketubot* 110b, s.v. *hu³ omer la-^calot*. The position attributed to R. Ḥayyim Kohen is mentioned second.

³⁷ *Haggahot Mordekhai* to *Ketubot*, 313. R. Judah al-Mudari, a thirteenth century talmudist from Aleppo, records a strikingly similar responsum in the name of R. Hai, see *Ošar ha-Geonim* to *Ketubot*, ed. B. M. Lewin, p. 373 (published as part of R. Judah's commentary on *Hilkhot ha-RIF* in the Pardes—El ha-Mekorot edition of *Ketubot*, Jerusalem, 1962). Another text similar to the one in *Hag. Mord.* is recorded in *Sefer Agudah* to *Ketubot* (Cracow, 1571, reprinted Jerusalem, 1979, p. 168), without being attributed to anyone. R. Judah, in his commentaries, cites Ashkenazic scholars who were younger contemporaries of R. Ḥayyim Kohen. It is possible that at some point the initials פ"ק were associated with the text and were miscopied as פ"ק (= פ"ק). It cannot be assumed that the nameless text in *Sefer Agudah* indicates that this reason was not offered by R. Ḥayyim Kohen. Thus far I have not been able to clarify R. Ḥayyim's position on the basis of manuscript research.

³⁸ The two reasons are not unrelated. *Sakkanat derakhim* does not mean only that death or injury might befall the traveler—normal living while on the road will be disrupted. In any event, there is no reason to assume that the position attributed to R. Ḥayyim Kohen is not a bona fide Tosafist opinion, whether R. Ḥayyim uttered it or not. There are some *Aḥaronim* (led by R. Joseph of Trani, *Teshubot MaHaRIT* 2:28) and contemporary halakhists who contend that this opinion is the imagination of an errant student. This view was disputed most forcefully by R. Jacob of Lissa. For a survey of all the relevant literature see R. Obadiah Yosef, "Mišwat Yishub ³Ereš Yišra³el ba-Zeman ha-Zeh," *Torah She-Be^cal Peh*, 11 (1969), 38–39. We shall see further on in this study that the position attributed to R. Ḥayyim Kohen was held by other Tosafists as well.

R. Baruch ben Isaac of Worms, was another leading Tosafist who went to Israel circa 1211 and died there.³⁹ R. Baruch devotes an important section of his work to *hilkhot ʿEreṣ Yiśraʿel*. While many Tosafists dealt with halakhic issues concerning the taking of *hallah* and the giving of other priestly gifts and tithes which might have been applicable in the Diaspora, or with the sanctity of the Land (*qedushat ha-ʿareṣ*), which is an important topic in the abstract, the systematic and comprehensive presentation of the Laws of the Land by R. Baruch is unique,⁴⁰ and indicative of his posture concerning settlement in Israel. He begins with an appropriate verse from Isaiah 62 and an interpolation and then states:

It is true that the Land of Israel is dear, and fortunate is the man who dwells there. For even those who left it, King Jeconiah and those exiled with him, brought with them stones and soil of Israel and built them into a synagogue in Baby-lonia. . . . At the end of Ketubot (112a) the Talmud records

There is, of course, one crucial difference between the two positions cited by *Tosafot*. For the first position, *sakkanat derakhim* merely removes the right of spouses to compel each other to go to the Holy Land, without forcing the conclusion that going to the Holy Land at this time is unwarranted. The second position, that of R. Ḥayyim Kohen, argues that going to the Holy Land is a worthless venture at this time. It should be noted that we possess one other position of R. Ḥayyim Kohen that relates indirectly to the Land of Israel. Because Jewish presence in the Diaspora was temporary, a Jew in the Diaspora could lease houses to idol-worshippers. See *Tosafot R. Elhanan* to B. AZ 21a, s.v. *ʿaf*.

³⁹ According to the chronicle published by Ta-Shma in *Shalem*, 3 (1981), 323, R. Baruch died in 1211. His emigration to Israel is attested by later sources, and Urbach (I, 352) accepts it as historical fact. The date of his death in the chronicle, if it is accurate, might preclude the possibility that he actually reached Israel. Cf. Ta-Shma, *ibid.*, pp. 321–22, who, on the basis of *Sefer Taqqanot Qandiyah*, proves that R. Baruch was indeed on the way to Israel and may have reached there in a Tosafist wave that arrived before 1211.

⁴⁰ R. Baruch's *Hilkhot ʿEreṣ Yiśraʿel* are found in his *Sefer Ha-Terumah* between *hilkhot tefillin* and *hilkhot shabbat* (in the Warsaw, 1897 edition [reprinted Jerusalem, 1959], pp. 151–57). Cf. Urbach, I, 349. The only other Ashkenazic treatises on *hilkhot ʿEreṣ Yiśraʿel* that I have found are attributed to Mordekhai ben Hillel. See Ms. Vat. Ebr. 141, fol. 337r–339r. A virtually identical text was published from a Viennese manuscript by Z. Beidonowitz (reprinted Jerusalem, 1978).

that R. Abba would kiss the ground of Akko; R. Ḥiyya bar Abba would wallow in the dust, as the verse reads (Ps. 102:15), “For your servants wanted her stones and her dust they desired.”⁴¹

But the most important aspect of living in Israel is that the Jew is afforded the opportunity to fulfill the precepts of the Land:

And certainly (*we-kol she-ken*) one who lives in it [Israel] and keeps the precepts of the Land merits being in the proximity of the Holy One, blessed be He.

R. Baruch then traces historically the success of the scholars of the Tannaitic and Amoraic periods in properly separating tithes and priestly gifts. Only after this does he proceed to detail the applicable laws in Israel. Clearly R. Baruch is of the opinion, in contrast with R. Ḥayyim Kohen, that these laws can be kept at this time, albeit with difficulty, just as they were kept in ancient times by leading scholars in Israel. It should be noted that R. Baruch, in his preamble, could have been much more expansive in his praise of the Land of Israel. While we would not have expected him to philosophize about the Land, we might have expected that he would cite much more of the Talmudic material at the end of Ketubot which deals with several aspects of the glory and religious significance of living in the Land. Indeed, both R. Judah ha-Levi, who did integrate Israel into his scheme of Jewish philosophy,⁴² and Maimonides, who did not,

⁴¹ *Sefer Ha-Terumah* (Warsaw, 1897, reprinted Jerusalem, 1959), p. 151.

⁴² The Talmudic material is cited in *Kuzari*, 2:22. Cf. I. Ta-Shma, *Shalem*, 1 (1976), 81, n. 2. On Judah ha-Levi's attitude toward the Land of Israel and its place in his system of thought, see *Kuzari*, 2:8–24, 5:22–27 and the analyses of Y. Baer, “‘Ereṣ Yiśra'el we-Galut be-‘Eyne ha-Dorot shel Yeme ha-Beynayim,” *Me'assef-Zion*, 6 (1934), 160–63; *idem.*, *Galut* (reprinted Jerusalem, 1980), pp. 24–32; J. Guttman, *Philosophies of Judaism* (reprinted New York, 1964), pp. 143, 148; N. Glatzer, “Zion in Medieval Literature: Prose Works,” in *Zion in Jewish Literature*, ed. A. S. Halkin (New York, 1961), pp. 90–92. See also A. Altmann, “The Climatological Factor in Yehudah ha-Levi's Theory of Prophecy” [Hebrew], *Melilah*, 1 (1944): 1–17; and see generally S. Rosenberg, “The Link with ‘Ereṣ Yiśra'el in Jewish Philosophy” [Hebrew], *Cathedra*, 4 (1977), 153–56. For R. Judah's attitude toward the Land of Israel as expressed in

simply cite at one point the host of Talmudic praises for living in the Land.⁴³ R. Baruch cites one Talmudic statement about scholars who actually kissed the Land out of their love for it, and then proceeds to praise Israel as a land which affords enhanced fulfillment of Jewish law. It would seem that fulfillment of additional *mišvot* is what really attracted R. Baruch to the Land of Israel.

From the sources which we have analyzed thus far we may say that for the Tosafists the crucial factor in determining whether one ought to go to Israel, and the main reason for aspiring to go to Israel was the degree to which one, once there, would be able

his poetry see A. Doron, "Ha-Ziqah le-³Ereš Yiśra²el be-Shirat R. Yehudah ha-Levi, "Proceedings of the Eighth World Congress of Jewish Studies (Jerusalem 1982), III (Hebrew section), pp. 159–64. See also S. D. Goitein, "Ha-Im Higi^ca R. Yehudah ha-Levi el Hof ²Ereš Yiśra²el?", *Tarbiz*, 46 (1977), 245–50, and the literature cited in n. 1. Note that the position of Judah ha-Levi's contemporary Abraham bar Ḥiyya concerning the centrality and significance of the Land of Israel was antithetical. See *Megillat ha-Megalleh*, ed. A. Poznanski and J. Guttmann (Berlin, 1924), p. 76.

⁴³ Maimonides presents the Talmudic material, in slightly altered form, in *Mishneh Torah, Hilkhot Melakhim* 5:9–12. There is no explicit discussion of the philosophical importance of Israel in *Moreh Nebukhim*. Implicitly one might read 1:44 as such a reference, but it is clearly not an important motif in Maimonides' thought. Cf. G. Cohen, "Zion in Rabbinic Literature," in *Zion in Jewish Literature*, p. 38, who explains the absence of discussion about Israel in most expositions of Rabbinic theology with the suggestion that these works (like *Moreh Nebukhim*) are concerned with the metaphysical system in Judaism, which governs all persons, at all times, and in any land. Thus, while we find virtually no reference to Israel in the *Moreh*, Maimonides' halakhic works abound with material concerning the Land of Israel. Cf. J. Lewinger, "The Exclusiveness of Israel, its Land, and its Language according to Maimonides," *Milet*, 2 (1985), 289–93. While Naḥmanides never lists comprehensively the Talmudic praises for living in Israel, he makes full use of the Talmudic material in his discussion on the importance of settling in the Land. For a survey of his material see Praver, "Hobebe Šiyyon bi-Me ha-Beynayim," in *Ma^carabo shel Galil we-Ḥof ha-Galil* (Jerusalem, 1965), pp. 129–33, and *idem.*, *Ha-Šalbanim*, pp. 314–17. Cf. Baer, *Galut*, pp. 46–47, and *idem.*, in *Tarbiz*, 6 (1934–35), 161. See also S. Rosenberg, cited in the preceding note. Finally it should be noted that even Maimonides' halakhic posture concerning settlement in Israel is enigmatic, and has received much attention from medieval and modern scholars. The analyses begin with the commentaries to *Sefer ha-Mišvot* of Naḥmanides and Isaac de Leon. See R. Obadiah Yosef, *Torah she-Be^cal Peh*, 11 (1969), 34–42. An attempt to correlate the various components of Maimonides' attitude toward the Land of Israel was made by M. Ḥavazelet, "Ziqat ha-RaMBaM le-³Ereš Yiśra²el we-Hashpa^cato ^cal ha-^cOlim ²Elehah," *Peraqim*, 2 (1960), 65–86.

to perform religious precepts. Talmudic expressions of love for the Land of Israel per se are not nearly as compelling for the Tosafists as is the opportunity to perform additional *mišwot* when in Israel. Thus, when R. Moses Taku, a German Tosafist of the thirteenth century, reached Israel and wanted to describe his accomplishment, he is quoted as saying:

With thanks to the Almighty, we have been privileged to come to the Land and to fulfill in it the precepts of tithing and giving priestly gifts every day at all times, even from the small amounts of vegetables bought at the market. Even though there are some authorities who are lenient in this matter, we are strict about it.⁴⁴

By the same token, the opinion in *Tosafot Ketubot* attributed to R. Ḥayyim Kohen also used fulfillment of *mišwot ha-teluyot ba-³areš* as the criterion for determining that living in Israel was not an appropriate goal for the Jew at that time.⁴⁵ Using fulfillment of *mišwot* as the cutting edge, we can proceed to evaluate all remaining Tosafist material concerning living in Israel and place the authors on one side of the ledger or on the other.

Israel Ta-Shma recently discovered a text on the merits of going to Israel which he ascribes to R. Judah the Pious (or at the very least to a member of the somewhat nebulous group of German Pietists). The following is a translation of Ta-Shma's transcription:

Question: Should a person go to the Land of Israel [as an expiation] for his sins, or should he remain at home and study, or do other good deeds and thereby achieve expiation for his sins? Answer: It seems to me that one who goes to Israel, to the contrary, increases his sinfulness. Behold, R. Judah (B. Ket. 110b) prohibited one from going to Israel. One who goes, and has a wife and children at home, abstains from procreating and from [proper] prayer And if he has no wife, he is likewise abstaining from procreation and from Torah study and prayer. And sometimes he will profane the

⁴⁴Quoted in R. Bezalel Ashkenazi, *Responsa*, ed. I. Feldman (Jerusalem, 1955), #2, fol. 10b. Cf. Kahana in *Sinai*, 37 (1955), 158, n. 102. On R. Moses Taku see Urbach, I, 420–25.

⁴⁵ Cf. Praver, *Ha-Šalbanim*, p. 305.

Sabbath or items will be stolen from him and he will have to go and inquire about them or he will need to redeem them. Therefore, it is better that he stay home and be spared.⁴⁶

While the questioner might simply have been asking for an explanation or application of the Talmudic dictum כל הדר בארץ, ⁴⁷ the Pietist answered more than he was asked. It seems that *mišwot ha-teluyot ba-³areš* certainly could not be kept. Moreover, fulfillment of marital obligations and even studying and praying properly were judged to be impossible. The deplorable conditions in the Land might also lead the immigrant to sin. Fulfillment of *mišwot* is clearly at the heart of the Pietist's decision.⁴⁸ No doubt conditions in Israel were difficult at this time. Nonetheless, there is a clear dichotomy in Ashkenazic positions.

A less forceful version of the Pietist's position can be found elsewhere in thirteenth century Ashkenaz, in a responsum of R. Meir of Rothenburg:

You have asked whether I have heard why the great scholars (*gedolim*) ordered their sons to return [from Israel]. It seems to me, because there was no source of mercy there (אין שם) (מרחמים כלל) and also because they could not study Torah there because they had to eke out a living (לטרוה אהר מזונות). Also, because there is no Torah [guidance] there, they are not proficient in [the performance of] *mišwot*. This seems to me to be what I heard from their sons [Signed] Meir ben Baruch, may he continue to live.⁴⁹

⁴⁶ I. Ta-Shma, "Inyane ³Ereš Yišra'el," *Shalem*, 1 (1976), 81. The opinion of R. Judah referred to in the text is expressed as follows: ר' זירא הוה קמשתמיט מיניה ר' יהודה דבעא למיסק לארץ ישראל דאמר ר' יהודה כל העולה מבבל לארץ ישראל . . . עובר בעשה. See Rashi ad. loc. The cause of the situations described at the end of the responsum is not clear. On the possible ideological underpinnings of this responsum see G. Scholem, *Major Trends in Jewish Mysticism*, pp. 104–06.

⁴⁷ B.Ket. 111a. Note that scholars such as R. Judah ha-Levi and R. Simeon Duran held that going to Israel brought with it automatic atonement; see Ta-Shma, *ibid.*, p. 81, n. 2, and p. 82, n. 3. Cf. the position of R. Meir of Rothenburg, below, n. 53. Cf. *Mishneh Torah, Hilkhot Melakhim* 5:9.

⁴⁸ As Ta-Shma points out (*ibid.*, p. 82), the writings of the German Pietists are virtually silent concerning the Land of Israel. Cf. *Sefer Hasidim*, ed. Wistinetski, #1721.

⁴⁹ R. Meir ben Baruch, *Responsa* (Berlin, 1891), #79, p. 187.

The sons referred to in the responsum might well have participated in the ‘*aliyah* of 1211. R. Meir stresses *כמרומה אני שכך שמעתי* (“this seems to me to be what I heard”), which suggests that this happened long before the question was asked. While the *gedolim* did not share the objections of the Pietist, the problems encountered while trying to perform *mišwot ha-teluyot ba-³areš* and to study Torah were serious enough to warrant a call for the sons’ return to Europe.⁵⁰

⁵⁰ Historians who have dealt with this responsum have suggested that indeed both the *gedolim* and their sons were participants in the migration of 1211. Upon reaching Israel and finding the conditions described in R. Meir’s report, the *gedolim* told their sons to return to France. See A. Grossman, “‘Iggeret Ḥazon we-Tokheḥah me-³Ashkenaz ba-Me³ah ha-14 (le-ziqatam shel yehude ³Ashkenaz le-³Ereš Yiśra³el),” *Cathedra*, 4 (1974), 198, who argues that R. Meir’s fuzzy recollection and the fact that R. Meir’s father, R. Baruch, was still alive at the time that the responsum was written indicate that the emigration referred to occurred very early in R. Meir’s career, making the emigration of 1211 a likely possibility. The leading scholars (*ha-gedolim*) were the great French Tosafists (with exceptions) who emigrated at the time. Cf. Israel Schepansky, *‘Ereš Yiśra³el be-Sifrut ha-Teshubot*, p. 120, n. 7; S. H. Kook, *‘Iyyunim*, II, 262; and Prawer, in *Zion*, 11 (1945–46), 74, n. 68. Grossman further suggests that this negative assessment by the *gedolim* had a deleterious effect on subsequent Ashkenazic Jews who were considering ‘*aliyah*, as evidenced by the questioner of R. Meir. Confident in his identification, Grossman notes that not all the descendants of the scholars who emigrated in 1211 returned to Europe; the son and grandson of R. Samson of Sens, for example, remained (n. 6). If Grossman is correct, several problems arise when attempting to characterize the position of the *gedolim* concerning ‘*aliyah*. Did they go to Israel expecting to be able to perform additional *mišwot*, and then tell their sons to leave when this goal proved unattainable, or did they go to Israel for a completely different spiritual experience, only to find that their stay was to be marred by the situation which they encountered? Answers to these questions are not easily forthcoming and any evaluation of the position of the *gedolim* must be made cautiously. There are two facts which might, however, weaken Grossman’s suggestion. First, R. Meir’s father did not die before 1275; see Urbach, II, 528. Thus R. Meir’s dim recollection need not be that of a conversation that took place in his early student days in Paris. Second and much more important, there is nothing in the responsum to deny the possibility that the *gedolim* did not go to Israel at all, while their sons did (perhaps in the wave of 1211). On the contrary, the report of the sons to MaHaRaM indicates that this is an excellent possibility. One of the reasons that the fathers tell their sons to return is that *מתוך שאין שם תורה*, אינם בקיאים (ם) בדקדוקי מצוות. If the fathers were in Israel together with the sons and were to remain there, this statement is simply untrue. Understandably the fathers were older men and might have died soon. But they could certainly have trained their sons to carry on in their absence. The fact that R. Meir gets the report from the sons (*שכך שמעתי מבניהם*) does not prove that only the sons

R. Meir's teacher, R. Jehiel of Paris, apparently did not agree with the negative assessment of the situation; he set out for Israel and founded a yeshivah there about 1260.⁵¹ R. Meir himself seems to have been on the way to Israel when he was arrested in Italy in 1286.⁵² Moreover, in the beginning of the responsum about the sons of the *gedolim*, R. Meir decided that a son can go to Israel against the wishes of his parents,⁵³ and that a husband can divorce his wife if she does not want to go to the Holy Land, an explicit critique of the position in *Tosafot Ketubot*.⁵⁴ But once again, as we see in another formulation, the entire venture depended on, and was inspired by, proper fulfillment of *mišwot* and continuation of proper study and conduct:

You asked me about the main component of the precept of going to the Land of Israel. I do not know anything except what is written explicitly at the end of Ketubot. [You also asked] whether one's sins are forgiven; this is explicitly stated there, provided that one abstains [from further sin] from now on and will desist from all types of sin and will fulfill all *mišwot ha-teluyot ba-²areš*. For if one sins in the Land of

returned while the fathers stayed. Also, R. Meir's use of the emphatic *ha-gedolim* does not support the claim that these were necessarily the leading scholars who had emigrated in 1211. There were many *gedolim* who remained in France after 1211, and R. Meir often refers to the views of the *gedolim* in his responsa.

⁵¹ See the controversy between I. Ta-Shma in *Shalem*, 1 (1974), 82–84; B. Z. Kedar in *Shalem*, 2 (1976), 349–54; and now Ta-Shma, *Shalem*, 3 (1981), 322–24, concerning the emigration of R. Jehiel. Note that the worsening conditions in northern France may have played more of a role in R. Jehiel's decision to emigrate. See A. David, "Pera^cot bi-Hude Šarefat be-^cEt Massa^c ha-Ro^cim shel Shenat Yod-Alef," *Tarbiz*, 46 (1977), 251–57. Cf. Baer, *Me²assef-Zion*, 6 (1934), 155. According to Eshtori ha-Farhi, R. Jehiel set out for Israel in order to reinstitute the sacrificial rites; see *Kaftor wa-Ferah*, ed. Y. Grossberg (Jerusalem, 1958), p. 46.

⁵² See Prawer, *Ha-Šalbanim*, p. 326–27; Urbach, II, 541.

⁵³ The exact wording of the question was "Can a father stop his son from emigrating to Israel?" There is a source which seems to imply that R. Jehiel nullified his sons' vow to go to Israel because of *איבוד אב*. For an interpretation of this source see S. H. Kook, *Iyyunim*, I, 138, and Urbach, I, 456. See now C. Shine, "Honoring One's Parents and the Mitzva of Aliya," *Morashah*, 3 (1984–85), 11–15.

⁵⁴ Those scholars who wish to impugn the integrity of R. Hayyim Kohen's alleged position (see above, n. 36) cite as a proof that R. Meir does not even mention R. Hayyim's name when he so forcefully rejects his opinion. This reasoning is totally unwarranted.

Israel, he will be punished more severely than for sins committed in the Diaspora, because God nurtures it [the Land] always . . . for it [the Land] regurgitates sinners, and therefore the Land is desolate now But one who goes for the sake of heaven and conducts himself in holiness and piety, there is no end to his reward, provided that he can support himself there And you asked, why did the Amoraim not go there? I will answer that they did not have any extra means (דלא הוי מותר להו) and they would have had to suspend their studies in order to seek sustenance Since the Talmud states that it is permitted to leave Israel for the Diaspora in order to study Torah with one's master, certainly one should not leave his master in the Diaspora in order to go to Israel, especially if this will cause him to abandon his studies in order to find sustenance.⁵⁵

While R. Meir refers the questioner to the Talmudic material about why it is praiseworthy to go to the Land of Israel, the thrust of his responsum is about the *mišwot* aspect of the Land. It was this aspect indeed which determined for the Amoraim whether they should go to Israel—the economic hardships in the Land would have forced them to compromise their Torah studies. But those who in R. Meir's day were able to live in Israel and could properly observe *mišwot* were elevating themselves and helping to develop the Land.

We have identified two Tosafist positions regarding °aliyah. Both revolved around the possibility of fulfilling *mišwot*. Those Tosafists who did go to Israel about 1211⁵⁶ along with their relatives and students did so not as an abstract act of piety but because they saw in Israel additional opportunities for fulfillment of *mišwot*. The other position held, for various reasons, that living in Israel would lead to lesser fulfillment or distorted fulfillment of religious precepts than living in Ashkenazic Europe.⁵⁷

⁵⁵ *Sefer Tashbeš* (Lemberg, 1858), #561–65; with slight variations in the Berlin edition (1891) of R. Meir's responsa, nos. 14–15. Cf. *Kol Bo*, #127; °*Orhot Hayyim*, II, 611–12; R. Moses Mintz, *Responsa*, #79. Cf. Baer, *Me°assef-Zion*, 6 (1934–35), 161.

⁵⁶ Aside from the Tosafists already mentioned, R. Samson of Coucy emigrated about 1211; see Urbach, I, 344.

⁵⁷ Cf. R. Ezekiel Landau, *Noda° bi-Yehudah*, II, *Yoreh De°ah* #206. His son Samuel explained that the Tosafists, by and large, did not emigrate to Israel

The *‘aliyah* of 1211 is therefore highly significant no matter how many scholars actually did emigrate. Even though many of the Tosafists who went to Israel were older men, they were going to actualize their halakhic position, and more importantly, they were bringing younger family members, students, and followers with them.⁵⁸ It is reasonable to suggest that worsening conditions in France and somewhat improved conditions in Israel contributed to the Tosafists' decision that the Land of Israel outweighed France in terms of its "*mišwah* quotient." But it was the halakhic position which incorporated reality into it, and not reality alone, which motivated those Tosafists to act. For the other position, difficult conditions in Israel rendered Ashkenaz the preferred locale for religious observance.

The spiritual foundation for the Tosafist emigration to the Holy Land would seem to be an abiding commitment to the observance of halakhah and to the fulfillment of *mišwot*. In Tosafist thought these spiritual stimuli were unusually powerful and could move people to undertake even a radical uprooting or migration. Ashkenazic Jewry and the Tosafists in particular were more halakhocentric than any of their neighbors in western Europe. Neither philosophy nor mysticism impacted significantly upon the religious consciousness of the Tosafists who journeyed to Israel. Their faith was deep and simple. It was directed toward belief in an inscrutable God who rewarded those that followed His Law punctiliously.⁵⁹ If living in Israel would significantly

because they espoused the position attributed to R. Ḥayyim Kohen in Tos. Ket. 110b. This is similar to the approach taken by R. Meir of Rothenburg in explaining why the Amoraim did not go to Israel; see above, n. 55.

⁵⁸ See Praver, *Ha-Šalbanim*, p. 324; S. H. Kook, *‘Iyyunim*, II, 262; Krauss, in *REJ*, 82 (1926), 345.

⁵⁹ See Urbach, I, 17–19; II, 676–77, H. H. Ben-Sasson, "The Middle Ages," in *A History of the Jewish People*, ed. H. H. Ben-Sasson (Cambridge, Mass., 1976), pp. 525–27; I. A. Agus, *The Heroic Age of Franco-German Jewry* (New York, 1969), pp. 9–10; Y. Heinemann, *Ṭa‘ame ha-Mišwot be-Sifrut Yiśra‘el* (5th ed., Jerusalem, 1966), I, 46–48; H. J. Zimmels, *Ashkenazim and Sephardim* (reprinted London, 1976), pp. 249–50. Cf. J. Katz, *Exclusiveness and Tolerance* (New York, 1961), p. 86. See now I. Ta-Shma, "Shiqqulim Filosofiyyim be-Hakhra‘at ha-Halakhah bi-Sefarad," *Sefunot* (series 3), 18 (1985), 99. On the concept of halakhocentricity and its use in regard to Ashkenazic Jewry see I. Twersky, "Religion and Law," in *Religion in a Religious Age*, ed. S. D. Goitein (Cambridge, Mass., 1974), pp. 70–71. On the absence of the study of philosophy in Ashkenaz see

enhance one's ability to perform religious precepts and thereby secure divine reward in the world to come, if not in this world, that was motivation enough to undertake the migration.

At this point, one important question remains. Since we have argued that the Tosafist positions were developed as halakhic ones and were not spontaneous reactions to outside stimuli, can we trace the antecedents of these positions? The position of R. Samson of Sens, R. Baruch, and their colleagues may perhaps be seen in a Talmudic interpretation of RaSHBaM.⁶⁰ The Talmud states: "Our Rabbis taught that one should not leave the Land of Israel for the Diaspora unless two *se²ah* are sold for one *sela^c*." RaSHBaM explains the Talmudic view, which proscribes leaving the Land except in times of economic or agricultural hardship, as follows: *שמפקיע עצמו מן המצרות*. Leaving Israel could cause many problems or losses for the individual according to the Talmudic material at the end of the tractate Ketubot: "One who lives in the Diaspora is akin to one who has no God," "One who lives in Israel has his sins forgiven," and the like. But it would seem according to RaSHBaM that the most crucial loss would be the lost opportunity for fulfilling the extra *mišvot ha-teluyot ba-²areš*.⁶¹

As for the position espoused by R. Ḥayyim Kohen and the German Pietist and the *gedolim* referred to by MaHaRaM, its antecedent may be somewhat earlier. We have recently benefited from research into the pre-Crusade period in Ashkenaz which has yielded detailed biographical material on the pre-Crusade scholars. While there were important connections between the earlier Palestinian and Ashkenazic scholarly communities regarding law, custom, liturgy, and method of study, we find no pre-Crusade

A. Grossman, *Ḥakhme Ashkenaz ha-Rishonim* (Jerusalem, 1981), p. 424, and B. Septimus, *Hispano-Jewish Culture in Transition* (Cambridge, Mass., 1982), pp. 50–51, 64–65. The German Pietists were of course involved in the study of mysticism, but their impact upon the rest of Ashkenazic Jewry in terms of this discipline was minimal. See J. Dan, *Torat ha-Sod shel Ḥasidut ²Ashkenaz* (Jerusalem, 1968), pp. 43–46. It does not seem that esoteric considerations spawned the Pietists' anti-migration stance either; see above, n. 48, and below, n. 70.

⁶⁰ RaSHBaM, on B. BB 91a, s.v. *eyn yoš²in*.

⁶¹ See also Tosafot Git. 2a, s.v. *we-²Ashqelon*, and RIṬBA ad. loc. For an analysis of RaSHBaM's comment see J. D. Bleich, *Contemporary Halakhic Problems* (New York, 1977), p. 7.

scholars from Ashkenaz settled in Israel.⁶² Conditions in Israel prior to 1000, while the land was under Moslem rule, were poor economically, but there is evidence of Moslem protection for the Jews who did live there.⁶³ Moreover, there is ample evidence of Jewish merchants who traveled between Europe and the Land of Israel.⁶⁴ Scholars who wished to go to Israel certainly had access to it. It would seem that the standard pre-Crusade Ashkenazic position did not encourage actual settlement in Israel, despite the respect and regard that Ashkenazic scholars had for Israel as a Torah center.⁶⁵ It is interesting to note that in all the late twelfth⁶⁶ and thirteenth-century Rabbinic sources and personal reports which describe emigration of Rabbinic scholars to Israel, all the *olim* are Frenchmen. Everyone, both great scholar and lesser disciple, is a *Şarefati*, with only one exception. The scholar in question is first called a *Şarefati* and then an *Ashkenazi*.⁶⁷ Also, R. Meir of Rothenburg and R. Baruch of Worms both studied in Paris.⁶⁸ On the other hand, the position

⁶² See A. Grossman, *Hakhme ʔAshkenaz ha-Rishonim* (Jerusalem, 1981). On the connections between early Ashkenaz and the traditions, scholars, and scholarship of Israel see the extended discussion and reformulations by Grossman and Ta-Shma. The literature is cited in Grossman, "Le-Heqer Ziqatah shel Yahadut ʔAshkenaz ha-Qedumah le-ʔEreş Yişraʔel," *Zion*, 47 (1982), 192, nn. 1, 2.

⁶³ Moshe Gil, "ʔEreş Yişraʔel bi-Me ha-Shilṭon ha-Muslami," in *Shilṭon ha-Muslamim weha-Şalbanim*, ed. J. Prawer (Jerusalem, 1981), pp. 141–44, 149–60.

⁶⁴ See I. A. Agus, *The Heroic Age of Franco-German Jewry* (New York, 1969), p. 26; A. Grossman, "Ziqatah shel Yahadut ʔAshkenaz le-ʔEreş Yişraʔel," *Shalem*, 3 (1981), 8–9.

⁶⁵ See, e.g., A. Z. Escoly, *Ha-Tenuʕot ha-Meshihyyot be-Yişraʔel* (Jerusalem, 1956), pp. 133–36.

⁶⁶ See Twersky, *Rabad*, pp. 72–73, for evidence of Provençal emigrés in the last quarter of the twelfth century. Cf. I. Ta-Shma, "ʕAliyatam shel Hakhme Provençe le-ʔEreş Yişraʔel," *Tarbiz*, 38 (1969), 398–99.

⁶⁷ See Y. Braslavy, "Qiṭʕe Genizah ʕal Hakhmamim mi-Şarefat we-ʔAshkenaz be-ʔEreş Yişraʔel ube-Mişrayim bi-Tequfat ha-RaMBaM u-beno," *ʔEreş Yişraʔel*, 4 (1957), 158–59; Prawer, *Toledot ha-Şalbanim*, pp. 308–09.

⁶⁸ Urbach, I, 347–48; II, 527–28. Cf. H. Soloveitchik (next note) pp. 348ff.; idem., "Can Halakhic Texts Talk History," *AJS Review*, 3 (1978), 194–95. R. Isaiah di Trani, an Italian scholar who had studied with R. Simḥah of Speyer, visited the Land of Israel but did not settle there. It is possible that R. Isaiah actually visited the Holy Land twice, going again as an old man, ostensibly in anticipation of his demise and burial there. See now I. Ta-Shma, "Ha-Rab Yeshaʕyah di Trani ha-Zaqen u-Qesharaw ʕim Byzantium we-ʔEreş Yişraʔel," *Shalem*, 4 (1984), 413–14. Ta-Shma notes that there is no record of R. Isaiah's burial in

of *Haside Ashkenaz*, who are known as keepers and restorers of pre-Crusade halakhic and intellectual positions,⁶⁹ lines up with what seems to be the earlier Ashkenazic position.⁷⁰ Moreover, Grossman has argued convincingly that even fourteenth-century German Jews did not go to Israel to any great extent, despite the increased persecutions in Germany.⁷¹ It is not until the late fourteenth and early fifteenth centuries that we find real German interest in ‘*aliyah*, and even then Austrian Rabbinic literature still reflects the old conservative position.⁷² We might tentatively

Israel. R. Isaiah describes his (initial) visit in a responsum. See A. I. Wertheimer's introduction to his edition of *Teshubot ha-RID* (Jerusalem, 1967), pp. 32–33, and Responsum 123, Cols. 531–32. R. Moses Taku is a truly exceptional figure in the galaxy of German scholars. See above, n. 44. G. Cohen's description of the emigration of 1211 as consisting of “Rabbis from France and Germany” (“Messianic Postures,” p. 124) is based on an unfounded assumption.

⁶⁹ See H. Soloveitchik, “Three Themes in the *Sefer Ḥasidim*,” *AJS Review*, 1 (1976), 345–54.

⁷⁰ See Baer, “‘Ereš Yiśra’el we-Galut . . .,” *Me’assef-Zion*, 6 (1934–35), 163–68; idem, *Galut*, pp. 44–45. Baer concludes that it was Ashkenazic influence which caused the thirteenth century Spanish Kabbalist R. Ezra of Gerona to write:

בזמן הזה כבר נפטרו מחיוב ארץ ישראל והיא מזבח כפרה להם כשהם טובלים לאהבת הקב"ה הגלות וסובלים העינוי והשעבוד.

Perhaps Ashkenazic *piyyuṭim* also reflect the classical position. Consider, for example, this selection from R. Ephraim of Bonn, *Sefer Zekhirah*, ed. A. M. Haberman (Jerusalem, 1970), p. 20:

יצור צח ואדום. את אדום יהפוך כסדום. למען יזמך כבוד ולא ידום. ואם ישמעאל וכל הארורה. יהפך כעמורה וישיב שה פזורה. כקדם למדורה ויבנה בית הבחירה. בהוד ותפארה והעטרה כמאז יצהירה. ואף ישיב לנו כל השררה אשר לנו היתה מסורה. הארץ בידינו יסגירה הן עוד רב לנו מחסורה. אך אין להרהר אחר מידת איום ונורא. כי הוא צדיק עלינו לאמרה ואנחנו חטאנו ומה נספרה. אך גבורתה יעוררה . . .

The return of the Jewish people to the Holy Land can only begin when God deems it appropriate. Cf. Haberman, *‘Iyyunim be-Shirah ube-Piyyuṭ* (Jerusalem, 1972), p. 229.

⁷¹ A. Grossman, “‘Iggeret Ḥazon we-Tokheḥah me-‘Ashkenaz ba-Me’ah ha-14,” *Cathedra*, 4 (1977), 190–98. See also E. Reiner, “Beyn ‘Ashkenaz li-Yerushalayim,” *Shalem*, 4 (1984), 27, 59–62, and I. J. Yuval, “Terumot mi-Nuremberg li-Yerushalayim,” *Zion*, 46 (1985), 182–86.

⁷² See Shlomo Eidelberg, *Jewish Life in Austria in the XVth Century* (Philadelphia, 1962), pp. 101–04. Especially interesting are 1) the view of R. Israel Bruna (*Responsa*, #77) that Jews who died on the way or were forced to turn back before reaching Israel had earned the same reward as those who did reach Israel; 2) the case of R. Hillel of Erfurt, who had vowed to settle in Israel

suggest that the pre-Crusade position, which was held also by later German scholars and some Frenchmen (e.g., R. Hayyim Kohen), was that the *qehillah qedoshah* which was Ashkenazic Jewry afforded more opportunity for proper fulfillment of *mišwot* than any other.⁷³ To perform the *mišwot* of the Land of Israel required the type of stable *qehillah* back home, not a pioneer settlement which did not always know what to do (as evidenced by the critique of the *gedolim* in MaHaRaM's resposum) and which lived in an environment where daily living and performance of regular *mišwot* were difficult. The other position was not as conservative and looked to the possibility of performing *mišwot ha-teluyot ba-³areš* not as an unsurmountable undertaking but as an inviting challenge which required the Jew to push himself to the limit in order to fulfill as many *mišwot* as he possibly could. Indeed, this position perhaps took its clue from the words of Moses himself:

R. Simlai explained: Why did Moses desire to enter the Land of Israel? Did he need to eat from its fruit or enjoy its goodness? Rather, this is what Moses said: "Many precepts were commanded to Israel which cannot be kept except in the

but had the vow absolved by the Rabbis of Vienna on the ground that his teaching of Torah in Erfurt was a greater *mišwah*; see R. Moses Minz, *Responsa*, #79; and 3) the following ruling by R. Israel Isserlein, in the light of the earlier German position (*Terumat ha-Deshen, Pesaqim*, nos. 87–88):

... ומה שכתבת לי עוד מעלייתך לארץ הצבי ולעיר הקודש שיבנה במהרה בימנו אי מצוה היו עתה אפילו לתלמידי חכמים הואיל ואין לנו בעוונות קיבוץ בחורים ותלמוד תורה לשם. דע לך דבוראי שבח גדול ומעלה יש לו לאדם הדר בארץ ישראל וכל שכן בעיר הקודש לתועלת לעולם הבא וגם לעולם הזה. אמנם שמענו כמה פעמים שיש לשם בני ברית מערביים נחשבים לרשעים גמורים, מוסרים מפורסמים והם טורדים ומבלבלים האשכנזים שהם שומרי תורה, וגם כי המזונות דחוקים ומצומצמים לשם מאוד והרווחים קשים, מי יוכל לעמוד בכל זה, מלבד גדול רשעת הישמעאלים אשר לשם. לכן כל איש ישער בעצמו בהשגת גופו וממונו, באיזה דרך יוכל לעמוד ביראת השם ובשימור מצוותיו כי זה כל האדם.

⁷³ Cf. R. J. Z. Werblowsky, "Bernard mi-Clairvaux: Misdar ha-Templarim weha-Ziqah le-³Ereš ha-Qodesh," *Ereš Yišra'el*, 10 (1971), 173–75. Werblowsky identifies a double standard in Bernard's teachings which encouraged the masses to undertake the liberation of Jerusalem in the Holy Land while the monks should develop their "Jerusalem" in the monasteries of Western Europe. See also J. Praver (above, n. 21), pp. 64–66.

Land of Israel. I wish to enter the Land so that I can keep all of them."⁷⁴

R. Samson of Sens and his colleagues went to the Holy Land not merely out of love for Zion but because they wanted to fulfill as much of God's Law as they possibly could.

⁷⁴ B. Soṭ. 14a. Cf. Hezekiah ben Manoah, *Ḥizzequni* (a so-called Tosafist Biblical commentary of the thirteenth century), who cites this statement of R. Simlai as an interpretation of Deut. 3:25, "Allow me to enter, so that I will see the good land . . ." More significantly, several Tosafists use this statement as support for the position that a Jew should wear a four-cornered garment in order to obligate himself to wear *šišit*. The Jew should then successfully fulfill his obligation rather than circumvent it entirely by not wearing a four-cornered garment. See *Šiṭṭat ha-Qadmonim* *al Massekhet Abodah Zarah*, ed. Moses Blau (New York, 1969), part 2, p. 313; Moses ben Jacob, *Sefer Mišwot Gadol, mišwat aseh* 26; and the Talmudic commentary of R. Asher ben Jehiel to the tractate Mo'ed Qaṭan, chap. 3, sec. 80.