

CHAPTER 15  
SCHOOLS AND EDUCATION

EPHRAIM KANARFOGEL

INTRODUCTION

The claim that virtually every Jewish male in medieval Europe was literate in Hebrew (and could read the prayer-book) is vastly overstated. Nonetheless, many did receive at least a rudimentary education in Jewish texts and traditions, and some were able to engage in the study of Torah on more advanced levels.<sup>1</sup> Indeed, the prodigious literary productivity of leading medieval talmudists, halakhists, and biblical scholars in both southern and northern Europe suggests that a great deal of study (and educational training) was taking place.

And yet, identifying sources within the rabbinic corpus (and in other forms of medieval Jewish literature) that focus essentially and specifically on the educational process and its infrastructure is difficult at best.<sup>2</sup> It is almost as if medieval Jewish scholars in Christian Europe were so engrossed in their studies that they did not have the time (or the inclination) to write about how they were trained. Moreover, determining how widespread the

<sup>1</sup> See, e.g., E. Kanarfogel, "Prayer, Literacy and Literary Memory in the Jewish Communities of Medieval Europe," in R. Boustán, O. Kosansky, and M. Rustow, eds., *Jewish Studies at the Crossroads of History and Anthropology* (Philadelphia, 2011), 250–70. The education of women was very uneven, and occurred only on an individual basis, within a limited number of families and homes. See, e.g., Ivan Marcus, "Mothers, Martyrs and Moneymakers: Some Jewish Women in Medieval Europe," *Conservative Judaism* 38, 3 (1986), 34–45; and Judith Baskin, "Some Parallels in the Education of Medieval Jewish and Christian Women," *Jewish History* 5 (1991), 41–51.

<sup>2</sup> A notable exception is the educational blueprint called *Sefer Hukei ha-Torah*. As we shall see below, however, the disputed provenance of this document, and the additional problem of whether it reflects a utopian aspiration or a practical educational system that was actually in operation, limits its usefulness as a historical source. The Cairo Genizah, on the other hand, yields a rich cache of education-related documents and descriptions for the medieval Muslim world. See, e.g., Moshe Sokolow, "Jewish Education in the Muslim World in the Middle Ages," in Marina Rustow, ed., *Cambridge History of the Jews*, vol. V (Cambridge, forthcoming).

more advanced levels of education were (with any degree of precision) is also not an easy task.<sup>3</sup>

Given the relative paucity of sources, and the need to utilize the sources that are available as effectively as possible, this treatment of medieval Jewish education will be organized by region. Although there are occasionally significant differences between the various time periods within the Middle Ages that must be noted, discussion of the educational theories and practices in individual regions over time, and use of the available sources from different periods in tandem with each other, often yields a more complete picture. We will begin with Spain and move northward. Southern France (Provence and Languedoc), which was geographically and culturally proximate to Spain, often adhered to Spanish educational conventions. At the same time, its methods of talmudic study often pointed northward to Ashkenaz (northern France and Germany), where we will conclude our survey. Comparisons between south and north will further allow us to clarify the points of uniqueness in the approaches of each area.

#### ELEMENTARY AND HIGHER EDUCATION AND TORAH STUDY IN SPAIN

In the Jewish communities of Spain, parents were expected to develop good character traits and acceptable social behavior in their young children, even before the age of 5 or 6 when more formal educational training began. Indeed, Christians throughout medieval Europe noted the extent to which Jews taught modesty and purity of speech (in addition to religious precepts) to their very young children,<sup>4</sup> just as they noted the strong commitment that Jews had to the education of all of their children.<sup>5</sup>

<sup>3</sup> See E. Kanarfogel, *Jewish Education and Society in the High Middle Ages* (Detroit, 2007), 11, 15–19. We shall limit our remarks here to disciplines that were part of the Jewish educational curriculum throughout Europe, such as talmudic, halakhic, and biblical studies. Thus, for example, the framework in which Jews in Spain and Provence learned techniques for studying and writing general philosophy (or secular poetry) will not be discussed. See, e.g., G. D. Cohen, ed., *A Critical Edition with a Translation and Notes of The Book of Tradition (Sefer ha-Qabbalah) by Abraham ibn Daud* (Philadelphia, 1967), editor's introduction, xvi–xxviii; and David Berger, "Judaism and General Culture in Medieval and Early Modern Times," in J. J. Schacter, ed., *Judaism's Encounter with Other Cultures* (Northvale, NJ, 1997), 61–94.

<sup>4</sup> See, e.g., the formulations by R. Shem Tov Ibn Falaqera (published by A. M. Habermann, in *Qovez 'al Yad* 11 [= (n.s.), 1, 1936], 82); and R. Menahem ha-Me'iri (in his commentary to Psalms 22:6); R. Menahem ibn Zerah, *Tsedah la-Derekh* (repr. Jerusalem, 1977, fol. 32a (1:3:14)); *Sefer ha-Berit le-R. Yosef Kimkhi*, ed. F. Talmage (Jerusalem, 1974), 26: *Hagahot Rabbenu Peretz to Semag*, fol. 3a; M. Gudemann, *Ha-Torah veba-Hayim*, 1:89–90; and Kanarfogel, *Jewish Education and Society*, 39.

<sup>5</sup> See Beryl Smalley, *The Study of the Bible in the Middle Ages* (Oxford, 1952), 78, and R. W. Southern, *Medieval Humanism and Other Studies* (New York, 1970), 11.

The detailed structure of communal government and management that emerged in Christian Spain from the late twelfth century onward suggests that the educational services for elementary-level students in that region were formally organized.<sup>6</sup> Indeed, the community as the hirer (or supervisor) of elementary-level teachers, or *melamdim*, is found in the writings of several Spanish rabbinic authorities (and in Genizah documents as well). Thus, for example, R. Meir ben Todros ha-Levi Abulafia (Ramah, 1165–1244) penned the following comment on a talmudic passage which delineates the responsibilities of a city to hire *melamdim*: “We derive from here that the community must appoint teachers in every city . . . [Moreover,] their salaries must be paid by the community. This is best, because it allows the children of the poor to learn in the same manner.”<sup>7</sup> Writing at the turn of the thirteenth century, R. Bahya b. Asher of Zaragoza stresses that the leaders of each community must make sure that schools for young children are established in every town and city. They will be punished if they fail to do so, because “the essence of Torah [study] must take place during one’s youth.”<sup>8</sup>

Nonetheless, Yom Tov Assis has argued that, despite the stated requirements for structured elementary education within the communities of medieval Spain, the system did not always yield the desired results in practice. On the economic side, although there were schools made available by the communities, the wealthier members often did not send their children to these schools, rendering them, at least partially, the province of the less affluent. There was no systematic concern for educating those who were poor, although there is evidence for individuals like Joseph ha-Kohen of Tortosa, who dedicated his home in the Jewish quarter as a *studium* (“study center”) for poor children. He stocked this place of study with quite a number of books, provided a large sum of money for continued maintenance and support of this institution, and appointed a special administration to oversee it. However, this institution (and others like it) was outside the direct control of the community and the duly appointed communal leadership. For the most part, the extensive funding provided

<sup>6</sup> See, e.g., Shalom Albeck, “Yesod Mishtar ha-Ḳehillot bi-Sefarad ‘ad ha-Ramah (1180–1244),” *Zion* 25 (1960), 85–121; Yitzhak Baer, *A History of the Jews in Christian Spain* (Philadelphia, 1978), vol. I, 212–36; vol. II, 21–4, 35–73, 120–30, 259–70; A. A. Neuman, *The Jews in Christian Spain* (Philadelphia, 1942), vol. I, 19–59, 112–46; and Y. T. Assis, *The Golden Age of Aragonese Jewry* (London, 1997), 67–160.

<sup>7</sup> See *Yad Ramah le-Bava Batra* (Warsaw, 1882), ch. 2, sec. 58. See also Ramah’s collection of responsa, *Teshuvot Or Tsadikim* (Warsaw, 1902), #241, and Bernard Septimus, *Hispano-Jewish Culture in Transition* (Cambridge, MA, 1982), 12, 112, 124.

<sup>8</sup> See Bahya’s *Kad ha-Ḳemakh* in *Kitvei Rabbenu Bahya*, ed. C. Chavel (Jerusalem, 1970), 432.

for education in Spain came from individual donors, rather than through communal funds or initiatives.<sup>9</sup>

Although the parents were often the ones to hire *melamdim* for their children, the contracts in Spain between the parents and the teachers were set forward in formal documents that were written in the vernacular (and often notarized), and typically consisted of three elements: the schedule or curriculum of study; the period of study; and the compensation. The duration of this type of arrangement was often for a year at a time, and the subjects taught were designated as “Hebrew letters” and “the Torah of Moses,” as well as “Jewish law” and “Talmud.” There are references to contracts between wealthier Jews and tutors that are more expansive, as well as discussion concerning less wealthy parents who could not meet the terms of the contract that had been executed. In at least one instance, indigent parents offered to serve the tutor in various ways in exchange for his teaching their son. Some communities, however, did appoint special teachers to instruct the poorer children, and these teachers were paid from communal charity funds (*hekdesh*). There are also instances in thirteenth-century Castile where the community as a whole (not just the parents of the children in question) paid the teacher’s salary.

In order to strengthen the effectiveness of the educational process, a number of Spanish communities in the fourteenth century (in both northern and southern Spain) established educational collectives (*havurat Talmud Torah*) that essentially managed funds that were earmarked for educational purposes. These *havurot* were directed and managed by individuals who were leading members of the community; indeed, R. Judah, son of R. Asher ben Yehiel (Rosh), became involved in one such effort, and encouraged others to do so. Monies for education were collected from those who were granted membership in these leadership groups, and funds were also raised from assigning *aliyyot* to the Torah. Some *havurot* controlled buildings in the Jewish quarter that could be used as schoolhouses, or as sources of income (derived from providing lodging and from other uses), which could be added to the funds available for Jewish education. The *havurat Talmud Torah* in Zaragoza received the approbation of the Crown, although it was not considered part of the official leadership structure of the Jewish community. By the early fifteenth century, the communities themselves sought to provide and to regulate educational services for all children.<sup>10</sup>

<sup>9</sup> See Assis, “Jewish Elementary Education in Christian Spain (13th and 14th Centuries): Communities versus Charitable Sources,” in R. Feldhay and I. Etkes, eds., *Education and History* [Hebrew] (Jerusalem, 1999), 147–9.

<sup>10</sup> See *ibid.*, 150–6. See also Assis, “Ezrah Hadadit u-Se’ad bi-Ḳehilot Yisra’el bi-Sefarad,” in H. Beinart, ed., *Moresheet Sefarad* (Jerusalem, 1992), 259–63, 276–9.

On the advanced levels as well, Spanish Jewry favored a more formalized (and community-based) educational system. A number of responsa authored by leading rabbinic authorities in Spain (including Rosh, following his arrival there in 1304–5) and R. Solomon ibn Adret (Rashba, d. c.1310) demonstrate that the Spanish communities favored a series of aggressive enterprises that involved the lending of funds by these institutions to Jews even at fixed rates of interest (with the profits to be put back into the institutional coffers), to provide funds to support Torah study, and even to support study by non-indigent students. Similarly, we find instances of people who donated vineyards or set up trust funds to allow Torah study to be supported perpetually, using the sums that were generated each year. Moreover, efforts were made in several Spanish communities to tax their members in order to support *yeshiva* students.<sup>11</sup>

Heads of academies in Spain had long received generous stipends from the community in order to maintain their academies and to defray, or even to eliminate, the financial burdens of their students. When Samuel ha-Nagid (d. 1056) indicated that he would support all of those who wished to make Torah study “their profession” (*toratan umanutan*), he did not specify the age or stage of development that a student had to achieve in order to be eligible. Just as Samuel provided texts for the various students who needed them, he was apparently prepared to sustain mature scholars as well as budding ones. To be sure, it is difficult to identify the precise point at which a *yeshiva* student entered the realm of professional scholarship, when he could receive money from the community (or from individuals) not merely because he was a student of an academy, but by virtue of his own status as a dedicated, mature talmudic scholar.

Indeed, as inheritor of the legacy of the Geonim, whose academies developed extensive systems of support and fundraising (as well as general organization), Andalusian Jewry was predisposed to providing support for its accomplished scholars. Jewish communities in Spain continued to do so throughout the Middle Ages, despite Maimonides’s well-known and strongly held position that Torah scholars who chose not to work for their livelihood, but to live on the salaries provided by willing benefactors, were profaning the name of God. Maimonides’s older Andalusian contemporary, R. Abraham ibn Daud, refers to important scholars who were

<sup>11</sup> See, e.g., *Teshuvot ha-Rashba*, 1:669, 3:291, 4:64, 5:249; the responsum of Nachmanides (d. 1270) published in S. Assaf, *Sifran shel Rishonim* (Jerusalem, 1935), 101 (#68); and *Teshuvot ha-Rosh*, 3:13, 7:4, 59:5. See also Y. D. Galinsky, “Halakhah, Kalkalah ve-Ideologiyah be-Beit Midrasho shel ha-Rosh be-Toledo,” *Zion* 72 (2007), 387–419.

supported by patrons, and to talmudic scholars and rabbinic judges who received salaries from their communities.<sup>12</sup>

R. Judah ben Barzilai of Barcelona (c.1100) provides talmudic justification for these practices. Moreover, he maintained that communal support for both rabbinic judges and scholars is both prevalent and obligatory.<sup>13</sup> Although Spanish halakhists of the thirteenth century were sensitive to the Maimonidean position that a rabbinic scholar should derive his sustenance from secular pursuits (and a scholar who was able to do so without significant difficulty should indeed pursue this path), they advised members of the community to identify and to support those scholars who needed help in order to continue to study seriously and in an uninterrupted fashion, as well as those who needed support in order to maintain their academies. The nuanced approach of Rabbenu Yonah of Gerona (d. 1263), which preserved the Maimonidean ideal only in a very limited way, appears to reflect this dichotomy as well, although at one point Rabbenu Yonah writes simply that an individual who wished to further the study of Torah should “come to the aid of *rabanim* and *talmidim* who study for the sake of Heaven. He should contribute toward the support of scholars, so that they will remain in his city and study Torah because of him.”<sup>14</sup>

All of the aforementioned Sephardic halakhists, however, including Maimonides, approved of the granting of tax exemptions to qualified scholars. Ramah and R. Asher ben Yehiel (in a responsum addressed to a Spanish community) granted tax exemptions even to those rabbinic scholars who had professions (that generated some income), but still devoted significant amounts of time to their studies. According to Ramah, a rabbinic scholar was exempted by the Talmud from paying taxes “not because of his poverty but because of his Torah [knowledge].” Although there were Spanish communities that did not grant tax exemptions to scholars who were not devoted exclusively to study, the fact is that some form of exemption was the norm in Sephardic communal and intellectual life.<sup>15</sup>

<sup>12</sup> See Abraham Ibn Daud, *Sefer ha-Qabbalah*, trans. G. Cohen (Philadelphia, 1967), 66, 70–1, 74–7, 80–3. See also Neuman, *The Jews of Spain*, II, 64–5; *Teshuvot ha-Rashba*, I:386, 2:260.

<sup>13</sup> See Jacob b. Asher, *Arba'ah Turim*, *Hoshen Mishpat*, sec. 9.

<sup>14</sup> See *Igeret ha-Teshuvah*, ed. B. Zilber (Bnei Brak, 1968), 22–3; *Perush Rabbenu Yonah 'al Sefer Mishlei* (Tel Aviv, 1963), 41 (10:15), and 69 (14:4); R. Yerocham b. Meshullam, *Toledot Adam ve-Havvah* (Venice, 1553), fol. 17a (2:1, citing Rabbenu Yonah); and E. Kanarfogel, “Compensation for the Study of Torah in Medieval Rabbinic Thought,” in R. Herrera, *Of Scholars, Savants and Their Texts* (New York, 1989), 135–7.

<sup>15</sup> See I. Ta-Shma, “Al Petur Talmidei Hakhamim me-Misim Bimei ha-Benayim,” 313–16, and B. Septimus, “Kings, Angels or Beggars: Tax Law and Spirituality in a Hispano-Jewish Responsum,” in I. Twersky, ed., *Studies in Medieval Jewish History and Literature*

Similarly, the appointment of *rashei yeshiva* and communal rabbinic leaders, in both Muslim and Christian Spain, was in the hands of the communities. The *ketav minoi* and *ketav takanta*, found in R. Judah ben Barzilai of Barcelona's *Sefer ha-Shetarot*, were instruments for these procedures, and payments for rabbis and heads of academies were connected to their appointments.<sup>16</sup> Despite the fact that the granting of *semikhah* ("ordination") in Spain might have been briefly suspended between the times of Rif (d. 1103) and of his leading student, Ri Migash (d. 1141), a professional rabbinate, whose members (including rabbis, judges, and heads of academies) were officially appointed and funded by their communities, existed in Sepharad throughout the Middle Ages.<sup>17</sup>

Advanced talmudic academies in Spain, like the academies of the Babylonian Geonim, were named after and known by the community that housed and supported them, and most directly benefited from them. In addition, the leading academies in Spain were significantly larger than their Ashkenazic (Tosafist) counterparts, and were located in structures and settings that were owned and maintained by the community.<sup>18</sup> These disparate developments may be explained by the fact that the communities in Spain were keenly interested in ensuring that the dedicated class of talmudic scholars among them be perpetuated, in order to continue to regulate matters of Jewish law and custom. Since outstanding scholars who could train students thoroughly were not to be found in abundance, Spanish communities established extensive means of support and well-structured institutions to encourage capable students to develop and hone their abilities at the feet of qualified masters, and to foster additional scholarship. In Ashkenaz, however, where high-level scholarship was perceived as the norm, as we shall see, the communities did not feel the need to maintain formal structures and practices (or scholarly privileges and regulation) in order to aid and to protect their scholars and students.<sup>19</sup>

(Cambridge, MA, 1979), 315–27. Within medieval Ashkenaz, only *Sefer Hasidim* expresses a view similar to that of Ramah and Rosh. See Kanarfogel, *Jewish Education and Society*, 95.

<sup>16</sup> See Judah b. Barzilai, *Sefer ha-Shetarot*, ed. S. Z. H. Halberstam (Berlin, 1898), 131–2.

<sup>17</sup> See Neuman, *The Jews in Spain*, II, 86–91; Albeck, "Yesod Mishtar ha-Ḳehillot bi-Sefarad," 114–21.

<sup>18</sup> See Mordechai Breuer, "On the Typology of the Western *Yeshivot* in the Middle Ages" [Hebrew], in I. Etkes and Y. Salmon, eds., *Studies in the History of Jewish Society in the Medieval and Early Modern Periods* (Jerusalem, 1980), 45–55; *Maharam: Teshuvot, Pesukim u-Minhagim*, ed. Kahana, III, 134; and Kanarfogel, *Jewish Education and Society*, 66–7.

<sup>19</sup> See Kanarfogel, *Jewish Education and Society*, 64–5, and Ta-Shma, "Al Petur Talmidei Hakhamim me-Misim Bime'i ha-Benayim," 317–20. On the training provided in Spain for biblical and grammatical studies, philosophy, and science, see e.g., Abraham ibn

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The educational configuration within southern France was similar to the situation in Christian Spain, although there are a number of significant differences as well. There are references to *scholae inferiore* (*petites écoles* or *ha-midrash ha-qatan*) in Provençal cities. On the basis of other sources as well, some have posited that these terms are evidence for the existence of structured (or formal) elementary schools that were regulated (and funded) by these cities and communities.<sup>20</sup>

R. David Kimhi (d. c.1235), the prolific Provençal biblical exegete, describes aspects of communal involvement in the educational process in a letter penned to R. Judah Alfakar (and preserved in Abba Mari of Lunel's *Minḥat Kena'ot*):

Our homes are generously open to all wayfarers who seek rest, there are those who study Torah day and night and those who support the poor anonymously and constantly. There are also among us those who dedicate books on behalf of poor children who would not otherwise have them and they pay the cost of instruction (*sekhar limud*) in Scripture and Talmud (*ba-miḳrah uve-Talmud*).<sup>21</sup>

The Ḥevrat Talmud Torah was one of four or five aid societies that were established in Perpignan.<sup>22</sup>

On the more advanced levels, stipends were frequently granted to students at Provençal *yeshivot*. Benjamin of Tudela describes this funding as it was distributed in a number of Provençal locations, most notably in Lunel: "The students who come from distant lands to study the Law are taught, boarded, lodged and clothed by the community, so long as they attend the house of study." Benjamin also notes that, at the academy of Posquières, the academy head, R. Abraham ben David (Rabad, d. 1198),

Ezra, *Yesod Mora* (repr. Jerusalem, 1958), 1–3 (*ha-sha'ar ha-rishon* = ed. Y. Cohen [Jerusalem, 2002], 63–77); Profiat Duran, *Ma'aseh Eḥod*, ed. Jonathan Friedlander (Vienna, 1865), 41; Nahum Sarna, "Hebrew and Bible Studies in Medieval Spain," in R. D. Barnett, ed., *The Sephardi Heritage* (New York, 1971), 323–66; and Berger, "Judaism and General Culture in Medieval and Early Modern Times."

<sup>20</sup> See Jean Régéné, "Étude sur la condition des juifs de Narbonne," *Revue des Études Juives* 58 (1909), 98; Arye Grabois, "Écoles et structures sociales des communautés juives dans l'Occident aux IX–XII siècles," in L. C. Rust, ed., *Gli Ebrei Nell'alto Medioevo* (Spoleto, 1980), 937–62; Grabois, "Les écoles de Narbonne au XIII siècle," in Marie-Humbert Vicaire and Bernhard Blumenkranz, eds., *Juifs et judaïsme de Languedoc* (Toulouse, 1977), 141–57; and the discussion in Simcha Assaf, *Meḳorot le-Toledot ha-Ḥinukh be-Yisra-ʿel*, ed. S. Glick (Jerusalem, 2002), vol. 1, 737–8.

<sup>21</sup> See Assaf, *Meḳorot*, II, 165). Cf. Frank Talmage, *R. David Kimbi: The Man and His Commentaries* (Cambridge, MA, 1975), 14–16.

<sup>22</sup> See *Teshuvot ha-Ran*, #1, 75; and cf. Assis, "Jewish Elementary Education," 150–4.

covered (from his own money) the expenses of “anyone who did not have the necessary funds (*mi she'ein lo le-hotsi*).” On the one hand, these subsidies must have been rather extensive, since they were designed to pay for “all [the students’] needs,” in the words of Benjamin. On the other hand, these subsidies were only extended to those students who were needy. However, the descriptions of the practices for other Provençal academies that were maintained by the communities in which they were located (rather than by wealthy individual scholars like Rabad) do not refer at any point to what the students could or could not afford. Thus, in Lunel, stipends were extended to all students, so that their studies there would not cost them anything.<sup>23</sup>

While often headed by leading scholars, the established academies at Béziers, Marseille, Montpellier, Lunel, and Narbonne were known and identified in Provençal texts of the period primarily by their locale. Indeed, it is possible to trace (as but one example) at least four generations of scholars at Narbonne, who headed the well-established academy there from the late eleventh century through the twelfth. Provençal rabbinic literature through the twelfth century designates rabbinic courts as *yeshivat zekenim* and academies as *yeshivat talmidim*. Indeed, one who held the title of *rosh yeshiva* in Provence was almost automatically appointed as the head (or as a member) of the rabbinic tribunal in that city.<sup>24</sup> Although there is little explicit information about tax exemptions for scholars, a passage in Qalonymus ben Qalonymus’s *Even ha-Bokhan* suggests that fairly extensive tax exemptions were offered, similar to the practice in Spain.<sup>25</sup> Indeed, it appears that the well-developed scholarly organization of the Geonic academies had an impact in Occitania, just as it played a role in Spain.<sup>26</sup>

The level of study in the Provençal academies appears to have been quite high. Although Provence tended to point mostly south (to Spain) with respect to educational organization, there were a number of curricular and methodological aspects for which the direction of influence was different.

<sup>23</sup> See M. N. Adler, ed., *The Itinerary of Benjamin of Tudela* (London, 1907), 3–5; B. Z. Benedikt, “Le-Toledotav shel Merkaz ha-Torah bi-Provence,” *Tarbits* 22 (1951), 86–9, 93; I. Twersky, *Rabad of Posquières* (Philadelphia, 1980), 25. See also the studies cited below in n. 74.

<sup>24</sup> See I. Ta-Shma, “Seder Hadpasatam shel Hiddushei ha-Rishonim la-Talmud,” *Qiryat Sefer* 50 (1975), 334; Twersky, *Rabad of Posquières*, 24; Benedikt, “Le-Toledotav shel Merkaz ha-Torah bi-Provence,” 86–7, 103–4; and Shlomo Pick, “The Jewish Communities of Provence until the Expulsion of 1306” (Ph.D. thesis, Bar-Ilan University, 1996), 306 n. 15, 315–19.

<sup>25</sup> See *Even ha-Bohan*, ed. A. M. Habermann (Tel Aviv, 1956), 56; and I. Ta-Shma, *Halakhah Minhag u-Metsi’ut be-Ashkenaz, 1000–1350* (Jerusalem, 1996), 255 (n. 11).

<sup>26</sup> See, e.g., Twersky, *Rabad of Posquières*, 216–26; and Neuman, *The Jews of Spain*.

Like those of the Geonim, the talmudic and halakhic works of R. Isaac Alfasi and later Maimonides penetrated quickly and effectively into Provence, and, from the mid twelfth century on, a struggle ensued as to whether the Talmud should be studied in its entirety to serve as the ultimate source of Jewish law, or whether it was sufficient (and indeed more productive) to work primarily with the abridged Talmud that had been created, in effect, by Rif in his *Halakhot Rabbati*, or with the highly concentrated corpus of Jewish law gathered in the *Mishneh Torah* of Maimonides.<sup>27</sup>

As Israel Ta-Shma has conclusively shown, however, leading Provençal talmudists of the twelfth century whose works were linked to these Sephardic anchors, such as R. Zerahyah *ha-Levi Ba'al ha-Ma'or* and Rabad of Posquières, were also quite familiar with the methods of Rabbenu Tam and other northern French Tosafists, and made significant use of this learning in a number of different contexts.<sup>28</sup> Moreover, the Provençal teachers of Nahmanides (and others among their colleagues) chose to travel north to study with Ri of Dampierre and other Tosafists rather than to remain in Provence, or to travel immediately to Spain.<sup>29</sup> Although all of these issues remained fluid during the thirteenth century,<sup>30</sup> the tendency of several leading scholars in Provence to engage in the study of the less practical tractates in *Seder Kodashim* (and elsewhere) also reflects an intellectual kinship or relationship with Ashkenaz, as we shall see; in Spain, the “three Talmudic orders” (*Mo'ed, Nashim, Nezikin*) were studied almost exclusively.<sup>31</sup>

The leading Provençal talmudist in the late thirteenth century, R. Menahem ben Solomon *ha-Meiri* (1249–1316), provides some suggestive

<sup>27</sup> See, e.g., I. Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, vol. I (Jerusalem, 1999), 192–4, 208–16.

<sup>28</sup> See *ibid.*, 202–6; and Ta-Shma, *Rabbenu Zerahyah ha-Levi Ba'al ha-Ma'or u-Bnei Hugo* (Jerusalem, 1992), 206–12. Note that, while Ibn Daud barely refers to the Tosafists in his *Sefer ha-Qabbalah* (ed. Cohen, 88–90), the anonymous, late twelfth-century Provençal addendum to *Sefer ha-Qabbalah* is aware of several important *rabbanim* in northern France. See Arthur Zuckerman, *A Jewish Princedom in Feudal France, 768–99* (New York, 1972), 386; and Aryeh Grabois, “Ha-Ḳeroniḳah shel Almoni mi-Narbonne,” in *Proceedings of the Sixth World Jewish Congress* (Jerusalem, 1973), vol. II, 83–4.

<sup>29</sup> See I. Ta-Shma, *Kneset Mehqarim* (Jerusalem, 2004), vol. II, 118–21.

<sup>30</sup> See Ta-Shma, *Ha-Sifrut ha-Parshanit la-Talmud*, vol. 2 (Jerusalem, 2000), 145–58.

<sup>31</sup> See, e.g., Yaacov Sussmann, “Rabad on Shekalim? A Bibliographical and Historical Riddle” [Hebrew], in E. Fleischer, Gerald Blidstein, and Bernard Septimus, eds., *Me'ah She'arim: Studies in Medieval Jewish Spiritual Life in Memory of Isadore Tuersky* (Jerusalem, 2000), 131–70; E. Kanarfogel, “The Scope of Talmudic Commentary in Medieval Europe,” in S. L. Mintz and G. G. Goldstein, eds., *Printing the Talmud* (New York, 2005), 43–52; and Kanarfogel, “Talmudic Studies,” Chapter 22 in this volume.

insights into the curriculum of the talmudic academies in this region, while also arguing for some different educational emphases. After composing a work of unabridged talmudic analysis (his *Hiddushim*, of which only portions have survived), Meiri composed his *Bet ha-Behirah*, which is a deft combination of interpretational analysis, together with systematic halakhic presentation. Meiri notes that Maimonides had produced the “perfect code” in his *Mishneh Torah*. The problem surrounding this work, however, is that, because it was composed and positioned to become a central work of study, this caused rabbinic scholars to abandon the study of the Talmud, a development that was viewed by many as unacceptable. Therefore, Meiri sought to incorporate the most attractive features of *Mishneh Torah* in a work of interpretation that followed the order of the Talmud.

By means of his unique sobriquets, Meiri refers to leading rabbinic scholars from the Maghreb and Andalusia, from Franco-Germany, from Languedoc, and from Catalonia. He also deals with a number of historical issues in talmudic interpretation (and halakhic decision-making), such as the relatively small amount of Geonic material that survived to his day (despite the importance of a number of Geonim and their works). His talmudic interpretations betray a decidedly rationalistic orientation, seen especially in his treatment of *aggadah*, which is found alongside his strong commitment to practical halakhic study. Although Meiri was quite familiar with Provençal philosophical traditions, his *Bet ha-Behirah* was structured, at least in part, to demonstrate that those philosophers who sought to eliminate the Talmud (and its sometimes intricate and impractical dialectic) as the main source for Jewish legal studies were in error.<sup>32</sup>

#### ELEMENTARY EDUCATION IN ASHKENAZ

As was the case for both Spain and Provence, the central figure in the education of young children within northern France and Germany was the tutor or *melamed*. In most instances, the tutor was hired for only one student, but he sometimes taught several at the same time. In such a situation, each father would reach an agreement with the *melamed* for his own child, or a group of parents might offer the *melamed* a collective sum. In any event, the number of students that each elementary-level teacher typically taught nowhere begins to approach the limit of twenty-five students that is indicated within talmudic literature. The nearly fifty responsa of Ashkenazic origin that deal with the hiring and termination

<sup>32</sup> See Gregg Stern, *Philosophy and Rabbinic Culture: Jewish Interpretation and Controversy in Medieval Languedoc* (London, 2009), 70–84; and cf. Moshe Halbertal, *Bein Torah le-Hokhmah* (Jerusalem, 2000), 51–62.

of *melamdin* are all based on situations in which the child's parent is the hirer. Moreover, specific references to educational services are glaringly absent in the lists of services that Ashkenazic communities were required to provide for their members.<sup>33</sup>

Indeed, it appears from all available sources that there was no elementary school *per se* in either northern France or Germany, and there were no distinct school buildings or teachers maintained by the communities for their children. If a parent did not wish to hire a *melamed*, or if there were no teachers available, there was no village or town school to which the child could turn. Scattered references to *schola* in Ashkenazic texts more probably refer to synagogues than to discrete schools.<sup>34</sup> In light of this reality, R. Meir of Rothenburg (d. 1293) ruled in the thirteenth century that a father could be compelled to hire a *melamed* or to teach the child himself, and an ordinance promulgated by R. Jacob (b. Meir) Tam (1100–71) in the mid twelfth century, that a father who had taken leave of his family must continue to provide not only their living expenses but also adequate funds for Torah education (in accordance with the talmudic requirement recorded in *Ketubot* 50a) should be understood in this way as well.<sup>35</sup>

As seen from several passages in *Sefer Hasidim*, this form of education, which was centered on the *melamed* and left his hiring completely up to the

<sup>33</sup> See, e.g., *R. Meir mi-Rothenburg: Teshuvot, Pesaqim u-Minhagim*, ed. I. Z. Kahana, vol. I (Jerusalem, 1957), sec. 24; *Teshuvot Maharam mi-Rothenburg defus Prague* (Budapest, 1895), #434–5, 865; I. A. Agus, “Ha-Shilton ha-Atsma’i shel ha-Ḳehilah ha-Yehudit Bimei ha-Banyaim,” *Talpiyot* 6 (1953), 109; Kanarfogel, *Jewish Education and Society*, 125–6, nn. 31–2; and see now S. Emanuel, *Teshuvot Maharam mi-Rothenburg ve-Haverav* (Jerusalem, 2012), vol. I, 293, 652–3; vol. II, 748, 751–3, 757–8, 802, 879–81, 959. Note also the ruling of R. Yehiel of Paris (as reported by R. Isaac of Corbeil) that, if a mother had hired a tutor who had already begun to teach the child, the father must honor (and pay for) the arrangement that his wife had made. See H. S. Sha’anani, “Piskei Rabbenu R”I mi-Corbeil,” in *Sefer Ner li-Shema’ayah: Sefer Zikaron li-Zikhro shel R. Shema’ayah Sha’anani* (Bnei Brak, 1988), 28 (sec. 76).

<sup>34</sup> See, e.g., Simeon Luce, “Catalogue des documents du Trésor des Chartes,” *Revue des Études Juives* 2 (1886), 17–18, 42. There are less than a handful of references to *hadarim* (*chambres*) in Ashkenazic texts for the period prior to 1348; see Assaf, *Mekorot*, I, 751, and W. C. Jordan, *The French Monarchy and the Jews* (Philadelphia, 1989), 21. Post-1348, this term (which appears more frequently) mainly connotes the living quarters for (older) *yeshiva* students, although it may also refer to educational sites for younger children. See Assaf, *Mekorot*, I, 21, n. 676; M. Breuer, “Ha-Yeshiva ha-Ashkenazit be-Shilhei Yemei ha-Benayim” (Ph.D. diss., Hebrew University of Jerusalem, 1967), 47; and Breuer, *Ohalei Torah* (Jerusalem, 2004), 402–5.

<sup>35</sup> See *Sefer ha-Yashar le-Rabbenu Tam (Heleq ha-Teshuvot)*, ed. S. Rosenthal (Berlin, 1898), sec. 31, and cf. the formulation of R. Isaac of Dampierre (d. 1189) in *Sefer Mordekhai’ al Massekhet Sanhedrin*, sec. 705.

parents, placed poor children at a distinct disadvantage.<sup>36</sup> Indeed, a similar kind of problem was experienced within Christian society, and church leaders put forward procedures for its amelioration, such as requiring local churches to provide masters for poor children.<sup>37</sup> The opening of municipal and guild schools in Germany in the late thirteenth century was also undertaken, at least in part, as a response to this problem.<sup>38</sup>

There were instances in which wealthy fathers, as an act of charity, paid for *melamdin* for poor children, who would not otherwise have been able to receive instruction. Wealthier fathers were also able to ensure that their sons received instruction even in situations where not enough tutors were available. However, despite the extensive system of communal government and regulation that was operant in medieval Ashkenaz, it is clear that (charitable) funds for education were not always abundant.<sup>39</sup> The small size of the Jewish communities in medieval Germany and northern France is also an important factor in explaining why individual residents hired the *melamdin*, without any involvement or assistance from the town or the city in which they lived.<sup>40</sup>

Not surprisingly, then, the term *beit sefer* within Ashkenazic literature does not refer to a community school. Rather, it refers most often to the home of the *melamed* (or to rooms rented by him) to which his students

<sup>36</sup> See *Sefer Hasidim* (Parma), ed. J. Wistinetzki (Frankfurt, 1924), secs. 630, 671, 751, 822; and cf. Moses b. Jacob of Coucy, *Sefer Mitsvot Gadol* (Venice, 1569), 'aseh 12.

<sup>37</sup> See, e.g., the canon promulgated by Pope Alexander III at the Third Lateran Council in 1179, recorded in *Decretales Gregorii IX* (Paris, 1601), 5:5:1 (= J. D. Mansi, *Sacrorum conciliorum collectio*, vol. II [Florence, 1778; repr. 1961], cols. 227–8). The text of this canon, along with a translation, can be found in H. J. Schroeder, *Disciplinary Decrees of the General Councils* (St. Louis, 1937), 229, 556. This statute was confirmed and then extended by Pope Innocent IV at the Fourth Lateran Council in 1215, suggesting perhaps that the canon of 1179 had not been especially effective. See, e.g., G. Pare, A. Brunet, and P. Tremblay, *La Renaissance du XIIe siècle: Les écoles et l'enseignement* (Paris, 1933), 81; Brian Tierney, *Medieval Poor Law* (Berkeley, 1959), 19–20; and R. W. Southern, *The Making of the Middle Ages* (New Haven, 1953), 194.

<sup>38</sup> See Lynn Thorndyke, "Elementary and Secondary Education in the Middle Ages," *Speculum* 15 (1940), 400–8.

<sup>39</sup> See Louis Finkelstein, *Jewish Self-Government in the Middle Ages* (New York, 1924; repr. 1964), 59–61, 220, 247–9, and Assaf, *Mekorot*, I, 213–14.

<sup>40</sup> On Jewish communal size in northern France, see Shalom Albeck, "Yaḥaso shel Rabbenu Tam li-Be'ayot Zemano," *Zion* 19 (1954), 104–5; S. W. Baron, "Rashi and the Community of Troyes," in H. L. Ginsberg, ed., *Rashi Anniversary Volume* (New York, 1941), 58–62; Bernhard Blumenkranz, "Quartiers juives en France (XIIe, XIIIe, XIVe siècles)," *Mélanges de philosophie et de littérature juives* 3–5 (1958–62), 77–86. For Germany through the period of the First Crusade, see Avraham Grossman, *Hakhmei Ashkenaz ha-Rishonim* (Jerusalem, 1981), 6–9.

came to be taught,<sup>41</sup> or to the home of the student(s), where some *melamdīm* lived (and were compensated, either partly or completely, through their room and board). In addition, this term might refer to the local synagogue where the *melamed* taught children from the surrounding community.<sup>42</sup> But even in this type of arrangement, the community was not the administering agent, and the parents made the appropriate arrangements with the *melamed*.<sup>43</sup>

To be sure, the quality of *melamdīm* could vary greatly. For every experienced, competent tutor, there might be one who was a gambler or one who was unqualified to teach because he was ignorant or lazy, or one who was not much older than his pupil.<sup>44</sup> There is also conflicting evidence about the social status of the *melamed* within Ashkenazic society. As we shall see, medieval Ashkenazic Jewry was generally reticent to allow a teacher of Torah to be compensated for his instruction, since the precept of teaching Torah was meant to be performed “for free,” based on a talmudic derivation (*Nedarim* 37a) from Deut. 4:5, in which it is stressed that Moses taught the laws of the Torah *be-hinam* (“without compensation”). Although the Talmud itself proposes some fairly sophisticated methods to allow the teacher of advanced students to be paid (such as *sekhar batalah*, the opportunity benefits that the teacher would forgo if he had been employed in a different profession or position), Ashkenazic halakhists permitted teachers of young children to be compensated simply because they were also providing a service, of watching the child and protecting him from harm (*sekhar shimur*). Although the *melamed* could thus receive direct compensation for his teaching, his prestige was thereby lessened since he was not included in the scholarly class of teachers who must theoretically teach without compensation, in emulation of Moses.

Moreover, *melamdīm* were granted tax exemptions by the communities not as a scholarly privilege (that was extended to heads of academies and other advanced-level teachers), but rather because the *melamed* typically

<sup>41</sup> See the responsum of R. Judah ha-Kohen published (from two manuscripts) by A. Grossman in *‘Aleī Sefer* 1 (1975), 33; and *Sefer Hasidim*, ed. Wistinetski, secs. 764, 1512.

<sup>42</sup> See *Tosafot ‘Erwin* 72a, s.v. *u-modin*; R. Isaac b. Moses of Vienna, *Sefer Or Zarua’* (Zhitomir, 1862), pt. 2, fol. 46a (sec. 172); *Tosafot Kidushin* 59a, s.v. *‘ani*; *Teshuvot R. Meir mi-Rothenburg* (*defus Prague*), #37; and *Sefer Hasidim*, secs. 1073, 1497, 1500.

<sup>43</sup> See *Sefer Rokeah le-R. Eleazar mi-Vermaiza* (Venice, 1549), sec. 296; *Sefer Hasidim*, ed. Wistinetski, secs. 462, 821; Rashi to *Berakhot* 17a, s.v. *le-bei kenishta*; and *Sefer Mordekhai ‘al Masekhet Bava Batra*, sec. 621.

<sup>44</sup> See, e.g., *Teshuvot Maharam* (Cremona, 1557), #310; *Teshuvot Maharam defus Prague*, #488; *Teshuvot Maharam* (Berlin, 1891), 276 (#55); *Sefer Hasidim*, 820, 827; S. Salfeld, *Martyrologium*, 38; and cf. *Teshuvot Rabbenu Gershom*, ed. S. Eidelberg (New York, 1955), 165 (#71).

earned a small amount of money; in some instances, as noted, a *melamed* might work for room and board alone.<sup>45</sup> Some were able to earn additional monies from other activities, although *melamdin* were also enjoined from taking on too much “outside work” since this might diminish their capacity to teach properly.<sup>46</sup>

Several Tosafist texts attributed a measure of pedagogic skill even to the average *melamed*. There was a degree of recognition of a *melamed*'s abilities, and of the difference that a capable *melamed* could make in allowing his students to achieve higher levels of education and knowledge.<sup>47</sup> At the same time, however, the position of the *melamed* was not accorded great societal respect, even though Ashkenazic Jewry considered the study of Torah overall to be the noblest pursuit.

Precisely what the *melamdin* taught also appears to have varied, although there were several basic touchstones. In the introductory (programmatic) section of his *Sefer Rokeah*, R. Eleazar ben Judah of Worms (d. 1230) offers the following sequence of beginning studies, which seems to correspond to the reality of his day: “At first [the child] should learn to recognize the letters and then to put them together; these are called words. And then, he should study the verse and then the *parashah* and then the *Mishnah* and then the Talmud.”<sup>48</sup> *Sefer Hasidim* refers to a *melamed* ‘ivri, whose task was to teach the student to recognize Hebrew words, although fathers apparently undertook this basic task themselves in many instances.<sup>49</sup>

We shall have occasion to note below that Mishnah was not taught as a separate discipline in the *yeshivot* of Ashkenaz during the twelfth and thirteenth centuries, just as biblical studies typically lagged far behind talmudic studies in the curricula of the higher educational levels. Nonetheless,

<sup>45</sup> *Teshuvot Maharam* (Lemberg, 1860), 131; *Teshuvot Ba'alei ha-Tosafot*, ed. I. Agus (New York, 1954), #103; *Teshuvot Maharam* (Cremona), 198; *Teshuvot Maharam defus Prague*, #541.

<sup>46</sup> See *Teshuvot Maharam defus Prague*, #37; *Mordekhai 'al Massekhet Ketubot*, sec. 232; *Mordekhai 'al Massekhet Bava Batra*, sec. 674; *Teshuvot Rabbenu Gershom*, ed. Eidelberg, #72; *Sefer Or Zarua*, *piskei Bava Metsi'a*, sec. 246; and cf. *Tosafot Pesahim* 49a, s.v. *lo matsa*.

<sup>47</sup> See, e.g., *Tosafot Bava Kama* 85a, s.v. *ro'in 'oto*; *Tosafot Rabbenu Peretz 'al Bava Metzi'a* 77a, s.v. *savur*; and cf. Eliav Shochterman, “Dinei Hinnukh be-Mishpat ha-'Ivri 'al pi Meqorot ha-Talmudiyim ve-Sifrut ha-Poskim shel Yemei ha-Benayim” (MA thesis, Hebrew University, 1969), 52–76.

<sup>48</sup> R. Eleazar b. Judah of Worms, *Sefer Rokeah*, 11; and cf. Mary Carruthers, *The Book of Memory* (Cambridge, 1990), 29–30, 107–21. For typical lengths of the teaching terms of the *melamdin*, see the sources gathered in B. Z. Dinur, *Yisra'el ba-Golah*, vol. II (Jerusalem, 1966), pt. 6, 37–8.

<sup>49</sup> See *Sefer Hasidim*, sec. 820, and E. Shochetman, “Dinei ha-Hinnukh 'al pi ha-Mishpat ha-'Ivri,” 26–9.

elementary-level tutors taught the Bible to their young students from the pre-Crusade period and beyond, as a means of introducing the student to the reading and understanding of Hebrew. R. Isaac ben Moses *Or Zarua'* of Vienna (d. c.1250 – a student of leading Tosafists in both northern France and the Rhineland) refers to *melamdei tinokot* who taught the weekly portion, ostensibly with either Targum Onqelos or Rashi's commentary.<sup>50</sup> The sections in *Sefer Hasidim* that discuss biblical studies for children attempted to guide that study, not create it.<sup>51</sup> In discussing the halakhic status (and rights) of a tutor who resigned, Ri of Dampierre describes a *melamed* who was hired to teach an entire *sefer*, or half the *sefer*, without any time limit; the *sefer* in question was a book of the Bible.<sup>52</sup> Already in the early eleventh century, a responsum from Rabbenu Gershom discusses the case of a tutor who was contracted to teach his student "all of Scripture" and subsequently claims that he in fact did so.<sup>53</sup>

It would appear that the *melamed* in Ashkenaz was involved primarily with younger students. Indeed, the tutor is very often referred to as a *melamed tinokot* (teacher of young children). Moreover, the Ashkenazic responsa that deal with the employment of the *melamed* consistently address issues that reflect a fairly young student pool, such as the responsibilities of the tutor (as well as the status of his compensation) in cases of prolonged student illness. As we have seen, the typical *melamed* taught material that did not require great depth or breadth of knowledge. We can assume that, at most, they taught biblical reading, translation and basic interpretation, and perhaps the rudiments of talmudic studies.

In medieval Christian society, a nobleman would retain a tutor for his child until the basic educational process was complete. A student striving to become a scholar then had to seek out a cathedral school and its master(s), or perhaps a monastic school.<sup>54</sup> In Jewish society, once the

<sup>50</sup> *Sefer Or Zarua'*, pt. 1, *Hilkhot Keri'at Shema*, sec. 12; and see also pt. 2, *Hilkhot Keri'at arba parshiyot*, sec. 389.

<sup>51</sup> See, e.g., *Sefer Hasidim*, secs. 666, 752, 820. Mishnah, as a distinct discipline of study (in *Sefer Hasidim*, secs. 748, 796, and in R. Eleazar b. Judah of Worms, *Sefer Roqeah*), was advocated by the German Pietists alone; see also Kanarfogel, *Jewish Education and Society*, 68, 88–91; Breuer, *Ohalei Torah*, 118–20, 123–5; *Teshuvot ha-Ran*, #1, 75, and cf. Assis, "Jewish Elementary Education," 150–4; Avraham Grossman, "Yihus Mishpahah be-Ashkenaz ha-Qedumah," in Etkes and Salmon, eds., *Studies in the History of Jewish Society*, 9–23. On the study of *piyut* in Ashkenazic *yeshivot*, see Breuer, *Ohalei Torah*, 264–5.

<sup>52</sup> Ri's formulation is recorded in *Sefer Or Zarua'*, *pishei Bava Metsi'a*, sec. 242. Cf. *Teshuvot Maharam defus Prague*, #477.

<sup>53</sup> See *Teshuvot Rabbenu Gershom*, ed. Eidelberg, #71.

<sup>54</sup> See, e.g., J. H. Mundy, *Europe in the High Middle Ages* (London, 1979), 464–5; and Pare *et al.*, *La Renaissance du XIIIe siècle*, 22–3.

rudiments of talmudic study were assimilated, the student either sought out a local teacher, who delivered lectures to groups of students in his home or in the synagogue, or traveled to a higher-level study hall or academy. In the responsum referred to just above, Rabbenu Gershom describes an arrangement whereby A was hired by B to take charge of the latter's son and to "enter him into the gates of the scholars in the morning and at night." Presumably, the father hired this tutor to help his son make the transition from private study with a *melamed* to studying in an academy or study hall. While the teacher in these institutions had certain responsibilities to the student, he was as not as responsible to the father as the *melamed* was.<sup>55</sup>

### ADVANCED STUDIES

The most advanced academies in Ashkenaz, those of the Tosafists, focused primarily (although not exclusively) on talmudic and halakhic studies. These study halls were quite small, however, taking in somewhere between ten and twenty-five students at most.<sup>56</sup> The students resided mainly in the home of the Tosafist teacher who led the *bet midrash* (and in the surrounding area) and as such, these *batei midrash* were often located in relatively small towns or villages.<sup>57</sup> The academy head did not receive a salary; students paid their own living expenses and the amount of money that a student had available to spend for this purpose often determined the length of his stay with a particular teacher.<sup>58</sup> There were tax exemptions and other forms of loans and grants that might support an advanced-level teacher and his students,

<sup>55</sup> See also *Teshuvot Maharam defus Prague*, #251; and *Teshuvot R. Hayim Or Zarua'*, #167.

<sup>56</sup> See, e.g., M. Breuer, "On the Typology of the Western *Yeshivot*," 51–5; *Meir b. Barukh (Maharam): Teshuvot, Pesukim u-Minhagim*, ed. Kahana, III, 134; and Kanarfogel, *Jewish Education and Society*, 66–7.

<sup>57</sup> See e.g., *Tosafot Kidushin* 33b, s.v. 'ein, and 59a, s.v. 'ani; *Tosafot 'Eruvin* and *Sefer Or Zarua'*, pt. 2, fol. 46a (sec. 172); *Teshuvot Maharam defus Prague*, #539, 971; R. Samson b. Tsadoq, *Sefer Tashbets* (Warsaw, 1876), secs. 5–6; *Sefer Hasidim*, secs. 954, 968, 1526, 1985; Urbach, *Ba'alei ha-Tosafot*, I, 487. Cf. Norman Golb, *Toledot ha-Yehudim be-Ir Rouen Bimei ha-Benayim* (Tel Aviv, 1976), 36–40, and Golb, "Les Écoles rabbiniques en France au Moyen Age," *Revue de l'histoire des religions* 102 (1985), 243–65.

<sup>58</sup> See, e.g., A. M. Habermann, *Gezerot Ashkenaz ve-Tsarefat* (Jerusalem, 1971), 164–5 (in the elegy for Dolce, the martyred wife of Eleazar of Worms); *Sefer Hasidim*, secs. 765, 778–9, 919, 1283, 1327, 1493; *Sefer Or Zarua'*, pt. 1, sec. 762; I. Ta-Shma, "Mitsvat Talmud Torah k-Be'ayah Hevratit-Datit be-Sefer Hasidim," *Sefer Bar-Ilan* 14–15 (1977), 110; Breuer, "Ha-Yeshiva ha-Ashkenazit be-Shilhei Yemei ha-Benayim," 11–12; and Kanarfogel, *Jewish Education and Society*, 49–50.

although it appears that even these lesser privileges were not always in effect.<sup>59</sup>

The tradition first reported in Menaḥem ben Aaron ibn Zerah's encyclopedia-like *Tsedah la-Derekh* (composed in mid-fourteenth-century Castile), of sixty students who sat before the leading Tosafist Ri of Dampierre (each of whom had totally mastered a tractate from among those that comprised the Mishnah and Talmud), is most likely a conflated account. Because the leading Tosafist study halls throughout the twelfth and thirteenth centuries received and shared material from earlier generations and teachers, the impression created is that large numbers of teachers and students were involved in the formation of *Tosafot* texts. In fact, however, there are fewer than 100 Tosafists known to us (from northern France and Germany), all told.<sup>60</sup> In Germany, the local rabbinic court (*bet din*) may have been the locus and center of Tosafist teachings, rather than the study hall. Here again, however, we are dealing with a relatively informal educational setting, attended by small numbers of active students.<sup>61</sup>

Several larger societal and cultural issues impacted the formation and development of the Tosafist academies, which can be noted only briefly here. The academies at Mainz and Worms during the pre-Crusade period served as magnet institutions. During the Tosafist period, however, students traveled not to a long-standing institution of higher learning in a particular locale, but rather to the home of a leading Tosafist teacher (wherever that might be), just as budding scholars in the Christian world wandered from one leading cathedral master to another, even following particular masters (such as Peter Abelard) as they moved from place to place. Indeed, the shift in Christian society, from monastic schools as the leading and most active educational institutions during the tenth century, to cathedral masters (and their schools) by the middle of the eleventh century – and the concomitant change from the monochromatic methods of *collatio* and *lectio* to the more dynamic methods of *quaestio* and *disputatio* – also anticipates and adumbrates changes in methods of rabbinic study from the pre-Crusade period to the Tosafist period.<sup>62</sup>

<sup>59</sup> See Kanarfogel, *Jewish Education and Society*, 45–9, 62–5, 91–5; and I. Ta-Shma, “Al Peṭur Talmidei Ḥakhamim me-Misim Bimei ha-Benayim,” in Y. D. Gilat, ed., *Iyunim be-Ḥazal, ba-Mikra uve-Toledot Yisra’el* (Ramat Gan, 1982), 316–19.

<sup>60</sup> See Jacob Katz, *Halakhah ve-Kabbalah* (Jerusalem, 1986), 348.

<sup>61</sup> See Kanarfogel, “Religious Leadership during the Tosafist Period: Between the Academy and the Rabbinic Court,” in J. Wertheimer, ed., *Jewish Religious Leadership: Image and Reality* (New York, 2004), vol. 1, 265–305.

<sup>62</sup> See Kanarfogel, *Jewish Education and Society*, 56–9.

The Tosafists saw to it that a close reading of the text of the Talmud (and of Rashi's commentary), followed faithfully by full-fledged dialectical interplay, became the dominant mode of talmudic interpretation and study. They moved beyond the collections of rulings and customs that preceded them, which had paved the way for the straightforward, local interpretation of the Talmud, which reached its zenith in the commentaries of Rashi (who had studied for a time in both Mainz and Worms). Just as the cathedral masters and their new methods were criticized by twelfth-century churchmen, such as Rupert of Deutz and Bernard of Clairvaux,<sup>63</sup> the method of the Tosafists was criticized by the German Pietists (*Hasidei Ashkenaz*), who were especially concerned that it would lead to incorrect halakhic conclusions and would be intellectually deleterious for those students who were not as capable as the Tosafists. In addition, the German Pietists stressed the importance of halakhic studies, as well as the study of midrash, Mishnah, and the Bible (as distinct disciplines) on different educational levels, motivated in part by their desire to provide appropriate venues and study texts for Ashkenazic laymen.<sup>64</sup>

The unbridled success of the Tosafist academies overall, as seen in the impressive composition of *Tosafot* and other related halakhic works, is perhaps the single most important factor that allowed the system of education in medieval Ashkenaz to remain informal (and unevenly funded). As long as such high-level talmudic thinking and writing were being generated, it did not seem necessary to re-organize or to organize more formally the variant components of the educational process. To be sure, this approach might have excluded some students of lesser means, and ostensibly favored students who married into the families of academy heads (which was a fairly widespread occurrence, given the relatively small size and number of the Tosafist academies).<sup>65</sup> Nonetheless, students of ability seemed to be able to find appropriate outlets for their aptitude and level of achievement. There were study halls that analyzed and worked with texts

<sup>63</sup> See Kanarfogel, "Progress and Tradition in Medieval Ashkenaz," *Jewish History* 14 (2001), 287–315; I. Ta-Shma, "The Tosafist Academies and the Academic Milieu in France in the Twelfth and Thirteenth Centuries: Parallels that Do Not Meet" [Hebrew], in I. Etkes, ed., *Yeshivot and Battei Midrashot* (Jerusalem, 2006), 75–84; and Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz* (Detroit, 2013), 84–110.

<sup>64</sup> See Kanarfogel, *Jewish Education and Society*, 68, 88–91; Breuer, *Ohalei Torah*, 118–20, 123–5; *Teshuvot ha-Ran*, #1, 75, and cf. Assis, "Jewish Elementary Education," 150–4; Grossman, "Yihus Mishpaḥah be-Ashkenaz ha-Ḳedumah." On the study of *piyyut* in Ashkenazic *yeshivot*, see Breuer, *Ohalei Torah*, 264–5.

<sup>65</sup> See Grossman, "Yihus Mishpaḥah be-Ashkenaz ha-Ḳedumah"; and Kanarfogel, *Jewish Education and Society*, 68.

of *Tosafot*, and may have wished to produce imitations of these texts and methods. Aside from raising expectations and perhaps yielding some poor or less substantive results, this kind of competition did not have any lasting negative impact.<sup>66</sup>

Indeed, rabbinic formulations that emanated from both Germany and northern France suggest that capable students did not hesitate to open their own study halls, even within the proximity of their teachers.<sup>67</sup> As long as the level of study was high and the new teachers were intellectually able, this was considered to be a most noble pursuit and purpose in medieval Ashkenaz. Only at the end of the fourteenth century do we begin to hear of any noticeable difficulties with this educational approach. The so-called Ashkenazic *semikhah* controversy at that time may have been, at least in part, a reflection of these developments as well.<sup>68</sup>

#### SEFER HUKEI HA-TORAH: A UNIQUE EDUCATIONAL DOCUMENT AND CONCEPTION

As we near the end of our discussion of educational theories and practices in the Jewish communities of medieval Christian Europe, we are in a better position to appreciate the challenges of understanding and utilizing what is arguably one of the most explicit educational sources and blueprints of the day, *Sefer Hukei ha-Torah* (hereafter *SHH*). Found in only one manuscript (which was copied by a German hand in 1309), this detailed treatise describes a two-tiered educational system. Goals and problems in education on both the elementary and advanced levels are identified and addressed.<sup>69</sup>

The most novel provision of this document calls for the establishment of special study halls for *perushim* (lit. “separatists”), accomplished students who would remain totally immersed in their studies for a period of seven

<sup>66</sup> See Haym Soloveitchik, “Three Themes in the *Sefer Hasidim*,” *AJS Review* 1 (1976), 339–54; I. Ta-Shma, “Talmud Torah ki-Be’ayah Datit ve-Hevratit be-Sefer Hasidim,” *Shenaton Bar-Ilan* 14–15 (1977), 98–113; E. Kanarfogel, “Between the Tosafist Academies and other Batei Midrash in Ashkenaz in the Middle Ages” [Hebrew], in Etkes, ed., *Yeshivot and Battei Midrashot*, 85–108; and Kanarfogel, *Jewish Education and Society*, 79–88.

<sup>67</sup> See Kanarfogel, “Rabbinic Authority and the Right to Open an Academy in Medieval Ashkenaz,” *Michael* 12 (1991), 233–50.

<sup>68</sup> See, e.g., Jacob Katz, “Rabbinical Authority and Authorization in the Middle Ages,” in Twersky, ed., *Studies in Medieval Jewish History*, I, 41–56; M. Breuer, “Ha-Semikhah ha-Ashkenazit,” *Zion* 33 (1968), 15–46; and Y. Y. Yuval, *Hakhamim be-Doram* (Jerusalem, 1989), 322–50.

<sup>69</sup> See MS Bodl. 1309, fols. 196r–199r.

years. Isadore Twersky has succinctly summarized the essential provisions of *SHH* as follows:

It strives, by a variety of stipulations and suggestions, to achieve maximum learning on the part of the student and maximum dedication on the part of the teacher. It operates with such progressive notions as determining the occupational aptitude of students, arranging small groups in order to enable individual attention, and grading the classes in order not to stifle individual progress. The teacher is urged to encourage free debate and discussion among students, arrange periodic reviews . . . and utilize the vernacular in order to facilitate comprehension. Above all, he is warned against insincerity and is exhorted to be totally committed to his noble profession.<sup>70</sup>

Since the publication of *SHH* by Moritz Guedemann in 1880,<sup>71</sup> scholars have argued about the date, provenance, and purpose of this work.<sup>72</sup> Attempts to identify the place and time in which *SHH* originated essentially employed two methods. The first was to focus on terms or phrases in the text that either ruled out or suggested a particular location. For example, since *SHH* refers to a certain custom as *minhag Tsarefat*, it is likely that this text was not composed in northern France. On the other hand, since the text refers to unspecified Geonim as the originators of certain practices, and also refers to practices of R. Sa'adyah Gaon and the Babylonian exilarch, it is possible that *SHH* is of Babylonian origin, or was produced in a western center that remained in the Geonic orbit or was especially faithful to Geonic traditions.<sup>73</sup>

Others attempted to identify institutions within the text. The *midrash ha-gadol*, which was to be maintained by the surrounding communities, is akin to the *yeshivot* in southern France, as described by Benjamin of Tudela in his travelogue *Mas'at Binyamin*.<sup>74</sup> Norman Golb has maintained that

<sup>70</sup> See Twersky, *Rabad of Posquières*, 25–6.

<sup>71</sup> See M. Guedemann, *Geschichte des Erziehungswesens und der Cultur des abendländischen Juden während des Mittelalters* (Vienna, 1880), vol. I, 92–106, 264–72. A photo-offset and a punctuated transcription were published in Nathan Morris, *Le-Toledot ha-Hinnukh shel 'Am Yisra'el* (Jerusalem, 1977), vol. II, 417–23. See also Assaf, *Mekorot*, I, 202–11; Golb, *Toledot ha-Yehudim be-'Ir Rouen*, 181–4; and Kanarfogel, *Jewish Education and Society*, 106–15.

<sup>72</sup> Joseph Dan, in *Encyclopedia Judaica*, XIV, 1009–1100, notes that more than twenty scholars have undertaken the identification of this text. Cf. Assaf, *Mekorot*, I, 198–202.

<sup>73</sup> See David Kaufmann, *Gesammelte Schriften* (Frankfurt, 1908–15), vol. II, 210–15. To support his view, Kaufmann cites a series of liturgical poems describing schools that were established and maintained under Babylonian influence in a manner similar to the system presented in *SHH*. Cf. Assaf, *Mekorot*, I, 199.

<sup>74</sup> See B. Z. Dinur, “Be-Eizo Erets Nithabru Hukei ha-Torah?” *Kiryat Sefer* 1 (1924), 107; Dinur, *Yisra'el ba-Golah*, I, pt. 3, 326 n. 38; B. Z. Benedikt, “Le-Toledotav shel Merkaz ha-Torah bi-Provence,” 98; Twersky, *Rabad of Posquières*, 25–6.

the *midrash ha-gadol* existed in northern France, with one such school located in Rouen,<sup>75</sup> while Gershom Scholem and Isadore Twersky have identified the text as of Provençal origin, based on the observation that the *perushim* who studied in the *midrash ha-gadol* matched the prototype of (the ascetic and mystically inclined) Provençal rabbinic scholars in the twelfth century.<sup>76</sup>

Complicating the effort to ascertain the provenance of *SHH* is the question first raised by Isadore Loeb in 1881 (in his review of Guedemann's work) as to whether the provisions of *SHH* were actually in effect in some community, or *SHH* was simply a utopian blueprint or suggestion.<sup>77</sup> Salo Baron has written that "[*SHH*] doubtless originated in one of the northern communities under the impact of Provençal mysticism or German-Jewish Pietism of the school of R. Judah the Pious and Eleazar of Worms. This view was arrived at because of the unique statutes of the work, for which we have no record of their practice." Statutes such as the consecration of the sons of *Kohanim* and Levites for Torah study, and the mandate for establishing a permanent group of scholars through which the community could fulfill its obligation to study, were "expressions of pious wishes, but were never enacted by any communal authority."<sup>78</sup>

If, however, the *SHH* document was of Provençal origin, it is likely that its program was actually in effect to some extent, or at least represented active educational institutions and practices, since the educational organization outlined (on both the elementary and advanced levels) is quite similar to that of Provence in the twelfth and thirteenth centuries.<sup>79</sup> If, on the other hand, *SHH* is of Ashkenazic origin, this treatise was probably a theoretical blueprint. As has been noted above, there was nothing in Ashkenaz comparable to the highly organized and communally funded educational institutions described in *SHH*.

<sup>75</sup> See Golb, *Toledot ha-Yehudim be-Tr Rouen*, 36–40.

<sup>76</sup> See G. Scholem, *Reshit ha-Kabbalah* (Tel Aviv, 1948), 84–91; Scholem, *Ursprung und Anfänge de Kabbalah* (Berlin, 1962), 202–10 (Eng. edn.: Scholem, *Origins of the Kabbalah* [Princeton, 1990], 227–35); and Twersky, *Rabad of Posquières*, 27–8.

<sup>77</sup> See *Revue des Études Juives* 2 (1881), 159–60.

<sup>78</sup> See S. W. Baron, *A Social and Religious History of the Jews*, vol. VI (Philadelphia, 1958), 140–1, and 375 n. 163. Although *SHH* is never cited in subsequent medieval or early modern rabbinic literature, there are some later works that display some similarities. See R. Samuel Kaidonower, *Emumat Shmu'el* (Frankfurt, 1683), fol. 37a; and Assaf, *Mekorot*, 200–2. It is doubtful, however, whether either of these later sources was based on an actual remnant of *SHH*.

<sup>79</sup> See Adler, ed., *The Itinerary of Benjamin of Tudela*, 3–5; Benedikt, "Le-Toledotav shel Merkaz ha-Torah bi-Provence," 86–9, 93, 98; Twersky, *Rabad of Posquières*, 25. See also Dinur, "Be-Eizo Erets Nithabru Hukei ha-Torah?" 107; Dinur, *Yisra'el ba-Golah*, I, pt. 3, 326 n. 38.

While all attempts to identify the origins of *SHH* with certainty may prove fruitless, I would suggest that the commonality and connection between *SHH* and the German Pietists merit further consideration. *Sefer Hasidim* is replete with guidance aimed at maximizing the individual achievement of every student, including a heavy emphasis on separating students of different abilities (which would allow the brighter student to develop fully and keep the weaker student from becoming frustrated). The frequently expressed concerns in *SHH* about teachers allowing their own affairs to cause distractions, the prohibition against teachers having any additional employment, and against the academy head from engaging in prolonged conversation when it was time to teach – all find close parallels within *Sefer Hasidim*, as does the separation of the *bet midrash* of the *perushim* from the home of the academy head and main teacher.<sup>80</sup>

Another possible key to the origin of *SHH* that has not received sufficient attention lies in the practices and phrases that appear to be similar to monastic ideals. The *perushim*, who are chosen originally through some form of parental consecration, ensconced themselves in their fortresses of study, away from all worldly temptations. They were to devote all of their time to the holy work of God (*melekkhet shamayim*), and to serve as representatives of the rest of the community in this endeavor. It is thus possible that *SHH* represents an attempt to recast the discipline and devotion of monastic education, which was certainly known to (and perhaps even admired by) European Jewry, in a form that was compatible with Jewish practices and values.<sup>81</sup>

<sup>80</sup> See, e.g., *Sefer Hasidim* (Parma), secs. 800, 821–5, 828, 830, 1492, 1496. Both *SHH* and *Sefer Hasidim*, secs. 747, 805–6, 1474, uniquely understand the notion in Deuteronomy 33:10 – that the *kohanim* and Levites “will not see or recognize their families” – to refer to the fact that they will be consecrated as youngsters and separated from their families for a lengthy period of time in order to study Torah deeply. See Kanarfogel, *Jewish Education and Society*, 102–5.

<sup>81</sup> See, e.g., David Berger, *The Jewish–Christian Debate in the High Middle Ages* (Philadelphia, 1979), 27, n. 71; Talya Fishman, “The Penitential System of Hasidei Ashkenaz and the Problem of Cultural Boundaries,” *Journal of Jewish Thought and Philosophy* 8 (1999), 201–29; and Kanarfogel, “A Monastic-Like Setting for the Study of Torah,” in L. Fine, ed., *Judaism in Practice: From the Middle Ages through the Early Modern Period* (Princeton, 2001), 191–202.

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ROBERT CHAZAN

