

## From Germany to Northern France and Back Again: A Tale of Two Tosafist Centres

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SIMCHA EMANUEL has recently pointed to a lacuna in the rabbinic leadership of German Jewry during the second quarter of the thirteenth century. Following the passing of several distinguished Tosafists and halakhic authorities who had been active throughout the first two decades of that century (including Barukh ben Samuel of Mainz, d.1221; Eliezer ben Joel Halevi (Ravyah) of Cologne, d. c.1225; Simhah ben Samuel of Speyer, d. c. 1230; and Eleazar ben Judah of Worms, d. c.1230), not a single outstanding rabbinic figure flourished in Germany for nearly a generation. This crisis of leadership lasted until Meir ben Barukh (Maharam) of Rothenburg (d.1293) succeeded in re-establishing the highest levels of Torah scholarship and teaching in Germany during the second half of the thirteenth century.<sup>1</sup>

Emanuel indicates that he is unable to explain why this cohort of leading rabbinic scholars did not cultivate any students who could serve as their successors in Germany. The absence was particularly noteworthy in Mainz, which had an otherwise unbroken record of productive scholarship and teachers since the early eleventh century. Emanuel suggests that looking at northern France might prove helpful.

Twenty-five years ago, Ya'akov Sussman showed that the connections between the Tosafist study halls in northern France and in Germany were severed during the last quarter of the twelfth century and the beginning of the thirteenth.<sup>2</sup> German students (and those from points further east) stopped travelling to northern France to study, as they had done during the days of the

<sup>1</sup> Emanuel, 'The Rabbis of Germany in the Thirteenth Century' (Heb.).

<sup>2</sup> Sussman, 'The Scholarly Oeuvre of Professor Ephraim Elimelekh Urbach' (Heb.), 39–40 (n. 63), 48–54. See also Soloveitchik, *Halakhah, Economy, and Self-Image* (Heb.), 82–5, 97–100.

towering Tosafist figure, Rabbenu Tam (1100–71). Emanuel theorizes that the return of German students to French study halls around the period of weakness in German rabbinic leadership cannot be coincidental. This return was epitomized by Isaac ben Moses Or Zarua's participation in the *beit midrash* of Judah ben Isaac Sirleon in Paris just after 1215, and he was followed by others including Meir of Rothenburg, who studied with Yehiel ben Joseph of Paris in the early 1240s. Indeed, rabbinic scholarship in Germany during the 1240s had none of the vibrancy of the study halls of Yehiel and other French Tosafists at that time (such as the brothers of Evreux, Moses, Samuel, and Isaac ben Shneur), which attracted students from outside northern France as well.

In my view, the gap in rabbinic leadership in thirteenth-century Germany, the cessation of contact between German and northern French *batei midrash* noted by Sussman, and an earlier shift in northern France during the days of Isaac ben Samuel (Ri) of Dampierre (d.1189)—to be discussed below—are all related. They reflect the presence (or absence) of teachers who were engaged in teaching and developing the dialectical method in the manner of Rabbenu Tam in Germany during the Tosafist period, from the mid-twelfth century onwards. A larger discussion of the differences between the German and northern French Tosafist centres is necessary to properly contextualize this proposed solution.

The *Tosafot* glosses to the standard edition of the Babylonian Talmud reflect an overwhelmingly northern French orientation and milieu.<sup>3</sup> The chapter headings of E. E. Urbach's seminal study on the Tosafists and their writings indicate that there were distinctions between the two regions within northern Europe (Ashkenaz) in which these rabbinic figures flourished,<sup>4</sup> and subsequent scholarship has identified an array of trenchant analytical and doctrinal differences between Tosafists in northern France and Germany. For example, I have demonstrated that rabbinic attitudes towards *aliyah* to the Land of Israel developed primarily along either northern French or German lines, a claim that has been ratified and further refined.<sup>5</sup> Israel Ta-Shma has shown that the Jews of northern France and Germany held different halakhic

<sup>3</sup> See Urbach, *The Tosafists* (Heb.), ii. 600–75; Soloveitchik, 'The Printed Page of the Talmud'; Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 1–9.

<sup>4</sup> See Sussman, 'The Scholarly Oeuvre of Professor Ephraim Elimelekh Urbach' (Heb.), 38–9.

<sup>5</sup> Kanarfogel, 'The *Aliyyah* of "Three Hundred Rabbis" in 1211'; E. Reiner, 'Aliyah and Pilgrimage to the Land of Israel' (Heb.), 39–40, 59–66; Ta-Shma, *Collected Studies* (Heb.), i. 254–60; Emanuel, 'The Origins and Career of R. Barukh b. Isaac' (Heb.), 431 (n. 37), 439–40; A. Reiner, 'Rabbenu Tam and His Contemporaries' (Heb.), 88–90.

opinions about whether a non-Jewish servant was permitted to raise the heat in a Jewish home on the sabbath,<sup>6</sup> and Emanuel has noted regional differences regarding the cancellation of marriage commitments (*bitul shidukhin*).<sup>7</sup> This bifurcation of views is also evident in mourning practices,<sup>8</sup> the halakhic status of a woman experiencing post-partum bleeding,<sup>9</sup> the structuring of the *tefilin* placed on the arm (*tefilin shel yad*), and other matters.<sup>10</sup>

Divergences are also present in more theoretical discussions, such as whether drinking the Kiddush wine at the arrival of the sabbath is mandated by Torah law or by rabbinic law. According to the northern French rabbis, only the recitation of the text of Kiddush is required according to Torah law; this position was associated initially with Rabbenu Tam, and then supported by Elhanan, son of Ri of Dampierre, Judah Sirleon, Moses of Coucy, and other French Tosafists. The German view, that drinking the wine is also required according to Torah law, is found in the pseudo-Rashi commentary on tractate *Nazir* composed in the Rhineland, and in Eliezer of Mainz's *Sefer ravan* (which also cites Moses ben Joel of Regensburg). It is further presented by Joseph Kara in the name of Kalonymos (ben Shabetai) of Rome, whom Kara had encountered at the academy in Worms.<sup>11</sup>

However, given the many similarities between the dialectical methods of

<sup>6</sup> See Ta-Shma, *Ritual, Custom and Reality in Franco-Germany* (Heb.), 149–67. This may also reflect differences in climate and housing structures. Cf. Katz, *The Shabbes Goy* (Heb.), 40, 43–57.

<sup>7</sup> See Emanuel, 'Invalidating a Marriage Agreement' (Heb.).

<sup>8</sup> See Zimmer, *Society and Its Customs* (Heb.), 193–6, 206.

<sup>9</sup> See *ibid.* 228–35, 296–7. Distinctions between regions within Germany were also a factor here.

<sup>10</sup> *Ibid.* 263–7; see also 281–6 (on baking matzah); Strauss, 'Pat 'Akkum in Medieval France and Germany', 17–38; and Eleazar of Worms, *Sha'arei shehitah uterefah*, 37–9 (based on MS JTS Rabb. 1923 = MS Bodl. 696, fos. 40<sup>r</sup>–41<sup>v</sup>), regarding lung adhesions in slaughtered animals. See also *Sefer ravvyah*, ed. Aptowitz, ii. 142–3 (*Pesahim*), sec. 514: 'There are those who assume that once someone drinks from a cup of wine used for a ritual purpose such as the recitation of Kiddush, any wine that remains must be poured out and other wine must be used if another person wishes to recite Kiddush over that cup . . . This is the custom in northern France, and I also observed that this was the custom of my teacher the rabbi [Eliezer] of Metz . . . However, in my father's home, I saw that they did not pour out the wine but merely added some wine or water to the cup. And this is the custom in Germany, which seems to me to be correct.'

<sup>11</sup> See Urbach, *The Tosafists* (Heb.), i. 41–5; Grossman, *The Early Sages of France* (Heb.), 216 (n. 275), 255; *Sefer ravan*, 'Even ha'ezet', ed. Ehrenreich, fo. 288a. See also *Sefer bayashar lerabenu tam*, ed. Schlesinger, 55 (sec. 62); *Tosafot r. yehudah sirleon al masekhet berakhot*, ed. Zaks, i. 246 (on *Ber. 20b*, and esp. n. 448); Eleazar of Worms, *Sefer roke'ah*, sec. 52; *Tosafot rid* (Isaiah di Trani) on *Pes. 106a* (*mahadurah telita'ah*); Isaiah's *Sefer hamakhria*, ed. Wertheimer, 441–56 (sec. 71; and cf. Ta-Shma, *Collected Studies*, iii. 40–3); Isaac ben Moses, *Sefer or zarua*, pt. II, 'Hilkhot erev shabat', sec. 25 (fo. 6b); and *Tosafot, Shevu. 20b*, s.v. *nashim*.

French and German Tosafists as well as between their overall halakhic outlooks,<sup>12</sup> systematic attempts to find essential patterns of difference between the Tosafists of northern France and Germany along regional lines may be misguided. It is unclear, for example, to what extent the two regions approached biblical interpretation differently.<sup>13</sup> Moreover, even during the forty-year period between the death of Rabbenu Tam and the first decade of the thirteenth century, the interval when talmudic students did not move between the regions, a number of texts and ideas did.<sup>14</sup>

On the whole, French Tosafists were largely unaware of the work of their German counterparts during this interval, as can be seen from the dearth of references to German scholars in the *Tosafot* in the standard edition of the Talmud.<sup>15</sup> Still, formulations by Ri of Dampierre, Rabbenu Tam's successor, did reach German Tosafists, as can be seen especially in the writings of Ravyah.<sup>16</sup> Moreover, Ri corresponded with Joel ben Isaac Halevi of Bonn,

<sup>12</sup> See e.g. Kanarfogel, 'Returning to the Jewish Community in Medieval Ashkenaz'. See also Ta-Shma, *Ritual, Custom and Reality in Franco-Germany* (Heb.), 201–15 regarding *kedushat bekhor behemah* (the sanctity of a firstborn animal); 228–40 on tax exemptions for Torah scholars; 241–60 regarding prohibitions associated with *yemei eideihem* (festivals of non-Jews); Zimmer, *Society and Its Customs* (Heb.), 23–4 on head-covering for men; 48–50 on sidelocks; 100–1 regarding physical movements during prayer; 163–6 regarding the *sukah* on Shemini Atseret; 243–5 regarding the seven-day *nidah* period; 253–7 on the permissibility of the fat that surrounds an animal's stomach; 288–9 on wearing a *talit* on the night of Yom Kippur; Kanarfogel, 'Medieval Rabbinic Conceptions of the Messianic Age'; id., 'Ashkenazi Messianic Calculations' (Heb.); id., 'Unanimity, Majority and Communal Government in Ashkenaz'; id., 'The Development and Diffusion of Unanimous Agreement in Medieval Ashkenaz'; id., 'Halakhah and *Mezi'ut* (Realia) in Medieval Ashkenaz'. This last study suggests that while Tosafists from both northern France and Germany proposed readings and rulings to address and alleviate situations in which widespread Ashkenazi practice appears to conflict with talmudic and rabbinic law, the French Tosafists were somewhat more innovative in this endeavour.

<sup>13</sup> See e.g. Kanarfogel, 'Midrashic Texts and Methods'.

<sup>14</sup> Eleazar of Worms, who studied with two of Rabbenu Tam's students, frequently cites Rashbam's commentary on *Avodah zarah* (and on the last chapter of *Pesahim*), as well as Rabbenu Tam's *Sefer hayashar*, but he barely cites anything in these areas from Ri. See R. Eleazar *mivermaiza*, ed. Emanuel, editor's introduction, 22–3, 50. At the same time, however, Eleazar composed *Tosafot* based directly on those of Ri on *Bava kama* (as edited by Ri's student, Judah Sirleon). Urbach (*The Tosafists* (Heb.), i. 403–5, ii. 660) notes that Eleazar of Worms is cited only once in the *Tosafot* in the standard edition of the Talmud.

<sup>15</sup> Sussman, 'The Scholarly Oeuvre of Professor Ephraim Elimelekh Urbach' (Heb.) and Soloveitchik, 'The Printed Page of the Talmud'; id., 'The Halakhic Isolation of the Ashkenazic Community', 45; Emanuel, 'The Origins and Career of R. Barukh b. Isaac' (Heb.), 438–9; Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 4–5 (n. 9).

<sup>16</sup> See e.g. Aptowitz, *Mavo lesefer ravayah*, 261–2, 379–80. To be sure, Ravyah cites Rabbenu Tam's *Sefer hayashar* much more extensively than he does Ri. See A. Reiner, 'From Rabbenu

Ravyah's father, and with Barukh ben Isaac of Regensburg, while Simhah of Speyer sent a question to Ri's successor in Dampierre, Isaac ben Abraham (Ritsba, d.1209).<sup>17</sup> In addition, questions regarding Jewish law and custom from Ashkenazi lands were posed simultaneously to both French and German Tosafists.<sup>18</sup> All these findings suggest a somewhat porous situation. Moreover, shifts over time in the patterns of scholarly migration, and the emergence of new regional variations and perspectives,<sup>19</sup> tended, on the whole, to narrow the differences between the centres of rabbinic scholarship in Ashkenaz in both interpretation and practice.<sup>20</sup>

In the absence of temporal factors such as royal, church, feudal, or other restrictions that might have inhibited the movement of German students to northern France following the death of Rabbenu Tam,<sup>21</sup> this general cessation of contact may best be explained by considering the manner in which Tosafist teachings and methods were transmitted. Unlike his uncle and teacher Rabbenu Tam, who had attracted a noticeable number of German and east

Tam to R. Isaac of Vienna', 273–82. Note also that Barukh ben Samuel of Mainz, who cites both Rashi and Rabbenu Tam, does not mention Ri (or any of his French students) at all in his *Sefer haḥokhmah*, although he did perhaps send a responsum to one of Ri's students, Solomon of Dreux. See Emanuel, *Shivrei luhot*, 108–9, 115, 134 (n. 138); *Sefer mordekhai lemasekhet yevamot*, sec. 21.

<sup>17</sup> See Aptowitz, *Mavo lesefer ravyah*, 367; Urbach, *The Tosafists* (Heb.), ii, 637–8; Emanuel, 'The Origins and Career of R. Barukh b. Isaac' (Heb.), 438 (n. 68).

<sup>18</sup> See e.g. *Sefer or zarua*, pt. III, 'Piskei bava kama', sec. 457 (fos. 36d–37a), for rulings issued by both Samson of Sens and Simhah of Speyer regarding proper payment for a matchmaker (*shadkhan*) in the same specific case.

<sup>19</sup> For contacts between the two centres during the pre-Crusade period and beyond, see Grossman, *The Early Sages of France* (Heb.), 542–5, 572–86. Cf. A. Reiner, 'The Acceptance of *Halakhot Gedolot* in Ashkenaz' (Heb.); Kanarfogel, *Jewish Education and Society*, 68–9.

<sup>20</sup> See e.g. Emanuel, "When the Master of the Universe Went Down to Egypt" (Heb.). The key difference here is liturgical, a fairly common occurrence even between various regions within Germany. See e.g. *Mahzor sukot, shemini atseret vesimhat torah*, ed. Goldschmidt and Fraenkel, editors' introduction, 9–48; Zimmer, *Society and Its Customs* (Heb.), 114–18; 125–8, 268–72; Sussman, 'The Scholarly Oeuvre of Professor Ephraim Elimelekh Urbach' (Heb.), 58–61. As Emanuel shows, these textual differences diminished after 1220, by which time the Tosafist centres in northern France and Germany had become 'reacquainted', and they disappeared altogether by the end of the 13th century. There could also sometimes be mixed results within the same larger issue. See Kanarfogel, 'Changing Attitudes toward Apostates'.

<sup>21</sup> See Emanuel, 'The Rabbis of Germany in the Thirteenth Century' (Heb.), 561–2. Cf. Thomson, 'Richard Southern and the Twelfth-Century Intellectual World'; id., 'The Place of Germany in the Twelfth-Century Renaissance'; Mews, 'Scholastic Theology in a Monastic Milieu'; Jaeger, 'Pessimism in the Twelfth-Century Renaissance'; Sheffler, *Schools and Schooling in Late Medieval Germany*, 15–40.

European students (together with those who hailed from northern France),<sup>22</sup> virtually all of Ri of Dampierre's many students (whose total matched the number of those who had come to study with Rabbenu Tam) came from within northern France.<sup>23</sup> This striking difference, along with the broader absence of contact between the Tosafist centres in northern France and Germany following the death of Rabbenu Tam, may be explained by the following development: a few of Rabbenu Tam's German students later established teaching presences in locales in or near Germany. Students from central (and eastern) Europe who wished to be exposed to the methods of close reading and enlightening source comparison and dialectic, first developed and taught by Rabbenu Tam, could more easily reach teachers such as Moses ben Solomon Hakohen of Mainz<sup>24</sup> and Eliezer ben Samuel of Metz

<sup>22</sup> Urbach (*The Tosafists* (Heb.), i. 114–64) identifies more than fifteen outstanding students of Rabbenu Tam from northern France (not including Isaac of Dampierre), as well as several others who were not as prominent. Rami Reiner, in 'Rabbenu Tam: His (French) Teachers and Ashkenazi Disciples' (Heb.), discusses nearly fifteen students of Rabbenu Tam who hailed from the Rhineland and central Germany, as well as from eastern Europe.

<sup>23</sup> See Urbach, *The Tosafists* (Heb.), i. 235–344, for more than ten important French students of Ri. Although Urbach asserts (i. 345) that 'a large number of German students reached the study hall of Ri and those of his students', the only German students that he identifies explicitly are Eliezer of Toul (and Boppard) and his brother Abraham (ibid. i. 335–6). Cf. *Sefer arugat habosem*, ed. Urbach, iv. 117; Sussman, 'The Scholarly Oeuvre of Professor Ephraim Elimelekh Urbach' (Heb.), 50 n. 83; Emanuel, 'The Origins and Career of R. Barukh b. Isaac' (Heb.), 439 (n. 68). Urbach includes a treatment of Ri's dedicated student, Barukh ben Isaac, author of *Sefer haterumah* (identified as Barukh of Worms) at the beginning of a chapter on German Tosafists (i. 345–61). However, his hesitation about Barukh's association with Worms has been shown to be fully justified by Simcha Emanuel, who has demonstrated that Barukh had no connection to Germany ('The Origins and Career of R. Barukh b. Isaac' (Heb.), 423–36). On the size of the study halls of Rabbenu Tam and Ri, see Breuer, 'Towards A Typology of Western Yeshivas in the Middle Ages' (Heb.) and Kanarfogel, *Jewish Education and Society*, 66–7, 164–6.

<sup>24</sup> See Aptowitz, *Mavo lesefer ravvyab*, 385–6; Urbach, *The Tosafists* (Heb.), i. 184–6 (and n. 10, for the citation of the no longer extant *Sefer badinim sheyasad rabenu mosheh hakohen, Piskei harosh lemasekhet kidushin*, 1: 20; A. Reiner, 'Rabbenu Tam: His (French) Teachers and Ashkenazi Disciples' (Heb.), 103–5. Moses of Mainz's literary output does not appear to have been heavy and he is cited only infrequently in Tosafist texts, yet he was a major conduit for Rabbenu Tam's material in the Rhineland. He composed *Tosafot on Pesahim* and *Yevamot*, and his rulings are cited in 13th-century halakhic compendia such as *Sefer or zarua* and *Shibolei haleket*. See also Emanuel, *Shivrei lupot*, 108–9; *Sidur rabenu shelomoh migermaiza*, ed. Hershler, 200: 'That the blessing [on a fast day] is concluded with both the phrases *ha'oneh be'et tsarah* and *shome'a tefilah* is a mistake on their part. I found this in the composition [*biyesod*] of R. Moses Hakohen' = MS Verona (Municipal Library) 100 (85.2) [IMHM #32667; Ashkenaz, 14th century], fo. 63<sup>v</sup>; MS Modena (Archive) [ph #6886], 101.4 (at the last line: *vekhen horeh lanu beshem rabenu mosheh hakohen*); and the literature cited in Urbach, *The Tosafists* (Heb.), i. 186 (n. 19). The Ashkenazi

(d.1198).<sup>25</sup> Metz and its environs are located approximately 120 miles from the Rhineland, less than half the distance to Dampierre.<sup>26</sup> In addition, Eliezer of Metz taught for a period in the Rhineland city of Mainz.<sup>27</sup>

Ephraim ben Isaac of Regensburg (d.1175) was part of a group of students who initially studied with Isaac ben Asher (Riva) Halevi of Speyer (d.1133), and then with Rabbenu Tam, before Ephraim returned to Regensburg to teach.<sup>28</sup> Noteworthy and prolific students of Moses Hakohen of Mainz, Eliezer of Metz (and Mainz), and Ephraim of Regensburg included Joel Halevi of Bonn (who composed *Tosafot* that are no longer extant, as well as numerous responsa and *pesakim* preserved by Ravyah and others) and the group of German rabbinic figures highlighted by Emanuel: Barukh of Mainz (to be discussed below), Ravyah, Simhah of Speyer (author of the no longer extant halakhic compendium *Seder olam*), and Eleazar of Worms (author of *Sefer roke'ah* and other halakhic treatises).<sup>29</sup>

rabbinic chain of tradition recorded in *Teshuvot maharshal*, no. 29, lists Moses Hakohen of Mainz as a student of both Rabbenu Tam and Ri. The parallel passage in MS Bodl. 847 (fos. 36<sup>r-v</sup>) lists Moses as Ri's student—and not as the student of Rabbenu Tam—although Moses' linkage to Ri is otherwise unattested. See Emanuel, 'The Origins and Career of R. Barukh b. Isaac' (Heb.), 433 n. 44. This chain of tradition has been attributed to a student of Meir of Rothenburg, perhaps Asher ben Yehiel. See Epstein, 'Likutim' (Heb.), 129–30. MS Bodl. 847 focuses more on teachers in northern France and less on those in Germany. See Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 81 (n. 162), and below.

<sup>25</sup> See Urbach, *The Tosafists* (Heb.), i. 154–64, and Emanuel, *Shivrei luhot*, 293–7.

<sup>26</sup> See Mendel, 'Les Juifs à Metz avant 1552'; id., 'Les Juifs à Metz'; and Gross, *Gallia Judaica*, 346–50. Metz, near the eastern border of France in the Lorraine region, was considered to be a part of the Holy Roman Empire and an independent imperial town until the mid-16th century. On Jewish settlement in and around Metz during the medieval period see Soloveitchik, *Wine in Ashkenaz in the Middle Ages* (Heb.), 23, 190.

<sup>27</sup> See Reiner, 'Rabbenu Tam: His (French) Teachers and Ashkenazi Disciples' (Heb.), 105–12. According to the chain of tradition in *Teshuvot maharshal*, no. 29, Eliezer taught Ravyah, Barukh of Mainz, and Simhah of Speyer in Mainz; none of these (German) figures are mentioned in MS Bodl. 847.

<sup>28</sup> See Urbach, *The Tosafists* (Heb.), i. 199–207; Reiner, 'Rabbenu Tam: His (French) Teachers and Ashkenazi Disciples' (Heb.), 68, 79–102; Ta-Shma, *Early Franco-German Ritual and Custom* (Heb.), 95–8. Members of this student group continued to correspond with Rabbenu Tam even after they returned to the east, although they often ruled in matters of law and custom according to German traditions.

<sup>29</sup> Joel Halevi studied with Ephraim of Regensburg and Rivam (see Aptowitz, *Mavo lesefer ravyah*, 39–40; Urbach, *The Tosafists* (Heb.), i. 202, 210; and Emanuel, *Shivrei luhot*, 81–6, regarding his *Tosafot*). Barukh of Mainz studied with Ephraim, Moses Hakohen of Mainz, and Eliezer of Metz (see Urbach, *The Tosafists* (Heb.), i. 425–9; Emanuel, *Shivrei luhot*, 105–9). Ravyah studied with Eliezer and Moses Hakohen (see Aptowitz, *Mavo lesefer ravyah*, 22–3, 312–14; Urbach, *The Tosafists* (Heb.), i. 378–9; Reiner, 'Rabbenu Tam: His (French) Teachers and

Additional channels through which Rabbenu Tam's teachings reached German Tosafists who did not study directly with him can be glimpsed in the work of Judah ben Kalonymos (Rivak) of Speyer (d.1199). Rivak mentions what he heard from (or in the name of) Ephraim of Regensburg, and there is evidence that he and Ephraim exchanged halakhic queries, but Rivak had received most of his training from Shemaryah ben Mordecai and Abraham ben Samuel Hehasid in Speyer. The only northern French Tosafists named in Rivak's *Sefer yihusei tana'im ve'amora'im* are Rabbenu Tam and his student Hayim ben Hananel Hakohen, who also spent some time in the Rhineland. Shemaryah ben Mordekhai of Speyer, a student of Riva, also interacted with Rabbenu Tam and even appeared for a brief period in northern France. Thus Rivak's awareness of Rabbenu Tam's teachings could have come from Shemaryah of Speyer, Ephraim of Regensburg, or Hayim Hakohen,<sup>30</sup> all of whom had direct contact with Rabbenu Tam.<sup>31</sup>

Whereas German scholars who had studied directly with Rabbenu Tam, such as Moses Hakohen of Mainz, Eliezer of Metz, and Ephraim of Regensburg, produced their own distinguished German Tosafist students—including Barukh of Mainz, Ravyah, and Eleazar of Worms—this subsequent

Ashkenazi Disciples' (Heb.), III n. 382), as did Simhah of Speyer (see Apowitzter, *Mavo lesefer ravvyah*, 412–14; Urbach, *The Tosafists* (Heb.), i. 411–13; Emanuel, *Shivrei luhot*, 154–5; Reiner, 'Rabbenu Tam: His (French) Teachers and Ashkenazi Disciples' (Heb.)). Eleazar of Worms, who hailed from Mainz, also studied with these teachers (see Urbach, *The Tosafists* (Heb.), i. 389–90; Reiner, 'Rabbenu Tam: His (French) Teachers and Ashkenazi Disciples' (Heb.); and see *Teshuvot maharshah*, no. 29). Samson of Sens mentions three of Rabbenu Tam's German students (Ephraim of Regensburg, Moses Hakohen of Mainz, and Rivam) in his *Tosafot on Pesahim*. See Urbach, *The Tosafists* (Heb.), i. 283–4 and 350 n. 40 for references to Rabbenu Tam's German students in *Sefer haterumah* by Barukh ben Isaac.

<sup>30</sup> See Apowitzter, *Mavo lesefer ravvyah*, 417; Urbach, *The Tosafists* (Heb.), i. 362–4, 372–3; Sussman, 'The Scholarly Oeuvre of Professor Ephraim Elimelekh Urbach' (Heb.), 39 n. 63; A. Reiner, 'Rabbenu Tam: His (French) Teachers and Ashkenazi Disciples' (Heb.), 99–103; Emanuel, *Shivrei luhot*, 287–8, 307–8. Urbach shows that Judah was aware of the *Tosafot* of Ri, although he does not cite any names in this connection. For Hayim Hakohen's presence in Germany see A. Reiner, 'Rabbenu Tam and His Contemporaries' (Heb.).

<sup>31</sup> A seeming exception to this pattern is found in a German commentary on *Tamid* (the so-called pseudo-Rabad commentary), which identifies Ephraim of Regensburg as the author's teacher. A passage in this commentary criticizes the aggressive dialectical methods of the French *Tosafot*. See Urbach, *The Tosafists* (Heb.), i. 355; Kanarfogel, 'Study of the Order of *Kodashim*' (Heb.), 73 n. 19. To be sure, unrestrained or otherwise erroneous dialectic was denigrated by Tosafists in all regions, from Rabbenu Tam and his students Ri and Eliezer of Metz to Moses Taku of Regensburg (d. c.1235); see Urbach, *The Tosafists* (Heb.), i. 26–7 and Kanarfogel, 'Study of the Order of *Kodashim*' (Heb.), 82–5.

generation did not, as Emanuel has carefully documented.<sup>32</sup> Neither did their older contemporary Joel ben Isaac Halevi, for while he taught Talmud (as he occasionally notes) and composed *Tosafot*, he produced no students of renown with the exception of his son, Ravyah.<sup>33</sup> Simhah of Speyer was a bit more successful in this regard; one of his students was Isaac ben Moses Or Zarua of Vienna (who lived in Simhah's home for a time and also studied with Ravyah). However, Emanuel also notes that, like Isaac of Vienna, other important students of Simhah, such as Avigdor ben Elijah Katz of Vienna, did not hail from Germany and did not remain there to teach.<sup>34</sup>

The exciting and far-reaching possibilities generated by the emerging method of dialectic were what drew students to Rabbenu Tam, and earlier (though in smaller numbers) to Riva Halevi of Speyer.<sup>35</sup> From the patterns of

<sup>32</sup> See Emanuel, 'The Rabbis of Germany in the Thirteenth Century' (Heb.), 551–6. Emanuel suggests that a passage associated with Eleazar of Worms, in which the author laments the lack of suitable students in esoteric studies, refers to talmudic and halakhic studies as well. In fact, however, Eleazar had several capable students in esoteric studies, which suggests that this lament should be understood in a more nuanced way. See Abrams, 'The Literary Emergence of Esotericism'; Kanarfogel, 'Peering through the Lattices', 25; Ta-Shma, *Collected Studies* (Heb.), i. 273–81; Ben-Shalom, 'Kabbalistic Circles Active in the South of France' (Heb.), 581–3. Only Isaac Or Zarua and Abraham ben Azriel of Bohemia refer to Eleazar as their rabbinic teacher. However, Isaac cites what he heard directly from Eleazar only five times, mainly in pietistic contexts, while three other citations are from Eleazar's writings alone. See Fuchs, 'Studies in the *Sefer or zarua*' (Heb.), 19 (n. 43). On Abraham ben Azriel see below, n. 34.

<sup>33</sup> See Aptowitz, *Mavo lesefer ravyah*, 44. Ravyah writes that 'I presented an argument before my father and the whole yeshiva and they agreed with my position' (see *Sefer ravyah*, i. 360, sec. 289). In another instance Joel Halevi responds that he would look carefully at a point made by Ravyah 'when I have a chance, because I am in the midst of teaching my students tractate *Gitin*' (see *Teshuvot ravyah*, ed. Deblitzky, i, sec. 922). However, none of these students are identified. Indeed, while the second citation clearly indicates that Joel taught Talmud to students, the first can also refer to an assembly that had gathered at the circumcision ceremony. See also the reports in *Sefer ravyah* and *Sefer or zarua* of an interaction between Joel Halevi and yeshiva students in Bonn (*talmidim sheba'ir*), noted in Urbach, *The Tosafists* (Heb.), i. 211 n. 23. Here, too, none of the students are identified by name, and it is not clear from these reports that they were necessarily Joel's students.

<sup>34</sup> On Avigdor Katz of Vienna see Emanuel, *Shivrei luhot*, 154–66, 175–84; Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 4 n. 9; 238–40; 428–9; 469–77. Another of Simhah's students, Abraham ben Azriel of Bohemia, compiled the extensive *piyut* commentary *Sefer arugat habosem*. Abraham is characterized by Urbach as a *rosh yeshivah*; he was in contact with several German Tosafists, but there is no firm evidence that he was a Tosafist. See *Sefer arugat habosem*, ed. Urbach, iv. 112–27; Ta-Shma, *Commentarial Literature on the Talmud* (Heb.), ii. 118–19; Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 23–5; and below, at n. 57.

<sup>35</sup> See Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 5 n. 11,

study that have been presented to this point, however, it would seem that the ability to teach and transmit the methods of Rabbenu Tam and Riva of Speyer was largely absent among those German scholars who had not directly studied with these great teachers. This phenomenon may be explained by focusing on an aspect of rabbinic scholarship and culture that was unique to Germany.

In his treatment and thematic reconstruction of Barukh of Mainz's no longer extant *Sefer haḥokhmah*, a voluminous compilation devoted in large measure to marital and monetary law, Simcha Emanuel concludes that Barukh did not have any students (except perhaps his son, Samuel Bamberg). Emanuel cogently suggests that Barukh served only as a rabbinic court judge and was not an academy head at all, for while *Sefer haḥokhmah* contains Barukh's *Tosafot* on *Megilah* (among other tractates), along with other forms of talmudic interpretation, it also includes a wide selection of the judicial decisions and cases of the Mainz court.<sup>36</sup>

In fact, whether or not they composed *Tosafot*, the leading communal judges in Germany who were contemporaries of Joel Halevi and Barukh did not produce any well-known figures in talmudic interpretation or halakhah. This is true for Menahem ben Jacob (d.1203), a leading judge in Worms who taught halakhah (though there are few literary remains of these teachings),<sup>37</sup>

41 n. 18, 80 n. 160, 102–3, and the literature cited. Recent scholarship has debated whether Riva had studied in northern France, as well as the nature of his dialectic. Ta-Shma suggests that Riva wielded his dialectic, as a jurist might, to limit the various possibilities that emerged, while Rabbenu Tam's approach was more lawyer-like, to generate a range of possibilities; see Ta-Shma, *Commentarial Literature on the Talmud* (Heb.), i. 70; ii. 116–17. Eliezer ben Nathan (Ravan) of Mainz—who was younger than Riva and a bit older than Rabbenu Tam—does not seem to have had students outside his immediate family (see Aptowitz, *Mavo lesefer ravyah*, 52; Urbach, *The Tosafists* (Heb.), i. 184). Although Ravan corresponded with Rashbam and Rabbenu Tam (and their father, Meir), and appears to have reached northern France at least once, it is unclear with whom he studied (see Urbach, *The Tosafists* (Heb.), i. 174–5). Shalom Albeck (cited in Aptowitz, p. 52) hypothesizes that Riva was one of his teachers, among other rabbinic scholars in Mainz and Speyer at that time (including his father-in-law Elyakim ben Joseph, and Jacob ben Isaac). There is evidence for personal contact and correspondence between Ravan and Riva; see Ghedalia, 'The Historical Background to the Writing of *Sefer even ha'ezer*' (Heb.), 45–50.

<sup>36</sup> See Emanuel, *Shivrei luhot*, 109, 146. On the court proceedings and decisions found in *Sefer haḥokhmah* see *ibid.* 127–35, and Kanarfogel, 'The Development and Diffusion of Unanimous Agreement', 26–8; 39–40. On Samuel Bamberg see Urbach, *The Tosafists* (Heb.), i. 430, and Emanuel, *Shivrei luhot*, 106–7.

<sup>37</sup> See Urbach, *The Tosafists* (Heb.), i. 370, 406; Aptowitz, *Mavo lesefer ravyah*, 382–4; Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 25, 462–3, especially the passages from *Sefer ha'asufot*.

and of Ephraim of Regensburg's colleagues on the *beit din* in Regensburg—Isaac ben Mordecai and Moses ben Joel—both of whom composed and circulated *Tosafot* texts.<sup>38</sup> Indeed, Simhah of Speyer remains the lone exception to this rule.

In short, the Tosafists in Germany and northern France appear to have been similarly regarded and equally matched as religious leaders, but their professional responsibilities and proclivities differed considerably. Unlike their French counterparts, German Tosafists and rabbinic scholars typically served as heads and judges of established local rabbinic courts. As I have demonstrated elsewhere, these scholars adjudicated actual cases and communicated with other courts as needed—at times compiling records of these exchanges and interactions. They also dealt with appeals from individual scholars and from other court jurisdictions. Not surprisingly, they saw (and conducted) themselves as jurists rather than as academy heads whose primary role was the teaching of students. There are specific references to the judicial activities of virtually every one of the German Tosafists mentioned thus far.<sup>39</sup> Ravyah, who served as the leading judge in Cologne, describes an argument he presented before the Mainz rabbinic court, seeking its approval. While sitting in the study hall or *scriptorium* (*beit hasefer*) with Barukh ben Samuel, who had advocated on behalf of several orphans, and other judicial colleagues—including Moses Hakohen of Mainz—Ravyah presented his argument that the orphans should not prevail in this case. His formulation suggests that the Mainz court was, in some way, connected to a study hall, with the rabbinic court appearing to be the more prominent institution of the two.<sup>40</sup>

It is true that Rabbenu Tam himself had also served as the head of an active court, and that he was involved in the training of judges.<sup>41</sup> Yet his major

<sup>38</sup> For the *Tosafot* of Rivam and Moses ben Joel see Urbach, *The Tosafists* (Heb.), i. 196–9, 207–8; Emanuel, *Shivrei luhot*, 82–6, and above, n. 29. Like Rivam, Moses ben Joel studied with Riva Halevi, although his contact with Rabbenu Tam was more limited. Isaac (Ri) Halavan of Bohemia studied briefly with Riva and more extensively with Rabbenu Tam. He composed *Tosafot* and sat on the Regensburg court but he, too, does not seem to have had any students. See Urbach, *The Tosafists* (Heb.), i. 218–21; Kanarfogel, 'R. Judah *he-Hasid*', 22–6.

<sup>39</sup> See Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 38–53.

<sup>40</sup> See *Teshuvot ravyah*, ed. Deblitzky, i. 54–6 (sec. 925: 'and [R. Barukh] was then sitting with me in the *scriptorium* [*beit hasefer*] and I made my argument before him and before the other masters, R. Judah and my teacher R. Moses'). Cf. *Sefer mordekhai al masekhet hulin*, sec. 684.

<sup>41</sup> See e.g. *Tosafot*, *Ket.* 69a, s.v. *ve'ishtik*, and cf. *Tosafot harosh* and *Hidushei haritva* ad loc. See also *Sefer or zarua*, pt. III, 'Piskei bava metsia', sec. 202 (fo. 29b); *Tosafot*, BK 118a, s.v. *rav*

role—and the way that he was perceived, especially by later generations—was as an academy head and teacher. And it was in this role that he attracted students from throughout Europe. Moreover, Rabbenu Tam's successor, Ri of Dampierre, and Ri's leading student, Samson ben Abraham of Sens, do not appear to have served as judges on permanently constituted, ongoing courts, though they did receive appeals from various rabbinic courts and litigants. Although they may have served occasionally as judges on temporary or *ad hoc* (*zabla*) courts, they, too, saw themselves primarily as *rashei yeshivah*.<sup>42</sup> This was also true for Judah ben Isaac Sirleon of Paris (d.1224), another student of Ri, who opened his study hall when Jews were allowed to return to the royal realm in 1198. He, too, continued the teaching and interpretational programme of his northern French predecessors.<sup>43</sup>

The only exception to this pattern in northern France involved the rabbinic courts that were convened to supervise the writing and granting of bills of divorce; many of the most important French Tosafists participated in these courts and often presided over them. The halakhic requirements in divorce procedures were so complex—and the consequences of bills of divorce that were not properly executed were so grave—that the participation of all leading rabbinic scholars was necessary. Thus even those rabbinic figures in northern France who were not regularly involved in local judicial institutions or processes lent their expertise and support to this endeavour. Leaving aside this exception, however, it was several decades after the death of Rabbenu Tam before northern French Tosafists began, again, to sit with regularity on rabbinic courts for deciding monetary and ritual matters, as Rabbenu Tam and others in his day had done. By the second quarter of the thirteenth century, in the days of Judah Sirleon's successor, Yehiel ben Joseph of Paris, and his

*nahman*; *Tosafot, Ket.* 105b, s.v. *mai*, and *Tosafot harosh* ad loc.; *Sefer yere'im hashalem*, i. 22 (sec. 7); *Tosafot, Kid.* 52a, s.v. *vehilkbeta*; *Hidushei harashba lekidushin* 51b; MS JTS Rab. 673, fo. 363<sup>v</sup>; and Urbach, *The Tosafists* (Heb.), i. 148.

<sup>42</sup> See Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 41–2, 57–64. Thus, for example, Samson of Sens notes that Ri had *heard* that Rabbenu Tam accepted written testimony, while Joel Halevi accepted such testimony himself as a judge. See Fuss, 'Written Testimony in Financial Legal Cases' (Heb.), 331–7. Rabbenu Tam's German students, Ephraim of Regensburg and Moses Hakohen of Mainz, served as ongoing or permanent rabbinic court judges, even as Eliezer of Metz did not. (Metz was perhaps more 'French' in this respect; see above, n. 26.) Among Rabbenu Tam's French students only Joseph ben Isaac of Orleans served as a judge. See A. Reiner, 'Rabbinical Courts in France', and below, n. 53.

<sup>43</sup> See Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 60–1; and cf. Urbach, *The Tosafists* (Heb.), i. 323–34.

contemporary Tosafist colleague Samuel ben Solomon of Falaise, German rabbinic scholars had begun to consult with these rabbinic courts as well.<sup>44</sup>

Another difference between the rabbinic scholars of the two regions concerns their treatment of responsa. Rabbis in both northern France and Germany composed responsa, but only the latter systematically collected and preserved theirs, along with those of others. And just as most leading French scholars did not preserve their responsa in a significant or systematic way, they did not feel the need to record any judicial decisions that they may have rendered. Evidence for any such decisions is extremely hard to come by, despite the vastness of their talmudic and rabbinic writings.<sup>45</sup> By contrast, the responsa produced by leading German Tosafists and halakhists constitute important sources for judicial activity.<sup>46</sup> It would seem that, in Germany, leading scholars felt that they could best serve the community and exert the greatest influence as masters of the rabbinic courts.

In addition, German scholars retained the convention, prevalent in the Rhineland during the pre-Crusade period, of identifying institutions of learning by their community or locale and its traditions, rather than by the important figures who taught in them. In northern France, on the other hand, the *rosh yeshivah* was seen as the most important identifier of an academy. Students followed leading scholars as they changed locales, and they saw themselves as students of the *rosh yeshivah*, rather than identifying themselves with the locale of the academy or its practices. This is reflected in differences in compositional nomenclature: the pre-Crusade Mainz commentaries on various talmudic tractates can be called *Perushei magentsa*, but the glosses of northern France are called *Tosafot hari* or *Tosafot r. yehudah sirleon*, and so on.<sup>47</sup>

<sup>44</sup> See Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 64–9, and below, n. 56.

<sup>45</sup> See *ibid.* 70–1.

<sup>46</sup> See e.g. Soloveitchik, *Halakhah, Economy, and Self-Image* (Heb.); and *id.*, ‘Catastrophe and Halakhic Creativity’, 76–8. Cf. Ta-Shma’s introduction to *Maftē’ah hashe’elot vebateshuvot*, ed. Lifshitz and Shochetman, 11–13 (= *Collected Studies* (Heb.), i. 117–25); *ibid.*, ii. 73–4; Emanuel, ‘The Origins and Career of R. Barukh b. Isaac’ (Heb.), 439–40. The relatively recent publication of *Teshuvot ravviah* serves as a stark reminder of this. German Tosafists tended to preserve citations of earlier material (including their own) to a much greater extent than their French counterparts did. See Soloveitchik, ‘The Halakhic Isolation of the Ashkenazic Community’, 43–5; Emanuel, *Shivrei lupot*, 29.

<sup>47</sup> See Grossman, *The Early Sages of Ashkenaz* (Heb.), 165–74; and Ta-Shma, *Commentarial Literature on the Talmud* (Heb.), i. 35–40. See also *Teshuvot rabenu gershom me’or hagolah*, ed. Eidelberg, 98–100, no. 32; Grossman, *The Early Sages of Ashkenaz* (Heb.), 120. See *Sefer or zarua*, pt. IV (‘Piskei avodah zarah’, sec. 262, fo. 35a) for a parallel situation in Paris, around 1220. For a fuller discussion of these distinctions and sources—including parallels to educational

Moreover, there is a series of French rabbinic texts that describe how students sought to challenge the *rosh yeshivah* on the basis of their own understanding of underlying texts. Scholarly reputations in this region were made on the basis of intellectual and exegetical abilities. Ri of Dampierre asserts that the availability of talmudic commentaries and post-talmudic halakhic texts in his day meant that a student could more easily develop the ability to rule in matters of Jewish law.<sup>48</sup> He notes that this situation differed considerably from that which had prevailed during the talmudic period, when the teacher had access to bodies of knowledge and analyses that were not easily available to students. In the words of Samson of Sens, ‘that which was hidden to earlier scholars is sometimes revealed to later scholars . . . for a student can sometimes see what his teacher cannot from [the Talmud’s] words. He can “outsmart” his teacher and sharpen the [teacher’s] interpretation.’<sup>49</sup> The heads of the Tosafist academy at Evreux, Moses and Samuel ben Shneur (d. c.1250), wrote that

talmudic texts, commentaries, novellae, and [halakhic] compositions are the teachers of men; all is determined by one’s perspicacity. Thus, it was usual in their locale that a student opened his own study hall without concern for the talmudic dictum that ‘one who decides a matter of law in his teacher’s presence is punishable by death’. Similarly, a student can contradict his teacher on the basis of superior reasoning.<sup>50</sup>

The prerogative was predicated on the student’s ability to demonstrate convincingly his interpretations and positions with respect to talmudic literature and law. The centrality of the academy head in the Jewish intellectual and halakhic community was linked to the virtuosity of the aspiring scholar.<sup>51</sup>

These differences between Germany and northern France centred around the following question: Is rabbinic leadership or power primarily derived from, and expressed through, an ability to discover new talmudic interpreta-

conventions in medieval Christian society—see Kanarfogel, *Jewish Education and Society*, 70–2. The so-called *Tosafot shants* are not the collective product of the study hall in Sens, but rather the *Tosafot* composed there by Samson ben Abraham. See Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 84–110.

<sup>48</sup> See *Sefer semak mizurich*, ed. Har-Shoshanim, i. 27; Kanarfogel, ‘Rabbinic Authority’, 242.

<sup>49</sup> See Abulafia (Ramah), *Kit’ab al Rasā’il*, ed. Brill, 131–2.

<sup>50</sup> For the formulation by the brothers of Evreux see *Sefer orhot hayim*, ‘Hilkhot talmud torah’, sec. 21 (fos. 29a–b), cited with slight variation in *Teshuvot maharashdam*, ‘Hoshen mishpat’, no. 1. See also Urbach, *The Tosafists* (Heb.), i. 479–80; and Elon, ‘The Law, Books and Libraries’, 16–18.

<sup>51</sup> For a fuller discussion of these French formulations and their implications see Kanarfogel, ‘Rabbinic Authority’, 233–50; id., ‘Progress and Tradition in Medieval Ashkenaz’.

tions and correlations (*hidushim*)? Or is it embodied in *dayanim* (and in their associates) who render Jewish law, and are thus viewed as its authoritative spokesmen? The former was the model in northern France, and the latter was the approach favoured in Germany.<sup>52</sup> During the pre-Crusade period differences between northern France and Germany in these matters were less pronounced,<sup>53</sup> and this was also the case from the second half of the thirteenth century, once significant contact between the two centres had resumed.

The continued presence of strong Tosafist teachers in northern France throughout the first half of the thirteenth century, and their absence in Germany during this time, accounts for the gap in German Tosafist leadership between the period of Barukh of Mainz, Ravyah, Simhah of Speyer, and Eleazar of Worms on the one hand, and the days when Maharam of Rothenburg was active. Overall, German Tosafists did not have nearly as many students and successors as their counterparts in northern France, owing in large measure to their preoccupation with judicial functions and activities. Although several of the German scholars discussed here also headed study halls, the largest Tosafist academy consisted of no more than twenty-five students, and the average size was more likely in the mid-teens or even less.<sup>54</sup> Nothing was faulty with the Germans' methods of study or analysis; they were simply not as committed to teaching those methods, certainly not out-

<sup>52</sup> Discussion of judicial matters here has been limited to communal courts, and has not taken into account *takanot hakahal* (communal ordinances) or the functioning of the *kebilah* (community) itself as a *beit din* (court) with respect to setting communal policy. Similarly, there has been no discussion of the role of rabbinic scholars in super-communal government (and the promulgation of *takanot*), where it may be assumed, of necessity, that leading figures would have greater authority. Prominent Tosafists and local communal judges figured among the signatories on the various super-communal *takanot* promulgated during the 12th and 13th centuries. See e.g. Finkelstein, *Jewish Self-Government in the Middle Ages*, 42 (Ravan of Mainz, Eliezer ben Samson of Cologne), 62–3 (Eleazar of Worms, Ravyah, Simhah of Speyer, Barukh of Mainz), 155 (Rabbenu Tam, Rashbam, Ravan), 165 (Rabbenu Tam), 198 (Yehiel of Paris), 223 (David ben Kalonymos of Münzberg). Note also the roles played by a number of these rabbinic scholars in applying *takanot rabenu tam* and *takanot kebilot shum* (of the 1220s), which stipulated that the wife's family was entitled to retrieve her dowry if she died within the first year of marriage. See Cohen, 'Communal Ordinances' (Heb.), 148–50.

<sup>53</sup> While a full analysis of pre-Crusade judicial antecedents cannot be presented here, Rashi appears to have served on a court in Troyes. See *Teshuvot rashi*, ed. Elfenbein, 74, and Grossman, *The Early Sages of France* (Heb.), 131 n. 33. Cf. Breuer, 'Towards A Typology of Western Yeshivas in the Middle Ages' (Heb.), 46. *Sefer or zarua* (pt. III, 'Piskei bava kama', sec. 85, fo. 5b) records a responsum by Rashi to three judges (*sheloshet hanedivim*) regarding the *ketubah* of a woman who had developed certain blemishes. See also Soloveitchik, 'Pawnbroking', 205–8.

<sup>54</sup> See Kanarfogel, *Jewish Education and Society*, 66–7. As noted above (n. 46), the study hall in Mainz appears to have been somewhat secondary to the rabbinic court there.

side the judicial realm. In the absence of committed teachers of Rabbenu Tam's dialectic in Germany at the turn of the thirteenth century, German students once again began to travel to northern France to find this dimension.

When Isaac ben Moses Or Zarua travelled to Paris to study with Judah Sirleon in order to connect more directly with the teachings and methods of Rabbenu Tam, the forty years of separation between the northern French and German talmudic centres was effectively ended.<sup>55</sup> Even after he left northern France, Isaac Or Zarua consulted with the French Tosafists Yehiel of Paris and Samuel of Falaise,<sup>56</sup> and this pattern, in which students from Germany and points east once again came to northern France to study, continued beyond Isaac's day as well.

Isaac studied with several leading Tosafists, although the precise trajectory of his educational career is somewhat difficult to pinpoint. He appears to have hailed from a Slavic land (perhaps Bohemia) or from Hungary, where he probably studied first, before moving to Germany. He refers to two Bohemian scholars as his teachers, Jacob ben Isaac Halavan (a student of Rabbenu Tam) and Abraham ben Azriel (a student of Simhah of Speyer). His German teachers included Abraham ben Moses of Regensburg, Judah Hehasid, and Jonathan ben Isaac of Würzburg, but his main teachers in Germany were Simhah of Speyer and Ravyah of Cologne. It appears that Isaac Or Zarua then completed his student days in northern France, during the second decade of the thirteenth century. In addition to studying with Judah Sirleon, who is considered to be his third major teacher, Isaac studied with another of Ri's students, Samson of Coucy (d.1221), and he also refers to Jacob of Provins as his teacher.<sup>57</sup> During his sojourn in northern France, he wrote about a sign that the Jews were required to wear, even on the sabbath; this may be the earliest Jewish source to confirm the wearing of the badge mandated in 1215 by the Fourth Lateran Council.<sup>58</sup>

<sup>55</sup> Cf. A. Reiner, 'From Rabbenu Tam to R. Isaac of Vienna'.

<sup>56</sup> See e.g. *Sefer or zarua*, pt. I, 'Hilkhot ḥalitsah', sec. 773; pt. III, 'Piskei bava metsia', sec. 180, fo. 26a; Urbach, *The Tosafists* (Heb.), i. 438–9; Emanuel, *Shivrei luhot*, 189 nn. 18–19. For questions sent to these French rabbinic figures by Hezekiah of Magdeburg (who may also have studied with Samson of Coucy) and Yakar of Cologne, see Urbach, *The Tosafists* (Heb.), ii. 565; and cf. Ta-Shma, *Collected Studies* (Heb.), i. 169–71, 233–4, 239.

<sup>57</sup> See Fuchs, 'Studies in the *Sefer or zarua*' (Heb.), 11–20; Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 469–72. On Jacob of Provins, who is also mentioned in MS Bodl. 847 (fo. 36<sup>v</sup>), see Kanarfogel, 'Peering through the Lattices', 98, 207.

<sup>58</sup> See *Sefer or zarua*, pt. II, 'Hilkhot shabat', sec. 84, fo. 20a, and Urbach, *The Tosafists* (Heb.), i. 343, 438. Since, as Urbach notes, Isaac also mentions rulings that he had heard from Samson of

Following the path of his father, Moses Hakohen of Mainz, who had travelled to northern France to study with Rabbenu Tam, Judah Hakohen of Würzburg went to Paris (along with Aaron of Regensburg) to study with Judah Sirleon. Indeed, he may have slightly preceded Isaac Or Zarua in this endeavour.<sup>59</sup> Meir (Maharam) of Rothenburg, who had studied in Isaac ben Moses of Vienna's *beit midrash* at a young age,<sup>60</sup> and with Judah Hakohen in Würzburg,<sup>61</sup> spent most of his student years in northern France with Yehiel of Paris (who succeeded Judah Sirleon) and other French Tosafists, including Ezra of Moncontour (a student of Ri's), Samuel of Falaise, and Samuel of Evreux, before returning to Germany.<sup>62</sup>

A younger contemporary of Maharam, Yedidyah ben Israel of Nuremberg, also studied with Yehiel of Paris and Samuel of Evreux. Maharam cites material that Yedidyah had sent from northern France in the name of Yehiel, and Yedidyah, while still in northern France, turned to Maharam with a question.<sup>63</sup> Tuvyah ben Elijah of Vienne, a colleague of the brothers of Evreux and Yehiel of Paris, apparently had quite a few (largely unidentified) German

Sens (who departed for the Land of Israel c.1210), he may well have arrived in northern France before 1215.

<sup>59</sup> See Urbach, *The Tosafists* (Heb.), ii. 526 (including references to Judah Hakohen in the standard *Tosafot*). The chain of tradition in *Teshuvot maharshal*, no. 29, lists both Judah and Aaron of Regensburg (who led the rabbinic court there from 1225 to 1260) as students of Isaac ben Abraham (Ritsba), the successor of Ri in Dampierre and a senior colleague of Judah Sirleon. The version of this chronology in MS Bodl. 847 (fos. 36<sup>r-v</sup>) omits these German students of Ritsba. See Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 45, 48–9, and above, n. 24. For Judah Hakohen's interaction with French rabbinic scholars see Emanuel, *Shivrei lupot*, 254 n. 143. For a responsum by Judah and others regarding effects of the persecutions in Frankfurt during 1241, see Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 52 (and 429–30 for his related *piyutim*). On Judah's locale see A. Reiner, 'Rabbenu Tam: His (French) Teachers and Ashkenazi Disciples' (Heb.), 127–8; and Emanuel, 'The Rabbis of Germany in the Thirteenth Century' (Heb.), 563–4. On his relationship with Isaac Or Zarua see Ta-Shma, *Collected Studies* (Heb.), i. 161.

<sup>60</sup> See Urbach, *The Tosafists* (Heb.), ii. 523–5, and Kanarfogel, *Jewish Education and Society*, 18, 121–2 n. 14.

<sup>61</sup> See Urbach, *The Tosafists* (Heb.), ii. 526–7. Maharam also studied in Würzburg with Samuel ben Menahem; see Emanuel, 'The Rabbis of Germany in the Thirteenth Century' (Heb.), 565.

<sup>62</sup> See Urbach, *The Tosafists* (Heb.), ii. 522–8; Kupfer, *Teshuvot ufesakim*, 324; and see also Agus, *Rabbi Meir of Rothenburg*, i. 7–11.

<sup>63</sup> See Urbach, *The Tosafists* (Heb.), ii. 566–70; *Teshuvot ba'alei hatosafot*, ed. Agus, 233–48; and Kanarfogel, 'Between Ashkenaz and Sefarad', 254–6. After Maharam's death his German student, R. Mordecai ben Hillel, studied in northern France with R. Perets ben Elijah of Corbeil; see Urbach, *The Tosafists* (Heb.), ii. 579.

students,<sup>64</sup> although the proximity of Vienne (in central eastern France) to Germany may at least partially account for this fact. Eliezer of Tuchheim (Tukh), the German compiler of a series of *Tosafot* collections, also studied in northern France. His French teachers, Yehiel of Paris and Tuvyah of Vienne, were more accomplished Tosafists than most of his German teachers and colleagues.<sup>65</sup>

Meir of Rothenburg does not appear to have served as a sitting judge who presided over the first hearings of cases, but he did respond to the plethora of appeals sent by various rabbinic courts. Remarkably, he managed to do so while composing *Tosafot* and training students and successors in Germany.<sup>66</sup> Maharam's experiences with an array of Tosafist teachers in northern France undoubtedly shaped his perception of the importance of raising students. As noted, two of his German teachers, Isaac Or Zarua of Vienna and Judah Hakohen of Mainz, had also studied in northern France.

A final observation: it is no coincidence that the Tosafist study halls developed in northern France during the twelfth and thirteenth centuries in the very areas which saw the rise of the cathedral schools and the formation of the university at Paris. These Christian institutions and their masters were at the centre of the intellectual world in northern Europe, and great prestige was associated with those who studied there. German schools, on the other hand, were not as dynamic at this time, and did not enjoy the same lofty reputation on the whole. The discrete patterns of rabbinic leadership in northern France and Germany presented here—the ability of Rabbenu Tam and his students, both French and German, to teach cutting-edge Tosafist dialectic to attract capable students, and to perpetuate this pursuit in northern France—may perhaps be further understood by exploring the roles played by the most capable and energetic Christian teachers in these regions.<sup>67</sup>

<sup>64</sup> See Urbach, *The Tosafists* (Heb.), ii. 487; Sussman, 'The Scholarly Oeuvre of Professor Ephraim Elimelekh Urbach' (Heb.), 51; Kanarfogel, 'Midrashic Texts and Methods', 269–70.

<sup>65</sup> See Ta-Shma, *Collected Studies* (Heb.), i. 235 n. 31; id., *Commentarial Literature on the Talmud* (Heb.), ii. 101, 111, 119–20; Emanuel, *Teshuvot maharam mirothenburg vehaverav*, ed. Emanuel (Jerusalem, 2012), 52–3; and Leibowitz, 'Tosafot Tukh on the Talmud', 29–32, 47–9, 205–20, 243–51.

<sup>66</sup> See Urbach, *The Tosafists* (Heb.), ii. 529, 538–9, 563–4; Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 51–2; Emanuel, 'The Rabbis of Germany in the Thirteenth Century' (Heb.), 561; id., *Teshuvot maharam mirothenburg*, 181–2.

<sup>67</sup> See Kanarfogel, *The Intellectual History and Rabbinic Culture of Medieval Ashkenaz*, 84–110; and Smith, 'The Theological Framework'. On the penetration of Tosafist teachings into southern France see A. Reiner, 'From France to Provence'.

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