

BOOK SUMMARY

ON "THE EARLY SAGES OF ASHKENAZ"

by AVRAHAM GROSSMAN

אברהם גרוסמן, חכמי אשכנז הראשונים: קורותיהם, דרכם בהנהגת הציבור, יצירתם הרוחנית מראשית יישובם ועד לגזירות שנת 1096. ירושלים, הוצאת מאגנס, 1981. ע' 474.

Avraham Grossman, The Early Sages of Ashkenaz: Their Lives, Leadership and Words (900-1096). Jerusalem, Magnes Press, 1981.

This book provides a detailed account of the history of the early sages of Germany, their spiritual and literary accomplishments, and their mode of community leadership. These sages were not only guides in religious practice, but also served as the leaders of their communities and as their representatives before the authorities, and played an important role in molding the social character of the communities. Therefore, in discussing the activity of these sages, one must also discuss several of the basic problems of the social structure and political status of German Jewry before the First Crusade and the relations between the Jews and their surroundings.

This very early period is of great importance for the study of German Jewry in much later generations as well, because it was in that period that the foundations were laid for the development of the spiritual life and internal organization of the communities, and the character and values of the society were formed. Available sources do not allow exact solutions to various important problems, and it is not always possible to draw a full picture. Nevertheless, with the help of new material which had been hidden in dozens of previously unpublished manuscripts of early Rabbinical literature, it is now possible to add many important details and to draw a far more exact picture than before. Following is a short summary of some of the principal subjects treated in this book.

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The Beginnings of the Jewish Community in Germany in the Middle Ages

Various Jewish legends place the origins of Jewish settlement in Germany as early as the First Temple, while other traditions refer it to the Second Temple Period. Some of these legends are attributed to prominent sages. It is nevertheless difficult to accept these traditions as historical truth, and they were apparently created with an ulterior motive: to prove to the inhabitants of Germany that the Jews had lived there in ancient times, in order to strengthen both their connection with the place and their status in the eyes of their Christian neighbors. They also wished to show that their ancestors had no connection with the death sentence passed against Jesus in Jerusalem, thereby clearing themselves of the accusation so frequently brought against them.

Our earliest reliable information concerning Jewish settlement in Germany dates from Roman times. From the orders of the Emperor Constantine of 321 and 331 CE one may infer the existence of an organized Jewish community in Köln.¹ It is possible that Jews also lived in other places in Germany at the time, notably in Trier and Regensburg. Although some scholars claim that that Jewish settlement continued unbroken through the Middle Ages, we have no actual proof of that. Various literary sources do indicate continuous settlement, but these are late, unsupported, and legendary in character. It would seem more likely that those communities disappeared as a result of the *Völkerwanderung*, the many wars that were fought in the region, and the collapse of the Roman Empire, from the end of the fourth century until 476 CE.

It is only at the beginning of the ninth century that we find real evidence of the presence of Jews in Germany. They were merchants, and their arrival is connected with the efforts made by Charlemagne and his descendants to develop commerce. German Jewish immigration came from two directions — from the south (France and Provence) and from the south-east (Italy) — and it grew gradually. We have clear and varied evidence of that immigration from both directions. In that beginning it had a special character: the numbers involved were very small, and were centered around wealthy merchants, their families and friends. The nucleus of the community formed around that central figure. This was a process of settlement based on an important personality. Later, additional families joined them as trade increased and the cities developed. The immigrants usually were rich merchants and include among their number some descended from eminent families, both with regard to their knowledge of Torah and their social status in their places of origin. As we have said, they were received cordially by the Carolingian authorities, and at times even received special privileges. The German Jewish community at that time was unique in being established in this way.

1. J. Aronius, *Regesten zur Geschichte der Juden im fränkischen und deutschen Reiche bis am Jahre 1273*. (Berlin, 1887-1902).

Jewish communities in other centers (Babylonia, Spain, North Africa, Eretz-Yisrael, Italy, and others) were either based upon an ancient local foundation or the arrival of thousands of immigrants from another center at one time (such as in North Africa).

The manner in which the Jewish communities of Germany were established is of great importance for understanding several of its basic characteristics: social structure, economics, foundation, the principles of its inner organization, and the development of its spiritual life.

Of particular importance is our discussion of the migration of the Kalonymus family from Lucca, in northern Italy, to Mainz. This subject has preoccupied historians of German Jewry in the past and it remains an important topic. Various traditions attribute the earliest development of centers of Torah learning in Germany to the immigration of that family more than to any other factor. Two Jewish traditions from the thirteenth century relate that that family was brought from Lucca to Mainz by "King Carl" in 917. As there was no German king of that name in that year, scholars have disagreed in their attempts to explain away that contradiction. But these attempts must in fact be rejected. An examination of the nature of the two sources, which are interrelated and should not be seen as independent pieces of evidence, and the study of the history of the various German kings who have been suggested as the one who brought the family (including Otto II in 982), show that in fact the family did arrive in Germany in the beginning of the tenth century, but they were not brought by a German king. The traditions that the family was invited actually refer to Charlemagne himself, and are a product of the thirteenth century, influenced by a widespread tendency in Europe at that time to attribute any important event to Charlemagne in order to increase its prestige.

The Social Structure of the Communities

The opinion held by some scholars that Jewish society in Germany during the ninth to eleventh centuries was based on essentially democratic foundations is entirely unfounded. While it is true that in the medieval German yeshivot the extreme hierarchical organization characteristic of the yeshivot of Babylonia and Eretz-Yisrael was not to be found, thorough examination of the lives of the sages of Germany at that time and of the structure of the famous yeshivot of Mainz and Worms, which served as Torah centers for all of German Jewry and for nearby countries, nevertheless reveals a different reality. The sages of the yeshivot of Mainz and Worms all belonged to only seven eminent families. It is possible to trace the family trees of those families for five or more generations until 1096, and in each of these generations the sons of those families occupied senior positions as heads of the yeshivot, as teachers, or as disseminators of Torah in general. It is particularly interesting to note that this continued to be true as late as the last third of the eleventh century, a period from which much written

evidence exists, even though the Jewish community had meanwhile grown and expanded.

While it is true that in those yeshivot the formalities and external signs which characterized the standing of eminent scholarly families in the Babylonia yeshivot were absent, nevertheless from other points of view the power and status of those sages were far preferable. They held a position of decisive influence in various areas of life: all the political, social, cultural, and religious functions were concentrated in their hands, they served as community leaders and spokesmen to the authorities. We did not find a single leader who represented the communities to the German authorities who was not a scion of one of those families. Political and social power of that kind was not held by the sages in any other diaspora Jewish community of the Middle Ages (excepting that of Eretz-Yisrael).

This phenomenon is based upon four causes: the way in which the German Jewish communities came into being (as explained above); the economic and social situation of Germany at that time; the extreme divisions between social classes in western European feudal society; and the great prestige granted to the Torah and those who study it by early German Jewish society.

Were those privileges freely awarded to those families by the rest of the members of the community, or were they taken "by force" with the help of the authorities? There is no doubt that this was essentially a voluntary choice on the part of the other social classes, and there is no real evidence of tension related to the privileged position of the eminent families. One can find evidence for the great importance of lineage in the consciousness of the Jewish community in general in various sources, especially in the way that prominent scholars addressed the sons of those families in writing, even when the latter were young and as yet unknown as scholars. Rashi himself, the greatest scholar of France in the late eleventh century, writes to these "beginners" with extraordinary humility and modesty and with great respect for their honor. They even received special honorifics, which they insisted upon even in funerary inscriptions.

Nevertheless, the preeminent position of these families had no effect on the organization of studies in the yeshivot as it did in Babylonia. Even those students whose lineage was not aristocratic argued with their distinguished rabbis, disagreed with them and sometimes even refused to accept their opinion. The atmosphere of the studies was free and informal. Moreover, we do not find that the members of those families exploited their social status in order to receive tax exemptions or abatements, as was the case in Spain. But in one area this aspect of social structure is clearly evident: the attitude towards customs and family traditions. The descendants of those families were extremely scrupulous to avoid any deviations from the customs of their early ancestors, even when the custom itself seemed strange or erroneous to them. That is also the explanation for the initial division of the customs of Ashkenazic Jewry into various different streams: the

eminent families which came from different centers, brought with them their own customs and traditions, and these continued to be observed for generations.

Another phenomenon worthy of note is the relatively favorably position of women in early German Jewish society, a position superior to that of the Jewish woman in any other Jewish center at that time. Although the use of the term "democratic" to describe the status of the individual in early German Jewish society would be exaggerated, there is no doubt that the degree to which the individual enjoyed rights in that society was relatively great. We can see this clearly when we study the principles of internal Jewish organization.

Internal Jewish Organization

In Germany during those early years communal organization was quite well developed. The community had greater authority than in any other Jewish center at that time, the individual being connected to it from the moment of his birth until the day of his death; it was in fact almost an independent state. It was allowed, among other things, to levy taxes upon its members (royal taxes and communal taxes), to bring them to judgment and even to punish them in various ways including the *herem* (excommunication), as well as to legislate ordinances in the realm of the economy, society, and others. The community established various institutions to enable its administration to care for the individual. Among the rights of the individual one is noteworthy: viz., the right to hold up prayers in the synagogue until his claim against an injustice purportedly committed either by the community or one of its members had been heard (our earliest evidence of the existence of this custom dates from the first half of the eleventh century).

The power and authority of the communal administration grew steadily during the tenth and eleventh centuries, the sages playing a decisive role in that development. Rabbi Meshullam b. Kalonymus ruled as early as the second half of the tenth century that the communal leadership had the authority to punish an individual because its power was equivalent to that of a rabbinical court. One generation later, Rabbenu Gershom Ma'or HaGolah, basing his opinion on a talmudical quotation, held that that right pertained to all the community leaders, even if they were totally illiterate. In a case that was brought before him, he even decided that a ruling made by the community in a civil matter must be carried out, even if it contradicts Torah law (*de-oraita*):

As the community which was there decided thus, it is incumbent upon anyone who finds any part of that which was lost in this case to return it to its owners: Simeon must return the gold to Reuben. This is the case even though according to the Torah he is entitled to keep it.²

2. *Teshuvot hakhmei Tsarfat ve-Lotir*, J. Müller, Ed. (Vienna, 1881), No. 97.

In the following generation, the second and third quarter of the eleventh century, questions and doubts concerning the authority of the community were very common in Germany, because of the growth of the communities and the struggle among them for preeminence. In this period, some of the foundations for Jewish communal organization which were preserved for generations both in Germany and elsewhere were laid. Among the sages who laid those foundations were Rabbi Joseph Tov-Elem (Bonfils), Rabbi Judah HaCohen, and Rabbi Shlomo Yitzhaki (Rashi). Among other things, they decided that no community had the right to intervene in the affairs of another community, even if the first one was larger both in population and in the number of sages there, and that the local rabbinical court had the authority of a *Bet-Din Hashuv* (a major rabbinical court). Therefore, no member of a community had the right to demand that his case be brought before the court in another community, even if that court were more prominent by virtue of the high level of its judges — notwithstanding that this right is recognized in talmudical literature. The obligation to obey communal ordinances was itself treated as an ordinance from the Torah.

These sages also had to consider the question of majority and minority opinions, a problem which arose in a Christian city in Europe only a hundred years afterwards. They decided that the majority has the right to impose its will and opinion upon the minority: “The opinion of an individual is invalid if he is in the minority, and the majority is allowed to impose oaths, sentences, excommunication, and ostracism and to confiscate money.”³

Another trend, which from certain points of views actually contradicts the first one described above, was that towards the concentration of powers. In the course of the eleventh century, the communities grew and a sort of umbrella organization was created for the purposes of taking care of problems common to all the communities. The privileges which were accorded until then to individuals and single families were then granted to all the Jews of Germany. At the end of the period they were perceived as a single ethnic unit.

Spiritual Creativity

Whereas in Christian European society a renaissance in literature and spiritual life took place at the end of the eleventh and during the twelfth century, there was widespread literary activity in Jewish society throughout the eleventh century, including various areas: commentaries on the Mishna and the Talmud, halakhic codes, responsa, hymns, collections of liturgical forms and traditions, and, to a lesser extent, commentaries on the Bible. We find no theoretical or philosophical writing. According to a twelfth century tradition (of the German Hassidic move-

3. *Sefer Kol-bo*, no. 142.

ment), a considerable development of Jewish mystical literature took place in early times in Germany, but this has left no literary traces, except for one commentary on *Sefer Yeşirah* written by Rabbi Jacob b. Yaqar in the mid- eleventh century.

One can distinguish two periods of intellectual *activity*: the first third of the eleventh century and the last third of that century. In between, a certain slackening of pace is discernable, caused essentially by the modest and humble personalities of the two sages who served as heads of the Mainz Yeshiva and saw as their principle task the training of many disciples.

The intellectual activity during the first part of the century reached its apex during the lifetime of Rabbenu Gershom Me'or Hagolah, who died in 1028, whose works encompassed almost every branch of rabbinical literature. He also encouraged his students, who included men from France, Italy, Provence, and perhaps Spain as well, to write down their interpretations as they studied. They were thus encouraged to continue writing afterwards. A characteristic and significant trait of the Mainz Yeshiva at that time, which was also expressed in its literary production, was the great independence enjoyed by that center at that time, an independence expressed in its willingness to disagree openly with the Babylonian Talmud in some cases (because of a preference for the Jerusalem Talmud) and with the Geonim of Babylonia.

Rabbi Judah HaCohen, the disciple of Rabbi Gershom, composed a halakhic work called *Sefer HaDinim* (the Book of Judgments). The book includes his responsa as well as his decisions in cases brought before his court, written in the form of responsa. It includes hundreds of responsa, and the very composition of a book of that type was an innovation in early Germany, whose influence is evident in the literature of succeeding generations. It appears that even compilations of responsa of the Babylonian Geonim written in Germany in the middle of the eleventh century were influenced by his work.

Another interesting phenomenon of that time is the frequent use of Scripture in halakhic discussions. Dependence on scripture in determining the Halakha in the responsa literature was greater in early Germany than in any other Jewish center in the Diaspora at that time. It would seem that this must essentially be viewed as due to the influence of the Eretz-Yisrael tradition.

In the following generation, during the lifetime of Rabbi Jacob b. Yaqar and Rabbi Eliezer b. Yitzhak, a certain decline took place in literary production as we have said. Nevertheless, these two sages wrote responsa to those who addressed questions to them as well as writing interpretations of passages in the Talmud. The second period of intellectual activity, during the final third of the eleventh century, again saw activity in all areas of spiritual creativity, including codes and hymns. *Ma'ase Hamakhiri*, a book composed in Mainz at that time, is of special

importance. The book was of a unique sort: it included the Halakhic decisions of the sages of Germany and the Babylonia Geonim side by side, together with the instructions and customs of the German sages. The question of custom arose here for the first time, one which was to have great influence on activity in that area in succeeding generations.

An interesting “revolution” took place at that time. the prestige of the Mainz Yeshiva, which had been pre-eminent throughout this period, declined somewhat, and from many points of view the Yeshiva of Worms took precedence. That development was far from coincidental. Mainz was a more conservative place. The members of the illustrious families who directed the yeshiva tended to yield too much before their ancestors, and did not deviate from their customs or ways. The very act of inquiring into the reason for an accepted custom was seen as forbidden. When an inquirer wished to know the reason for a custom, Rabbi Nathan b. Makhir upbraided him: “And he chided and reproved him. Why need he examine the customs of the holy communities, customs which have been passed down from the times of the ancient holy men of Mainz?”⁴

The decline in the political status of the Jews during the last quarter of the eleventh century and their increased physical insecurity also exerted a deleterious influence.

On the other hand, in Worms, where the yeshiva began to develop later on (the mid-11th century), there was neither that exaggerated respect for the past nor that conservatism. On the contrary, we find great openness and the search for new paths. The arrival in Worms of a great sage from Italy, Rabbi Kalonymus b. Shabbethai, during the 1070's also contributed greatly to that development. In many respects, one may find harbingers of the system developed by the authors of the *Toṣafot*, who were active in the 12th century in France and Germany, during the last third of the 11th century in Worms.

Another interesting development that characterized both of the centers, Mainz and Worms, in the second half of the 11th century, is the increased influence of the Babylonian tradition as that of the Eretz-Yisrael tradition declined. The influence of Palestine, which had been greater in Italy and Germany than in any other Jewish center in the diaspora, gradually weakened, and in the middle of the 11th century the Babylonian tradition became pre-eminent. the reliance upon the teachings of the Babylonian Geonim also increasing greatly at that time. One theory widely held in works on the period maintains that early Germany Jewry was influenced exclusively by the center in Eretz-Yisrael; this is, however, entirely

4. *Sefer Ma'ase Ha-Geonim*, ed. A. Epstein (Berlin, 1909), p. 55.

baseless. That could be true of the 10th century, a period about which we have very little information, but certainly not of the 11th century.⁵

Among the literary genres, the important place of *piyyut* in early Germany is worthy of emphasis. Nearly all the sages of Germany at that time wrote liturgical poems. These were both an important literary genre and played an important role in the life of the community and its liturgy. The *piyyutim* were “alive,” and they responded to actual events in the life of the community, which increased their prestige and influence. During the second half of the 11th century, many commentaries on earlier hymns were also written.

How great was the damage caused by the pogroms associated with the First Crusade (1096) to spiritual creativity, and should they be viewed as a crisis and turning point? Scholars have disagreed on this question. However, today it is possible to state definitively that it was a very significant crisis. As we have said, the sons of the prominent and illustrious families were those who served as religious instructors and creators of spiritual works. Almost all of these sages were killed at the time of those pogroms in Mainz and in Worms. Their names are mentioned in the memorial book for the martyrs of that time. In any case, a significant break occurred in the development of rabbinical literature, so that it is no coincidence that after 1096 the spiritual center of Ashkenazic Jewry passed to northern France. At the same time, an important part of the spiritual heritage created in early Germany was lost. Despite that loss, the influence of the spiritual and literary heritage of the early sages of German in several areas remained considerable for many generations: the tradition of communal leadership; the strengthening of the bases for the existence of the community in a sometimes hostile environment; the elevation of the ideal of the study of Torah; and education towards readiness to offer up one's life heroically for the Sanctification of the Name in times of trial.

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5. Israel Ta-Shma has already expressed disagreement with the author concerning this theory in his criticism of our book: *Kiryat Sefer* 56 (1981), pp. 344-352. However, the author reinforces his position in a response in *Zion*, 47 (1982), pp. 192-197.