

THE BA'ALEI TOSAFOS OF GERMANY

12th - 13th CENTURIES

The history of Jewry in Germany is closely bound with that of France. The cultural ties between the French and German Jewish communities existed for centuries. Travel seems not to have been hampered between the academies of the two countries, even during the Crusades. The development of the French Tosafists academies, with their unique approach to Talmudic studies, was paralleled in Germany, although the work of the German scholars has come down to us in a different form from that of the French school. Where the thoughts of the French scholars exist for us largely in the collection of Tosafos, the German scholars' words have come down to us in a more individualized form - in halachic works of individual authors. These works differ from the French Tosafists not only in individualization, but in content and purpose as well. The goal of Tosafos is the elucidation of the Talmudic texts per se, without attempting to apply the implications of their studies to practical halacha. However, the main thrust of the works of the German school is halachic application.

To the German scholars, the Tosafist method was a vehicle to arrive at halachic conclusions relating to practical questions of law. The father of the German Tosafists was R. Yitzchak ben Asher I (d.1133), known as the Riva. The Riva studied in Mainz, and later became a pupil of Rashi. After spending a few years as a merchant, which sometimes involved business trips that took him as far as Russia, he repaired to Speyer where he gathered many disciples who later became the leaders of German Jewry. The last of the Tosafists was R.Meir of Rothenberg (d.1293). R.Meir was the leader of all German Jewry and author of extensive responsa. Germany's great era of Talmudic scholarship ended with his death.

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development of authoritative halachic works continued unabated. It was during this period that the Tosafos commentaries matured and were completed.

The German Jewish communities developed in a slightly different manner from their French counterparts. The Jews in Germany never enjoyed the relative freedom that existed for French Jews before the Crusades. The German Jews had little contact with the non-Jewish world that surrounded them and turned inwardly in a much more intense manner. The piety of German Jewry was legendary, and their spiritual leaders were known as Chasidei Ashkenaz, whereas the leaders of French Jewry were referred to as Chochmei Tzorfes. This nuance of difference illustrates the emphasis that German Jewry placed upon individual attainment of holiness. Punctilious in their observance of halacha and custom, the scholarship of the German Tosafists was directed more towards ascertaining the halacha from the Talmud, and less towards composing a detailed commentary on the Talmud. German Talmudists, almost without exception, were men of Kabbalah and mystical bent. They were the main instruments for the popularization of Kabbalistic thought and behavior amongst the masses of Ashkenazic Jewry. These trends gave birth to a Jewish community whose inner life was so intensely Jewish, that it practically ignored the world around it. The only thing it could not ignore were the attacks and brutalities that the German populace regularly visited upon it.

R. YEHUDAH HaCHASSID (1150-1217)

One of the foremost leaders of Chasidei Ashkenaz was R. Yehudah HaChassid. He was born in Speyer where he inherited vast kabbalistic knowledge from his father, R. Shmuel HaChassid. He was an extremely pious man of solid faith who laid great emphasis on the underlying mythical intent of the prayers, and on strict adherence to custom. It was his custom to fast nearly every day, eating only at night. He eventually settled in Regensburg where he had numerous disciples.

His popular Sefer Chassidim is one of the most colorful works to come down to us from this age. Here, alongside the most lofty ethical instruction, inspiration to the worship of G-d through prayer, thoughts on the themes of reward and punishment, and sin and penitence, one also finds detailed practical guidance on halachic questions pertaining to the laws of Shabbos, eating, and other matters. R. Yehudah's method of teaching ethics, by citing specific examples from life experience, rather than by formulating abstract principles, endeared this classic work to scholar and layman alike. Interspersed throughout his sefer are instructions based on Kabbalah rather than Halacha. This work was widely accepted throughout the Jewish community, and was later endorsed by many halachic greats. An example from this sefer is the widely held custom to refrain from marrying a woman with the same name as one's mother.

R. Yehudah also wrote liturgical poetry. His most famous composition is Shir HaKavod (An'im Zemiros) which closes the Shabbos service. He also wrote numerous other Kabbalistic works, as well as books on Halacha. He is mentioned in Tosafos, and his influence has remained steadfast down through the ages. Even Christian nobles sought his counsel and blessing, deeming him a miracle man.

Latter Half of the 13th Century

The tribulations of Jewry did not end with the Crusades, which were merely the precursors of scores of local oppressions and massacres. Jews were severely restricted economically and taxed exorbitantly. In 1241 the entire community of Frankfurt am Main was butchered by a murderous mob, and in 1285 the same fate befell the Jews of Munich. At this time there was a direct relationship between the power of the Holy Roman Emperor and the safety of the Jews. Frederick II was a strong ruler and, on the whole, protected the Jews under his direct rule. His death in 1250, though, and that of his son Conrad were followed by about twenty years during which Germany was without a king. These were among the cruelest years the Jews in Germany had to endure. Dozens of towns, cities, and provinces had their own local persecutions. Sometimes the Jews

succeeded in buying the protection of the baron or the bishop, but this usually meant further impoverishment and, consequently, greater weakening of their status.

In spite of all the disasters heaped upon German Jewry at this time, the 13th century was a time of great accomplishment in Torah scholarship and Talmudic commentary. The development of authoritative halachic works continued unabated. It was during this period that the Tosafos commentaries matured and were completed. Among the great works compiled during this time was Sefer Zechira, by R. Ephraim of Bonn, and Avi HaEzri, a book on halacha, composed by R. Eliezer ben Yoel HaLevi of Cologne. Another well known rav of this time was R. Elazar Rokeach of Worms, who wrote Sefer HaRokeach, an ethical and halachic work. He was also the final editor of the Tosafos that is now considered our standard text of that great work. An additional rav, R. Yitzchak of Vienna, also wrote an authoritative halachic work called Ohr Zarua. This sequence of this sefer follows that of the Talmud's tractates, and provides valuable insight into the Tosafos. Thus great accomplishments and searing tragedy walked hand in hand.

In 1273 a new emperor was finally chosen, Rudolph I. He was a member of what had been the former comparatively unimportant family of Hapsburg. He set for himself the task of making his family rich and powerful. As he needed to raise money, he sold charters of protection to the Jews of various towns. Emperor Rudolph played a key role with the foremost rav of his time and the last of the Ba'alei Tosafos.

Rabbi Meir of Rothenburg (1215-1293)

The Maharam was considered to be the greatest authority of German Jewry. Born in Worms, he traveled to the French Tosafist academies to

receive his education. Upon returning his decisions and decrees were considered to be binding throughout Germany. He served as rav in both the communities of Worms and Rothenburg. In Rothenburg he established a Talmudic academy which attracted numerous disciples. It is from there that he sent out most of his responsa.

Since the condition of the Jews in Germany was deteriorating from day to day with new taxes, harsh decrees, and massacres, Maharam decided to leave the country and seek refuge elsewhere. His ultimate goal was to settle in the Land of Israel. When he arrived with his family in Lombardy, northern Italy, in 1286, he was recognized by an apostate, a convert to Christianity. This man, in turn, revealed his identity to the local authorities. Rabbi Meir was arrested. As a Jew, he was a serf of the emperor's treasury, and by leaving the emperor's domains, he was depriving the treasury of a source of income. After being turned over to Rudolph I, Rabbi Meir was subsequently imprisoned. The emperor now demanded a huge sum from the Jews as ransom for their respected leader. Although the exorbitant sum of 30,000 marks was raised, Maharam, following the Mishnaic ruling (Gittin 4:6), would not permit the sum to be paid. He feared that paying the ransom would encourage the government to imprison other community leaders. Every time the emperor, or other leader, wanted to squeeze money out of the Jewish community, he would arrest a key leader and demand payment in order to free him.

During his seven years in prison, Maharam learned, taught, and continued to reply in writing to all questions of Jewish law. One of his disciples who had permission to visit him frequently, recorded his regulations and customs in a work that was published after his death. Maharam also maintained a voluminous correspondence with the rest of his disciples who were not granted permission to see him.

Even after R. Meir died in prison, the government, rebuffed in its attempt to extort the ransom, would not free his body for burial. There his body remained for the next 14 years. Finally, in 1307, a wealthy Jew from Frankfurt paid the money to the emperor on one condition. This condition,

made with the Jews of Germany, was that upon his own death, he would be buried by R.Meir's side. The Jews fulfilled this condition, and in the cemetery of Worms there was a double grave which had one tombstone over it marking the resting place of both men.

Maharam left a great legacy of writings. He composed commentaries to the sedarim of Zeraim and Taharos, and also contributed to Tosafos in various tractates, including Yoma. Various parts of his extensive responsa have been published, as well as his works on halacha. Twenty of his liturgical poems are known, the most famous being Shaali Serufah BaEish recited in the Kinnos of Tisha B'Av.

Rudolph's son, Albert (Albrecht) I, had a more difficult time maintaining the power and lands which his father had gathered. During the civil war which followed with his rival, Adolf of Nassau, there was again confusion in Germany. Taking advantage of the anarchy caused by the civil war (1298-9), a petty nobleman by the name of Rindfleisch gathered a band of cutthroats and went from city to city, killing and pillaging Jews in the name of G-d, and for the sake of their pockets. Rindfleisch annihilated the Jewish communities in Bavaria; only the towns of Ratisbon (Regensburg) and Augsburg were protected by their magistrates and saved. The Jews of Nuremburg, and its saintly rabbi, R.Mordechai ben Hillel, were martyred. More than a hundred communities were ultimately destroyed. The hysteria also spread to neighboring Austria where it is estimated that more than 100,000 Jews perished, and a hundred Jewish communities were destroyed. The fateful 13th century closed for the Jews of Germany on the cry of Shema Yisroel.