



The Ziegler School
of Rabbinic Studies

Walking with History

Edited By
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and Rabbi Patricia Fenton

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UNIT 4: THE MEDIEVAL PERIOD

RABBI DR. JOEL REMBAUM

In the Jewish Middle Ages, the vast majority of Jews lived in lands where the majority religion was a derivative of Judaism. Christianity became the imperial religion of the Roman Empire in the 4th century, and even after the Empire fell apart, many of the successor states remained or became Christian. Muslim conquest of the Persian Empire as well as of former Roman lands brought virtually all Jews under Christian or Muslim control by the mid-7th century. Since the Christian and Muslim faiths branched out from Jewish roots, Jews, unlike pagans, were tolerated as carriers of a (once) holy tradition, but in a condition of doctrinally based subjugation. The pendulum of Jewish life could swing from relative freedom and tranquility to severe persecution and expulsion. Within this uncertain toleration, medieval Jewish communities enjoyed varying degrees of religious freedom and communal autonomy, and Jews developed modes of self-government ranging from highly centralized regional hierarchies to local community councils. As long as Jews lived in reasonably secure and peaceful circumstances – not an easy proposition for anyone in medieval times – they developed new legal, cultural and ideological expressions, the effects of which resonate in our own times. Because the majority of Jews today live in Christian-dominated cultures, the emphasis of this essay is on the Jews of Christian lands.

PERSECUTION AND EXPULSION

European Jews were the quintessential aliens, different religiously and culturally from the majority Christian population. In order to preserve their religious integrity, Jews lived in the “Jewish quarters” of towns and in self-imposed “ghettos”. They maintained working relations with Christians, but otherwise kept their distance. Jews were a significant element of the urban, mercantile-finance class, which differentiated them from the huge agrarian majority. Christian members of the mercantile class had issues with Jews both as competitors and as money lenders.

In addition to social and economical persecution, Christian religious zeal made life in the mid to late Middle Ages increasingly challenging for Europe’s Jews. The Crusades unified Christian Europe against a common enemy (the Arabs who controlled the Holy Land), heightened Christians’ religious self-awareness, and led to increased power and influence for the papacy. Massacres of Jews in the Rhineland during the first Crusade (1096) demonstrated the vulnerability of Jewish communities to attacks. While Jews sought and received greater protection from kings and nobles, the anti-Jewish violence of the Crusaders gave some Christians a new model of behavior.

Popes of this period became increasingly concerned about Jews assuming societal roles that put them in positions of power vis-à-vis Christians, which was contrary to Church doctrine. While not denying the Jews’ privilege of living in Christian lands and following their own religious traditions, they railed against Jews who served as officials in Christian governments or as physicians to Christians, lent money on interest to Christians or employed Christian servants. The papal letters were inflammatory, adding fuel to the fire of anti-Jewish sentiment.

Over time, monarchs and nobles began to take Christianity more seriously. Kings and bishops worked together to build cathedrals whose stained glass windows, friezes and statues told biblical stories to reinforce the faith of the unlettered Christian masses. Negative depictions of Jews and Judaism were embedded within the churches’ artistry. Many cathedrals had contrasting statues of Ecclesia (Church) and Synagoga (Synagogue), each depicted as a queen. Ecclesia stood tall with head erect, crown properly in place and scepter firmly in hand, while Synagoga’s head was bowed, her crown falling and her scepter broken in two. The symbolism was clear, and it added to the intensifying demeaning of Jews and Judaism. Kings began to incorporate some of the Church’s anti-Jewish policies into their own law codes.



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Changes in Christian theology concerning Jesus' role as a sacrifice to atone for human sin resulted in more misfortune for Jews. In the late 11th and early 12th centuries, the Eucharist (wafer and wine) as a means of partaking of the atonement offered by the suffering Son of God moved to the center of Catholic ritual and ideology. This led to artistic depictions of Jesus hanging in agony on the cross, with a crown of thorns and his wounds exposed.

The focus on Jesus' suffering and sacrifice led to a new anti-Jewish accusation, the blood libel. Jews were accused of killing Christian children to mock Jesus' crucifixion. The first accusation occurred in 1144 in Norwich England. It was followed by others in various parts of Europe. Blood libels were often embraced by the common people in spite of papal and royal denials of their veracity. This shift in Christian ideology likely played a role in reinforcing the Jews' image as "Christ killers".

Emphasis on the transformation of the wafer and wine into the body and blood of Jesus led to new accusations. Jews were accused of killing children and drinking their blood, and of desecrating Eucharist wafers in order to try to "kill Jesus" again. From 1100-1700 there were dozens of localized blood libels, most ending in death for substantial numbers of Jews punished on the presumption of collective guilt.

Within the Catholic Church, supporters of a milder treatment of Jews based themselves on St. Augustine. The mendicant Dominican and Franciscan orders, which emerged in the early 13th century, were more hostile. Their friars lived among the people, were free to preach in and out of churches, and were put in charge of the Papal Inquisition instituted to fight Christian heresy. Their antagonism to Jews was kept somewhat in check by the ancient Augustinian doctrine which viewed Jews as subjugated infidels who were necessary to keep the teachings of the Hebrew Bible alive so that Christians might more easily extract the true Christian meaning.

In the mid 1200s, the Mendicants learned that Jews actually followed the Talmud and did not adhere to the letter of the Hebrew Bible. They concluded that the Jews had violated Augustine's condition of tolerance. And so began a centuries-long attack on Jews and Judaism that included incitement of the masses, public disputations, book burnings, forced sermons and violent riots, all of which led to the expulsion of Jews from places where they had lived for centuries.

The expulsions of Jews from Western Europe extended over five centuries, from 1181-2 (Ile de France) to 1670 (Vienna). Some ended in recalls, but others were absolute, like the first comprehensive expulsion from a country, England, in 1290. The total expulsion of Jews from France took place in 1394; similar expulsions occurred in Spain in 1492 and in Portugal in 1497. Germany and Italy were broken up into many tiny independent states, so expulsions of Jews there were localized. The Jews of Ashkenaz (medieval Germany) mostly moved east, enlarging the Polish Jewish communities. Generally speaking, when the Jews were deemed to be an asset to kings or nobles, they were protected and encouraged to stay put. When their presence became a liability, expulsions ensued.

In the Muslim lands, Jews were not the only infidels and therefore they were not singled out as they were in Christian countries. They were integrated into the culture and economy, and thus were not seen as aliens in the way Jews were in Europe. Nevertheless, they did suffer sporadic persecution, primarily at the hands of Islamist rulers or religious leaders who felt that Jews were not adequately subjugated and were thus in violation of Islamic law. Generally, Jews in Arab lands did not suffer expulsions, and were rarely confronted by forced conversions. As the economies of the Arab countries declined in the later Middle Ages, so did the fortunes of



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the Jews who continued to be tolerated as *dhimmi*s – subjugated infidels. The establishment of the Ottoman Empire in the late 1400s brought an element of stability that lasted for the remainder of the period.

MEDIEVAL JEWISH COMMUNAL GOVERNANCE

Political, social and economic realities, as well as religious doctrine, moved medieval governments to grant their Jewish subjects a great deal of internal self-government. In Talmudic times, the head of the Persian Jewish community, the Exilarch (*Reish Galuta*), worked with rabbis who served in a variety of civic positions. After the Muslim conquest the Exilarch was vested by the Caliphs with the responsibility of representing the Jewish community in his court. The Exilarch and the Geonim, leaders of the academies in Sura and Pumbedita, ruled the Iraqi Jewish community. Its influence reached beyond Mesopotamia, and even beyond the boundaries of the Muslim Empire. Such a “universal” center of Jewish power was rare in Jewish history. The Babylonian center succeeded in stimulating Jewish learning and leadership in areas hundreds and even thousands of miles away. Eventually, new centers began to generate rabbinic and lay leaders of their own, and by the middle of the 11th century the influence of the Geonim had waned.

In Egypt, North Africa and Spain vibrant centers of Jewish life emerged and localized communal leadership developed in which lay people and rabbis shared power. Jewish town councils were typically comprised of wealthy individuals who had the time and wherewithal to assume communal responsibilities. Some areas had strong central leaders. In Egypt, considerable power lay in the position of *ra'is al- yahud* (head of the Jews), a title held by Maimonides' descendants for two centuries (ca.1200-1400).

In the 9th and 10th centuries Jewish communities began to form in what would become France and Germany. They were small and, relatively speaking, democratically run. Householders participated in decisions of communal policy. Royal charters granted Jewish communities rights to adjudicate legal disputes between Jews according to Jewish law and custom. Courts were primarily comprised of lay people, but in some communities, Torah sages rendered halakhic decisions. The communities created customary law, not always based on the Talmud. Later Franco-German legal scholars like the 12th-13th century Tosafists sought Talmudic justification for local practices that had become the norm. Taxes collected from householders were used to run the community and to pay the noble who issued the community's charter.

In the 10th century, Rabbeinu Gershom ben Yehudah, Maor Ha-golah (Light of the Exile) is credited with issuing a *herem beit din* (ban of the court), establishing that a judgment issued by a local court against an individual had to be respected by all other courts in the region. This became the operative tradition in France and Germany. As the population of the Northern European Jewish communities grew, the democratic process of governance evolved into a more oligarchic form of rule. Majority rule by town council, rather than householder consensus, became the norm.

Many communities offered an array of services and institutions, including synagogue worship, kosher meat, burial in the Jewish cemetery, schooling for young children, a poor and/or an orphans' fund, a hostel for travelers, a soup kitchen, and a wedding fund for poor brides and grooms. The rabbinate began to be a profession, and communities who could afford to, hired rabbis. If a town's rabbi was a scholar, it might have a yeshivah.

Poland was the last of the great medieval centers of Jewish life. There, communities enjoyed local autonomy combined with a centralized super-authority. The majority of Jews who migrated to Poland in the 14th – 16th



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centuries came from Germanic lands where the authority of the local town council and court had been the norm for centuries. As these Jews settled in Poland, kings and nobles granted them privileges similar to those they enjoyed in their former homelands. The government recognized that it was more effective to deal with a Jewish authority that, like itself, was centralized, and so the Council of the Lands (*va'ad ha-aratzot*) was established around 1580 as the supreme authority of the Jews of Poland. It sat at the top of a pyramid of power at whose base were local councils responsible for the day to day running of their communities. Between them and the Council of the Lands were Regional Councils (*va'ad ha-galil*) to which communities sent representatives and which adjudicated disputes between communities and served as courts of appeal. Regional Councils and major communities sent representatives to the Council of the Lands which met twice yearly at the major trade fairs. Here, national policy matters were decided and Polish government taxes were collected. As in most medieval Jewish communities, both lay elders and rabbis participated in all levels of communal leadership. The Council operated until the 1760s, when it was disbanded by the Polish government.

JEWISH RELIGIOUS CULTURE

Many of the institutions, texts and theological ideas which we associate with Judaism today arose in the Middle Ages. The following summary touches on only a few of the most salient of these elements of medieval Jewish religious culture. Among the new kinds of texts which came into existence in this period were verse by verse Bible commentaries, commentaries on the Talmud, organized prayer books (*sidurim*), law codes, Jewish philosophic treatises and Kabbalistic texts.

Rashi (Rabbi Shlomo ben Yitzhak, 1040-1105), the most famous medieval Bible commentator, worked to understand the *p'shat* (plain or literal) meaning of Scripture, incorporating linguistic, grammatical and contextual insights. He also used midrashic sources to make ideological points. An advocate of rabbinic tradition, Rashi makes the occasional critique, as in his comment on Exodus 23:2, in which he cites the rabbinic midrashic interpretation and then asserts that *the Sages did not grasp the plain meaning of the text*. Comments like this opened the door for more extreme moves away from traditional midrashic interpretation on the part of Rashi's 12th century French successors, his grandson Rashbam (Rabbi Shmuel ben Meir) and Rabbi Yosef B'khor Shor. There were many other commentators before and after Rashi, including Saadiah Gaon (c. 900), Avraham Ibn Ezra (12th century Spain), Radak (Rabbi David Kimhi of Provence, c. 1200) and Moshe ben Nahman (Nahmanides, Spain and Israel, c. 1260). Their attitudes range from the rationalism of Ibn Ezra to the Kabbalistic leanings of Nahmanides.

In the Middle Ages, the Babylonian Talmud, which was developed and redacted in the Rabbinic Period, became the foundation for Jewish law and religious practice throughout the Jewish world. Medieval rabbis joined the lay leaders of their communities to create a Talmudic Jewish culture that continues to shape Jewish experience today. New genres of Talmud-based legal works grounded medieval Jewish life in Talmudic tradition. Early examples are the *responsa* of the Geonim, the rabbis of the great academies of Sura and Pumbedita in Iraq (c. 650-1050).

In Europe, fully developed Talmud commentaries, beginning with Rashi's, opened the Talmud to more students and initiated a veritable explosion of Talmud study in succeeding generations. Rashi's grandsons and their colleagues and students, called *Ba'alei Ha-tosafot*, the Tosafists, or the "masters of the additions (to the discussions within the Talmud)", began to derive halakhic conclusions from the Talmud's legal argumentation. The influence of Rashi, the Tosafists and other commentators continues today, and they appear in our standard printed editions of Talmud.



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As interpretation proliferated, a need arose for law codes that presented legal conclusions without lengthy analysis, codes that presented just the “how-tos” and the “dos and don’ts” of Judaism. Early compilations such as *Halakhot Gedolot* and the *Hilkhot* of the Rif follow the order and wording of the Talmud, but incorporate only those discussions they regard as decisive law. In his *Mishneh Torah* (c. 1180), Rambam created his own order of fourteen legal categories, beginning with a philosophically based digest of his theology and concluding with laws relating to a future Messianic kingdom. Written in clear Hebrew, the *Mishneh Torah* cites no sources and presents no arguments. It was intended by its author to be the last word in Jewish law, but it was not.

The law code which achieved authoritative status by the end of the Middle Ages was the *Shulhan Arukh* (“set table”) by Rabbi Yosef Karo (Spain and Israel, c. 1560). Thanks to printing presses, the *Shulhan Arukh* became a “best seller” and reached Poland. There the great Talmudist Rabbi Moshe Isserles wrote a commentary on it. A supplement to Karo’s Sephardic code, it presents Ashkenazic customs where they differed from Karo’s. Printed editions of the *Shulhan Arukh* containing both Karo’s and Isserles’ rulings remain the standard law code for traditional Jews today.

Over the course of the Middle Ages, the legal traditions of the Talmud relating to all areas of Jewish life interacted with local custom and practice to shape Jewish experience. Prayer books were produced as were protocols for public worship, life cycle events, dietary practices, Jewish education and more. Modern Judaism grew from this medieval soil. Seeking new modes of religious expression while trying not to uproot tradition, we moderns follow in the footsteps of the medievals.

Systematic treatments of Jewish theology, in tension with the theological thinking of Christians and Muslims, were also created and became influential in the Middle Ages. Philosophical and Kabbalistic approaches to Judaism emerged and flowered.

Among the major Jewish thinkers who wrestled with the reconciliation of Jewish and classical Greek philosophies were Saadiah Gaon (882-942), Shlomo Ibn G’virol (c. 1020-1058), Judah Halevi (1075-1141) and Moses ben Maimon (1135-1204). The Kabbalah, most famously embodied in the Zohar, emerged in 13th century Spain. In contrast to the abstract and remote God formulated by philosophers like Maimonides, the Kabbalists described in detail the aspects of God embodied in the 10 sefirot which emerged from the unknowable Ein Sof (No End). Teachings of the mid 16th century Kabbalists of Tzfat, Israel, dominated by Isaac Luria (the Ari), extended the influence of Kabbalah to Jewish masses around the world in succeeding centuries.

CONCLUSION

Although a dark cloud hung over world Jewry as the Middle Ages segued into the Early Modern Period, its 1100 years hardly constituted a dark age. It was a period of religious innovation and ideological breakthroughs, of the development of communal consciousness and new forms of leadership, of the emergence of survival mechanisms in the face of tremendous odds – in short, Medieval Jewry transmitted a rich legacy to the Jews of modernity that continues to be meaningful and to evolve. The one thing the Jew of the Middle Ages lacked that is now a dominant factor in the lives of the vast majority of Jews, was personal freedom. If the challenge to Jewish continuity in the Middle Ages was the threat to life, limb and soul from the non-Jewish world, the challenge to Jewish continuity today is the unfettered freedom that resonates so powerfully within the soul of the individual Jew.



UNIT 4: THE MEDIEVAL PERIOD – TEXT 1

CONDEMNATION OF THE TALMUD BY THE CHURCH: LETTER OF PAPAL LEGATE* ODO TO POPE INNOCENT IV (1247):¹

Let your Holiness know that...the Jews, not satisfied with the ancient Law which God had transmitted in writing through Moses, and even completely ignoring it, assert that a different Law, which is called “Talmud”, that is “Teaching”, has been given by God; and, they say, that it was handed to Moses verbally and was implanted in their minds...In this are contained so many unspeakable insults that it arouses shame in those who read it... This too is the chief factor that holds the Jews obstinate in their perfidy.

* A papal legate is a personal emissary or representative of the pope.

STUDY QUESTIONS

- **Why did Christians care what texts Jews studied? What did they find threatening about the Talmud?**
- **The papal legate refers to “the ancient Law which God had transmitted through Moses”. Why did Christians have to respect this Law? Why might Christians believe that Jews should observe the laws of the “Old Testament” but Christians should not?**
- **According to the legate, Jews say Talmud “was handed to Moses verbally and implanted in their minds”. How does this description compare to your idea of the “Oral Torah”? What do you think of the traditional Jewish claim that the Bible can only be understood through the medium of a teaching handed down orally?**
- **In what ways might the study of Talmud have been a factor preventing Jewish conversion to Christianity?**

¹Jacob Rader Marcus, *The Jew in the Medieval World: A Source Book, 315-1791*. Cincinnati: Hebrew Union College Press, 1999, p. 164.



THE MEDIEVAL PERIOD – TEXT 2

MEDIEVAL SPANISH LAW AND THE JEWS: *LAS SIETE PARTIDAS* (SPAIN, 1265)¹

Jews are a people, who, although they do not believe in the religion of Our Lord Jesus Christ, yet the great Christian sovereigns have always permitted them to live among them... The reason that the church, emperors, kings and princes permitted the Jews to dwell among them and with Christians, is because they have always lived, as it were, in captivity, as it was constantly a token in the minds of men that they were descended from those who crucified Our Lord Jesus Christ... Jews should pass their lives among Christians quietly and without disorder, practicing their own religious rites, and not speaking ill of the faith of Our Lord Jesus Christ, which Christians acknowledge.

STUDY QUESTIONS

- **According to the text of this law, why did Christian governments allow Jews to live in their lands?**
- **What limitations did this law place on the religious and civil rights of the Jews? Why?**
- **In our essay, Rabbi Rembaum asserts that Christianity was a daughter religion of Judaism. Is this idea reflected in this Spanish law? If so, how?**
- **Think about the balance of protection and humiliation in this law. How do you feel about the “protection” afforded by this law?**

¹Jacob Rader Marcus, *The Jew in the Medieval World: A Source Book, 315-1791*. Cincinnati: Hebrew Union College Press, 1999, p.38-39.



THE MEDIEVAL PERIOD – TEXT 3

בראשית א: א
בְּרֵאשִׁית בָּרָא אֱלֹהִים אֶת הַשָּׁמַיִם וְאֶת הָאָרֶץ.

GENESIS 1:1

In the beginning God created the heavens and the earth.

רש"י: בראשית פרק א: א

בראשית - אמר רבי יצחק: לא היה צריך להתחיל [את] התורה אלא מ"החודש הזה לכם" (שמות יב:ב), שהיא מצוה ראשונה שנצטוו [בה] ישראל. ומה טעם פתח ב"בראשית"? משום "כח מעשיו הגיד לעמו לתת להם נחלת גוים" (תהלים קיא:ו), שאם יאמרו אומות העולם לישראל: לסטים אתם, שכבשתם ארצות שבעה גוים, הם אומרים להם: כל הארץ של הקב"ה היא, הוא בראה ונתנה לאשר ישר בעיניו, ברצונו נתנה להם וברצונו נטלה מהם ונתנה לנו.

RASHI (RABBI SOLOMON BEN ISAAC; 1040–1105), COMMENTARY ON GENESIS 1:1

IN THE BEGINNING: Rabbi Isaac [Rashi's father] says: The Torah could have begun with "This month shall be for you the first of the months" (Exodus 12:2), since this is the first commandment which Israel was commanded. And what is the reason that it begins with "In the beginning"? Because of the verse "He has declared to his people the power of his deeds, to give them the heritage of nations" (Psalm 111:6) – So that if the nations of the world should say to Israel: "You are bandits, for you conquered the land of the 7 nations"! Israel may answer them: "All the world is the Holy Blessed One's; he created it and gave it to whomever was right in his eyes" – he willingly gave it to them and he willingly took it from them and gave it to us.

STUDY QUESTIONS

- Why might one think that the Torah should begin with the first law rather than with the creation of the world? How would Torah and how you feel about it change if it did begin with the first law rather than with creation?
- How does Rashi's commentary relate to the actual biblical text? To events of Rashi's time, such as the Crusades? To events of our time?
- Does this text reflect the messianic hopes of medieval Jewry? If so, how?
- Some medieval commentators disagree with Rashi's suggestion that the creation story serves mainly as a justification for Jewish possession of the Holy Land. How else does it function as a basis for Jewish belief?



THE MEDIEVAL PERIOD – TEXT 4

JEWISH SELF-GOVERNMENT: SOME RULINGS OF RABBENU TAM¹ (RABBI JACOB BEN MEIR, c.1100-1171)²

- In a place where a great rabbi lived in former times we may assume the existence of a *herem bet din*/enforcement by the court and one must stand trial there.
- If a man apprehends that he will be defamed to the government he may interrupt the prayers of the afternoon or the morning, even on the Sabbath, until they do him justice; one may announce a *herem* compelling the defamer to reveal to him what he said to the ruler.
- If one transgresses a *herem bet din* he should be compelled to make amends.

STUDY QUESTIONS

- **All 3 of these rulings contain the idea of force or compulsion. Can there be a system of law without compulsion?**
- **Many medieval governments allowed Jews to have their own internal court system. Why? How did this serve those governments?**
- **The second regulation above allows an individual to interrupt prayers in the synagogue. What does this source show about the relationship between the individual Jew and the community? What does this show about the synagogue as *beit ha-knesset*/the house of assembly?**
- **What is the power of Jewish law and Jewish courts today? Can you imagine someone stopping synagogue prayer to demand help? What would this look like? How much has individual conscience taken the place of religious law and religious courts?**

¹"Jacob [Rabbenu] Tam was recognized by all contemporary scholars, even by those in remote places, as the greatest scholar of the generation." See: Israel Moses Ta-Shma, and Nisan Netzer, "Tam, Jacob ben Meir." *Encyclopaedia Judaica*. Ed. Michael Berenbaum and Fred Skolnik. 2nd ed. Vol. 19. Detroit: Macmillan Reference USA, 2007, p. 491-492. Gale Virtual Reference Library. Web. 11 June 2012.

²Louis Finkelstein, *Jewish Self-Government in the Middle Ages*. New York: Feldheim, 1964, p.181-185.



THE MEDIEVAL PERIOD – TEXT 5

JEWISH SELF-GOVERNMENT: RABBENU TAM RULES ON RENTAL LAW:¹

[A Jew may] not rent for a whole year the house of a Gentile in which a Jew has lived (after the eviction of the first Jewish renter).

STUDY QUESTIONS

- **This ruling seems straightforward at first. What are some of the social conditions that might lay behind it?**
- **What might have happened to a Jewish community if individual Jews were permitted to rent properties after landlords evicted Jewish tenants in order to get higher rents? How do Rabbenu Tam's rulings demonstrate the vulnerability of the Jewish community of his day?**
- **Use this ruling and the ones above to think again about the relationship between the individual and the community in the Jewish Middle Ages. What is the balance here between personal and communal economic interests?**
- **Rabbi Rembaum teaches us in his essay that Jewish communities in the Middle Ages commonly required individuals to give charity, feed the poor and contribute to the upkeep of the Jewish cemetery. How has our system of fundraising and wealthy donors changed the dynamic of Jewish community? How can individuals be motivated to contribute when there is no organized community with the power to tax? Would you favor the establishment of an organized Jewish community with the power to tax?**

¹ Ibid.



NOTES

A series of 25 horizontal lines for taking notes.



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