
CHAPTER NINE

The ‘Third Yeshivah of Bavel’ and the Cultural Origins of Ashkenaz—A Proposal

WHILE the previous chapters were formulated in the 1980s and only now, as I explained in the Preface, have I gotten around to putting down on paper my reservations about the reigning views of Early Ashkenaz, the present essay occurred to me only as I was finishing this volume. Indeed, there are sentences, even an occasional argument, in the preceding essays that indicate that I did not yet have any notion of a ‘Third Yeshivah of Bavel’. I left those passages unaltered and noted only in the footnotes the possible implications of the present essay. The previous essays are in every way self-standing, and their rejection of the current theories of the origins of Ashkenazic halakhic culture in no way hinges upon the far-ranging thesis that I propose below. I emphasize that, at the moment, this is only a proposal.



THE THEORIES that Ashkenaz was originally governed by an ancient, immutable custom or that its roots lay deep in the halakhic soil of Palestine have been weighed and found wanting.¹ The reader, however, is entitled to ask, ‘While dispelling error is always beneficial, what have you to offer in its place? Ashkenaz did not emerge *ex nihilo*; it came from somewhere. Where was that “somewhere” and what was its nature? Can you suggest a new narrative of the genesis of Ashkenazic culture?’

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¹ See above, pp. 29–100.

I believe that I can point to a key source, one of the major components of that civilization; indeed, I would argue that this source of Ashkenazic halakhah has been open to public view ever since 1881, when 'The Brothers and Widow of Romm' published in Vilna what immediately became the standard edition of the Talmud. I am further of the opinion that this starting point goes far in explaining some of the lasting characteristics of Ashkenaz, such as (a) the notion of *kehillah kedoshah*, a community of the righteous and the observant that I have noted in my studies of pawnbroking and *yein nesekh* (wine touched by Gentiles);² (b) its halakhic insularity—its indifference to the halakhic achievements of other Jewish communities;³ and (c) its sustained apathy to the higher culture of its surroundings—its refusal to engage in the philosophical and scientific pursuits of Latin Europe.

I am not contending that the Babylonian Talmud is the sole source of Ashkenazic halakhic culture—cultural origins tend to be far more complex—I argue only for its centrality. As my thesis touches upon Geonica, and the inscription and finalizing of the texts of the Talmud and the *midreshei aggadah*, a full presentation demands a monograph, which, hopefully, will appear in the future and address issues which have not been dealt with in this essay. I would like, however, to sketch here the contours of my proposal so as to conclude my re-evaluation of Early Ashkenaz on a constructive note.



Most people engaged in Jewish studies have heard in their childhood—the story goes back to fourteenth-century Spain⁴—that Rashi's commentary was written *be-ruah ha-kodesh* (inspired by the Holy Spirit). Plausibly enough, for how else could he have known all of the minute details of the countless talmudic narratives, not to speak of his command of the underlying concepts of all the talmudic discussions, many of which are assumed by the discussants in the Talmud, but are not clearly explicated anywhere? I here suggest that these astonishing feats can be explained without recourse to miracles—a proposal, if you wish, by a *litvak* to counter claims of the Holy Spirit.

Let me preface my discussion with some strange questions posed by a responsum of Rabbenu Gershom (d. 1028). It reads:

² *Collected Essays* (Oxford, 2013), i. 112, 239–77.

³ *Ibid.* 31–8.

⁴ Menahem b. Zerah, *Tsedah la-Derekh* (Warsaw, 1881), introduction, p. 6, and see J. Penkower, 'Tahalikh Kanonizatsyah shel Perush Rashi la-Torah', in H. Kreisel, ed., *Limmud ve-Da'at ba-Mahshavah ha-Yehudit* (Be'er Sheva, 2006), 124–5.

אמנם ידעתי שכן כת[וב] בהלכות[ת] פסוקות[ת] וגם כת[וב] בתשובת שאילתות⁵ . . . ומה שפסקתי [בניגוד לזה] להפך שבועה אפי[לו] דאורייתא, מפני שר' ליאון רבי [ש]לימדני רוב תלמודי זצ"ל, חכם מופלא היה, ולא סבר ליה דלית הלכתא כמר בר רב אשי. ונראה דברי ר' ליאון רבי מדבריהם כי יש לומר[ר] איזה כח מרובה . . . ועל כל הטעמים האילו שמכתי ולא חלקתי להפך שבועה בין דאורייתא[א] לדרבנן. ועוד שמכתי על דברי רבי, ועוד שלא מצאתי בכל התלמוד שלמדתי שאין הילכתא כמר בר רב אשי במיפך שבועה. ואם בתלמוד אינו, ומסברא[א] הם אומר[ים], רואה אני את דברי ר' ליאון רבי שמסר לי, כי מופלא בדורו ואחרי דבר[יו] לא ישנו.

⁵ Our text of the *Halakhot Pesukot*, ed. S. Sassoon, 2nd edn. with supplement by N. Danzig (Jerusalem, 1999), does not contain this passage. It is, however, found in some versions of the *Halakhot Gedolot* (Venice, 1548), fo. 233a; (Berlin, 1888–92), 490; (Jerusalem, 1972–87), iii. 61–2, and see nn. 16, 17 ad loc. It is also to be found in the *Seder Tanna'im ve-'Amora'im*, ed. K. Kahana (Frankfurt, 1935), 23, #38: 3–4. See A. (Rami) Reiner, 'Le-Hitkablut shel Sefer "Halakhot Gedolot" be-'Ashkenaz', in H. Kreisel, ed., *Limud ve-Da'at be-Mahshavah Yehudit* (Be'er Sheva, 2006), 117–18. There are five possible constructions of Rabbenu Gershom's first reference. The simplest is to take it at face value and view the absence of this passage in our version as one of a number of passages that were present in the text that circulated in the Middle Ages but have since been lost. See N. Danzig, *Mavo le-Sefer Halakhot Pesukot*, rev. edn. (Jerusalem, 1999), 391–410. S. Abramson, in a posthumously published work, takes it as referring to a collection of brief responsa of R. Yehudai Gaon. (See R. Hai b. Sherira Gaon, *Sefer Mishpetei ha-Shevu'ot*, ed. S. Abramsom [Jerusalem, 2012], 291–9.) Reiner takes it as a reference to the *Halakhot Gedolot* and Danzig (*Mavo le-Sefer*, 403–4) takes it as referring to the *Seder Tanna'im ve-'Amora'im*. Kupfer suggests that it may be another collection of geonic rulings that circulated at the time and was equally entitled *Halakhot Pesukot*, i.e. *piskei halakhot* of the Geonim. For our purposes all the interpretations are one and the same. I have adopted the first interpretation only because it makes for a simpler exposition. The second reference in the responsum may refer to any one of the numerous geonic responsa endorsing this view listed in the Jerusalem edition of the *Halakhot Gedolot* at n. 16. (On the Prague and Budapest edition of the *Teshuvot R. Me'ir mi-Rotenburg*, see above, Ch. 3, n. 43 end.)

One might be tempted to contend that, since MSS Bibliothèque Nationale, 1402, Vatican 136, and Vatican 304 of the *Halakhot Gedolot*—which A. Shweka has shown to be the best manuscripts of that work—all have the opposite version, namely, that the ruling is *in accordance* with Mar bar Rav Asi, the version I have cited from the Venice 1548 edition is without significance. The issue, however, is not what the author of the *Halakhot Gedolot* thought of the question—his work is mentioned neither by the inquirer nor by Rabbenu Gershom—but whether there was a Babylonian (or 'eastern') text that contained the ruling against Mar bar Rav Asi in the text of the Talmud itself. MSS Vatican 142 and Milano-Ambrosiana C116 Sup of the *Halakhot Gedolot* corroborate the Venice reading. Shweka has shown that, for all their differences, both these families of manuscripts find corroboration in texts discovered in the Genizah and consequently are equally of eastern origin. Thus, a talmudic passage containing a ruling contrary to Mar bar Rav Asi is attested to in the East. (See A. Shweka, 'Iyyunim be-Sefer Halakhot Gedolot: Nusah va-'Arikhah' [Ph.D. diss., Bar Ilan University, 2008], 357–61. I would like to thank Dr Shweka for making his thesis available to me.)

One reader has contended that Rabbenu Gershom believed that the dictum cited in the *Halakhot Pesukot*, and again by the anonymous geonic respondent—*halakhab ke-Mar bar Rav Asi be-kula tal-muda bar mi-mepakh shevu'ah ve-'odita*—is simply a *sevara* (product of ratiocinative argument) of the Geonim. Rabbenu Gershom thought neither that it was found in their text of the Talmud nor that it was a geonic tradition. I find this implausible. The dictum takes the form of a classic *kelal hora'ah* (rule of adjudication). It is found, together with dozens of other such *kelalim*, in the mid-9th-century

To be sure I am aware [that such a dictum] is found in the *Halakhot Pesukot* and also in a [geonic] responsum . . . The reason [I have ruled contrary to this dictum] . . . is that my teacher, R. Leon, who taught me most of what I know of the Talmud, was a truly exceptional scholar and he did not agree with this dictum. And his position seems the more reasonable one for [the following reasons] . . . Relying upon all these reasons, I have ruled contrary to the dictum and did not distinguish in 'inverting the oath' between a pentateuchal oath and a rabbinic one. . . . And I have further relied upon the position of my teacher. Moreover, I have not found such a dictum in any place in the Talmud that I have studied. If this dictum is not found in the Talmud but is being advanced by them [i.e. the aforesaid Geonim] solely on the basis of logic, I find myself in agreement with the position of which my teacher informed me [*sic*], for he was the outstanding scholar of his generation, and one should not deviate from his articulated position.⁶

The specific topic (inverting pentateuchal oaths, *mepakh shevu'ah de-'oraita*) need not here occupy us; significant to us are the claims advanced. Rabbenu Gershom made a threefold argument of text, teacher, and logic. Let us take them in reverse order. Few people in the late tenth and early eleventh centuries would assign greater halakhic weight to their own reasoning than to that of the Geonim. Rabbenu Gershom's position here reflects notable independence but poses no intrinsic difficulty. Not so his other two contentions. His teacher, R. Leon (or Leontin, as he is sometimes called) is the authority on which he relied. This shadowy figure, familiar to subsequent generations only as the teacher of Rabbenu Gershom and without any other known accomplishment to his name, was being invoked as a counter to the authority of the *Halakhot Pesukot* and that of another (anonymous) Gaon. Does this not reflect an extravagant self-image? A new community emerged in north-western Europe and immediately claimed—no more and no less—that the holding of its founder or master teacher was superior in halakhic authority to that of the Geonim! As for text: Rabbenu Gershom was confronted with a ruling of the Geonim based on their version of the Talmud, which states explicitly that the law is contrary to the view of Mar bar Rav Asi.⁷ To this he replied that

geonic work *Seder Tanna'im ve-'Amora'im*. If someone wishes to contend that all the other *kelalim* in that book are products of *sevara* rather than *kabbalah* (tradition), he has his work cut out for him. If all or most of the other *kelalim* are *kabbalah*, why assume this one is a *sevara*? On the significance of Rabbenu Gershom's invocation of *sevara*, see below, n. 7, and p. 124.

⁶ *Teshuvot u-Fesakim me'et Hakhmei Tsarfat ve-'Ashkenaz*, ed. E. Kupfer (Jerusalem, 1973), #114; *Teshuvot R. Me'ir mi-Rotenburg* (Prague and Budapest, 1895), #264; a report of this responsum is found in R. Yitshak of Marseilles, *Sefer ha-Ittur*, ed. R. Me'ir Yonah, vol. ii, 'Milveh 'al Peh', fo. 17c.

⁷ One could argue that the Geonim did not claim that this was the text in the Talmud, but that they had a tradition, as exemplified by the *Seder Tanna'im ve-'Amora'im*, that the ruling was against

his version of the Talmud had no such passage. In other words, he was challenging the Geonim as to the proper text of the Talmud! How can someone thousands of miles away from Mesopotamia challenge the talmudic text of Sura and Pumbedita, the very institutions from which the text emerged? How could one possibly have a more authentic text of the Talmud than the Geonim of Sura and Pumbedita? Either Rabbenu Gershom's stance was megalomaniacal or it drew on a reality imperceptible to us, but of which he and his auditors were very much aware.

As were equally his disciples; for this independence of the Geonim, even curt dismissals of their rulings, while not quite as blatant as that which we have just encountered, are characteristic of Early Ashkenaz generally. Rabbenu Gershom's successor, R. Yehudah Ba'al Sefer ha-Dinim, rejected a holding of the *Halakhot Gedolot* by declaring that the ruling was so illogical that it was clearly inauthentic; someone else must have inserted the passage in the work.⁸

דהא מילתא מעולם לא נפיק מפומיה, דהכי כתוב התם . . . ואי סלקא דעתא דרב יהודאי
אמרה, פה קדוש כרב יהודה משתעי כי האי לישנא, אלא ודאי איניש אחרינא אמרה ואסקא
בשמיה.

For such a statement never issued forth from his [i.e. R. Yehudai's] mouth, for it states there . . . And should you think that R. Yehudai said it, could such a holy [i.e. wise]

the view of Rav Asi. This was certainly the position of Rav Sherira Gaon: ונקיטי רבנן בשמועה (ונקטי רבנן בשמועה מן הראשונים דהלכה כרב אשי בכלי תנאי לבר מן תלת, וחדא מיניהו מיפן שבועה (*Teshuvot u-Ferushei R. Sherira Gaon*, ed. N. D. Rabinowich [Jerusalem, 2012], ii, #21 and sources cited there). The question, then, is: 'How can Rabbenu Gershom disagree with a tradition of adjudication of Sura or Pumbedita?' How can he say that, if a ruling is not found in the Talmud, the tradition of the Geonim is never better than the best argument that can be made for it? To demand of a geonic tradition that it should justify itself logically is to state that such a tradition has no intrinsic legal value. See below, p. 214.

⁸ *Sefer ha-Pardes*, ed. H. L. Ehrenreich (Budapest, 1924), 350; *Shibbolei ha-Leket ha-Shalem*, ed. S. Buber (Vilna, 1887), fo. 74, #190. *Haggabot Maimuniyot*, 'Evel', 10: 10, n. 10. Much as it would suit my purpose, I do not see the basis for attributing to R. Yehudah Ba'al Sefer ha-Dinim the very sharp remarks about the *Halakhot Gedolot* found in *Or Zarua'*, ii (Zhitomir, 1862), #432. Rabbi Yehudah did disagree with the ruling (*Ma'aseh ha-Ge'onim*, ed. A. Epstein and J. Freimann [Berlin, 1910], #59, p. 50). This, however, does not make him the author of that missive. Cf. Reiner, 'Le-Hitkabluto' (above, n. 5), 98–9. See N. Danzig's discussion in his *Mavo le-Sefer Halakhot Pesukot* (above, n. 5), 261–5. A colleague has contended that the passage in the *Sefer ha-Pardes* is 'an indication of reluctance to dismiss geonic authority'. R. Yehudah's dismissal of geonic authority is more respectful than that of his predecessor or successor, but it is scarcely a reluctant one. It's a standard step in the judicial choreography of dissent, and one employed by such an unreluctant dissenter as Rabbenu Tam. See e.g. *Sefer ha-Yashar: Helek ha-Hiddushim*, ed. S. S. Schlesinger (Jerusalem, 1959), #315. On the subsequent Ashkenazic strategy of invoking the blindness of R. Yehudai Gaon—which resulted in his inability to control the text of his book—to explain away rulings which they found incomprehensible, see Danzig, *Mavo* (above, n. 5), 10–11 nn. 73, 263 n. 114.

mouth as R. Yehudai have uttered a statement like that?! Clearly someone else said it and attributed it to him.

A generation later, when someone cited in a dispute the authority of the *Halakhot Gedolot*, R. Yitshak ha-Levi of Worms—who held a different position—brushed aside the ruling, saying:⁹

ואותו אדם גדול שסידר ההלכות גדולות חכם מופלא (היה), אבל לא יכולנו לעמוד על דעתו
בכמה מקומות שכתב בטרפשא דכבד . . . אפשר כן הוא! אבן אין משיבין את הארי אחר
מיתה (גיטין פ"ג ע"א). ועוד כתב כנתא לא נפיק מדמא עד עולם, אפשר נשמע לו!?

That great man who compiled the *Halakhot Gedolot* was a truly exceptional scholar; however, we could not understand his opinions in a number of places. He wrote [e.g. on a certain topic] . . . Could this possibly be correct?! However, 'one does not reply to the lion [i.e. criticize an eminent scholar] after his death' [*Gittin* 83a]. He further wrote [ruled on another topic] . . . Could we possibly listen to him [i.e. pay heed to his ruling]?!¹⁰

There is, to be sure, an opening courteous bow, but what follows—and one can hear the oral cadence of the transcribed remarks—is brutally dismissive, and unlike anything found in the literature of the Maghreb, Muslim Spain, or Provence in their early days, or even, one might add, in their more mature years. Admittedly R. Yitshak ha-Levi was an exceptionally independent *posek* (decisor);¹⁰ however, Rabad of Posquières was no less self-reliant a thinker and had a far sharper tongue, yet he never spoke this way.

This attitude is then reflected in the collections made of the rulings of Early Ashkenaz in the first half of the twelfth century. Unlike the literature of those three other cultures, which initially gave great weight to geonic decisions and tried as much as it could to preserve the names of the geonic responders,¹¹ the writings of Early Ashkenaz attached little importance to the identity of geonic authors and much, if not most, of the geonic material it recorded is anonymous. Compare the carefully preserved authorship of the responsa cited in the *Sefer ha-Ittim* or the *Sefer ha-Eshkol* with the overwhelmingly anonymous geonic material in the *Ma'aseh ha-Ge'onim*, the *Sefer ha-Oreh*, and the *Sefer ha-Pardes*. Here and there they will cite a responsum of a specific Gaon, but such cases are few and far between. They have material of geonic origin, but it is faceless and utilized in a haphazard fashion. The names of individual Geonim had no resonance in tenth- and eleventh-century

⁹ *Ma'aseh ha-Ge'onim* (above, n. 8), #94, p. 94.

¹⁰ See above, pp. 45–6.

¹¹ Indeed, as Menahem Ben-Sasson noted to me, the attitude to the words of the Geonim was so reverential in the Maghreb that they even preserved the *kuntresei teshuvot* of the Geonim, the replies in the original sequence in which they had issued forth from the academies of Sura and Pumbedita.

Ashkenaz; they evoked not reverence (as in other cultures of the Diaspora) but indifference. This is scarcely surprising, seeing that Rabbenu Gershom thought that R. Leon's opinion was weightier than that of *Halakhot Pesukot*, and that his text of the Talmud was more authentic than that of the Geonim.

What was the basis of this disregard, even disrespect, for the acknowledged leaders of world Jewry?¹² How could the scholars of Early Ashkenaz presume that their teachers understood the Talmud better than the Geonim? What privileged this tiny new community in Mainz to view its texts of the Talmud as superior to those emanating from the study halls of Sura and Pumbedita where the Talmud was created and composed? Just who did they think they were? Or more justly: Who, indeed, were they? Who were the founders of the new Ashkenazic culture that emerged in the latter half of the tenth century, and where did they come from?

I

Seeking the cultural origins of Ashkenaz one should begin by examining the cultural artifacts of Early Ashkenaz. This means that one does not start with a deeply problematic, alleged foundation myth and seek to extract what 'facts' one can from such a narrative;¹³ rather, one employs the retrospective method. When faced with a relatively blank period in history whose known facts are few and far between, one begins with the picture that presents itself when the society or the culture first comes into clear view and then one works backwards, seeking things in the sparsely documented past that would explain what was found in full flourish when the curtain first rose.

¹² I should note here that with the advent of Rashi this dismissive attitude disappears. Not that Rashi deferred to the Geonim, far from it; however, his disregard expresses itself (with occasional exceptions) in general indifference to their holdings; it never eventuates in expressions of disrespect or even depreciation. This is equally true for German scholars in the 12th or 13th centuries. In fact, Ravyah is more interested in the authorship of geonic responsa than were his forefathers some century and a half before. We can often identify the author of geonic responsa cited anonymously in the pre-Crusade literature on the basis of information found in the writings of R. Yo'el and his son, Ravyah.

¹³ For 150 years scholars have argued over the date and accuracy, indeed the very credibility, of the differing accounts given by R. El'azar of Worms and R. Shelomoh Luria of the transplantation by a 'Charles the Great' of R. Mosheh b. Kalonymos from Lucca to Mainz. Many discount the reports entirely, and no construction yet offered can be maintained without either changing the text or labeling certain passages as legend. See the discussions of A. Grossman, 'Hagiratah shel Mishpaḥat Kalonymos mi-'Italyah le-Germānyah', *Zion*, 40 (1975), 154–85, and the literature cited in n. 1 there; id., *Hakhmei Ashkenaz ha-Rishonim: Koroteihem, Darkam be-Hanbagat ha-Tsibbur, Yetsiratam ha-Ruḥanit mi-Reshit Yishuvam ve-'ad li-Gezerot Tatnu* (1996), 3rd edn. (Jerusalem, 2001), 29–48, and M. Idel, 'From Italy to Ashkenaz and Back', *Kabbalah*, 14 (2006), 52 n. 14. On the adjective 'alleged', see below, Appendix III.

Two areas of creativity in Ashkenaz manifest themselves from the very outset, halakhah and liturgical poetry (*piyyut*). As the history of halakhah is my field, I will concentrate on the former. My thesis may or may not mesh with the parallel developments in *piyyut*; I will address this question and its implications at the conclusion of the essay.



I should state at the outset that I am neither discussing the genetic origins of the Ashkenazic community nor the origins of Ashkenazic pronunciation, but the origins of its halakhic culture. I am thus discussing a small, elite segment of that community. Indeed, as I am addressing halakhah and not *piyyut* or *sod* (esoteric lore), I am treating only a portion of that creative elite. I am also not adopting any position as to the physical continuity of Jewish settlement in the early Middle Ages, other than to remark, first, that by the 820s, the Jews in Lyons and most probably in and around Aachen were observing the laws of *kasbrut* as promulgated in the Babylonian Talmud.¹⁴ Second, by the 930s there is clearly a collective Jewish presence in the Rhineland, most probably in Mainz.¹⁵

The cultural history of Ashkenaz begins with Rabbenu Gershom, or, more accurately, with R. Gershom's teacher, mentioned above, the shadowy R. Leon (Yehudah¹⁶). Several hundred years ago there existed reports of merely three or four rulings of his, and we have no more today, despite all the extensive searches in the treasures of the Institute of Microfilmed Hebrew Manuscripts in the National Library of Israel.

The years 930–70 are, then, the proximate time of the appearance of Ashkenazic culture; for brevity's sake, I will use simply '950'. What do we see then? A rich culture emerges from nowhere—Early Ashkenaz has the entire Babylonian Talmud and is actively engaged in its exegesis. They are at home in works of Midrash such as *Bereshit Rabbah*, *Va-Yikra Rabbah*, and *Tanhuma*, and are composing *piyyutim*. They are familiar with the mystical literature of the Heikhalot, and the Kalonymide family has imbibed the esoteric lore of Abu Aharon of Baghdad. In adjusting to the new commercial realities of

¹⁴ On the physical continuity, see above, Ch. 3, nn. 29, 32. On *kasbrut* observance, see above, pp. 5–19.

¹⁵ J. Aronius, *Regesten zur Geschichte der Juden im Fränkischen und Deutschen Reiche bis zum Jahre 1273* (Berlin, 1902), 53–4, ##124–5. I. Elbogen et al., eds., *Germania Judaica* (repr. Tübingen, 1963), i. 175–6.

¹⁶ On the basis of the verse in Gen. 49: 9, *leo* meaning 'lion' in Latin. On R. Leon, see Grossman, *Hakhmei Ashkenaz ha-Rishonim* (above, n. 13), 80–5.

Germany, the scholars of Early Ashkenaz rule boldly and move with the confident steps of the experienced, as I have noted in my essay on pawnbroking.¹⁷

We are confronted, then, with what might be called a ‘Puritan migration’. Not in the popular sense of the word ‘Puritan’, certainly not in the theological sense; rather, in the exceptional education and intellectual attainments of the founding fathers and their dedication to transmitting their intellectual patrimony to subsequent generations. The men who settled in the wilderness of Boston on a new continent were embodiments of a fully developed culture and brought with them a rich library which they had thoroughly mastered. Standing on the forefront of Calvinist theology, they began writing their treatises soon after disembarkation. The settlers of 950 also stood, as we shall see, at the frontier of talmudic exegesis; they too controlled a vast and variegated library. Just as the Puritans, six to seven years after their arrival in 1630, established Harvard College for the training of ministers, so too did the settlers of 950, shortly after their arrival in their ‘New World’ of Ottonian Germany, set up the *bet midrash* (talmudic academy) of Mainz and began to compose the comprehensive commentary on the Talmud commonly known as *Perush Rabbenu Gershom*.

In their large library, however, there was no copy of the Yerushalmi (Palestinian Talmud), as already noted in a previous article¹⁸—an astonishing absence for an allegedly Palestinian-oriented community. By the middle of the eleventh century a collection of scattered statements found in the Yerushalmi had penetrated Ashkenazic circles,¹⁹ but from the days of Rabbenu Gershom to those of the Tosafists, a period of some 125 years, there is no evidence of any copy of so much as a single chapter in a tractate of the Yerushalmi. They had the *midrashim* of Palestine galore—*Beresbit Rabbah*, *Va-Yikra Rabbah*, *Tanḥuma*—but not the Yerushalmi. A sentence or dictum from

¹⁷ *Collected Essays*, i. 59, 82–95.

¹⁸ Above, Ch. 3, n. 94, and Ch. 8, n. 9. See Grossman, *Hakbmei Ashkenaz ba-Rishonim* (above, n. 13), p. 428, and his list at n. 74. I do not know the basis for his remark on p. 157 that Rabbenu Gershom had a text of the Yerushalmi. A solitary citation of the Yerushalmi may well have come from a florilegium, and that alleged citation has been shown to be spurious (see above, pp. 79–81). R. Yehudah Ba’al Sefer ha-Dinim never cites the Yerushalmi, as Grossman notes at p. 204. As noted in the preceding chapter (n. 9), the leading authority on the diffusion of the Yerushalmi in the Middle Ages, Yaacov Sussmann, shares my view that there is no indication of an actual text of the Yerushalmi circulating in Ashkenaz before the 12th century.

¹⁹ This should not be confused with the *Sefer Yerushalmi* described by Y. Sussmann in “Yerushalmi Ketav-Yad Ashkenazi” ve-“Sefer Yerushalmi”, *Tarbiz*, 65 (1998), 37–63. This work contains the full text of the Yerushalmi’s tractate *Berakhot* and *Seder Mo’ed* together with much extraneous material. It does not surface in Ashkenaz until the latter half of the 12th century in the circle of Rabbenu Yo’el and Ravyah.

that corpus is occasionally evoked, but never the analysis of a *sugya*, of an actual talmudic discussion, in the Yerushalmi. No one in Early Ashkenaz was interested in having a copy of the Yerushalmi, to say nothing of explicating it.

The Bavli (Babylonian Talmud), on the other hand, was the center of their intense attention, and they were actively engaged in its interpretation. Indeed, their curriculum of the Babylonian Talmud exceeded that of all the other communities of the Diaspora. It included the entire *Seder Kodashim* (the order of Temple service), none of which was part of the traditional talmudic curriculum of the Jews of Muslim North Africa, Muslim Spain, or Christian Provence. Ashkenaz, the alleged offshoot of Palestinian culture, had, from the outset, a greater Babylonian orientation in talmudic studies than any of these renowned bastions of the Bavli.

Ashkenaz also had a radically new vision of what comprehension of the Talmud meant. As noted in my essay '*Minbag Ashkenaz ha-Kadmon*,'²⁰ the Bavli was neither to be summarized nor abridged as Rabbenu Ḥanan'el and Rav Alfasi thought. It had to be grasped in its entirety; every nook and cranny of it had to be illuminated; every thought and interpretation, however briefly entertained by the *amora'im*, had to be understood in all its detail. They introduced line-by-line exegesis in the form of the initial lemma (*dibbur ba-mathil*) and the embedded lemma. The tool in itself is insignificant; what was revolutionary was its scope. No summary but a phrase-by-phrase explication of all the winding *sugyot* of the Talmud with almost no expression left unexplained.

They equally did not distinguish in their exegetical enterprise between halakhah and aggadah. Every line of aggadah had to be explicated in as precise a fashion as the halakhic passages. We take this for granted as we do the detailed exegesis, for from our very first encounter with the Talmud we find this in Rashi. This should not blunt our sensitivity to its radical originality. To the best of our knowledge the *aggadeta* of the Bavli had lain outside the systematic exegetical enterprise of the Talmudists of both North Africa and Spain. It also was beyond the ongoing purview of Provence's greatest exegete, Rabad of Posquières.²¹

²⁰ Above, p. 32, and see Ch. 3, Appendix I (pp. 62–4) on the use of the *sub verbo* in the Mainz commentaries.

²¹ I must emphasize the word 'systematic' because there is, of course, some treatment of aggadah in Rabbenu Ḥanan'el's commentary. One cannot argue that the reason that the scholars of Spain and the Maghreb did not explicate the *aggadeta* of the Talmud was that they focused exclusively on halakhic topics of practical import. Seeing that they didn't explicate *Seder Kodashim*, one can scarcely be surprised that they didn't explicate aggadic passages. Rabbenu Ḥanan'el, for example, commented on *Hagigah* and on all the passages on *Kodashim* in both *Yoma* (70 percent of which treats matters of

Let us, for a moment, turn the clock ahead by some 140 years and cast a glance at Rashi in the closing decades of the eleventh century. As every child who has studied *Humash* knows, Rashi frequently says *ke-targumo*, that is, '[its meaning is] as the Targum Onkelos has translated it'. I was in the third grade when I first encountered this expression in Rashi's commentary and remember looking at the incomprehensible Aramaic phrase in Onkelos and asking, 'How does this help?' Sixty-five years have passed and only now do I have an answer. It is a simple one: Rashi assumes that the average literate reader (what we would now call a *yodea' sefer*) of his day understood most words or phrases in Aramaic. And, one might note, in no other culture of the Diaspora did Targum Onkelos play so large a role in biblical exegesis as it did in Ashkenaz.²²

Let us now turn south to Rome and to Rashi's contemporary, R. Natan of Rome. It is a truism, at least since Alexander Kohut's great edition of the *Sefer be-'Arukh*, that the three major sources on which R. Natan drew were the Geonim—especially Rav Hai Gaon—Rabbenu Hanan'el of Kairouan, and Rabbenu Gershom, together with the work of his school, *Perushei Magentsa*.²³ That Rav Hai and his father would know recondite Aramaic terms is understandable—they were, after all, native Babylonians and the *rashei yeshivah* of Pumbedita. Rabbenu Hanan'el's knowledge is equally understandable; he was the heir to over 200 years of Babylonian tutelage and sustained correspondence between Kairouan and the academies of Sura and Pumbedita. But what could German Jews in Mainz possibly know about problematic Aramaic expressions? R. Natan carefully registers the interpretations of no fewer than nine subgroups of Rabbenu Gershom's yeshivah—*hakhmei Magentsa*, *rav shel hakhmei Magentsa*, *rabbanei Magentsa*, *moreh shel Magentsa*, *talmidei Magentsa mi-pi ha-moreh*, *benei Magentsa*, *hasidei Magentsa*, and *talmid hakham mi-Kodashim* and *Pesahim* (30 percent of which addresses topics in *Kodashim*). Clearly, whatever was included in the North African curriculum—irrespective of its practicality—fell within his interpretative purview.

²² Elisabeth Hollender made this observation to me. By way of illustration, I would point out that P. Toledano wrote a doctorate at University College London, in 1980 entitled 'Rashi's Commentary to the Pentateuch and its Relation to the Targumim, with Special Reference to Targum Onkelos'. It is difficult to conceive of someone doing a similar study on the commentary of Ibn 'Ezra or that of Kimḥi, not to speak of the works of the earlier exegetes of Muslim Spain. For an up-to-date bibliography on the topic of Toledano's thesis, see E. Weisel, 'Ma'amado shel Targum Onkelos be-Toda'ato ha-Parshanut shel Rashi', *Tarbiz*, 75 (2006), 345, n. 1. (To forfend any misunderstanding, I am arguing from the significance of Targum Onkelos in Torah exegesis and not from its liturgical use—or partial disuse—in Torah readings on the Sabbath and festivals; see e.g. J. Penkower, 'Tahalikh Kanoni-zatsyah' [above, n. 4], 134 ff.)

²³ *Arukh Completum*, ed. A. Kohut (Vienna, 1926), i. 11–14 (introduction); viii. 5–27 (appendix, 'Nerot ha-Ma'arakhah').

Magentsa. Why this fuss over the interpretations of *Magentsa*? What traditions could anyone from Mainz possess that would explain gnomic terms and obscure references in the Talmud? How could R. Natan possibly view them as a source of talmudic lexicography on a par with Rav Hai Gaon?

Shift back now to the mid-tenth century and the original characteristics of Ashkenaz. I have noted that the new settlers saw no difference between the aggadic sections of the Talmud and the halakhic ones and exegeted both in equal detail. We take this, too, for granted because we find a commentary on both sections on every printed page of the Talmud that we have seen since early youth. Think, however, what this entails lexically. The halakhic portions of the Talmud are strongly formulaic, as is any unpunctuated text. If one knows some thirty to forty idiomatic phrases in Jewish Babylonian Aramaic, most halakhic passages will pose few linguistic problems. (Understanding their legal content is a different matter.) However, the aggadic narratives entail a wide-ranging and detailed knowledge of the Aramaic language—all the terms of different household utensils, farm equipment, agricultural practices, domestic animals, flora and fauna, to mention just a few areas of life that are reflected in the narratives of the *aggadeta*. We are talking about a vocabulary of some 10,000–12,000 words, if not more. (Actually, much more, as one should count meanings rather than words or roots [*shorashim*]). Most words have multiple meanings, and commanding a language means precisely controlling the numerous meanings of its words, as well as of its idioms.) Unless these settlers had a vast dictionary, alongside which the *Sefer he-'Arukh* would seem a Berlitz phrase book, and unless this enormous dictionary and even the memory of it got lost in the Mainz academy within one generation, we must conclude that these immigrant founders of Ashkenazic culture were Aramaic speakers.²⁴ Precisely because Aramaic was their native tongue, they could readily undertake what the scholars of Kairouan, Fez, and Lucena (all native Arabic speakers) could only attempt with trepidation, namely, to exegete the entire Talmud, leaving no phrase, halakhic or aggadic, unexplained.²⁵

²⁴ One could scarcely identify this huge, lost dictionary with the *alpha-beta de-R. Makhir*. A simple glossary would have been supplanted by the Mainz Commentary or that of Rashi, but hardly a massive dictionary, just as the *Sefer he-'Arukh* was not supplanted by them. See e.g. MSS Vienna, Österreichische Nationalbibliothek 39 and 40, Leiden 4722, Modena Estense 39 and Oxford, Bodley 1515, all Ashkenazic manuscripts of that work by R. Natan of Rome. If R. Makhir studied under Aramaic-speaking teachers or ones with a full command of Aramaic and who were bearers of an exegetical tradition, as did his more famous brother, Rabbenu Gershom, one understands how he made a glossary of some of the more difficult terms and why it was viewed as generally reliable. See n. 25 below. On R. Makhir b. Yehudah, see Grossman, *Hakhmei Ashkenaz ha-Rishonim* (above, n. 13), 102–5.

²⁵ This is not to claim that all their descriptions of talmudic realia are correct or that their

Did the second or third generation have an active or passive command of Aramaic? Did they actually speak Aramaic or simply understand that language fully? If it was not spoken in the home, had it been the language of instruction and discussion in the *bet midrash* for several generations? These are good questions and have implications; however, they make no difference to my argument here. A century after the arrival in Ashkenaz any fluency in Aramaic that might have existed was gone; nevertheless, they were still reciting liturgical poetry (*piyyut*) in that language. We are familiar with 'Akdamut' and 'Yetsiv Pitgam'. These are but the 'saving remnants' of the hundred or so pages of Aramaic religious poetry found in Yonah Fraenkel's comprehensive edition of the Ashkenazi *mahzor* of Shavuot and in the additional fifty pages in that of Passover, poems that were recited before the Torah reading on the seventh day of the holiday.²⁶ To be sure, almost all of the Aramaic poetry is of Palestinian and Italian origin.²⁷ This is only natural, seeing that the tradition of liturgical poetry in Ashkenaz is, as we shall see, of Palestinian origin as mediated by Italy. The Aramaic of the few liturgical poems composed in Ashkenaz leaves more than something to be desired, but the aspiration to write religious verse in that language is significant²⁸ and clearly the sounds of

traditions in these matters were uniform and univocal. The settlers of Ashkenaz were thoroughly conversant with Babylonian Aramaic of the 10th century; the words that they commented upon had been spoken more than half a millennium earlier. The meaning of many words, and certainly their nuance, changes over so long a period of time. Utensils cease to be used, different ones take their place. Opinions could and did readily differ in Early Ashkenaz in the reconstruction of meanings (see Grossman, *Hakhmei Ashkenaz ba-Rishonim* [above, n. 13], 102–5). Even accurate linguistic knowledge is no guarantee of the accuracy of a commentary. To recognize, for example, words as names of flora and fauna is one thing; to correctly identify these plants is another, not to speak of knowing their exact structure and peculiarities, all of which may be necessary for a specific exegesis (as, for example, the signs of *bosar* and *hanatab*). Nevertheless, the advantage in talmudic exegesis that these settlers had over native Arabic speakers is incalculable.

²⁶ *Mahzor Shavu'ot: le-fi Minbag Benei Ashkenaz le-Khol 'Anfeibem*, ed. Y. Fraenkel (Jerusalem, 2000), 385–591; *Mahzor Pesah: le-fi Minbag Benei Ashkenaz le-Khol 'Anfeibem*, ed. Y. Fraenkel (Jerusalem, 1993), 608–61. (I halved the number of pages in my description in the text, as the liturgical poems are printed, in an interlinear fashion, both in the original Aramaic and in Hebrew translation.)

²⁷ See the rich Palestinian literature of Aramaic liturgy that Y. Yahalom and M. Sokoloff have recently brought to light in their joint publication *Shirat Benei Ma'arava: Shirim Aramiyim shel Benei Yisra'el ba-Tekufah ba-Bizantit* (Jerusalem, 1999). See also Y. Schirmann, 'Piyyut Arami le-Faytan Italki Kadum', *Leshonenu*, 21 (1957), 212–19; S. Abramson, 'He'arot le-"Fiyyut Arami le-Faytan Arami Kadum"', *Leshonenu*, 25 (1967), 31–4. I wish to thank Avraham Fraenkel for pointing out to me that barring the poems of R. Me'ir, *sheliakh tsibbur* of Worms, the Aramaic poetry recited in Ashkenaz was not locally produced.

²⁸ This impulse is not to be confused with the *jeu d'esprit* that led R. Shemu'el ha-Nagid to compose a few Aramaic poems, e.g. the letter of consolation to Rabbenu Hanan'el in *Divan Shemu'el ha-Nagid: Ben Tebillim*, ed. D. Yarden (Tel Aviv, 1966), 256–60.

Aramaic were not alien to Ashkenazic ears. The average listener probably understood as much of these Passover and Shavuot *piyyutim* as he understood of the intricate and highly allusive Hebrew ones of Kalir recited on the High Holidays.

Given their command of Babylonian Aramaic, their ignorance of and indifference to the Yerushalmi, and their exclusive preoccupation with the Bavli, the founding fathers of Ashkenazic halakhah clearly hailed from Babylonia rather than from Palestine. And indeed, Aramaic was still spoken in the smaller towns of Bavel in the eleventh century—how much more so the century before, when the Ashkenazic migration took place (decades before the move of the yeshivah of Pumbedita to Baghdad towards the end of the tenth century and of the yeshivah of Sura sometime after).²⁹

I have noted above that the curriculum of Ashkenaz included from the outset the order of *Kodashim*,³⁰ which was never part of the program of study of the other Jewish cultures of the Diaspora. More significantly, the Ashkenazic curriculum also included tractates *Nazir*, *Temurah*, *Karetot* (more commonly called *Keritut*), *Me'ilah*, and *Tamid*—all edited in a dialect other than that of the rest of the Talmud (which medieval commentators already noted and called *lashon meshunah*), and, what is far, far more important, they were not part of the curriculum of Sura and Pumbedita.³¹ The Ashkenazic curriculum also included *Nedarim*, a tractate edited in the same dialect as the above-mentioned five tractates and also not taught in the two famed Babylonian yeshivot since 750.³² What is significant is not that the pilgrim settlers of Ashkenaz

²⁹ J. N. Epstein, *Dikduk Aramit Bavelit* (Jerusalem, 1960), 16–17; J. Blau, 'Al Ma'amadan shel ha-'Ivrit ve-ha-'Aravit bein Yehudim Dovrei 'Aravit ba-Me'ot ha-Rishonot shel ha-Islam', *Leshonenu*, 21 (1962), 281–2. On the move to Baghdad, see R. Brody, *The Geonim of Babylonia and the Shaping of Medieval Culture* (New Haven, 1998), 31, 36. (These dates are given for presentational reasons only, as I shall soon argue that new settlers came from places other than Sura and Pumbedita.)

³⁰ Above, pp. 33, 159.

³¹ I wish to emphasize here as in the text that I am not addressing the *editing* of these tractates in amoraic or savoraic times—this may well have taken place in Sura and Pumbedita—but their *subsequent absence* from the curriculum of those famed yeshivot in the geonic period. See A. Marmorstein, 'Mitteilungen zur Geschichte und Literatur aus der Geniza 2. Ein Fragment der Halakhot Ketu'ot', *Monatsschrift für Geschichte und Wissenschaft der Juden*, 67 (1923), 134–5. For the objection that perhaps only one of the two famed yeshivot omitted these tractates from their study programs, see below, p. 187. Marmorstein is of the opinion that *Nedarim* and *Nazir*, which are both missing from the printed list, were equally not taught. N. Danzig and A. Shweka also believe that *Nazir* was not taught. See N. Danzig, *Mavo le-Sefer Halakhot Pesukot* (above, n. 5), 427; A. Shweka, 'Iyyunim be-Sefer Halakhot Gedolot: Nusah va-'Arikhah' (Ph.D. diss., Bar Ilan University, 2008), 86 n. 11. The best study of this dialect is that of Y. Breuer, 'The Babylonian Aramaic in Tractate *Karetot* according to MS Oxford', *Aramaic Studies*, 5 (2007), 1–45.

³² Danzig, *Mavo le-Sefer Halakhot Pesukot* (above, n. 5), 425–7; R. Brody, *Teshuvot R. Natronai bar*

possessed copies of these volumes, but that they were actively involved in exegeting them, including those that are of great difficulty. The commentaries of Early Ashkenaz upon these tractates have survived and were published in 1881 by the Romm Press in what has been the standard edition of the Talmud ever since. The writers were working off a commentarial tradition—hardly all-encompassing, but still a sturdy, substantive tradition—without which one cannot make sense of the abrupt, almost telegraphic text of any talmudic tractate, not to speak of the highly recondite ones of *Temurah* and *Me'ilah*. This is doubly true if one attempts, as they did, a detailed line-by-line commentary. To be sure, there is no lack of groping in their treatment. It could not be otherwise. They attempted the unheard of, and it is not surprising that its execution was incomplete and replete with problems. No one before or, indeed, after them (barring their 'disciple', Rashi) had ever attempted to work out in light of a more general body of knowledge the entire give and take of each and every *sugya* in the Talmud. As great as their commentarial skills were (and they have hitherto been wholly unappreciated), without a core knowledge of the crux of each *sugya* their exegesis would have been impossible. Whence came this commentarial tradition? Not from Sura and Pumbedita; the *lashon meshunah* tractates were not taught there.

It may be argued that there were some outstanding scholars in these famed yeshivot who did command these tractates—witness the citations from these texts in the *Halakhot Gedolot*. Perhaps one of these scholars, or even several of them, were members of the founding group of Ashkenaz. It is a possibility. However, we confront the novel curriculum of Ashkenaz, which is unlike that of any other diaspora community (all of whom received their guidance from Sura and Pumbedita), and, more importantly, unlike that of Sura and Pumbedita. We would then have to say that this scholar or scholars from Sura and Pumbedita not only instructed the founding fathers in the *lashon meshunah* tractates, but equally persuaded to incorporate them into their curriculum, induced this new settlement in distant Germany to have a larger talmudic curriculum than the two great yeshivot from which they had sprung. Perhaps. The simpler interpretation, to my mind, is that Ashkenaz was not settled by disciples of Sura and Pumbedita, but by disciples of what I would call the

Hilai Ga'on (Jerusalem, 1994), #185, 253. The Ashkenazic commentaries on *Nedarim* and *Nazir* have been printed under the name of Rashi since 1520. That the attribution to Rashi was an error has been common knowledge for centuries; its Early Ashkenazic provenance was demonstrated by J. N. Epstein in 'Perushei ha-Rivan u-Ferushei Worms', *Tarbiz*, 4 (1933), 153–78; it was reproduced in his collected essays *Mehkarim be-Sifrut ha-Talmud u-vi-Leshonot Shemiyot* (Jerusalem, 1991), iii. 35–60.

'Third Yeshivah of Bavel',³³ in which these tractates were regularly studied. The new settlement in Ashkenaz simply reproduced the intellectual traditions and study patterns of its original habitat, replicating the old in the new setting, as immigrants usually do.

One might contend that we have evidence only that the *lashon meshunah* tractates were absent from the curriculum of either Sura or Pumbedita, but not of both. Perhaps the founders of Ashkenaz came from the one that did study these tractates. I have never before heard it claimed that Sura and Pumbedita had different curricula, but that is of no matter. The essential point is that if they did hail from one of these two institutions, why were they so dismissive of the authority of the heads of both? Their attitude is quite understandable, as we shall soon see, if they heralded from elsewhere, from another time-honored Babylonian yeshivah.

J. N. Epstein contends that *Nedarim* was edited in Maḥoza, but does not commit himself with regard to the other five tractates that are characterized by *lashon meshunah*.³⁴ The name of the town or towns is not important in itself; even less so as I am addressing, and this must be emphasized, not the editing of these tractates in the amoraic or savoraic period but their exposition and instruction in the time of the Geonim.³⁵ What is important is the awareness where the settlers did *not* come from. They did not come from Sura and Pumbedita. Equally important is the realization that these two famed academies had no monopoly on either talmudic knowledge or talmudic education.



Why have we not heard of this 'Third Yeshivah',³⁶ why have we no record of it? For the same reason that we have no record of at least two other crucial *batei midrash* in Bavel that were operating, as we shall soon see, at the same time and

³³ The phrase 'Third Yeshivah of Bavel' is not of my own minting; it was suggested to me by Sara Zfatman. 'Third Yeshivah' is a shorthand device, employed simply for brevity; see below, p. 172, and Appendix I, pp. 194–7.

³⁴ See his *Mavo le-Sifrut ha-Amora'im* (Jerusalem, 1962), 69–70, 72–83, 131–44. The various theories of the editorship of *Nedarim* have been conveniently summarized in S. Rybak, 'The Aramaic Dialect of *Nedarim*' (Ph.D. diss., Bernard Revel Graduate School, Yeshiva University, 1980), 1–20.

³⁵ See above, n. 29. Put differently, six tractates were not part of the geonic curriculum. They all share a common linguistic denominator, which reflects a different editorial origin. Whether or not there is a link between this editorial otherness and the absence of these tractates from the curriculum is irrelevant to my argument.

³⁶ Truth to tell, as we know nothing of the structure of this institution, the Hebrew phrases *bet midrash* or *obel torah* would be more apt. Since neither of these terms has made its way into English, I employ 'yeshivah'.

were engaged in no less a task than inscribing the final version of the Bavli that has come down to us.³⁷ And that reason is simple. Most of our knowledge of the Geonim and their world comes from the Cairo Genizah. We are endlessly indebted to its riches; however, they have also distorted somewhat our perspective. The Genizah tells us how the Geonim and Babylonia appeared to people in the West, that is to say, Palestine (*ma'arava*), Egypt, the Maghreb, and Spain; it tells us nothing of how the Geonim appeared to people in the East, to the deeply settled communities in Babylonia and its surrounding territories. It informs us of the doings of the official centers of Torah of the time, but reveals nothing of the activities of the unofficial ones, especially if they took care to issue their works anonymously. In the West, all authority—both formal and informal—resided in the two famed Babylonian yeshivot. They had a monopoly on rabbinic decision-making and were viewed as the font of rabbinic knowledge. However, do we have any reason to assume that they had an equivalent monopoly of knowledge and of intellectual activity in Bavel itself? Is there any basis for thinking that they were seen as having an exclusive hold on religious authority by the residents of the ancient center of Jewish civilization, Babylonia? Many of its communities had been in existence for well over half a millennium before the emergence of any Geonate. Their religious leaders had been resolving their halakhic problems and adjudicating their civil conflicts for centuries, in some instances for close to 600 years; why should we assume that they now looked upon the freshly minted Geonate as the new arbiter of all things Jewish? Sura and Pumbedita may have been seen as the exclusive source of authority, the sole living embodiment of the Talmud, in Fustat, Kairouan, and Lucena, but not, I suggest, in much of Bavel itself, at least not in certain significant circles.

Suppose the tsar of Russia had had a generally benevolent, or at least a neutral, attitude to the Jews, and in 1880 had conferred the status—*de jure* or *de facto*—of ultimate arbiters of things Jewish upon the *rashei yeshivah* of Volozhin and Mir. Does one imagine that Vilna, Cracow, Lublin, or Brisk (Brest-Litovsk) would have deferred to these two institutions? Or would they have indicated, in deed if not in word, that they had been handling their affairs quite well for hundreds of years and were quite capable of continuing to do so? Would the yeshivot and *battei midrash* in these cities have closed their doors? Mir and Volozhin would have been the fonts of rabbinic knowledge and the supreme decisors for the emerging Russian Jewish diaspora in England, America, and South Africa, but scarcely for the Jews in the Russian Empire itself.

³⁷ See below, pp. 170–2; Appendix I, pp. 194–6.

Suppose again that, a century later, the Russian Empire had undergone a second Mongolian conquest and all the literature of Russian Jewry had been destroyed, leaving us to construct Jewish life in this period on the basis of a *genizah* in Paris or London through which the intellectual traffic between the Russian diaspora and Volozhin and Mir had been channeled. Would we have had any inkling of the importance of a Vilna or of the stature and achievements of the scholars of Cracow and Lublin? What would we even know of the communities themselves—their institutions, their rabbinate, their local history and politics? How does this differ from the state of our knowledge of Bavel in the geonic period? Look at the historiography of the past century. We have had major studies on the Jews in Kairouan, Alexandria, Fustat, and Palestine in this period, but none of Jews outside Baghdad and the two great yeshivot. We have books and monographs on the history of the Geonim and the Geonate, but not a history of Jewish Babylonia. The rest of Bavel, however, did not cease to exist with the anointing of Sura and Pumbedita. Let us never forget that the vast hinterland of Baghdad/Sura/Pumbedita contained the largest Jewish community in the world, and its history surely merits reconstruction to the full extent of our powers. As there are few documents, this can be done only by inference—by the retrospective method which I have employed and by drawing inferences from other disciplines, which I shall attempt. However, we are running ahead of ourselves; let us return to the Third Yeshivah.

The Third Yeshivah is hidden from our view, but can we be sure that it was hidden from the view of some of its contemporaries for centuries? Is it plausible that there should be scholars who commanded the entirety of Shas (the Talmud) and, as retiring as they may have been, were unknown to scholars and laymen alike, generation after generation? Might they not have had pupils who settled in various parts of Bavel, even in parts of the far-flung Diaspora, and later turned to them for guidance? Zvi Groner once remarked to me many years ago, 'How do we know that all the nameless responsa in the Genizah and elsewhere were authored by the Geonim of Sura and Pumbedita?' How indeed? These responsa may never have been signed to begin with, for anonymity had been the hallmark of amoraic culture. The most famous responsum of talmudic times is "They sent from there [i.e. Palestine], "Take care to observe the custom of your forefathers", that is, continue to observe the second day of the holiday (*yom tov sheni shel galuyot*), even after the institution of the lunar calendar.³⁸ The authors of that historic missive are not recorded.

³⁸ *Betsab* 4b: שלחו מתם הזהרו במנהג אבותיכם בידיכם. See also *Bava Batra* 158b.

Signing *responsa* is a geonic innovation,³⁹ and, as we shall see, there is reason to believe that scholars of the Third Yeshivah, the masters of *Nedarim*, *Nazir*, and *all of Seder Kodashim*, were not enamored of some of the new ways of the Geonim.

The numerous rulings examined in the course of my study of pawnbroking show the scholars of Early Ashkenaz dealing creatively and with quiet assurance with the numerous forms of Jewish entrepreneurial activity in the German Empire, fields of endeavor for which little halakhic guidance can be found in the Talmud.⁴⁰ Novel forms of debt transference are validated and de facto property rights bestowed on the ubiquitous Gentile pawn. These are the rulings of experienced decisors, not of men who have just stepped out of an ivory tower. To be sure, the scholars of the Third Yeshivah were not creating new fields of halakhah as did the Geonim, for example, in warranty and partnership. Nor were they ordaining new rules in debt collection and dowry. They did not carry the burden of adjusting an agricultural legal system to that of a worldwide commercial one as did the heads of Sura and Pumbedita. However, the men of the Third Yeshivah seem to have received over the centuries sufficient queries from pupils or followers to regularly bring them into contact with new economic realities and apprise them of both the need for, and the varied means of, legal adjustment to changed circumstances. This knowledge and experience was put to good use when they were called upon to regulate the activities of their co-religionists in the 'New World' of Ottonian Germany. The *responsa* of Early Ashkenaz are, from the very outset, neither the writings of novices nor the rulings of the unworldly.

Whether the tractates of *Zevahim*, *Menahot*, *Bekhorot*, and *'Arakhin*—which *were* part of the curriculum of Sura and Pumbedita—were studied there in the same depth as were *Shevu'ot* and *Bava Metsi'a* is open to question. These famed academies had to forge a code of commerce with little precedent to guide them. The Talmud treats an agricultural society, as was the Jewish community both in Roman Palestine and in Persian Babylonia. The Geonim of Sura and Pumbedita had to deal with the consequences of the Muslim conquest, which, in a relatively brief span of time, transformed an agricultural economy into an expanding mercantile one which rapidly attained international scope. The questions that now poured in from the new, distant Jewish communities in the Muslim empire dealt with religious practices and civil and marital law and inquired little about the niceties of the Temple service in the days of yore. It would not be surprising, then, if the four trac-

³⁹ See below, pp. 175–6.

⁴⁰ See *Collected Essays*, i. 59, 82–95.

tates of *Seder Kodashim* in their curriculum were treated in a perfunctory manner.⁴¹ The Third Yeshivah of Bavel had no formal standing, bore no official responsibilities. Free of the burden of leadership and adjudication—of waging war with the Karaites, of providing religious guidance to a new, far-flung Diaspora and adjudicating its innumerable disputes—this school could divide its time equally between all tractates.

Unsurprisingly, the Ashkenazic culture, from its outset, did the same. It treated *Zevahim*, *Menahot*, *Bekhorot*, and *'Arakhin*, plus the five other tractates dealing with Temple law that were not part of the Sura-Pumbedita curriculum, in identical detail and with the same attention as the other, more relevant, *sedarim* of the Talmud. They also addressed tractate *Nedarim*, which Sura and Pumbedita had neglected.⁴² There was no selectivity in their talmudic enterprise. Every line of every tractate had to be mastered to an equal degree. The talmudic canon of the founders of Ashkenaz was thus larger and more comprehensive than that of the two famed Babylonian academies, and all of it was studied with equal care.

The founders of the halakhic culture of Ashkenaz came from the Third Yeshivah of Bavel and were very much aware of this fact, as the responsum of Rabbenu Gershom clearly demonstrates. In it he shows no deference whatsoever to the Geonim. Quite the contrary, he believed that his text of the Talmud was more trustworthy than that of Sura and Pumbedita and the authority of his teacher, R. Leon, superior to that of the heads of those institutions. There was no megalomania whatsoever in the responsum of Rabbenu Gershom. His was the voice of a group that had textual and commentarial traditions stretching back as far as did those of the two renowned yeshivot, and that had preserved more faithfully than had those institutions the fullness of the amoraic curriculum. It is, then, not at all surprising that their traditions of interpretation were placed on a par with those of Rav Hai Gaon by no less an exegetical and linguistic connoisseur than the author of the *Sefer he-'Arukh*.⁴³ R. Leon, Rabbenu Gershom, *u-vet midrasham be-Magentsa* represented a group that was as Babylonian as Rav Hai and whose traditions were as ancient as those of Pumbedita.

⁴¹ For the commentary attributed to Rabbenu Hanan'el on *Bekhorot* and the reports of R. Yosef Rosh ha-Seder, see above, Ch. 3, n. 10. What is registered in the index of N. Aloni, *Ha-Sifriyah ha-Yehudit bi-Yemei ha-Beinayim: Reshimot Sefarim mi-Genizat Kahir*, ed. M. Frenkel and H. Ben-Shammai (Jerusalem, 2006), 491: *Perush Kodashim la-Rashbah*, 30: 31–2, is actually a biblical commentary on *parashat 'Kedoshim*.

⁴² See above, n. 31.

⁴³ See above, pp. 160–1, and below, p. 188.

II

Strictly speaking my essay ends here. Why the men of the Third Yeshivah arrived in Ashkenaz—by chance or by choice—is irrelevant to my argument. The significant fact is that in the mid-tenth century they and their traditions of learning did arrive there, and this heritage explains—without recourse to the Holy Spirit—Rashi's command of the entire vocabulary of Jewish Babylonian Aramaic including words of Persian origin, his detailed knowledge of talmudic realia, and his grasp of legal concepts that are employed but never fully explicated in the Talmud.⁴⁴ What is problematic is the emigration to Mainz: why would some men of the Third Yeshivah, such dedicated students of the Bavli, ever wish to leave Bavel?

We will be better able to answer this question if we consider just how much of Bavel has been obscured by the twin towers of Sura and Pumbedita. I would suggest (and I do no more than that, as I am an expert neither in geonic history nor in the history of the talmudic text) that the imposing height of these two institutions has blocked the view of not only the Third Yeshivah of Bavel, whose talmudic range exceeded their own, but also other yeshivot or *batei midrash* that were actively involved—indeed, played a decisive role—in the copy-editing of the talmudic text. The editing—gathering the various amoraic discussions on a topic, determining under which *mishnah* they should be registered, and deciding upon their sequence—was clearly over by 700, or by 750 at the very latest. The copy-editing, the final fixing of the talmudic text that we currently possess, continued in the geonic period, perhaps even as late as its closing years, in the 1030s, as no clear *terminus ad quem* can be given. The study of this involved process is in its infancy. Only two tractates have been analyzed in their entirety in light of all the available manuscripts and *testimonia*.⁴⁵ We have, in addition, a half-dozen or so analyses of individual chapters of various tractates.⁴⁶ Just from this limited material a complex picture emerges. Some chapters show minimal variation between the families of manuscripts, some show differences between a 'dynamic' edition and a

⁴⁴ See above, pp. 151, 160.

⁴⁵ M. Sabato, *Ketav-Yad Temani le-Massekhet Sanhedrin (Bavli) u-Mekomo be-Masoret ha-Nusah*, Sidrat 'Avodot Doktor Nivharot (Jerusalem, 1998); R. Shustri, 'Mesoret ha-Nusah shel Massekhet Sukkah, Bavli' (Ph.D. diss., Bar-Ilan University, 2009).

⁴⁶ e.g. E. S. Rosenthal, *Talmud Bavli, Massekhet Pesahim: Ketav-Yad Sasson-Lunzer u-Mekomo be-Masoret ha-Nusah* (London, 1985); id. 'Toledot ha-Nusah u-Ve'ayot ha-'Arikhah be-Heker ha-Talmud ha-Bavli', *Tarbiz*, 57 (1988), 1–36, and his subsequent article cited above, n. 33; S. Friedman, *Perek ha-Sokber et ha-'Umanin: Bavli Bava Metsi'a Perek Shishi*, 2 vols. (New York and Jerusalem, 1990–6); S. Y. Wald, *Perek Elu 'Overin: Bavli Pesahim Perek Shelishi* (New York and Jerusalem, 2000).

'static' one, and in some the same material is occasionally found in different sequence and sometimes, though much more rarely, the different manuscripts reflect different traditions.

Allow me to explain at the risk of gross oversimplification. There are, for example, several ways of introducing a question from tannaitic sources into a discussion (*sugya*), two of them being *ve-raminhu* and *metivei* (commonly pronounced *metvei*). One can find a family of manuscripts that will present all the queries from tannaitic sources with *metvei*; another group of manuscripts will systematically present the identical material with *ve-raminhu*. One expression is as good as the other; it is simply two different ways by which the identical *sugya* has been transmitted. Other than differences of this type, the two manuscript families present fairly identical texts. In other chapters of the same tractate or of another tractate, one will get a family with a more expansive version, another with a more conservative, terser one. For example, the Talmud points out a contradiction between the dicta of Rabbi A and Rabbi B. The Talmud replies in one family of manuscripts, 'No problem; this refers to case X, that refers to case Y.' In a second family the text reads: 'No question, the dictum of Rabbi A refers to case X, that of Rabbi B refers to case Y.' Again, there is no difference in meaning; one text is simply more reader-friendly (if the original formulation was written) or more listener-friendly (if the original text was oral) than the other. In other words, the Talmud underwent different final 'copy-edits' and this is reflected in the extant manuscripts. In all the above cases the sequence of the discussion, the various queries and replies, follow the same order in all manuscripts. (Indeed, there are mnemonic devices, or *simanim*, still embedded in the printed text of today which hark back to times of orality, when the Talmud was recited rather than written, and refer to the sequence of material to be cited in the *sugya*.) However, there are tractates in which one finds instances of difference in the sequence of a *sugya*, and occasionally even passages where the manuscripts reflect not simply differences of style, but also of content.

It is highly unlikely that Sura and Pumbedita played any role in committing the Talmud to writing, let alone in copy-editing such a text. They were so deeply invested in oral transmission, as Yaacov Sussmann and others have shown, in their continued possession of 'reciters' (*garsanim*) of fabled memory, in their nigh millennium-old monopoly of the living voice of the Talmud, that they would justly have feared that any involvement in inscription would be perceived as lending an imprimatur to such written texts and undermine their pre-emptive claims to authenticity. It was equally clear, however, that they neither opposed nor criticized the inscription of the Talmud. They maintained

only that the *Vox Talmudica*, the time-hallowed oral text as recited in the two famed yeshivot, was the ultimate arbiter.⁴⁷

For centuries everyone assumed that the written versions of the Talmud that we possess originated in Sura and Pumbedita. There was no reason, therefore, to think that any other institutions were involved in the creation of the written talmudic corpus, or even to contemplate their existence. Once this assumption has been discredited—and discredited thoroughly in 2005 by Sussmann’s great article—the conclusion appears inevitable. The initial inscription of this vast corpus in the pre-geonic period (before 700–750) and its two final copy-editions—the manuscripts divide into two versions—in the geonic era took place *outside* Sura and Pumbedita. As we shall probably never penetrate the mists of the sixth and seventh centuries, and some scholars contend that the talmudic text was both inscribed and copy-edited in the same era, let us focus on the geonic period (750–1038). The massive undertaking of copy-editing almost every line of the talmudic corpus was carried out in Bavel in this era in two different locations, in two different institutions—yet there was no reference to any of this in the Genizah.⁴⁸ What I have ‘discovered’, as a result of the *lashon meshunah* tractates taught in Ashkenaz, is not the Third Yeshivah of Bavel but the Fifth Yeshivah of Bavel. As Yoav Rosenthal’s doctorate has recently shown the strong likelihood of the existence of yet a third editorial tradition, there is probably now a sixth one.⁴⁹ The Third

⁴⁷ Y. Sussmann, “Torah she-be-’al Peh”, *Peshutah ke-Mashma’ah: Kofo shel Kutso shel Yod’, Mehkerei Talmud*, 3 (Jerusalem, 2005), 209–384; N. Danzig, ‘Mi-Talmud ’al Peh le-Talmud bi-Khetav’, *Sefer ha-Shanah Bar Ilan*, 30–1 (2006), 49–112.

⁴⁸ When the notion of a polycentric Bavel crystallized in my mind, I contacted Shamma Friedman and said that I wished to run some ideas of mine past him. He said that my timing was excellent as he wished to drop by and give me his volume of collected essays that had recently come out. After I outlined the ideas in this essay, he smiled and said, *ברוך שכיוונתי, אבל הססתי*, which translates roughly as, ‘I’m glad to discover that we both thought along the same lines; however, I hesitated.’ He took out the book he had just inscribed, *Sugyot be-Heker ha-Talmud ha-Bavli: Asufat Ma’amarim be-’inyanei Mivneh, Herkev ve-Nusah* (Jerusalem, 2010), turned to his introduction, where (p. 13), in the midst of a description of the way the manuscripts break clearly into two families, there appears a sentence which reads: *יש לראות תהליך זה כאילו מתרחש, לשבר את האוון, בשני מרכזים שונים בבבל* (‘One should see this process as if, to speak metaphorically, it took place in two different centers in Bavel’), which, however, is not followed up—understandably, as the author is an eminent scholar of texts, not a historian whose task is to think institutionally. For the objection that these other institutions were housed in Sura and Pumbedita, see below, Appendix I, pp. 194–6.

⁴⁹ ‘Massekhet Karetot (Bavli): le-Heker Mesoroteiha’ (Ph.D. diss., Hebrew University of Jerusalem, 2004), 155–207. I would like to thank Dr Rosenthal for providing me with a copy of his thesis and further discussing it with me. I have written ‘strong likelihood’ because he has informed me that, while it is true that the reading in Genizah fragment JTS ENA 2093/5–6 is so different from those of the other manuscripts that it seems to represent, alongside the *Halakhot Gedolot*, a different editorial

Yeshivah of Bavel was itself no monolith but was composed of several differing *battei midrash*, as the *lashon meshunah* of *Temurah* is found only in the *lishna aḥarina* of that tractate.⁵⁰

The quantity of talmudic texts whose manuscripts have been closely studied is less than 10 percent of that corpus, and it has yielded already four to five *battei midrash* engaged in finalizing the text of the Talmud. Would it be unreasonable to assume that a study of the remaining 90 percent would reveal another four or five such institutions?⁵¹ An entire cluster of academies was engaged in finalizing the text of the Talmud outside of Sura and Pumbedita. If one of the versions did emanate from one of those two famed institutions, or from the two jointly, clearly the editors of the other versions, who were located in other *battei midrash*, were in no way deferential and felt their edition to be equal to that of Sura and Pumbedita.

Some have entitled 'transmission' what I have here called 'copy-editing'. The difference in terminology may be important to some views of the history tradition, nevertheless the entire fragment is only two pages long and, while close to the text found in the *Halakhot Gedolot*, it is not identical with it. Thus, a caveat should be entered that there remains an *outside possibility* that there are only two textual traditions of *Karetot*. He further warned about a natural misinterpretation of the argument made in the essay. While suspending judgment as to my claim that a separate editorial tradition implies the existence of a separate institution, the reverse, he noted, is certainly not true: the existence of a separate institution does not in any way imply a separate editorial tradition. There can be five institutions with only three traditions. For example, we have no idea what tradition of 'copy-editing', if any, obtained in Sura or Pumbedita. In *Karetot*, for example, a geonic responsum cites a passage of the Talmud as is found in the above-cited Genizah fragment (Rosenthal, 'Massekhet Karetot', 100 n. 22, 146 n. 100).

Similarly, there is no reason to assume that the institutions which taught the *lashon meshunah* tractates (some of whose scholars moved to Ashkenaz) had any distinctive textual traditions. Indeed, the Ashkenazic text as reflected in the Mainz commentary on *Karetot* corresponds to one of the two families of manuscripts that characterize most tractates, only that both here employ *lashon meshunah* (ibid. 55–74). One might add that they equally could have been copy-edited in the same *battei midrash* that produced the final form of the other tractates. It is difficult to conceive that the same persons would edit different parts of one corpus in dissimilar dialects. However, finding texts in *lashon meshunah* that needed copy-editing, there is every reason to do so in that dialect, and this can be accomplished with little difficulty.

⁵⁰ The phrase *lishna aḥarina* ('another version [reads]') is found a few times in many tractates. In *Temurah*, a tractate of only thirty-four folios, they simply abound. There are no fewer than twenty-three of them in the standard printed text; another nineteen are found in MS Florence, BNC Magl. II 1.8, and yet more in R. Betsal'el Ashkenazi's notes to *Seder Kodashim*, printed in the Romm Talmud under the title *Sbitah Mekubbetset*. It is these alternative versions which contain the *lashon meshunah*. See E. S. Rosenthal, 'Li-Leshonoteiha shel Massekhet Temurah', *Tarbiz*, 58 (1989), 326–7.

⁵¹ Indeed, Y. Elman's analysis would point to yet a seventh *bet midrash*. See his 'Resh Pesachim ba-Bavli u-va-Yerushalmi: She'elot be-'Arikhah u-ve-Hithavut', in A. Amit and A. Shemesh, eds., *Melekkhet Maḥshevet: Kovets Ma'amarim be-Nos'ei 'Arikhah ve-Hitpathut shel ha-Sifrut ha-Talmudit* (Ramat Gan, 2011), 9–25.

of the talmudic text. From the point of view of this essay it is irrelevant. Call it what you will, various centers were empowered to give the final shape to a 'fixed but fluid text, fixed in content and basic formulation but open to rephrasing'.⁵² The authority to give final form to the central normative text of a religion is no minor matter. As any lawyer will tell you, draftsmanship can be determinative, and no junior scholar would be permitted to undertake such a task. Such copy-editing could only be done by someone who had a sovereign command of this normative corpus, and whose editing, one could be sure, would never alter in the slightest way the content of the canonical text. We are talking, then, about master scholars who had the full confidence of the talmudic elite; and to all appearances, they were neither members nor representatives of the two renowned academies, committed as those institutions were to their sole possession of the living *Vox Talmudica*.

This is no less true of other works in the Jewish canon. Research on the *midrash* of *Eikhab Rabbati*, for example, has pointed to extensive editorial revision in Babylonia which does not seem linked to the yeshivot of Sura and Pumbedita, as the Geonim appear to be unaware of *Midrash Rabbah*.⁵³ The inscription of the Talmud was certainly over by the mid-eighth century; however, it is difficult to assign any dates to the completion of its massive copy-editing, as it is equally difficult to give a *terminus ad quem* to the editorial work on the *midreshei aggadah*.

If one seeks a text stating the existence of multiple centers of rabbinic activity, none is to be found. However, the different dialects employed in editing, the different modes of copy-editing, and the variety of the genres of the classical literature that were undergoing revision lead the historian to infer the activities of such institutions. Textual edition and the study of history have been operating in separate spheres; they need to be joined. The significant progress that has been made in the past two generations in reconstructing the editorial processes that rabbinical literature underwent has historical implications which reflect a far more complex reality than what seems at first to emerge from the Genizah.⁵⁴ When these textual studies are coupled with

⁵² The formulation is that of Shamma Friedman in a personal communication.

⁵³ Paul D. Mandel, *Midrash Lamentations Rabbati: Prolegomenon, and a Critical Edition to the Third Parasha*, Ph.D. diss., 2 vols. (Hebrew University of Jerusalem, 1997), i. 127 ff. (A much briefer presentation of points relevant to this discussion may be found in his 'Between Byzantium and Islam: The Transmission of a Jewish Book in the Byzantine and Early Islamic Periods', in Y. Elman and I. Gershoni, eds., *Transmitting Jewish Traditions: Orality, Textuality and Cultural Diffusion* [New Haven, 2000], 78–100.) Version A, the tradition that shows strong Babylonian influence, substitutes Esav/Yishma'el for Esav/Se'ir, which would indicate that the reworking was done after the Arab conquest. I wish to thank Dr Mandel for making his thesis available to me.

⁵⁴ See above, n. 49.

Sussmann's monograph, which strongly precluded the involvement of Sura and Pumbedita in any textual editing, indeed, with any talmudic inscription at all, the multi-institutional rabbinic landscape, the decentralized, even diffuse, intellectual activity in Bavel become ever more apparent.

Babylonia and 'Sura and Pumbedita' are not one and the same thing, even though it initially may appear that way from the vast repository in Cairo. The Genizah is full of the products of these large-scale editorial undertakings, but of the institutions that were engaged in these activities, that produced these texts, there is not a word. They go entirely unnoted—for some significant *battai midrash* prized, as we shall very soon see, anonymity. If one goes by names—personal and topographical—the Genizah reflects simply the coming and going of the couriers in the two famed yeshivot; toponyms and signatories, however, are not an accurate gauge, by any means, of the massive, ongoing rabbinic enterprises that were under way all over Bavel (and Palestine, for that matter). Put differently, Sura and Pumbedita had a duopoly on authority in the Diaspora; they never had one on the intellectual activities of Babylonia. Bavel, in the three long centuries of the Geonim (750–1038), must be seen as it actually was—in all its richness and variety, not reduced to what it seemed to be to the distant eyes of the West. In matters rabbinic, Bavel was polycentric, and dynamically so. Indeed, those unsung bastions of learning were engaged in nothing less than constructing the 'portable homeland' of the Jews and shaping their civilization to this day.



Such were the institutional consequences of looking historically at the results of textual studies. The anonymity of the men engaged for generations in this huge editorial undertaking yielded a cultural inference, which, in turn, may lead us to the solution of our original question: why the migration? Why would the men of the Third Yeshivah—tenth-century devotees of the amoraic heritage—leave the land of their fathers, the country where Jews had dwelt for close to a millennium, and venture to the land of Edom, settling in what was to them the end of the world, the Ottonian Rhineland?

The scholars involved in the geonic period in this extended enterprise of copy-editing were nameless, and intentionally so. They were continuators of the *savora'im* and *setama'im*, the faceless men who so decisively shaped Jewish history. Few, if any, have had the impact on Jewish culture as those who had 'put together' the Talmud—gathered the records of the scattered discussions, determined which *sugyot* would be included in the canon and which not,

where they would be entered and in what sequence, and, perhaps, even composed some or all of the innumerable anonymous passages of the Talmud. Yet the *savora'im* and *setama'im* are nameless, or as close to nameless as is humanly possible. To seek to perpetuate one's memory by linking it to the timeless texts of *torah she-be-'al-peh* was to them an act of sacrilege, for it meant turning an ultimate into an instrument, and an instrument of self-aggrandizement at that. They were the guardians of the Divine word, and to commemorate themselves by means of that word was to betray their trust. It was far worse than taking money or being publicly honored for one's editorial toil. Any material benefit derived from the Torah disappeared with the death of the beneficiary; attaching one's name to that Torah constituted an endless—in a sense, an eternal—breach. The names of a few people about whom we know nothing is all we have for a period of some 200–225 years of unremitting toil and of an importance without parallel in Jewish history.⁵⁵

Like their savoraic predecessors, the copy-editors saw themselves as servants of the text, toilers in the vineyard of the Lord deserving of no recognition. This ongoing insistence on anonymity by the editors and copy-editors of the rabbinic heritage—and remember that we have no *terminus ad quem* for this copy-editing, which may well have gone on throughout the geonic period—meant that the savoraic culture had not disappeared with the rise of the Geonate; it had continued for many centuries in numerous *battei midrash*, and, most probably, also in sectors of the general population of Babylonia. Signing one's name and the recognition that accompanies authorship are hallmarks of the Geonate. The Geonim were leaders and, of necessity, politicians; two professions in which neither modesty nor anonymity is a virtue. This indicates that two different cultures had existed side by side throughout the geonic period and tension between them would have been inevitable. What the dedicated, unnamed men of the 'other' yeshivot thought of the assertive and attention-calling institution of the Geonate with its pomp and circumstance, its authored books and signed responsa, is unrecorded but, perhaps, may be imagined. 'Paris is not France' is a time-worn admonition of historians; perhaps 'Baghdad and Sura-Pumbedita are not Bavel' should be another. Bavel in the geonic period may well have had no single civilization with an agreed-upon set of values and unified mores; on the contrary, it was probably a divided, and possibly even a much-contested, ground.

⁵⁵ The importance of the *savora'im* is unquestioned; the exact nature of their work and the length of the savoraic period, which I have taken as beginning c.425, is a much-contested issue which fortunately has no bearing on our argument. For a recent bibliography on the savoraic question see A. Hakohen, 'Le-'Ofyah shel ha-Halakhah ha-Savora'it: Sugyat ha-Bavli Resh Kiddushin u-Masoret ha-Ge'onim', *Dine Israel*, 24 (2007), 161–4 nn. 1–5.

I would like to explore this possibility and proffer a hypothesis or two that students of Geonica might deem worth considering. If subsequent research confirms these conjectures, it would round out our picture of the early years of Ashkenaz and shed further light on some long-term characteristics of that culture.

Once again, it seems best to employ the retrospective method. Let us turn back to Early Ashkenaz, observe some of its original traits, and then return to Babylonia and search for answers to our questions.

The Geonate was not an authoritative institution in Ashkenaz, which is entirely understandable in light of what we now know of the founding fathers. There is, however, a difference between not reflexively submitting to the religious governance of the Geonim and adopting a casual, at times even dismissive, attitude to their rulings. This posture is already apparent in the writings of Rabbenu Gershom, the most prominent of the first generation of Ashkenazic scholars. He did not learn to take the Geonim lightly in the Rhineland. A Rhenish scholar had no more basis for disregarding the Geonim than did a Spanish, Provençal, or North African one, and the scholars, early or late, of all of these last three cultures revered the Geonim. It would seem, therefore, not to be an attitude that was developed but rather received, one that the original settlers had brought with them from Bavel and had imparted to their disciples. What was there in the conduct of the Geonim in Sura and Pumbedita that generated the disrespect or, at the very least, the absence of respect, among the men of the Third Yeshivah?

A second striking feature of Ashkenaz from the outset down to the eighteenth century is its indifference to the culture of its surroundings. A research group at the Advanced Institute in Jerusalem spent an entire year looking for evidence of some interest and could find almost none. Nor did they uncover any reason for this incuriosity and lack of involvement.⁵⁶ Unlike Jews of other cultures, Ashkenazic Jews, for close to a millennium, displayed no serious interest in, and had no sustained engagement with, the rich intellectual life of the Gentiles around them—not in medicine, not in astronomy, not in philosophy; far less did they adopt the poetic or belletristic models of their environment. Works on medicine did circulate, but they were read for pragmatic purposes; Ashkenazic Jews did not view medicine as an area worthy of exploration and advancement for its own sake and were equally uninterested

⁵⁶ The results of their year-end conference were published in 2009 as the eighth volume of the *Simon Dubnow Institute Yearbook*. See esp. the introduction of the editor, G. Freudenthal (pp. 17–26). See also R. Leicht, 'The Reception of Astrology in Medieval Ashkenazi Culture', *Aleph*, 13 (2013), 201–34, esp. the summary, pp. 232–4.

in other sciences of medieval Europe, let alone its philosophical thought. This is so unique and long-standing a trait of Ashkenaz that it seems to be part of its cultural DNA.

Casual or 'de facto' indifference alone—there was no vibrant culture in the Rhineland at the time to attract them⁵⁷—will not explain this aversion. Provence too was initially indifferent to the surrounding culture. The refugees from Spain fleeing the Almohad persecution arrived in Provence in the mid-twelfth century and brought with them the Judeo-Arabic culture of Andalusia. Hebrew translations were swiftly made of the classic works of Spain, and within some seventy-five years large sectors of the Provençal intelligentsia were deeply engaged in the surrounding culture of the society in which they were embedded: in medieval science and philosophy, even penning works in such new and alien genres as secular poetry and belles-lettres. Ashkenaz was immune to such involvements. Indifference rather than opposition reigned at the outset of Ashkenazic history; there wasn't much to oppose. For a century or more, the lack of interest was low-key and relaxed. That casualness, however, is deceptive: it was the ease of an ideology in repose. Principled indifference is a deep-rooted characteristic of Ashkenazic culture, almost a genetic trait. This profound opposition to any involvement with the surrounding civilization would be readily understandable if the founding fathers of Ashkenaz left Babylonia precisely to escape the encroachments of the Judeo-Arabic culture in Bavel.

With these Ashkenazic characteristics in mind, let us return to Bavel and attempt to see it as it was seen not in the West but in the East, at least by some. Were I writing in French, I would switch here into the subjunctive mood, for all the retrospective method yields at the outset is a working hypothesis. What happened in a later stage is possible, or probable, only if X existed in a previous one. One then proceeds to ask whether the existence of X in that earlier stage is likely and whether traces of it can be detected *once attention is focused on their discovery*. Geonica is not my field. I can only address the question of X's plausibility and leave to students of Geonica the task of verifying or denying its factual existence. For this reason the title of this essay characterizes it as 'a proposal'. The question I address is: is it plausible, even probable, that some people in Babylonia in the tenth century looked askance at the Geonate and were also adamantly opposed to involvement in the culture of its surroundings?

⁵⁷ The flourishing culture of the cathedral schools of the 10th century was confined to a tiny elite. It was not remotely comparable in scope to that of 10th-century Baghdad. See C. S. Jaeger, *The Envy of the Angels: Cathedral Schools and Social Ideals in Medieval Europe, 950–1200* (Philadelphia, 1994), 36–179, and the literature there cited.

We take the existence of the Geonate for granted. It is worth remembering that the Geonate is prescribed neither by the Torah nor by the Talmud. It is a creation of the Abbasid Caliphate, *de facto* or *de jure*. Around 750 an anointed officialdom of talmudic studies emerges with claims to a monopoly of religious knowledge and authority. Such claims may have won full acceptance in the West; however, is it a stretch to imagine that a Babylonian *bet midrash* with an independent talmudic tradition broader than that of the new hegemon and stretching back well into the amoraic period may have viewed such contentions of suzerainty as absurd, even found it offensive? Could not the men of the Third Yeshivah have legitimately asked, 'Why should the relocation of capital of Gentile rulers determine talmudic authority?'

In 750 the Abbasids shifted their capital from Damascus to Baghdad, and around that time the Geonate, after a shadowy existence of perhaps a century and a half, emerged suddenly in full view. Historians have reasonably linked the two developments: the relocation of the Caliphate to Baghdad brought the Geonate, as history knows it, into existence. Such an institution was in the interests of the Caliph. To the extent that the Jewish communities in the far-flung Islamic Empire were subordinate to establishments in the Caliph's backyard, they were all the more subject to his direct control. Granting such hegemony would be a natural component of the centralization of Abbasid power. Nor need there have been any formal conferral of authority.⁵⁸ In an absolute autocracy, being looked upon with favor by the ruler is empowerment enough, especially for members of a wholly dependent, tolerated minority.

Certainly the move of the Abbasids transformed the Geonate, as the scope of its potential authority increased immensely. The vast expanse of the Islamic empire gave a new urgency to the old struggle between Palestine and Babylon for religious hegemony. The Geonate could be transformed into an institution of international significance. Of necessity, it had to become politically oriented, to acquaint itself with the center of power newly located in its vicinity. True, the Exilarch was charged with political leadership, but the relations of the Geonim with the Exilarch were not always the best, and if they were to entrust their material fate to another institution, they would swiftly have lost their independence. The Geonim or, more accurately, their representatives and well-wishers, had to now walk the corridors of power and familiarize themselves with its major players, their ambitions, whims, and desires. With power came the public displays of difference, the pomp and

⁵⁸ Some previous historians linked the rise of the Geonate to the enforcement of their authority by the Caliphate. R. Brody, in *The Geonim of Babylonia* (above, n. 29), 334–40, argues that there is no evidence in the sources of any such grant of authority.

circumstance with which all authority surrounds itself so as to place distance between the leaders and the led and inculcate the notion that rulers and ruled occupy different planes of existence. The greater the power, the more meaningful are the fine gradations of proximity to it. Hierarchies become more intricate, rankings more defined and formalized. Some of this may already have existed in the earlier days of Sura and Pumbedita, but it was greatly intensified by the new closeness to the political and administrative center which controlled an empire stretching from India to the Pyrenees.⁵⁹

As inevitable as these new developments may have been and as positive as some of their results were to prove, some might look with unease, even distaste, at the transformation. Abbaye and Rava had never called themselves 'Geonim', and Rav and Shemu'el had lived, taught, and led the Jewish community without the trappings of authority or rituals of power. Where there is power, there are power struggles, and some of them were quite loud and nasty. Geonic politics had more than its share of unbecoming moments, which shed no luster on either the Geonate or the religion that it represented.

Responsa is a genre created by the Geonim and, together with the halakhic monograph, it is their most permanent legacy to the halakhic literature. It allowed them to link the scattered communities of the far-flung Diaspora and provide guidance to those at great distance from any center of Torah. The subject of a responsum, however, is determined by the inquirer. As noted above, the new forms of enterprise of the emerging commercial world raised endless questions in commercial law, and the recently established communities in North Africa and Spain needed practical guidance in marital law and in religious matters.

The Geonim rose to the challenge; the attention of Sura and Pumbedita, certainly that of their most creative minds, turned in new directions. This, however, entailed concentration on the laws which were currently relevant and inattention to that which was currently irrelevant. Not that the latter disappeared from the curriculum, but one might question how much serious thought was being devoted to the study of *Zevahim* and *Menahot*, *Bekhorot*, *'Arakhin*, and *Nazir*.⁶⁰ Put differently, the amoraic intellectual heritage was trimmed to contemporary needs; the energies of the ancient academies were now focused on an abridged Talmud. Some may well have seen in this reduction a cultural loss and wanted no part in this diminution.

The emergence of the Geonate, the rise of an entirely new genre of

⁵⁹ N. Danzig, *Mavo le-Sefer Halakhot Pesukot* (above, n. 5), 1; Brody, *The Geonim of Babylonia* (above, n. 29), 10–11, 185–6.

⁶⁰ *Nazir*, as noted above (n. 32), may not have been in the curriculum altogether.

halakhic writings, the responsa, and the notion and legitimacy of personal authorship were simply part of a far wider transformation. My previous contrast between the savoraic culture and that of the Geonim regarding anonymity should be seen as one of the differences between the Judeo-Iranian civilization of some half of a millennium and the new, emergent Judeo-Arabic one.⁶¹ We tend to think of such transformations primarily in terms of high culture, language, and intellectual life, for literary remains are all that we have. These are, indeed, extremely important, as we shall see. However, 'culture' in the broader sense means the entire way one perceives the world and how one feels and acts in it. It shapes the relationship between husband and wife, standards of private and public comportment, notions of honor and shame, rest and relaxation, child-rearing and education. Any major cultural shift involves a radical transformation of the proprieties of behavior and of accustomed ways of thinking. Some find living on the cusp of such a *bouleversement* exhilarating; others find it deeply unsettling, indeed, deserving of unrelenting resistance.

The Judeo-Iranian culture had contained its inevitable share of acculturation, as the writings of Yaakov Elman and his colleagues have brought home to us.⁶² But for those brought up in this culture (and for those who later sought to preserve it) it appeared autochthonous and wholly Jewish, much as the *shtrayml* appears to contemporary Hasidim to be as Jewish a garment as the *tallit*, and not the headgear of Polish noblemen of the eighteenth century. The new way of life that was emerging would have appeared to some deeply conservative people as a rejection of the customary Jewish modes of conduct and a repudiation of the time-hallowed ways of thinking and feeling. It was untraditional and thoroughly alien, and it was best to place as great a distance as possible between themselves and these powerful forces of negative change. In this group, I suggest, were some of the scholars from the Third Yeshivah of Bavel.

As bad as these changes may have seemed, the worst was yet to come. Indeed, I would suggest that it was the final phase of this metamorphosis that triggered the migration to Ashkenaz, though one may reasonably assume

⁶¹ Sussmann, in "'Torah she-be-'al Peh'" (above, n. 47), 328 n. 31, has remarked on the simultaneous developments occurring around the mid-8th century, coeval with the time of the transfer of the Abbasid capital from Damascus to Baghdad: the emergence of the Geonate, the inscription of the Talmud (at least for communities in the Diaspora), and the first appearance of halakhic works other than the Talmud, such as the *She'iltot* and *Halakhot Pesukot*. All of which join in pointing to the decline of one culture (that of the *savora'im*) and the emergence of another (that of the Geonim).

⁶² See e.g. Y. Elman, 'Acculturation to Elite Persian Norms and Modes of Thought in the Babylonian Jewish Community of Late Antiquity', in Y. Elman et al., *Neti'ot le-David: Jubilee Volume for David Weiss Halivni* (Jerusalem, 2004), 31–56.

that the disruptive cultural changes of the preceding century had alienated some from their surroundings and eased the decision to relocate. I emphasize again that we are probing an inference of the retrospective method, namely, that opposition to involvement in the higher culture of the host society was part of the ethos of the founding fathers, and asking whether it is probable for such an ideology to have developed on Babylonian soil by the mid-tenth century.

The new Judeo-Arabic culture progressed from a transformation of mores to a menacing transformation of *Weltanschauung*. In the tenth century the conservative forces in Bavel were confronted not simply with a world of new values and a novel way of life, but with a culture that was diverging radically from that of the *amora'im*. A new paideia was forming—and with it a new elite—that had a different intellectual agenda: philosophy, science, biblical exegesis, and grammar. Talmudic studies occupied only a portion of it. These new cultural horizons had been legitimated, in the ‘conservative’ view, by the appointment in 928 to the Geonate of Sura of Rav Sa’adyah.

Jews in tenth-century Babylonia faced a situation similar to that confronted by German Jewry in the eighteenth century and by east European Jewry in the nineteenth. An inward-turning, relatively self-contained culture of close to a millennium was confronted with a new, ‘modern’ one of a vastly higher cultural level than that of the Sassanian society that had previously enveloped it. It proffered a more rational mode of belief, a more ‘sophisticated’ notion of God, a far clearer account of the workings of the natural world, and fresh, novel forms of literary expression—all of Gentile origin. One of the bearers of this new intellectual agenda was the Egyptian Sa’adyah ben Yosef al-Fayummi, and his appointment as the Gaon of Sura was the equivalent of appointing R. David Tsevi Hoffmann as the *rosh yeshivah* of Volozhin.

Is it unreasonable to assume that there were many in the tenth century (among them some scholars of the Third Yeshivah) who resisted, just as did large numbers of Jews some 800 or 900 years later? It would be astonishing if this were not the case. Such a conflict may not have occurred in the relatively new Jewish communities in the West, and hence no record of it is to be found in the Genizah. In the East, however, in Babylonia itself, such cultural and ideological contentions seem inevitable. What long-entrenched civilization surrenders without a protracted struggle? A centuries-old way of life and millennium-old *Weltanschauung* never lack ardent defenders. To some, perhaps even to many, in Babylonia it appeared that nothing less than the Judaism of time immemorial, the Judaism of Rav and Shemu’el, of Abbaye and Rava, and that of all the *amora'im* and *savora'im* was being destroyed. Small wonder,

as the source and inspiration of the new paideia was wholly Gentile. This new-begotten culture and all its enticements had to be shunned entirely. Nothing was more dangerous, in their view, than any involvement in it. One's entire energies should be dedicated now as before to *talmud torah* and to it alone. Jews must continue to be engaged, as they had always been, in grasping and interpreting that vast repository of Divine law and authentic Jewish culture—the Talmud, both its halakhah and aggadah.

III

Why, as the tenth century neared its mid-point, a small segment of this group moved to the Rhineland, of all places, we may never know for certain. No more than we would know why a group, gathered around John Winthrop, embarked for the strange and distant New World, if we did not have the journals of Winthrop and the records of the Massachusetts Bay Company. One thing seems clear. Without an offer of support for these scholars and their institution, the move would scarcely have been undertaken. Nor is such an offer difficult to imagine. The Rhineland was the richest area in the Ottonian Empire,⁶³ the greatest power in western and central Europe at the time. There was a Jewish collectivity in Mainz by the 930s, and many Jews were actively engaged in the vigorous trade, both local and international, that converged on that city.⁶⁴ It would require only a forceful advocate or two—remember how very small the Jewish population was in this period—for such a group of affluent and widely traveled merchants to decide to seek, as it were, their own place in the sun, to create a cultural center befitting their economic position, something to match that of their co-religionists in Islamic countries among whom they traveled and who, in all probability, looked upon these uneducated 'Franks' with contempt.

We may even have a record of what finally triggered a decision that had been a while in the making. A query was sent by men of the Rhineland to 'the communities in Erets Yisra'el' in 960 about the time of the advent of the messiah. They received the following reply: 'As to the coming of the messiah you were [*sic*] not worth replying to . . . It were better that you had asked us about the deep [topics] of [the tractates] *Yevamot* and *'Eruvin*.'⁶⁵ They had asked a deeply serious question in all sincerity, had sent an emissary with their query on a long and dangerous voyage, and had been treated like yokels. This may have been the last straw: never again would they be humiliated as country

⁶³ See above, pp. 122–41.

⁶⁴ See above, pp. 127–8.

⁶⁵ וטוב היה לכם לשאול לנו בעמקי יבמות ועירובין.

bumpkins.⁶⁶ A twelfth-century scholar, R. Yitshak b. Dorbelo, first reported this query, and some scholars have questioned its authenticity. I have always been inclined to view it as genuine, seeing that it is the most insulting comment that we possess on the patriarchs of any Jewish community in the Diaspora. It is not something that their descendants would invent; quite the reverse—it is a document of which most would prefer not to know, and that is why it surfaced by accident only some two centuries later in Worms. If this dismissive reply was, indeed, the turning point, the straw that broke the camel's back—and this is no more than a conjecture—we would have 960 as the *terminus post quem* for the emigration.⁶⁷

Why such an offer was made in the mid-tenth century is not difficult to imagine. Why the most fearless and adventurous of the Babylonian expatriates (all others, I assume, declined to journey thousands of miles to an unknown location in a vastly differing climate) might have been inclined to accept is equally understandable. Though, I repeat, without further information we shall never know what turned inclination into decision.

As the fourth or fifth decade of the tenth century drew near, the future in Bavel looked bleak. The Abbasid Empire was unraveling; Baghdad had been ravaged by a flood of unparalleled dimensions and was then racked by bloody turmoil as warring groups took and retook the city. Its economic hinterland was in decline, its people emigrating, seeking their livelihood elsewhere.⁶⁸ As for matters of the spirit, the situation was even worse. Pumbedita was now in chaos; its incessant politics had effectively dug the grave of the institution, and Sura had attempted to stave off dissolution in 928 by appointing an 'infidel', the Egyptian Sa'adyah, as its head. The new Arabic civilization was becoming ever more sophisticated, and, despite all the material problems of those years, its influence was ever more pervasive. Cultural contamination now threatened the devotees of the old order; they had to find some way to escape from the osmosis with the environment.

The hardest and most committed of this segment of the Jewish population began to entertain the unthinkable—emigration, if only the opportunity presented itself. But where were they to go, what opportunities should they seize? Emigration to the backwater of the Holy Land and especially Jerusalem and its environs, to which some had, perhaps, retreated, was out,⁶⁹ as Jeru-

⁶⁶ For the account of Yitshak Dorbelo, see A. Z. Eshkoli, *Ha-Tenu'ot ha-Meshihiyot be-Yisra'el* (Jerusalem, 1956), 155–8.

⁶⁷ See below, n. 76.

⁶⁸ E. Ashtor, *A Social and Economic History of the Near East in the Middle Ages* (London, 1976), 169–76; id., 'Un mouvement migratoire au haut Moyen Age: migrations de l'Irak vers les pays méditerranéens', *Annales d'histoire économique et sociale*, 27 (1972), 185–214.

⁶⁹ *Ginzei Schechter*, ed. L. Ginzberg, ii (New York, 1929), 556.

salem had become, in the tenth century, the center of the Karaites, much of whose vibrant intellectual life drew on the alien, insidious Arabic culture from which these culturally conservative scholars had so sought to insulate themselves.⁷⁰ Most new settlements in the Islamic world were founded after the Arab conquest, and even if the settlements had antedated the coming of Islam, they had nothing, not even a residual element, of the ancient civilization from which they, the saving remnant, had issued. There was less of a chance of their retaining the old world—the world of the *amora'im* and *savora'im* (as they thought it to have been)—in these locales than in Babylonia. The only alternative was the land of Edom.

Such a decision—to continue the modern analogy in a subjunctive mood—would have been much like that of Akiva Yosef Schlesinger in the latter half of the nineteenth century. The struggle with the forces of Enlightenment and modernity in Hungary, indeed, in Europe generally, was a lost cause. The only solution was to retreat to a cultural backwoods, Palestine of the Ottoman Empire.⁷¹

Not that the Babylonian resisters would have moved precipitously to distant and wholly unknown lands. That would have been folly. As we now know that there was no lack of communication at this time between the Rhineland and Babylonia,⁷² it seems reasonable to assume that inquiries were made of merchants and travelers as to the nature of the new land and its inhabitants, and, of no less importance, just how serious these 'Franks' were, how intent these sincere but unschooled Jews were on establishing a Jewish culture in the land of Edom. The emigration to Germany may well have taken place over a period of time. The route they followed awaits further research. Some may well have taken the Black Sea route, moved through Byzantium, and acquired some literature there; others may have opted for the Mediterranean route and traveled either via Italy and, in the ancient Jewish settlements of the peninsula, picked up some books and camp followers, or via Provence to Arles and up the Rhone. Whether it was a one-time move or emigration in waves, whether the Babylonians took one route or many, things came together, crystallized, in the middle of the tenth century with the founding of the yeshivah in Mainz.

If the Ottonian merchants of the land of Edom entertained high ambitions, if they wished to avoid creating simply a pale imitation of Kairouan or

⁷⁰ H. Ben-Shammai, 'The Karaites', in J. Prawer and H. Ben-Shammai, eds., *The History of Jerusalem: The Early Muslim Period—638–1099* (Jerusalem and New York, 1996), 211 n. 41.

⁷¹ See M. Silber, 'Pe'amei Lev ha-'Ivri be-'Erets Hagar', *Kathedra*, 73 (1994), 84–105 and the bibliography cited there.

⁷² For the numerous contacts between the Rhineland and Babylonia, see above, pp. 122–41.

Fustat which would always be viewed as inferior to its parent community, no better choice could have been made by the founders of the new northern Jewish civilization than inviting the expatriates of the Third Yeshivah of Bavel. Intended or not, what occurred in tenth-century Ottonian Germany was a true *translatio studii* (the epoch-making relocation of a cultural center) from Babylonia to the Rhineland, only what was being translated was not the Babylonia of the tenth century but the Bavel of the *amora'im* and *savora'im*—as envisaged by the immigrant founders.

These men felt no deference to the Geonim. For Ashkenaz was founded by an 'anti-geonic' group, as it were; perhaps better, a 'non-geonic' group. Its founding fathers were a body of scholars who had never accepted the monopolistic claims of the Geonim to rabbinic authority. They had discounted the hierarchical ways of discussion in the academies of Sura and Pumbedita at the time and took care that in the new yeshivah which they founded in the Rhineland a far more informal, even intimate, atmosphere prevailed.⁷³ They may not have been critical of the geonic preoccupation with applied halakhah; it was, after all, a historical necessity. However, they had no use for it as an ideal. Realistic jurisprudence was an overriding need; it should not become a pre-emptive occupation. Ad hoc rulings were one thing; devoting one's energies to writing halakhic monographs on new actualities another. Grasping the totality of halakhah was the true goal of talmudic studies, not simply application of sections of it. Their Talmud was larger, their curriculum broader by six tractates than that of the academies of Sura and Pumbedita, and all of the Talmud was studied and mastered equally. Power had never tempted them, and they had remained untainted by the corruptions of politics. Above all, they had never defiled their intellectual inheritance by steeping themselves in the so-called 'wisdom of the Gentiles' and presenting their heritage in its light. In view of the vast transformation that attended the full arrival of the Judeo-Arabic culture in Babylonia, they may well have felt that they were not leaving Bavel; Babylonia had left Bavel. They were taking Bavel—the true Bavel, the Bavel of old—with them.

IV

In what ways did this 'Puritan migration', the transplanted men of the Third Yeshivah of Bavel, leave their imprint on Ashkenaz?

⁷³ See A. Grossman, 'Ha-Yeshivot be-Bavel, be-Germanyah u-ve-Tsarfat ba-Me'ot ha-Yod ve-ha-Yod-Alef', in R. Feldhay and I. Etkes, eds., *Hinnukh ve-Historyah: Heksherim Tarbutiyim u-Politiyim* (Jerusalem, 1999), 79–99.

That Ashkenaz sprang from a Babylonian transplantation seems a firm conclusion. Otherwise, how does one account for their sovereign command of Babylonian Aramaic, their capacity to explicate with ease and in detail the aggadic portions of the Talmud with their vast, variegated vocabulary, something no other diaspora seemed capable of doing? Why else would the author of the *'Arukh* view the explications of Rabbenu Gershom and the *Commentaries of Mainz* as on a par with those of Rav Hai? That these Babylonian settlers stemmed from the Third Yeshivah seems a reasonable inference. Otherwise, whence the source of the Ashkenazic commentarial traditions of the *lashon meshunah* tractates? Why else is the talmudic curriculum of the new settlement in the distant lands of Germany greater than that of Sura and Pumbedita, the fountainheads of all rabbinic knowledge in the Diaspora? (Both inferences are independent of the cause of the transplantation, whether it was ideological or simply a historical 'accident'.) The argument might be advanced, as I noted before, that, perhaps, only one of the two famed yeshivot omitted these tractates from its curriculum, and that the settlers of Ashkenaz came from the one that included them. This, however, would leave unexplained the dismissive attitude to the Geonim that emerged so clearly from the writings of Rabbenu Gershom and those of his pupils.⁷⁴ Rabbenu Gershom saw his teacher as being clearly superior to the Geonim, which would accord with the latter's representing the Third Yeshivah of Bavel, but scarcely had his master been himself a product of either Sura or Pumbedita.

With the emigration of the Third Yeshivah in the mid-tenth century, the self-effacing values of the *savora'im* and *setama'im* were implanted in the Rhineland and lasted as long as did the culture of Early Ashkenaz, that is to say, until the massacre of its scholars and the destruction of their yeshivot in the First Crusade (1096). We well know who were the leading Talmudists of the eleventh century—Rabbenu Gershom, Rabbenu Yehudah Ba'al Sefer ha-Dinim, R. Ya'akov ben Yakar, R. Yitshak ha-Levi, Rabbenu Sasson, and R. Yitshak b. Yehudah.⁷⁵ Their names bulk large in the literature of *Siddur of Rashi*, the *Mahzor Vitry*, and *Ma'aseh ha-Ge'onim*. Rashi, however, didn't travel to the Rhineland and sit at their feet for the 'small change', as it were, of the *Sifrut de-Vei Rashi*, to acquaint himself with their ad hoc rulings on issues of ritual. He spent his youth and early manhood there to apprise himself of their traditions and accomplishments in talmudic exegesis so as to provision himself for his great commentarial enterprise. Yet, as frequently as the names of various scholars appear in the halakhic literature of the eleventh century, the

⁷⁴ Above, pp. 151–5.

⁷⁵ See Grossman, *Hakhmei Ashkenaz ha-Rishonim* (above, n. 13).

astonishing fact is that they are totally absent from the Mainz commentary on the Talmud, the so-called *Perush Rabbenu Gershom*, written in the very same academies by the very same men. The most that one receives is an occasional ‘and the master said’ (*ve-omer ha-rav*), ‘and the teacher explained’ (*ve-ha-moreh piresh*), and the like; never a specific name.⁷⁶ The rabbinic figures mentioned above were second-, third-, and fourth-generation Europeans and made no pretense to anonymity, had no hesitation whatsoever in signing and co-signing hundreds of responsa. However, the moment they stepped over the threshold of the *bet ha-midrash* and engaged in talmudic exegesis, they became faceless. In the study hall, in the bastion of the Third Yeshivah, the ethos of the old country, the mores of the *savora'im* and *setama'im*, still obtained.

Indeed, it would seem that it was forbidden by some to quote any explanation on any part of the rabbinic corpus—Talmud, Midrash, or Targum—in the name of a specific person. R. Natan, author of the *Sefer he-Arukh*, cupped his ears whenever he heard the name Magentsa. It was as close as he, a denizen of Rome, could ever get to ‘the horse’s mouth’, as it were, to the living speech of native Aramaic speakers. It made no difference to him whether the explanation of a word or term stemmed from ‘the commentaries of Magentsa’, ‘the scholars of Magentsa’, ‘the rabbi of the scholars of Magentsa’, ‘the rabbis of Magentsa’, ‘the teacher of Magentsa’, ‘the pupils of Magentsa in the name of the teacher’, ‘the sons of [*benei*] Magentsa’, ‘the righteous of [*hasidei*] Magentsa’, or just ‘a scholar from [*talmid hakham mi-*] Magentsa’—all their explications, if accurately transmitted, were of equal value.⁷⁷ However, rarely is there any mention of a name. He openly names his Provençal sources—R. Mosheh ha-Darshan of Narbonne and R. Mosheh b. Ya’akov b. Mosheh b. Abun of Narbonne—and his Italian sources—R. Mosheh of Bari, R. Moshe Kalfu of Bari, R. Mosheh of Pavia—but not those of Magentsa. It is as if most of his numerous German sources had been enjoined from using in their accounts any proper names, forbidden to attribute any interpretation of the sacred sources to a particular individual. Rashi, entirely European and wholly his own man, did not feel bound by this, but most of the ‘reporters’ of R. Natan seem to have been.⁷⁸

⁷⁶ A. Epstein, ‘Der Gershom Meor ha-Golah zugeschriebene Talmud-Commentar’, in *Festschrift zum achtzigsten Geburtstage Moritz Steinschneider’s* (Leipzig, 1896), 125–6; Hebrew translation in *Netu'im*, 6 (2000), 114–16.

⁷⁷ See above, pp. 160–1.

⁷⁸ R. Natan of Rome does name R. Meshullam b. Kalonymos once, R. Meshullam b. Mosheh b. Iti’el once, and Rabbenu Gershom any number of times. (See *Arukh Completum* [above, n. 23], introduction, i. 14–15.) Mentioning the name of R. Meshullam is not surprising as he was from Lucca and not part of the Third Yeshivah. The name Iti’el is very distinctive and known in only one family.

Let us turn now to the long-term imprint of the Babylonian migration.

The Third Yeshivah bequeathed to Ashkenaz a program of study that for centuries had not distinguished between ritual law (*Seder Mo'ed*), marital and civil law (*Nashim u-Nezikin*), and that of Temple service (*Kodashim*). This is attested to by the writings of Rashi and the Tosafists, who commented on and analyzed the tractates of all four orders (*sedarim*) in equal detail. The Catalan school of Nahmanides and his disciples was, as already noted, the true intellectual successor of Ri and Rabbenu Tam,⁷⁹ and openly acknowledged their debt.⁸⁰ Nevertheless they could not escape their heritage, that of Provence and Spain, and their great sets of novellae (*nimmukim* or *hiddushim*) are confined to the three orders of *Mo'ed*, *Nashim*, and *Nezikin*.⁸¹

A R. Iti'el is mentioned as part of the Luccan transplantation and was related to the same R. Meshulam b. Kalonymos. (See Grossman, *Hakhmei Ashkenaz ha-Rishonim* [above, n. 13], 31, 45–6, 388.) His comments are upon a *mishnah* in *Pe'ah* and lie far from the beaten path of the Mainz commentary. Rabbenu Gershom is the notable exception to this rule of German anonymity. Why, I don't know; it may reflect a remarkable sense of independence on his part or the prominence of his contribution to the talmudic exegesis of Mainz, which precluded his being submerged in any crowd. Either of these would point to his occupying a position of special prominence in Mainz, something that Grossman claims and which I have challenged. See my *Collected Essays*, i. 162 n. 126.

A similar dichotomy is noticeable in the Mainz commentary. The German figures are anonymous, with the exception of Rabbenu Gershom, who is mentioned by name in the commentary on *Hullin*. See Epstein, 'Der Gerschom Meor ha-Golah zugeschriebene Talmud-Commentar' (above, n. 76), 122; Hebrew translation, 124–5. There may be one solitary breach to this rule: an enlarged version of the so-called *Perush Rabbenu Gershom 'al Bava Batra* published from MS Oxford 416. A gloss in that manuscript informs us that an anonymous scholar (*rebbe*) told the author of a joint interpretation given by one of the Makirites, R. Natan b. Makhir, and an otherwise unknown R. Binyamin (*Bava Batra* 101b, ed. T. Y. Leitner, 2 vols. in 1 [Jerusalem, 1999], ii. 25; Or Ḥayyim edn. [Jerusalem, n.d.], 120). One doesn't know whether this gloss contains material that the scribe erroneously left out of the body of the text or whether it is a later addition of the 12th century. Furthermore, the Benei Makhir were acolytes of the heads of the Mainz yeshivah, not *rashei yeshivah* themselves. It may be significant that it is a nameless mentor (*ve-'amar li rebbi*) who transmits this interpretation to the writer, not the authors of the interpretation themselves.

Foreigners fared differently. The Italian immigrant R. Kalonymos Ish Romi (from Rome), who came to Mainz after the death of R. Ya'akov b. Yakar in 1064, is mentioned once by an anonymous teacher (*ba-moreh*) in the commentary on *Bava Batra* at 14b, s.v. *shivrei* (ed. Leitner, i. 38; Or Ḥayyim edn., 39). R. Yitshak ha-'Orliani (from Orléans) is cited as is Rav Hai Gaon. R. Yitshak did study with R. Eli'ezer ha-Gadol of Mainz; however, his traditions and standing were independent of Mainz. He came from one of the oldest and most prestigious families in France, and this is reflected in the respectful way in which R. Eli'ezer addressed him. See A. Grossman *Hakhmei Tsarfat ha-Rishonim: Koroteibem, Darkam be-Hanbagat ha-Tsibbur, Yetsiratam ha-Ruḥanit* (Jerusalem, 1995), 82–3, 107–20.

⁷⁹ See *Collected Essays*, i. 32.

⁸⁰ See e.g. Ramban's introduction to his 'Kuntres Dina de-Garmi' in *Hiddushei ha-Ramban le-Makkot, Kuntres Dina de-Garmi, 'Avodah Zarah, Sanbedrin*, ed. M. Herschler (Jerusalem, 1970), 105.

⁸¹ I should add, of course, together with their *hiddushim* on three tractates of great, indeed

If the knowledge of Ashkenaz was more comprehensive than that of Sura and Pumbedita and all the Diaspora communities that took their instruction from them, what could any of those settlements teach them about Torah? Ashkenaz's talmudic curriculum was far wider, its detailed knowledge of both halakhah and aggadah far greater (by virtue of its line-by-line exposition). This is the starting point of the halakhic insularity of Ashkenaz.⁸² The teachings of the founders and their disciples were then transmuted by Rashi's genius into what was universally acknowledged to be *the* definitive commentary on the Talmud. This was followed by the revolutionary labors of Rabbenu Tam and Ri, which revived talmudic dialectic and ushered halakhah into a new golden age. These later developments only confirmed the Ashkenazic notion of halakhic superiority. What could a R. Mosheh b. Maimon of Córdoba or a R. Shelomoh ibn Aderet of Barcelona possibly teach them?

If my hypothetical reconstruction of the events in Bavel is equally correct—and this is for scholars of Geonica to decide—the men of the Third Yeshivah of Bavel had emigrated to escape the alien civilization of the Judeo-Arabic world, and in the distant climes of the north they would be free to erect what to their thinking was an authentically Jewish one. They came with a notion of setting up a New Jerusalem or, perhaps more accurately, a New Bavel. They would establish, in the wildernesses of Germany, free from all corrupting influences, a perfectly observant community. Whence the distinctive notion of *kehillah kedoshah* that permeates the thought of Ashkenaz and which is, as I noted some forty years ago, already perceptible in the writings of Rabbenu Gershom.⁸³ In other words, this self-image is coeval with the existence of the Ashkenazic community.⁸⁴

Religious simplicity and scrupulous observance of the law were achievable in tenth- and eleventh-century Germany, with one exception, namely, in the sphere of Jewish–Gentile relations. The Talmud had laid down strict laws intended to minimize trade relations with Gentiles; they restricted the use of Gentile servants, banned Gentile midwives and nursemaids, and forbade all trade in Gentile wine (*yein nesekb, setam yeinam*), indeed, banned all benefit from such wine. This was doable in amoraic Babylonia, where Jews were an agricultural class and constituted a large segment of the population. In Ger-

controlling, practical significance, *Berakhot* (from *Seder Zera'im*), *Hullin* (from *Seder Kodashim*), and *Niddah* (from *Seder Tobarot*). On the study of *Seder Kodashim* in other cultures, see above, p. 33, n. 10, and cf. E. Kanarfogel, 'Ya'adei Limmud ve-Dimui 'Atsmi etsel Hakhmei ha-Talmud be-'Eiropah bi-Yemei ha-Beinayim: ha-'Issuk be-Seder Kodashim', in Y. Ben-Naeh et al., eds., *Asufah le-Yosef: Kovets Mehkarim Shai le-Yosef Hacker* (Jerusalem, 2014), 68–91.

⁸² See *Collected Essays*, i. 31–8.

⁸³ *Ibid.* 112.

⁸⁴ *Ibid.* 246–7 and see 258–77.

many, however, the Jewish community was predominantly, if not entirely, commercial, and their trading partners were inevitably Gentiles. The Jewish community was minute; it could in no way provide the numerous hands required to run a household in the days before plumbing and electricity. Finally, the major source of wealth in the Rhineland was the wine trade, payments in kind were ubiquitous, and the most common unit of payment was the wine barrel. The ban on drinking Gentile wine was observed with a passion; that on trade was widely disregarded.

Admittedly these talmudic bans were rabbinic ordinances and not penta-teuchal ones; however, few of them could be overcome or sidestepped. For example, the Mishnah had banned all trade for the three days preceding and following a Gentile religious holiday. This meant that no trade was ever possible in a Christian society as Sunday, the day of rest, occurred every seven days. The men of the Third Yeshivah could not advocate that the well-to-do traders of Ashkenaz become warriors or tillers of the soil like the 'two-footed beasts' of the Middle Ages, the peasants. Nor could they preach that housewives do without help. They confronted the choice between cultural contamination of the whole of Judaism in the lands of Islam or breach in one area of rabbinic law in lands of Christendom. Had not the entire purpose of the migration been to escape osmosis with a tainted environment and preserve unsullied the *Weltanschauung* of their fathers? They were first and foremost ideological purists, and, not surprisingly, they preferred a community of unblemished beliefs over one of perfect performance (as, I believe, would our contemporaries in Benei Berak and Stamford Hill).

Halakhic non-compliance, however, posed problems. Many in Ashkenaz might say, 'If a breach in one area is inevitable, a breach or two in other areas will make no difference.' All the hopes for a *kehillah kedoshah*, for a New Bavel, would then be lost, and much of the very purpose of emigration would be for naught. The founders adopted the policy expressed in the talmudic dictum: 'Better that they sin ignorantly [i.e. out of ignorance of the law] than knowingly [i.e. despite knowledge of the law].'⁸⁵ They removed the tractate which treats Jewish-Gentile relations, *'Avodah Zarah*, from the curriculum of Early Ashkenaz. This is the reason for the strange fact that had so baffled me in my work on *yein neseikh*: the tractates of *Zevahim*, *Temurah*, *Me'ilah*, and *Nazir* were taught in the yeshivah of Mainz, but not that of *'Avodah Zarah*!⁸⁶ (You

⁸⁵ מוטב שיהו שונגין ולא מזידין. *Betsah* 30a and parallel passages cited there. This is not to say that this principle was explicitly invoked; we have, after all, no record of their thought. Rather, they adopted the principle expressed in that saying.

⁸⁶ *Collected Essays*, i. 177-8; *Ha-Yayin bi-Yemei ha-Beinayim: Yein Neseikh—Perek be-Toledot ha-Halakhah be-Ashkenaz* (Jerusalem, 2008), 133-5.

cannot teach the *entire* Talmud from *Berakhot* to *Niddah* and accidentally omit *Avodah Zarah*. Its absence had to have been intentional.) A hundred and thirty years or so later Rashi could return *Avodah Zarah* to the Ashkenazic curriculum. The communal image had been safely established. Didn't Rashi announce to his students that 'the entire congregation are holy, every one of them' (Num. 16: 4)? If one received a gift of food on the holidays from one's co-religionist, there was no need to inquire as to its *kashrut* (whether it was picked on the holiday itself or the day before: in the former case it would be forbidden to eat it during the holiday; in the latter one, its consumption would be permitted), for not only did all Jews scrupulously observe the laws of *kashrut*, but they were equally familiar with its intricate details.⁸⁷

Finally, there is Ashkenaz's avoidance of any involvement with the higher culture of its environment. Let me not be misunderstood. Acculturation took place inevitably; it was assimilation that was opposed. The terms are not significant; differentiating between the two notions is. Acculturation (as I am using it here) is an unconscious process; over the course of time significant ways of thinking and feeling receive their impress from the environment. Assimilation is the conscious involvement in the higher culture of the society and the acceptance of all or some of its values. (Total assimilation would be conversion; partial assimilation, in contemporary America, would be Modern Orthodoxy's acceptance of secular education and humanistic values.)

Every minority becomes acculturated. Its manner of speech and vocal register, its taste in dress and furnishings, its palate, its concepts of honor and shame, many of its notions of personal comportment are adopted from the environment. The humor of Sholem Aleichem is also Russian humor, as *chulent* is a Russian dish. Ashkenazic Jews were medieval French or German Jews, not nineteenth-century Polish or Hungarian ones. Things could not be otherwise. However, any engagement with the intellectual life of their Gentile neighbors, any participation in what we call medieval Western culture, was taboo. Principled indifference was part of the cultural DNA of Ashkenaz for it had been founded by men who sought, above all, intellectual and ideological isolation. They had fled the encroaching culture of Islam, and had not journeyed thousands of miles to a strange new world to be caught up in that of Christianity. So deep was that desire, so profound the aversion to alien 'wisdom', that it became their most enduring legacy. It stamped Ashkenazic culture for some 800 years.

Ashkenaz was thus what Louis Hartz once termed a 'fragment society'.⁸⁸

⁸⁷ *Ma'aseh ha-Ge'onim* (above, n. 8), 83.

⁸⁸ L. Hartz, *The Founding of New Societies* (New York, 1964).

A small, at times even tiny, segment of a larger society detaches itself and creates a new civilization in a wilderness, as did the Puritans in America or several waves of Dutch and English settlers in South Africa. Freed from the complex, inhibiting whole—entrenched institutions and hierarchies, deep structures of social and cultural restraint—the fragment develops unimpeded, exfoliates without hindrance, and stamps the society that it established for centuries.

V

Is this the entire story? Clearly not, because the second major area of cultural creativity of Early Ashkenaz, composition of liturgical poetry (*piyyut*), cannot be explained by a Babylonian migration of the mid-tenth century. The Palestinian origins of the Ashkenazic *piyyut* are undeniable. That genre's proven route is from Palestine, to southern (Byzantine) Italy (Bari, Otranto), to northern Italy (Lucca), and thence to the Rhineland. One has to assume the migration of an Italian elite. This brings us back to the 'foundation story' which links the esoteric traditions (*torat ha-sod*) of Ashkenaz with the transplantation of the Kalonymides from Lucca to Mainz. Of the three possible dates that one can assign to that migration, 917 is the most plausible, as Avraham Grossman has argued.⁸⁹ One could contend that there were three separate transplantations—halakhic, liturgical, and esoteric—that coalesced in the mid-tenth century. The Kalonymide family, the bearer of the esoteric traditions, however, was equally involved in liturgical composition, and the *piyyutim* of R. Meshullam b. Kalonymos noticeably influenced those of R. Shim'on b. Yitshak of Mainz, a contemporary of Rabbenu Gershom.⁹⁰ One can then plausibly argue (though any final determination is up to experts in *piyyut* and *sod*) for a two-stage founding of Ashkenazic culture. The liturgical-esoteric stratum was laid in 917, and was then reinforced by the migration from Le Mans to Mainz of the Abun family, which produced the famed *paytan*, R. Shim'on b. Yitshak.⁹¹ The dominant halakhic stratum was laid around 950–60 by the scholars of the Third Yeshivah.

⁸⁹ See above, n. 13.

⁹⁰ E. Fleischer, 'Azharot le-Rabbi Binyamin (Ben Shemu'el) Paytan', *Kovets 'alYad*, NS 11/21 (1985), 40–1, and more generally id., *Shirat ha-Kodesh ha-Ivrit bi-Yemei ha-Beinayim*, reprint with supplementary bibliography (Jerusalem, 2007), 425–73.

⁹¹ This information is provided by the anonymous medieval chronicle transmitted by R. Shelomoh Luria in his *Teshuvot Rashal* (Lublin, 1574/5), #29. See Grossman (above, n. 9), 86–94. Hanna Caine-Braunschvig has pointed out to me that if 917 is taken as the date of the Kalonymide transplantation, the authenticity of the 960 letter to the 'communities in Erets-Yisra'el' (above, p. 183) would be somewhat dubious. It is difficult to imagine (though, of course, not impossible) that a community headed by R. Meshullam b. Kalonymos, or one that contained him, would pen such an inquiry.

The two or three settlements blended easily. Both composition and recitation of *piyyut* had already made serious headway in Babylonia by the mid-tenth century, as the writings of Be'eri and Elitsur have shown us—Rav Sa'adyah's *siddur*, for example, composed after his accession to the Geonate, contains *piyyut*.⁹² The calm acceptance, even embrace, of *piyyut* by the halakhic leaders of Early Ashkenaz is explicable in light of the growing success of liturgical poetry in their homeland. Nor is there any problem in the acceptance by the men of the Third Yeshivah of certain Palestinian practices, primarily in the area of liturgy. I have already noted that Talmudists throughout the ages viewed liturgy as having a life of its own, and despite their sincere devotion to halakhic correctness they have been singularly reluctant to alter established liturgical practices.⁹³ As for the few other ritual practices that deviated from the Babylonian norm, it would have been folly to have split the tiny Jewish settlement of Mainz, to have wasted, at the very least, precious political capital over some practices whose only sin—if it could be called a sin—was that they followed the Palestinian rite. A new group of settlers with a vaulting ambition of setting up a new amoraic society, as it were, who had traveled vast distances at great personal risk in the hope of founding a *kehillah kedosbah*, a model religious community, would have been doubly hesitant to risk its entire enterprise over some ritual minutiae which could even show themselves to be rooted in the ancient literature. Wisdom lay in silence.

APPENDIX I

YESHIVOT IN BAVEL

One can, of course, insist that these were not different centers but different groups, all of whom were housed under the roof, or were otherwise under the wing of Sura and Pumbedita, if it is reasonable to assume that these two institutions were the only yeshivot in Babylonia. I think that such an assumption is worth questioning.

Josephus' statement that there were 'innumerable *miriades*' (units of tens of thousands) of Jews in Babylonia well over a century before Rav established his academy in Sura is clearly hyperbolic.⁹⁴ While hard numbers are notoriously

⁹² T. Be'eri, 'Shirah 'Ivrit be-Bavel ba-Me'ah ha-'Asirit ve-ha-'Ahat-'Esreh le-'Or Mimtsa'ei ha-Genizah', *Te'udah*, 15 (1999), 23–36; id., *He-Ḥazan ha-Gadol asher be-Bagdad: Piyyutei Yosef ben Hayyim Albardani* (Jerusalem, 2002); S. Elitsur, 'Le-'Ofyo ve-li-Netivot Hashpa'ato shel ha-Merkaz ha-Paytani be-Bavel: Hirhurim be-'Ikkevot Sefareiha shel Tovah Be'eri', *Tarbiz*, 79 (2010/11), 229–48. On Sa'adyah, see *ibid.* 232 n. 12.

⁹³ See above, p. 56.

⁹⁴ *Antiquities of the Jews*, Loeb Classical Library 6 (repr. Cambridge, Mass., 1978), xi. 133.

difficult to come by, the clear impression in the Talmud is of a large Jewish population. There is no reason to assume that the numbers dropped in the geonic period. Is it reasonable that only two yeshivot serviced such a large community? Scholars attended the gathering of *kallah* in Sura and Pumbedita, where tractates, or chapters thereof, were studied intensively and outstanding issues in these areas resolved. These scholars came intellectually equipped; where did they receive their education? Clearly, other yeshivot or *battei midrash* of all sorts provided this instruction. Why should we assume that they were all of a 'secondary school' level? Editing clearly was done in places other than Sura and Pumbedita, and these famed academies employed the written texts of the others on occasion.⁹⁵ Doesn't such sustained editorial labor, even textual intervention, reflect a sovereign command of the material? Why should we not assume the existence of other important seats of learning, not officially sanctioned as were Sura and Pumbedita, but still of high intellectual caliber? Everything we know of the final textualization of the Talmud points to their vibrant activity.

To the argument that the editing of the Talmud was concluded long before the tenth century, there are two replies. First, some inscriptions of the Talmud were concluded by the mid-eighth century, at the latest, and that copies of these inscriptions were circulating throughout the Diaspora is unquestioned, but that does not mean that all the various versions of the Talmud that we currently know of were then in circulation. To the best of my knowledge no one can provide a *terminus ad quem* for all the differently copy-edited versions of the Talmud that have come down to us. Second, even granting that all the current versions—and then some—were inscribed and copy-edited by the mid-eighth century, why should we assume that the yeshivot or *battei midrash* that fixed their final form then closed their doors? These texts are far too elliptical to be self-explanatory; they demand an interpretative tradition to be understood. In other words, they must be taught. (To give a modern example: note the different fates of the Soncino translation of the Talmud and that of Steinsaltz, or the ones published in the Schottenstein series. The first had very restricted sales and its purchasers were primarily libraries; the other two sell in the many thousands and the overwhelming majority of those who buy them are individuals. Soncino is a translation and a very fine one, but nothing more. Without some commentary, however, the telegraphic text of the Talmud, even if fully understood lexically, has little meaning. The Steinsaltz and Schottenstein editions explicate the translated text.) Who, in the geonic period, could

⁹⁵ Sussmann, "'Torah she-be-'al Peh'" (above, n. 47), 209–384.

better provide this instruction than the institutions that had preserved these texts for centuries and had finally given them their written form? The most natural answer to the question ‘Where did the students of the *kallab* receive their education?’ is, ‘In the various *battei midrash* that had been involved from time immemorial in the oral transmission of the Talmud and had centuries-old traditions of the meaning of that often cryptic text.’

In conclusion I would only add that Robert Brody has observed to me that, while the Jews of Spain or North Africa did not easily entertain the notion of multiple texts of the Talmud, variant readings are part and parcel of the Ashkenazic commentarial tradition. He is unquestionably correct. Textual variants in Ashkenaz were taken almost as a given and deciding between them was perceived as an inevitable component of the exegetical enterprise. Authority seeks to speak in a single voice, and the impression given in the responsa that issued forth from the two great yeshivot is that there is one authoritative text of the Talmud, and while written texts do circulate, the living *Vox Talmudica* is to be found within the four walls of Sura and Pumbedita.⁹⁶ The Third and other yeshivot of Bavel had no need to speak in authoritative tones and were actively involved in ‘editing’ (and expounding) the written texts of the Talmud. They knew only too well the measure of fluidity of the text and even the occasional differences between the versions, and they imparted this awareness to the Ashkenazic community.

Indeed, one may wonder whether the men of the Third Yeshivah and other *battei midrash* in Bavel shared this aversion to writing, which Sussmann has so magisterially chronicled.⁹⁷ Sussmann himself wondered why this persistent orality long after both Christian and Muslim cultures had turned to inscribing their canon, and he hesitantly proffered some suggestions.⁹⁸ One may also propose that the orality of a vast text furthers a monopoly of authority. Texts can be transported to distant lands and commentaries then written which open them to the understanding of the broader public. A recited text is inhospitable to commentarial exposition, and how many people exist who have phonographic memories and can accurately recite verbatim huge amounts of ‘text’, especially if it lacks the rhythms and alliterations of poetry? Diffusion of the ‘text’ of the Talmud is thus sharply limited and its explication greatly complicated. Furthermore, who is to certify these ‘reciters’ in a distant country, and

⁹⁶ I emphasize that I am speaking of the overall impression. The Geonim mention occasionally differing versions of the talmudic texts. See, for example, R. Brody, “Sifrut ha-Ge'onim ve-ha-Tekst ha-Talmudi”, in Y. Sussmann and D. Rosenthal, eds., *Mehkeret Talmud: Kovets Mehkarim be-Talmud u-vi-Tehumim Govlim* (Jerusalem, 1990), i. 237–304.

⁹⁷ Sussmann, ‘Torah she-be-'al Peh’ (above, n. 47).

⁹⁸ *Ibid.*

what guarantee is there that errors have not slipped into their repertoire over the course of the years? *Tanna'im* (reciters, Hebrew) and *garsanim* (reciters, Aramaic) function best in temples of authority, ancient centers of learning, which had in the past, when orality was obligatory,⁹⁹ developed the necessary controls to ensure the integrity of the transmission, true and tried techniques that are still in place. If Sura and Pumbedita were to establish the authority of the Bavli over the far-flung Diaspora, they had to project their uniqueness and authority by all possible means. Working quietly in the hinterland and making no claims to power, what need had the other yeshivot and *battei midrash* of Bavel of the mystique of orality?

APPENDIX II

UNCOVERING WRITINGS FROM THE DARK SIDE

Granted, some may say, that Bavel, like the moon, has her dark side, how can we ever get a glimpse of it? I have already noted (see p. 167 above) that it is reasonable to assume that some of the anonymous material in the Genizah comes from these unnamed *battei midrash*. The first task, then, is to identify such writings. To my untutored eye, three criteria loom large, and I offer them hesitantly as suggestions to experts in several fields—Geonica, the history of the talmudic text, and Aramaic—who may accept, refine, or even reject them and suggest others. I would propose arranging all the citations of the Talmud found in geonic writings into two groups—those that are known to be authored by the heads of Sura and Pumbedita and those that remain anonymous, taking care to distinguish between actual quotations and partial geonic rewrites of the passage.¹⁰⁰ Where there are parallel citations of a talmudic passage, do the citations differ? If one is lucky enough to have identical quotations from both Sura and Pumbedita, but the quotation in some of the anonymous material differs, that would be a first step towards isolating material emanating from the hinterland of Bavel. Second, the same two groups should be analyzed in terms of their halakhic rulings. There may well have been more controversies in the era of the Geonim than there were between the actual Geonim. Finally, using early Eastern geonic manuscripts as described by

⁹⁹ *Gittin* 61b: *devarim she-be-'al-peh iy ata rasba'i le-'omram bi-khetav*.

¹⁰⁰ See M. Morgenstern, 'Ha-'Aramit ha-Bavlit ha-Yehudit bi-Teshuvot ha-Ge'onim: 'Iyyunim be-Torat ha-Hegeh, bi-Tetsurat ha-Po'al, be-Khinnuyim u-ve-Signon' (Ph.D. diss., Hebrew University of Jerusalem, 2002), 11–13. Needless to say, pride of place should be given to the reports found in early Eastern geonic manuscripts (see next note).

Matthew Morgenstern,¹⁰¹ the faceless and the identified groups should be studied with regard to the four 'registers' (some might call them 'dialects'¹⁰²) that he has discerned in geonic writings: 'the talmudic idiom (in citations), an informal style employed in legal discourse, a formal style employed in legal pronouncements and a highly formal style used only in the introductions of collections of responsa'.¹⁰³ Morgenstern has treated the material as an undifferentiated mass, as representative of one set of writers. If one disaggregates that mass and distinguishes between the clearly authored and the anonymous material, do both groups still have all four styles? If they do not, that would be a third step towards identification of the non-Sura/Pumbedita material. If they do, is there any sharp difference between these two groups in the frequency of use of these different styles?

No single characteristic will suffice to identify the writings from the dark side, only a convergence of such characteristics. When a responsum or a work differs linguistically from those that emanated from the two yeshivot and has equally a different ruling or an alternative textual tradition, the chances are that it was produced by one of the nameless yeshivot of Bavel. Hopefully, experts in various fields can devise other yardsticks of differentiation between the sources of the period and thus enlarge the possibility of intersections of distinguishing traits—finally giving the unsung *battei midrash* of Bavel their rightful place in the sun.

APPENDIX III

THE FOUNDATION MYTH OF ASHKENAZ

There is still a missing piece in our reconstruction. Why did Ashkenaz not retain some proud memory of its origins in the Third Yeshivah of Bavel? Why is there not a whisper of this in Ashkenazic sources? I have no answer to this question at the moment, and for this reason, I have characterized this essay as a 'proposal'. However, I would like to distinguish between this issue and the so-called 'foundation myth' of Ashkenaz.

My thesis accords well with the widely held view that the transplantation of the Kalonymides as recounted by R. El'azar of Worms in the 1220s is rooted

¹⁰¹ *Studies in Jewish Babylonian Aramaic Based on Early Eastern Manuscripts*, Harvard Semitic Studies 62 (Winona Lake, Ind., 2011), 40–54.

¹⁰² Morgenstern, 'Ha-'Aramit ha-Bavlit' (above, n. 100), 13–15.

¹⁰³ *Studies in Jewish Babylonian Aramaic* (above, n. 101), 35.

in fact,¹⁰⁴ for I, too, assume an independent settlement in Mainz by the Kalonymides, probably in 917, which antedated that of the Third Yeshivah by a generation and which brought to Ashkenaz the traditions of esoteric knowledge (*sod*) and, possibly, that of liturgical poetry (*piyyut*).¹⁰⁵ I take this translation from Lucca as a probability, and if someone in the Middle Ages wished to link it to Charlemagne and give it thereby greater grandeur, this would in no way controvert anything advanced in this essay. However, I don't believe that the tale told by R. El'azar meets the basic requirements of a foundational myth.

First, the story of the transplantation was told by R. El'azar in the introduction to his *Perush ha-Tefillot* for the purpose of authenticating the traditions of *sod* that he was about to disseminate. By contrast, the tale of the four captives in *Sefer ha-Kabbalah* accounts for the emergence of the acknowledged mastery of the Talmud in Spain and Kairouan which legitimated the religious autonomy of those two communities.¹⁰⁶ The halakhah was both the written and unwritten constitution of the Jewish community. It was the basis of Jewish existence and its importance was realized by all. Any story that validated the community's claim to independence and authority in this realm merits the adjective 'foundational'.

Mastery of arcane *sod* is a different and much lesser matter, at least before the widespread diffusion of Lurianic kabbalah in the seventeenth century. Moreover, the mystical traditions of El'azar Roke'aḥ had been for centuries intensely esoteric. Until he decided to go public, only one or two families and a very limited number of outsiders were privy to its teachings. How many people in Ashkenaz knew at all about this esoteric lore and how many cared about its truth? More important, how much broad authority did these traditions convey? Would the Ashkenazic community have felt itself delegitimized had R. El'azar's claims been proven false? The French and English communities were unimpressed by his teaching and, in their prayer, ignored its demands

¹⁰⁴ H. Breßlau, 'Diplomatische Erläuterungen zu den Judenprivilegien Heinrichs IV.' *Zeitschrift für Geschichte der Juden in Deutschland* (1887), i. 154–9; Grossman, *Hakhmei Ashkenaz ha-Rishonim* (above, n. 13), 29–44 and the literature there cited; id., 'Mythos Dor ha-Meyassedim bi-Tefutsot Yisra'el bi-Yemei ha-Beinayim u-Mashma'uto ha-Historit', in *Ha-Mythos ve-ha-Yabadut: Historyah, Hagut, Sifrut*, ed. M. Idel and I. Grunwald (Jerusalem, 2004), 123–42; J. Schatzmiller, 'Politics and the Myth of Origins: The Case of Medieval Jews', *Les Juifs au regard de l'histoire: mélanges en l'honneur de Bernhard Blumenkranz*, ed. G. Dahan (Paris, 1985), 52–4. Cf. I. G. Marcus, 'History, Story and Collective Memory: Narrativity in Early Ashkenazic Culture', *Prooftexts*, 10 (1990), 165–88.

¹⁰⁵ Above, p. 156.

¹⁰⁶ *A Critical Edition with Translation and Notes of the Book of Tradition (Sefer ha-Qabbalah) by Abraham Ibn Daud*, ed. G. G. Cohen (Philadelphia, 1967), 46–51.

with equanimity.¹⁰⁷ Did R. Mosheh Tachau's challenges to the Kalonymide traditions threaten for even a moment the basis of Ashkenazic religious authority?¹⁰⁸

Finally, a foundation narrative, mythical or otherwise, is a 'laying on of hands', an authentication of legitimacy. Who authenticated, however, the authenticity of R. El'azar's traditions? 'Abu Aharon ben R. Shemu'el ha-Nassi.'¹⁰⁹ And just who is this 'Abu Aharon' (or 'Adon Aharon' in some versions) and why should one pay him any heed? Who is he to guarantee that R. El'azar has the keys to the Heavenly Gates of Prayer (*sha'arei tefillah, sha'arei rahamim*)? R. El'azar says nothing about him, apparently knew nothing about him. Indeed, until the discovery of the *Megillat Ahima'ats* some seven centuries later,¹¹⁰ there was no reason to believe that such a strangely named individual had ever existed. The impression received is that R. El'azar put down as accurately as possible what he knew, with no attempt to gild in any way his family tradition. His knowledge stopped with Abu Aharon and with it his narrative. If this abrupt ending weakened his claim to authenticity in the eyes of his readers, so be it. He could only honestly set down what he had been told. Clearly, this was not a tale told to impress outsiders; it was an account rendered to his circle of readers, people who believed the author to begin with.

Be that as it may, one may still ask: why is there no foundational narrative of the Third Yeshivah, no tale explaining the *halakhic* independence of the Ashkenazic community? The answer is simple: there was no need for one. The Spanish and Kairouan communities had been under the tutelage of Sura and Pumbedita for centuries, hence they needed a story, mythic or otherwise, to legitimate their independence, to demonstrate that it was the Divine will itself that they attain halakhic autonomy.¹¹¹ Ashkenaz had never experienced Babylonian subordination and the men of the Third Yeshivah, and their disciple (or disciple's disciple) Rabbenu Gershom never acknowledged the

¹⁰⁷ S. Emanuel, 'Ha-Pulmus shel Ḥasidei Ashkenaz 'al Nusah ha-Tefillah', *Mehkerei Talmud*, 3 (2005), 591–625.

¹⁰⁸ *Ketav Tamim: Ketav Yad Paris H711*, Merkaz Dinur–Kuntresim, Mekorot u-Mehkarim 16 (Jerusalem, 1984).

¹⁰⁹ Y. Dan, *Torat ha-Sod shel Ḥasidut Ashkenaz* (Jerusalem, 1968), 15–16; Grossman, *Ḥakhmei Ashkenaz ha-Rishonim* (above, n. 13), 72. The texts from sources of different periods were gathered by Neubauer in 1891 and little to nothing has been added since. See A. Neubauer, 'Abou Ahron: le babylonien', *Revue des études juives*, 23 (1891), 230–7.

¹¹⁰ *Megillat Ahima'ats*, ed. B. Klar (Jerusalem, 1945).

¹¹¹ *A Critical Edition* (above, n. 106), 189–262; G. Cohen, 'The Story of the Four Captives', *Proceedings of the American Academy of Jewish Research*, 29 (1960–1), 55–131; M. Ben-Sasson, *Tsemihat ha-Kehillah ha-Yehudit be-'Artsot ha-'Islam: Kairouan, 800–1057* (Jerusalem, 1997), 410–24.

geonic supremacy; indeed, he viewed them as scholars inferior to his own masters.¹¹² Their independence was to them axiomatic and their sense of superiority had been so long ingrained as to be almost casual.

They would, however, never speak of their own merits. If any group ever believed in low profile, indeed, anonymity, it was the founding fathers of Ashkenaz, heirs of the *savora'im*, *setama'im*, or call the editors of the Bavli what you will. Few groups in Jewish history can match their impact on Jewish civilization. Yet fewer were more intentionally unknown than they. Signing one's name and the recognition that accompanies authorship are hallmarks of the Geonate, a Caliphate creation (*de facto* or *de jure*) and not for the men of the Third Yeshivah the new ways of the Caliphate, either its culture or its attention-drawing innovations.

That Ashkenaz neither had nor needed any 'foundation myth' seems to me clear; that we do not know the names of the settlers does not surprise me,¹¹³ that the traditions of Ashkenaz did not preserve with pride their origin in the Third Yeshivah of Bavel surprises me very much. This means, as I said at the outset, that my reconstruction is incomplete, and the essay remains—even as regards Ashkenaz—a proposal only.

¹¹² See above, pp. 153–4. The story of Rabbenu Gershom's marriage to Rav Hai Gaon's sister is late. It is first registered in a late 13th- or early 14th-century source. See Y. N. Epstein, "Ha-He'etek" she-bi-Teshuvat Rashal #29', *Mehkarim be-Sifrut ha-Talmud u-vi-Leshonot Shemiyot II* (Jerusalem, 1988), ii. 372–3. The Ashkenazic sense of superiority to Babylonian geonic culture is reflected in a later tale, where R. Meshullam b. Kalonymos declines the hand of Rav Hai's sister and returns to Ashkenaz and makes a local marriage. It is found in an early 16th-century manuscript (National Library of Israel 28^{vo} 3182) and is reproduced and discussed by S. Zfatman in *Rosh ve-Rishon: Yissud Manhigut be-Sifrut Yisra'el* (Jerusalem, 2010), 441–2, 453–4. Zfatman points out that, as no one who lived after R. El'azar Roke'ah (d. c.1230) figures in that collection of tales, the stories *may* then date from the latter half of the 13th century.

¹¹³ It may be that a few of the names were retained in the family traditions of the Makirites; this is expressed in an internal correspondence between the brothers, found in *Ma'aseh ha-Ge'onim*, #61, p. 55, and in the parallel passages cited in the notes ad loc., and equally in a source not available in 1910 to the editor of the *Ma'aseh ha-Ge'onim*, the *Shibbolei ha-Leket II*, published in the 1930s by M. Z. Hasida, p. 114. (On this typescript edition of the *Shibbolei ha-Leket II*, see *Collected Essays*, i. 160 n. 98.) The text is not without problems. See A. Grossman, *Hakhmei Ashkenaz ha-Rishonim* (above, n. 13), 370 n. 44. (If this identification is correct, it would point to a Provençal figure among the earliest settlers and a possible link between the two settlements.)