

contemporary in the Land of Israel, did in the *Shulhan arukh*. They based the prohibition of polygamy on custom, and determined that whoever violates this instruction should be coerced by means of bans and excommunication to divorce his second wife. The impact of non-Ashkenazi sources is more evident in those cases in which the man had legal cause to sue for a waiver of the Ban. In his glosses, the Rema presented two views on the question of whether to waive the Ban on account of the precept of procreation and stated that nothing was lost by deciding leniently. The lenient approach was actually employed in a case where the wife was insane and the husband had not yet fulfilled the precept of procreation. R. Shalom Shakhna had ruled that the Ban is superseded in such a case by the precept of procreation, and according to R. Joel Sirkes, who followed this approach, R. Shalom Shakhna's ruling was supported by rabbis from various localities. This position was diametrically opposed to that of the rabbis of Ashkenaz, as expressed by the ruling of the rabbis of Speyer, Worms, and Mainz in the twelfth century, but accorded with the position taken by Maharik.

Maharshel did indeed take the opposite stand, relying on this ruling, and likewise he opposed permitting a husband who could not cohabit with his wife to divorce her against her will. Nevertheless, a waiver was not given in the case of an intermittently insane wife. R. Sirkes stated in his work on the *Tur*, as well as in his responsum, that in addition to obtaining the consent of one hundred rabbis, a man had to file a writ of divorce and the sum of the *ketubah* as pre-conditions for permission to marry another woman. This approach is a synthesis of the Ashkenazi rabbis' approach, flatly opposing any waiver of the Ban, and the approach first taken by Rashba, viewing the Ban as completely superseded in such a case, especially if the husband had not yet fulfilled the precept of procreation.

It should be noted that no case has come down to us in which the husband petitioned for a waiver of the Ban solely due to his desire to fulfil the precept of procreation. In the cases discussed, the reason for the petition was insanity of the wife or abandonment of the husband, even though the precept of procreation was the only legal cause mentioned. It appears that the changes that emerged in the attitude of the rabbis towards the precept of procreation did not reach the public at large, among whom the deeply-rooted Ashkenazi custom of not filing suit against a woman for being barren persisted.

The Ashkenazi Élite at the Beginning of the Modern Era: Manuscript versus Printed Book

ELCHANAN REINER

THE SHIFT from script to print in the sixteenth century heralded a reshaping of Ashkenazi literary models. In this article I shall trace some reactions amongst Ashkenazi intellectuals to this shift, which are indicative of their general attitude to the structural changes in patterns of the transmission of knowledge during the period. My main concern will be with certain developments within intellectual circles, primarily in connection with changes in the way halakhic literature—the core of the Ashkenazi literary canon—was written and transmitted.¹

RABBI HAYYIM OF FRIEDBERG AND THE DEBATE ON REMA'S *TORAT HATAT*

Hayyim ben Bezalel of Friedberg, brother of Maharal of Prague, was one of the

This essay was first presented as a paper in Feb. 1996 at a research seminar held in the Center for Judaic Studies, University of Pennsylvania, Philadelphia. I am indebted to the directors of the Center—in particular, to Professor David Ruderman and to the members of the Literacy and Learning research group—for the opportunity given me to lecture on the subject; I am also grateful for the fruitful discussion and comments. The paper was part of a research project dealing with how Ashkenazi society coped with the printed book at the beginning of the modern era. The only other material published so far is my article 'Transformations in the Polish and Ashkenazi Yeshivot during the Sixteenth and Seventeenth Centuries and the Dispute over *Pilpul*' (Heb.), in *Keminhag ashkenaz upolin: Sefer yovel leChone Shmeruk* (Jerusalem, 1989), 9–80. Further material has been presented on various occasions and will be published in the future.

¹ The rabbinic literature in eastern Europe was first described, more or less comprehensively, in the third volume of C. Tchernowitz (Rav Tsa'ir), *Toledot haposekim*, v. iii, *Hashulhan arukh: Hithavvuto vehishtalsheluto 'ad aharoni mefareshav* (New York, 1948). For a brief description of the processes, see M. A. Shulvass, 'The Torah and its Study in Poland and Lithuania' (Heb.), in Y. Heilperin (ed.), *Beit yisrael bepolin*, ii (Jerusalem, 1954), 13–23. For a more comprehensive and ambitious account, see id., *Jewish Culture in Eastern Europe: The Classical Period* (New York, 1975). Jacob Elbaum's book *Petihut vehistagerut* (Jerusalem, 1990), which purports to deal with late 16th-century Jewish literature in Poland and Ashkenaz and has made a tremendous contribution to the study of Jewish literature in Poland in the 16th century, treats halakhic literature only marginally; see *ibid.* 72–81. S. M. Chones's book *Toledot haposekim* (New York, 1946) is a lexicon arranged by book-titles which contains material of much value for the history of rabbinic literature in the region and at the time under discussion here.

most prominent Ashkenazi scholars of the sixteenth century, and a member of one of the most distinguished families in Ashkenazi society at the dawn of the modern era.² Reacting to the printing of a halakhic manual—the first of its kind in the domain of Ashkenazi culture—he wrote:

Just as a person likes only the food that he prepares for himself, in accordance with his own appetite and taste, not wishing at all to be a guest at another person's table, thus he does not like another person's rulings unless he agrees with that person. All the more does he not wish to be dependent upon the books of other authors, whom he does not trust, just as a person likes only the food that he prepares for himself, in accordance with his own appetite and taste, and does not aspire to be a guest at their prepared table (*shulḥan arukh*). And for that reason the ancients refrained from writing any special book to lay down custom and halakhah to the general public. It is therefore quite surprising that the rabbi R. Moses has written a special book and ignored the things that I have just written about.³

This passage is from R. Hayyim's *Vikuaḥ mayim hayim*, a sharply polemical tract against the book *Torat ḥatat* by R. Moses Isserles of Cracow, later known by the acronym Rema and renowned for the *mapah* (tablecloth) that he spread, so to speak, over the *Shulḥan arukh*—that ostensibly Sefardi work whose surprising acceptance in Ashkenazi society was one of the signs of the process I trace here.⁴ The rather clumsy wording of the passage reflects the author's attempt to adhere as far as possible to the literal meaning of the metaphor *shulḥan arukh*, that is, 'prepared table', and the dishes served up on it. He was, of course, hinting obliquely at the real, though distant, target of his attack: the book *Shulḥan arukh*, then coming off the Italian printing-presses.⁵

As for Rema, in the introduction to his *Torat ḥatat* (Cracow, 1559), written some ten years before the *Mapah* (Cracow, 1578–80), he explained that his intention was to write a book to replace *Sha'arei dura*, a major work of the medieval Ashkenazi canon, whose study formed part of the basic curriculum in the medieval Ashkenazi yeshiva.⁶ Rema believed that the work was no longer usable

² For R. Hayyim, see B. L. Sherwin, 'In the Shadows of Greatness: Rabbi Hayyim ben Betsalel of Friedberg', *Journal of Social Studies*, 37 (1975), 35–60; E. Zimmer, *Rabbi Hayim b.R. Bezalel miFriedberg ahi haMaharal miPrag* (Jerusalem, 1987).

³ Hayyim of Friedberg, *Vikuaḥ mayim hayim* (Amsterdam, 1712), intro., p. 1a.

⁴ On Rema and his book *Torat ḥatat*, see below the section 'Rema and the Printed Book'.

⁵ For the status of *Shulḥan arukh* in Ashkenazi society during the 16th and 17th centuries, see Tchernowitz, *Hashulḥan arukh: Hithavvuto vehishtalsheluto ad aharonei mefareshav*, which is devoted in its entirety to the issue. Tchernowitz's account is very comprehensive; under the narrow heading of 'The Dispute over the *Shulḥan arukh*' he subsumes all of the halakhic creativity in the realm of Ashkenazi culture during the 16th–17th centuries, including topics whose connection with the 'dispute' is indirect and even marginal. He thus misses the opportunity to describe halakhic literature as a component in the cultural and literary polysystem. The question of the *Shulḥan arukh* is indeed one of the keys to understanding this polysystem, but by no means the only one. See the section 'Rema and the *Shulḥan Arukh*' for further discussion of the status of this work in Ashkenazi society.

⁶ Concerning *Sha'arei dura*, see I. Ta-Shma, 'Some Characteristics of Rabbinical Literature in the Fourteenth Century' (Heb.), *Alei sefer*, 4 (1977), 29–31, and see *ibid.*, n. 20 for references to earlier literature. On this work as a textbook in the Ashkenazi yeshivot and on the standard

and wished to replace it with a new, more systematic text comprehensible to any reader. Rema meant to write a book that, phrased in more modern terms, departed from the customary modes of knowledge transmission of medieval Ashkenazi society and internalized the new communicative values of the printing-press. It was this that aroused the anger of Maharal's brother.

R. Hayyim's bitter reaction was only one manifestation of the far-reaching changes taking place in all areas of intellectual life in Ashkenazi society at the time—a cluster of changes that added up to a crisis.⁷ For present purposes I shall concentrate on certain aspects of the stir caused by the advent of print among the three major groups of Ashkenazi intellectuals who dealt primarily with halakhah—the rabbis, heads of yeshivas (*rashei yeshivot*), and Torah scholars (*talmidei ḥakhamim*).

Thus, R. Hayyim viewed books in general as having secondary status, and his caution against writing books was so strong as to sound almost like a prohibition. This position is an expression not so much of Ashkenazi literary tradition as of the apprehension with which some Ashkenazi intellectual circles of the time viewed the transition from scribal to print culture.⁸ By 'print culture' I do not mean the instrumental aspects of the phenomenon, but rather the changes that took place in communication media—in particular the availability of printed literary material and its ease of dissemination, so that practically anyone could now obtain any text. Unlike the manuscript, which was inherently exclusive, expensive, and of limited circulation, the accessibility of the printed book made it more difficult to protect, if necessary, the esoteric nature of certain bodies of knowledge. R. Hayyim's objection to writing books, or, at least, his denial of canonical status to the printed book, shows profound awareness of the social implications of the advent of print, and in particular of the possible effect on the stratification of the intellectual élite.

The ideology developed here is intriguing. There is no room, R. Hayyim writes, for the printed manual, as it freezes and rigidifies halakhah, which must remain fluid; further, he seems to be saying that there is no such thing as an authoritative text. Authority is personal, it depends absolutely on the halakhic scholar, the *posek*, who cannot—and may not—rely on precedents. Moreover, authority is

bookshelf of the Ashkenazi yeshiva in general, see my 'Transformations in the Yeshivot', 21 n. 20. And see the section 'Rema and the Printed Book' for a discussion of Rema's attitude to *Sha'arei dura* and passages from his introduction.

⁷ Various authors were well aware of the expected—or necessary—changes in patterns of study and knowledge transmission as a result of the advent of print. In this connection see e.g. Maharshah's two introductions to his *Yam shel shelomo*, at the beginning of the volume devoted to tractate Hulin (Cracow, 1635). These introductions offer a consideration of the relevant issues different from—and more sophisticated than—that of R. Hayyim.

⁸ The prohibition on committing halakhic material to writing was never mentioned among the intellectual élite of Ashkenazi society in the late Middle Ages, except in connection with the teaching of *pilpul* in the yeshivot—and in that case the reason was specifically that such material was not fit to be used for halakhic decisions. See my 'Transformations in the Yeshivot', 18–20 and nn. 17–18.

a unique, one-off affair. The *posek* must thrash out each decision individually, deliberating with the sources and with himself. For a better understanding of R. Hayyim's criticism, let us read what he writes a little further on:

And without doubt he [Rema] was not unaware, moreover, that when we were studying together in the yeshiva of the wondrous Gaon, our teacher R. Shakhna, of blessed memory, and we heard the *She'arim* of Dura from him, we his students entreated him many times that he see fit to compose and collect all the laws of *isur veheter* [laws of forbidden foods and related topics] in the proper order, but he turned down our request, doubtless for the reason I have written.⁹

R. Hayyim, unlike his teacher, had written himself a manual of *isur veheter*:

Some sixteen years ago I, too, undertook to collect all the laws of *isur veheter* from the books of the *posekim*, one here and one there, and I arranged them in the proper order and they became as one in my hand, with the utmost brevity. Now, I had it all put away, sealed up in my storehouses, but the young men who were then in my home stole it from me and copied it secretly. When this became known to me I took that copy away from them in a great fury, because I had composed it for my own needs only, to serve me as an aid and a guard against forgetfulness—not for any other person to rely upon it.¹⁰

The handwritten or printed book was not an authoritative text, although there was a danger that it might be considered in that light. Meant merely as an aid to its author, without whom the book was meaningless, its authority derived from him and he was also the sole legitimate reader. That was why the mentor of the two disputants, Shalom Shakhna, rejected his disciples' requests to write them a manual; thus the book written by R. Hayyim was meant for him alone and was off limits for his students. Any significance that a text has exists only by virtue of living, direct contact with its writer. Thus the text is a reflection of another, oral text; that oral text is the authoritative one, its source of authority being the fact that it is transmitted from teacher to pupil. Halakhah may be transmitted only through the direct teacher–student dialogue, a context in which the status of the written text is secondary. Once that direct contact has been lost, the text forfeits its authority, even when actually written. Thus the Ashkenazi halakhic tradition is understood—at least, in the mid-sixteenth century—as inherently oral.

R. Hayyim's critique may be seen as a defence of the élitism of the rabbinical leadership in Ashkenazi society, which viewed the printed book as a threat to the exclusivity of halakhic knowledge. The issuing of a halakhic ruling was defined as a personal, autonomous action of the *posek*, who would never base his decision on authoritative texts other than the Talmud itself. Direct transmission of knowledge from rabbi to disciple ensured that such knowledge would be kept within the domain of the rabbinical élite and its potential successors. The written text was jealously confined to secondary status as one of the *posek's* personal tools, thus ostensibly guarding against its becoming a threat to the social stratification of the

⁹ *Vikuh mayim hayim*, 1b–2a.

¹⁰ *Ibid.* 4a–5b.

élite or breaching the closed circle of knowledge, even if it ultimately reached unworthy hands.

The literary corpus to which Hayyim ben Bezalel was referring was supposed to be available only to the circles that created it; for any person outside those circles, it was, quite literally, a closed book.

RABBI SHALOM SHAKHNA OF LUBLIN AND THE ASHKENAZI TRADITION OF WRITING

Shalom Shakhna, the mentor of the two disputants we have been considering and the greatest head of yeshiva in mid-sixteenth-century Poland, was a disciple of R. Jacob Pollack, the first head of yeshiva known by name in Poland—a semi-mythical figure remembered in the historical memory of Polish Jewry as a 'founder', around whom various foundation legends were woven.¹¹ The figure of his disciple R. Shalom Shakhna is not far different, and he too figures in many stories.¹² But neither he nor Jacob Pollack were credited with writing any book. Only a few fragments, never collected as a book, were ever ascribed to them.¹³ R. Shalom Shakhna's clearly deliberate decision not to write books was explained by his son R. Israel of Lublin, in the following passage:

I was also taught the practical aspects of halakhah by my master and teacher and father, the *ga'on*, rabbi, and luminary of the Diaspora, R. Shalom, known as Shakhno, of blessed memory, may I be an expiation for his decease, who taught many pupils, from one end of the earth to the other; we are sustained from his mouth and drink his waters. And by my very life and soul, many times I requested him, together with many other students, to make a *psak* [=singular of *psakim*, meaning: 'book of halakhic rulings']. And his answer, offered out of much piety and humility—for he was humbler than any man on the face of the earth—was: 'I know that [if I write such a book, future authorities] will rule exclusively as I write, in view of the principle that "The Law is decided according to the last authority," but I do not wish people to rely upon me.' He was referring, for example, to a

¹¹ For Jacob Pollack and the foundation myths associated with him, see my 'Transformations in the Yeshivot', 47–50, and *ibid.* n. 17 for earlier literature.

¹² A considerable amount of material about R. Shalom Shakhna was collected by T. Preshel, 'R. Shalom Shakhna of Lublin' (Heb.), *Sinai*, 100 (1987), 682–700.

¹³ 16th-century literature preserves various oral traditions attributed to Pollack, transmitted by the next two generations. Some of these traditions originate in his glosses on books studied at the yeshiva: *Sefer mordekhai* and *Sefer mitsvot gadol*, which were still known in the late 1500s in Poland. The only text that has reached us as he wrote it is a writ of excommunication he issued against R. Abraham Mintz; see S. Wiener, *Pesak haherem shel haRav Ya'akov Polak* (1897), in I. T. Eisenstadt, *Da'at kedoshim* (Petersburg, 1897–8). A manuscript containing Shalom Shakhna's glosses on *Seder haget*, a rabbinical handbook on the writing of writs of divorce, is in the possession of the Bodleian Library, Oxford (Opp. 304, Neubauer no. 803). In addition, two of his responsa were printed in Cracow before 1540, not in order to collect his works but for the immediate purpose of imposing judgement on litigants in two concrete cases. The source of the other surviving traditions of Shalom Shakhna's teachings are his glosses to books studied in the yeshivot.

case where there is a controversy among great rabbis, and he would decide between them or sometimes disagree, but the judge can base his decision only on what is before him. Therefore, each person should decide according to that particular time, as he sees fit. For that reason, too, his rabbi, the *ga'on*, our teacher R. Jacob Pollack, also composed no book, neither did those *ge'onim* ever copy in their homes even a responsum that they sent away; moreover, they believed [the writing of a book] would be arrogance on their part.¹⁴

The son of the mythological head of yeshiva was thus taking the opportunity, about ten years before *Vikuah mayim hayim*, to answer a question which, although it had not been explicitly asked, was surely at the back of many people's minds: Why did the two celebrated heads of yeshiva leave no written record of their teachings? How had it happened that, in contrast to all the contemporary authors, the spiritual heritage of Jacob Pollack and Shalom Shakhna was lost for ever? Underlying R. Israel's answer to the unasked question was an argument similar to that of R. Hayyim in his attack on Rema. It was no accident that neither had left any written text; the omission was intentional, for the writing of a book implies deciding the law, and that was what they wished to avoid. The very act of writing freezes the fluidity and relativity of the text, making it something absolute and thus undeservedly authoritative. Halakhic rulings are temporary and should therefore not be committed to writing. In the final analysis, it is a single person who lays down the law, and there is no text that might be consulted in his stead. In justification of this position, the son—and perhaps also the father before him—offered a far-reaching interpretation of the halakhic principle. 'The law is according to the latest scholars': the law is always decided on the basis of the last *posek*. Hence it is not only useless to commit today's conclusion to writing, but even dangerous to this very individualistic, perhaps even anarchistic, principle of religious decisions.¹⁵

However, R. Israel's clearly enunciated statement, like that of his predecessor R. Hayyim, is only a weak reflection of the medieval Ashkenazi writing tradition. It is primarily a reformulation, reacting to the threatening implications of the printed book for the status of the intellectual élite, on the one hand, and for the status of the traditional Ashkenazi canon, on the other—two things that essentially reduce to one.

ASHKENAZI LITERATURE IN TRANSITION FROM HANDWRITTEN TO THE PRINTED CULTURE

Because of the advent of the printing-press, the medieval Ashkenazi scholarly tradition, as it had evolved mainly after the Black Death, could not cross over

¹⁴ *She'elot uteshuvot ha'Rema* (Cracow, 1640), no. 25, p. 66b; ed. A. Siev (Jerusalem, 1971), 156.

¹⁵ On the principle 'The law is according to the later scholars', see M. Elon, *Jewish Law*, iv (Philadelphia, 1994), 1345–8, 1354–6, 1360–6, 1389–94; I. Ta-Shma, 'The Law is according to the Later Scholars: Historical Considerations regarding a Legal Rule' (Heb.), *Shenaton hamishpat ha'ivri* 6–7 (1979–80), 405–23; Y. Yuval, 'Rishonim ve'aharonim, antiki et moderni', *Zion*, 57 (1992), 369–94.

unchanged to the modern era. The evolution of this tradition since the mid-fourteenth century had been based on a limited canon created, for the most part, within the confines of Ashkenazi culture itself. Among its sources of authority, besides the literary tradition, were local custom, that is, the oral custom of each community, which in fact was largely considered to override the literary tradition. For our purposes the crucial point is that the written text was not necessarily seen as something perfect, authoritative; it generally reflected interpretations and rulings transmitted orally by teachers and heads of yeshivot, or written by the latter for *ad hoc* reference but not as a final, approved source or legal rule. Medieval Ashkenazi culture had definite oral characteristics, and its traditions were therefore fluid and limited in authority, both in time and in scope. Those who passed on these traditions never intended to create a comprehensive, binding legal corpus, as Maimonides' legal code *Mishneh Torah* had been intended to be, and had become in the east and to a considerable extent in the Sefardi world. Before the coming of print, Ashkenazi culture was not based on a fixed text, and certainly had no authoritative canon.¹⁶

The significance of the crisis caused by the coming of the printing-press can be better appreciated if I elaborate on the notion of text as it existed in medieval Ashkenazi scribal culture. The post-talmudic halakhic text relevant to our purpose, that is, the text that functioned, in the sense that it was studied, read, quoted, cited as precedent or proof-text in legal rulings, was the text as studied in the yeshiva, not as written by its author. It took shape on the basis of a canonical text—generally some halakhic codification from the formative period of Ashkenazi literature in the twelfth and thirteenth centuries, the time of the Tosafists. This is the beginning of the period named for the Rishonim, the 'First or Early authorities', a term which of course signals the primal authority of those authors relative to the Aharonim, the 'Last or Latter authorities'. The basic canonical text being studied at the yeshiva was expanded by the exegesis of the head of yeshiva who taught it. The 'final' text was the canonical text plus the comments, or, as they were usually called *hagahot* (glosses), of the head of yeshiva as recorded by his disciples in the margins (*gilyonot*) of the manuscript page. When the text was copied later, these comments intruded into the body of the main text, where they were absorbed as an integral part.¹⁷

Thus, for example, one of the main channels of the French Ashkenazi halakhic tradition of the twelfth century was a work compiled towards the end of the

¹⁶ On the ancient Ashkenazi writing tradition, see I. M. Ta-Shma, *Minhag Ashkenaz hakadmon* (Jerusalem, 1992), 13–105; on aspects of Ashkenazi literature after the Black Death, see id., 'Some Characteristics of Rabbinical Literature', 20–41. For a brief discussion of Ashkenazi writing traditions in the 14th century, see my 'Between Ashkenaz and Jerusalem: Ashkenazi Scholars in Erez Israel after the Black Death' (Heb.), *Shalem*, 4 (1984), 28–40.

¹⁷ For references on the phenomenon of *hagahot*, see my 'Transformations in the Yeshivot', n. 10. To the works listed there, add S. Immanuel, 'The Responsa of Maharam of Rotenburg, Prague Edition' (Heb.), *Tarbiz*, 57 (1988), 561 n. 9.

thirteenth century known as *Sefer mordekhai*.¹⁸ From the mid-fourteenth century on, various editions of this book began to appear. They included, in addition to the text proper, sometimes abbreviated and edited, fourteenth-century traditions which, of course, post-dated the completion of the work itself. These works were generally named for the contemporary heads of yeshivas, such as ‘The Mordekhai of R. Samuel’, ‘The Mordekhai of R. Samson’, which reflect not only the original source but the mode of its transmission by the fourteenth-century teachers. It was the new, complex text that they produced, which included parts of the original codex together with the teachings of the later authorities, that became authoritative, rather than the original text itself. Despite the marked difference between it and the canonical text, it enjoyed canonical status, albeit limited to a particular locality. It functioned in a well-defined geographical region and was effective only for a limited period. Generally speaking, its lifetime was a single generation, as the text was modified from one generation of heads of yeshivas to the next.¹⁹ In other words, the Ashkenazi text was never finalized but constantly subject to change.²⁰

If the life of a halakhic work coincided more or less with the lifetimes of the teacher and his disciples, its geographical sphere of influence was defined by the groups belonging to and in contact with the yeshiva students and former students who had become heads of yeshivas. Just as the texts of the works studied changed vertically, in time, and were named for the various generations of heads of yeshivas, they also varied horizontally. For each geographical area there were characteristic editions of the same work, created and developed in the local yeshivot and representing the regional traditions and custom. Thus, for example, one had the Rhenish Mordekhai, as distinct from the Austrian Mordekhai. Basic to the formation of the medieval Ashkenazi text, therefore, were its oral and regional nature. Such fluid traditions became obsolete with the advent of print, which fixed the text once and for all, in some respects enforcing the formulation of a final binding and authoritative text.

Besides the change in the status of the text due to the advent of print, the traditional Ashkenazi library lost its exclusivity. This library, as we have seen, was based on a limited number of canonical texts. Most of these texts were created where they were actually used and therefore reflected fluid local traditions, which

¹⁸ On this work, see S. Kohn, *Mardochei ben Hillel: Sein Leben und seine Schriften* (Breslau, 1878; first pub. in instalments in *MGWJ* 27–8 (1877–8); also pub. in Heb. trans. in *Simai*, 9–15 (1943–5)); E. E. Urbach, *Ba'alei hatosafot*, rev. edn. (Jerusalem, 1980), 556–61; A. Halperin, *Mavo leSefer hamordekhai hashalem* (Jerusalem, 1992).

¹⁹ On the phenomenon of abbreviations in general and the reworked versions of *Sefer hamordekhai* in particular, see Halperin, *Mavo leSefer hamordekhai hashalem*, 125–41, which considers the question in a different light from that considered here; see my ‘Between Ashkenaz and Jerusalem’.

²⁰ For a comparison of the manuscript-copying technique in European universities with the parallel technique in Ashkenazi yeshivot, as described here in brief, see G. Pollard, ‘The *Pecia* System in the Medieval Universities’, in M. B. Parkes and A. G. Watson (eds.), *Mediaeval Scribes, Manuscripts and Libraries: Essays Presented to N. R. Ker* (London, 1978), 145–61.

came into only partial contact with parallel traditions of halakhic decision and scholarship. It was the local nature of the canon that created its authoritative status and made it into what was known as *minhag hamakom*, literally ‘the custom of the place’ or ‘local custom’.

The authority of the traditional library was severely shaken by its exposure to the foreign literature that began to come off the Italian printing-presses in the late fifteenth century and streamed steadily into the Ashkenazi and Polish yeshivot. Ashkenazi society was now able to read Sefardi biblical and talmudic exegesis, halakhic literature, philosophy, and kabbalah. It was only on account of this process, which peaked in the middle of the sixteenth century, that the *Shulhan arukh* was accepted by Ashkenazi society a generation later. The patterns of halakhic decision in Ashkenazi society were entirely transformed thereby, and—of particular relevance here—halakhic literature now became available to people who, in the earlier literary situation, could not have achieved the degree of proficiency necessary to make halakhic decisions. All this demonstrates that the advent of printing produced a crisis in Ashkenazi society and a revolution in creative patterns, the structure of the literary canon, and the transmission of traditions that posed an immediate threat to the position of the intellectual élite.

In sum, all the characteristics of the shift from script to print so commonly discussed in literary history—the standardization of texts, exposure of the lower classes to literature, and changes in the structure of the traditional library—may be detected in Ashkenazi society, emphasized by the particular nature of text, book, and canon in that society.²¹

REMA AND THE PRINTED BOOK

The central figure in the changes that shook Ashkenazi society upon the transition of rabbinical literature from script to print was undoubtedly R. Moses Isserles, Rema, whose book *Torat hatat* was the target of the attack by Hayyim ben Bezalel of Friedberg with which I began this article. While other central figures in the rabbinical literature of the time took an antagonistic stand towards print, Rema understood its implications for the future nature of rabbinical literature and proceeded accordingly in his own literary work.²²

²¹ I am referring to the important research done in the past few years in the field of the history of the book, a major landmark in which was the publication of Elizabeth L. Eisenstein, *The Printing Press as an Agent of Change*, i and ii (Cambridge, 1979). Although scholarship in this area has advanced considerably since then, many of the issues and discussions in that book are still influencing modern research in the field.

²² On Rema and his literary opus, see Chones, *Toledot haposekim*, 174–85; A. Ziev, *Rabbenu Moshe Isserles (Rema)* (New York, 1972). Concerning Solomon Luria (Maharshah), see S. Assaf, ‘Something about the Life of Maharshah’ (Heb.), in *Louis Ginzberg Jubilee Volume* (New York, 1945), 45–63. It is quite amazing that there is still no satisfactory, comprehensive study of this unique figure or of his unprecedented literary output. Assaf’s ‘Something about Maharshah’ is still a point of departure for any future progress on this intriguing subject.

In his introduction to *Torat hatat*, Rema lists his motives for writing the book which was meant to supersede *Sha'arei dura*, a central component of the medieval Ashkenazi canon and a subject of systematic study in Ashkenazi yeshivot:

I bless the Lord who has guided me. My conscience admonishes me at night, to write a book on *isur veheter*, on the laws set forth in *Sha'arei dura*, in so far as that book is widespread and in everyone's hands, presenting a stumbling-block for them. For the *ga'on*, the author of *Sha'arei dura*, composed it for his own generation, great and wise men, and the brevity with which he wrote sufficed for them, and he wrote in his book only those things that he considered innovations or things necessary for that generation . . . But now, owing to the sins of these last generations, his words have become obscure and incomprehensible, as though they had never been. And for that reason the later authorities, of blessed memory, rose up . . . and wrote comments on it in their glosses, so as to instruct the generations how to conduct themselves, even though, in so doing, their writings clashed with one another: one says this and another says that . . . one prohibits and one permits, although they were all given by one shepherd. At any rate, whoever has not the palate to taste their sweet but largely obscure words cannot reach conclusions from these numerous glosses . . . Accordingly, these books have fallen into the hands of many people, small and great, who have interpreted and explained them in different ways. Time comes to an end, but their words are endless, for they have composed for that book commentaries and appendices, and many students have jumped up and attributed nonsensical things to it. Every man did as he pleased in his book—and who shall prevent him? Thereafter these books and words have been printed, and whoever sees them believes they were all uttered at Sinai . . . and the effort of scholars who meant well, to abbreviate and to explain, has caused harm. Therefore have I, Moses . . . seen that it would be good to establish the proper order of all the laws of *isur veheter* that are in *Sha'arei dura* and to commit them to writing in a brief way without lengthy casuistry (*pilpul*) . . . in a manner easily comprehensible to every man, be he small or great.²³

This bold, almost indiscreet, introduction is a unique text in the history of the Ashkenazi book. Not only does Rema openly discredit one of the works of the medieval Ashkenazi canon, then still serving as the main textbook in the Ashkenazi yeshiva; he openly and deliberately disparages the method of transmission of halakhic tradition that was still in use in the Ashkenazi yeshiva. The poor state of the text in *Sha'arei dura*, as he describes it, was no accident. This was the text as it was supposed to be, in keeping with Ashkenazi scholarly tradition. It was precisely how knowledge in questions of *isur veheter*—the very heart of the legal corpus for which the *posek* was responsible toward his community, as it had accumulated over the many decades of the book's career in the Ashkenazi yeshivot before and during Rema's lifetime—was traditionally preserved and transmitted to the next generation. The glosses to which he refers reflect genuine, legitimate strata of the text as it had evolved; the page was like an archaeological section, cutting across the mound and exposing all its levels. That was how an Ashkenazi text assumed its rightful place in society: one level of commentary superimposed on another,

²³ Moses Isserles, *Torat haḥatat* (Cracow, 1569), p. 2a–b.

without the intervention of any editor's hand that might lighten the increasingly heavy weight bearing down on the original text from one generation to the next. In this way the text became esoteric, accessible to learned scholars only. Such Ashkenazi texts had no didactic pretensions whatever.

Thus the definition of the prospective audience of *Torat hatat* as 'every man, be he small or great' seems to undermine the basic principles of the Ashkenazi halakhic text. The same is true of Rema's seemingly innocuous working plan, 'to establish the proper order of all the laws of *isur veheter* that are in *Sha'arei dura* and to commit them to writing in a brief way without lengthy casuistry', but that was also the secret of the work's subsequent popularity. In the very same sentence he declares his intention of writing within the traditional framework, casting the radical potential in traditional moulds: ostensibly, he would merely superimpose one more layer on the canonical book, after the manner of those same predecessors whom he had criticized. Perhaps it was this neutralization of the visibly radical element, the suppression of the sense of novelty in his writing, that enabled Rema to become the single person most responsible for reshaping rabbinical literature in the print era.

In this context it is useful to note as an illustration Rema's philosophical work *Torah ha'olah*, printed in Prague in 1560, only one year after *Torat haḥatat* had been printed in Cracow.²⁴ Ashkenazi society considered philosophy an extra-canonical discipline, a rather dangerous occupation of undefined status, perhaps bordering on heresy. Rema himself was accused by the greatest scholar of his time, his older relative R. Solomon Luria, the Maharshah, of having taught philosophy at his yeshiva at Cracow.²⁵ In 1559, only a short time before the publication of *Torat ha'olah*, a fierce controversy broke out in the yeshivot of Prague and Poznań—presumably, indeed, in all the yeshivot of Poland and Ashkenaz—over the study of Maimonides' *Guide of the Perplexed*, and of philosophy in general.²⁶ The student body split into two groups—those who ardently favoured the study of philosophy, and their opponents, who went so far as to excommunicate the supporters of philosophy. For the anti-philosophy party, the term 'philosophy' denoted not only philosophy proper but the entire corpus of new books then pouring into the Ashkenazi centres of study in Poland and Germany from Italian printing-presses, none of which was listed in the traditional Ashkenazi canon.²⁷ Anything new was, therefore, philosophy, and philosophy equals, of course, heresy. This dispute over the position of philosophy, like the dispute over halakhic literature with which we

²⁴ On *Torat ha'olah* and Rema's philosophy, see Y. Ben-Sasson, *Mishnato ha'yunit shel haRema* (Jerusalem, 1984).

²⁵ *She'elot uteshuvot haRema*, no. 6, p. 26.

²⁶ P. Bloch, 'Der Streit um den Moreh des Maimonides in der Gemeinde Posen um die Mitte des 16. Jahrhunderts', *MGWJ* 47 (1903), 153–69, 263–79, 346–56.

²⁷ See my paper 'The Attitude of Ashkenazi Society to the New Science in the Sixteenth Century', submitted to the Conference on Jewish Responses to Early Modern Science, Tel Aviv and Jerusalem, 1995.

are concerned here, also broke out against a background of the upheavals created in the traditional Ashkenazi literary canon by the advent of print and the collapse of the local frameworks of Ashkenazi culture.

Rema's *Torat ha'olah*, written at first sight in the tradition of Jewish Aristotelianism, also reveals its author's affinity with kabbalistic philosophy as it was emerging at that time from the north Italian yeshivot. Nevertheless, though essentially a philosophical work, the book is written in a homiletic rather than philosophical style. Rema chose to clothe his philosophical method in a traditional literary cloak, thereby taking the book out of the disputed area. Such adherence to a traditional genre presumably facilitated the dissemination of the book in the Ashkenazi milieu, which was extremely sensitive to changes. The argument was actually, though unconsciously, over form rather than content. The central bone of contention was the attitude to the old literary canon rather than the question of new halakhic messages or philosophical arguments of one kind or another.

Rema was acutely aware of the frontier between handwritten medieval Ashkenazi literature and the printed Ashkenazi literature at the dawn of the modern era, and was fully cognizant of the inescapable changes that would result from the shift from script to print. He did not, however, create new literary models, but preferred to pour the new content into ostensibly traditional vessels. Thus, for example, his halakhic writing, without exception, remained faithful to canonical texts, as was the norm in past Ashkenazi society. Not one of his works is an independent, self-sufficient text: *Darkhei moshe* is written as glosses on *Arba'ah turim*, the central legal code of the late medieval Ashkenazi world; and the same is true of his glosses on the *Shulhan arukh*, which is my last subject.

REMA AND THE *SHULHAN ARUKH*

The book named *Shulhan arukh* was written by R. Joseph Caro the Sefardi, in Safed in the years 1555–63, and first printed in Venice in 1565. It was not the author's intention to write a major legal code for *posekim*—the very opposite. Alongside his commentary *Beit yosef* on the *Arba'ah turim*, in which he laid down up-to-date rules of legal decision and filled in gaps remaining since the completion of the *Tur*—the last code completed before his time, in fourteenth-century Spain—he had written the *Shulhan arukh* as a manual for laymen and students, that is, for the less learned strata of society.²⁸ That the *Shulhan arukh*, contrary to

²⁸ 'The great work that I composed on the *Arba'ah turim*, which I have called *Beit yosef*, in which I have included all the laws that may be found in [the works of] all the *posekim*, new and old . . . I have seen fit to collect its teachings in an abbreviated fashion . . . so that the Lord's perfect Torah shall be fluent in the mouths of all men of Israel . . . Moreover, the young students shall study it constantly and memorize its words, so that knowledge acquired in childhood shall be well ordered in their mouths from a young age' (Joseph Caro, *Shulhan arukh, Orah Hayim*, intro.). On the printing of the work, see R. Margaliyot, 'The First Editions of the *Shulhan arukh*' (Heb.), in I. Raphael (ed.), *Rabbi Yosef Caro* (Jerusalem, 1969), 89–100.

its author's intentions, became the most authoritative legal code of Jewry is due to Rema. The edition of *Shulhan arukh* printed in Cracow in 1578–80 included glosses by Rema which—so he explained in the introduction—were intended to introduce Ashkenazi custom into the work of the Sefardi author. The fact that he wove his comments into the main text as glosses indicates—besides upholding the traditional Ashkenazi attitude to a text—that the work itself, meant to serve as a textbook for laymen, had been accepted in Rema's yeshiva at Cracow as a students' reference-book. Instead of the *Arba'ah turim*, the main text for the study of *posekim* in the Ashkenazi yeshiva up to Rema's day, he chose to use the new book, which was free of accumulated layers of glosses and emendations, up to date and lucid, arranged along the same lines as the old *Turim* so that it was easily introduced into the yeshiva curriculum. This was the crucial step in altering the canonical status of the *Shulhan arukh*. Thus the *Turim* became the second work of the medieval Ashkenazi canon that Rema had replaced with a new book.

Although it is generally accepted that Rema's glosses were intended to supplement the Sefardi text and adjust it to Ashkenazi usage, his work was actually far more complicated. More than just introducing Ashkenazi practice at the appropriate place, he in fact edited and screened it. Quite deliberately, his glosses discarded rather than preserved the bulk of the corpus of Ashkenazi customs left over from the Middle Ages. Because he incorporated only a small part of the Ashkenazi practice into the *Shulhan arukh*, the material that had not entered the *Shulhan arukh* gradually disappeared from the consciousness and everyday life of the Ashkenazi community. Rema thus narrowed the local basis of Ashkenazi halakhah and produced a code whose ethnic boundaries were largely blurred. He was therefore largely responsible for the canonization of Ashkenazi practice, having transferred it from the oral realm and placed it on a level with the written halakhah.

The *Shulhan arukh* proper was in fact never accepted by Ashkenazi society. What was accepted was a new text, the outcome of Rema's efforts. Rema took the foreign text of R. Joseph Caro and met its codificatory threat by treating it in the traditional Ashkenazi manner, by adding layers of accumulated knowledge in such a way that the borders between them and the central text became gradually vaguer. This blurred the primary status of the text, which was transformed from a text meant to be read, hence absolute, to a text meant to be studied, and therefore relative.

A glance at a typical page of the *Shulhan arukh*, as it took shape among the disciples of Rema and Maharshal or, more precisely, during the seventeenth century, shows that the original text of R. Joseph Caro appears in the middle of the page, surrounded on all sides by commentaries, notes, and glosses, just as if it had been a manuscript of a medieval Ashkenazi halakhic work. Less than 100 years after the printing of Rema's glosses, the original text of the *Shulhan arukh* was buried under layer upon layer of glosses and comments, which, in keeping with the

metaphor of the 'prepared table', came to be known as the *nose'ei kelim*, attendants (literally, vessel- or tool-bearers)—a process initiated by Rema himself. The *nose'ei kelim*, such as *Sefer me'irat enayim*, *Turei zahav* and *Sifteï kohen*, became an integral part of the main text, and the authority of the *Shulhan arukh* extended not only to the text as composed by Joseph Caro, but to the whole collection of texts that had become part of the canon by the very fact of being printed together with that text, first on the page around the text and later at the end of the volume.²⁹

I believe that this process was the rule in regard to the acceptance of the printed book among the Ashkenazi intellectual élite: the Ashkenazi halakhic book at the beginning of the modern era retained certain features inherited from the medieval scribal tradition of knowledge transmission. In certain respects it was a kind of printed manuscript, that is, a text which, in the way it took shape, rejected the new communicative values of print culture and created a text with esoteric components, thus protecting its élitist position.

²⁹ On the bibliographical aspects of Rema's *hagahot*, see I. Nissim, 'The *Hagahot* on the *Shulhan arukh*' (Heb.); Raphael (ed.), *Rabbi Yosef Caro*, 64–88.

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יהא זכרם ברוך

*'Get wisdom, get understanding:
Forsake her not and she shall preserve thee'*

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