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R. Judah *he-Ḥasid* and the Rabbinic Scholars of Regensburg: Interactions, Influences, and Implications

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SCHOLARS OF *ḤASIDEI ASHKENAZ* during the last hundred years have paid little attention to sections 1592 and 1593 in the Parma edition of *Sefer Ḥasidim* (hereafter *SH*).[1] To my mind, however, these sections shed considerable light on several questions about the nature and role of the German pietists that have been raised recently. After presenting an analytical summary of these sections, I propose to locate them not only within the larger context of *SH* but also more broadly within medieval Ashkenazic rabbinic scholarship and culture.

A preamble identifies *SHP* 1592 as a written document (*ketav*) that had been sent to the leading rabbinic scholars of Regensburg. The document contains, in essence, a halakhic policy question with regard to synagogue practices. The questioner, an otherwise unknown Ephraim b. Meir, describes a situation in which "sinners had become dominant" (*gavrah yad 'ovre 'averah*) within the community. These people sought (undeserved) honor by consistently performing *gelilah*, the tying (wrapping) of the Torah scroll. Twelve such individuals had together pledged the hefty sum of twelve *zekukim* to charity for the year. This would entitle each member of the group to perform *gelilah* for one month.

In Ephraim's opinion, this donation was undertaken in order to convey the message that the group's members contributed more than anyone else in the community (including Ephraim), an assertion that was intended primarily to embarrass the others and to enhance the group's honor.

1. *Sefer Ḥasidim* (=*SHP*), ed. J. Wistinetzki (Jerusalem, 1924), secs. 1592–93 [=*Sefer Ḥasidim* Bologna [*SHB*], ed. R. Margoliot (Jerusalem, 1957), sec. 764–65.] Eleven studies that appeared between 1903 and 1980 were reprinted (including two in translation) as *Dat ve-ḥevrah be-mishnatam shel Ḥasidei Ashkenaz*, ed. I. Marcus (Jerusalem, 1987).

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Ephraim, whose position in the community is not identified, adds that he was able to discourage the plan as a whole, although he agreed to implement an unspecified part of the arrangement in order to ensure that the local charity fund would reap some benefit. Indeed, Ephraim expresses a degree of hesitation, since the amount that might have accrued to the charity fund would thereby be diminished.

Ephraim indicates that he therefore decided to send his query (to Regensburg) to "my masters (*rabbotai*), R. Barukh and R. Abraham, and the *Haside* R. Judah," and to seek their instruction. Ephraim pledges that he will abide by whatever they decide, even if they rule that the group is entitled to receive the honor of which in his view they are not worthy "since there are some among them who do not know even one verse of the Torah." He also notes that he is pursuing this matter not for personal gain but in order to prevent the denigration of the Torah. Moreover, he is concerned that if twelve people share the *gelilah* for one year, some of these individuals might decide that they want to do *gelilah* during the following year and others will demand it for themselves, leading to a confrontation that might cause bloodshed (*'ad she-tihyeh retsiḥah benehem*)! Ephraim concludes by again reassuring the rabbinic scholars that he will abide by their ruling in any case, whatever his own preferences. Moreover, he expresses his willingness to continue, with their approval, to perform *gelilah* over any objections from the group, while paying the same amount to charity that he had typically given for this honor in the past.

The rabbinic response appears in *SHP* 1593. The scholars ruled that since the poor would profit from the offer made by the group, its members, although they did not intend principally to honor Heaven but rather to achieve honor for themselves, should not be prevented from tying the Torah. As for the individual who was able to perform *gelilah* until now (ostensibly the questioner, Ephraim b. Meir), since his intention was sincere, if he were to continue to give the same amount of charity that he had before, Scripture would consider it as if he were still tying the Torah scroll. As Mal 3.16 indicates (and as the Talmud amplifies in bKidd 41a), the Almighty hearkens also to those who think of His Name (*ule-ḥoshve shemo*) in undertaking their religious actions, and considers that one who wished to fulfill a precept but was prevented from doing so did in effect perform that precept. Indeed, since Ephraim would now desist from performing *gelilah* solely in order to benefit the poor, it would be considered as if he had contributed the same amount to charity as those who were actually performing it!

As far as the questioner's concern that implementing this decision

might lead to further and even more deleterious controversy (*ya'asu maḥloket ve-yavo lide ra'ah*), and that others might be moved to pursue the same kind of tactic with respect to the holders of various synagogue honors, the Regensburg rabbis noted that if controversy were indeed to occur, the scholars (*ḥakhamim*) of the community would have to act accordingly. Intervention by the religious leadership would only be indicated, however, if, by way of example, the present group continued to give twelve *zekukim* and others then pledged twenty. But if one person gives one *zakuk* for an honor and another pledges only slightly more, the second individual should not be heeded on the basis of such a small additional increment.

These sections in *SH* were cited and discussed by the late E. E. Urbach as a prime example of the unusual or different way in which R. Judah *he-Hasid* (d. 1217) characterized and dealt with halakhic issues, as compared to the methods and concerns of the tosafists and other Ashkenazic halakhists. Urbach maintained that Judah did not proceed with the typical form of halakhic analysis in medieval Ashkenaz, which was predicated on an understanding and clarification of relevant talmudic sugyot. Rather, his rulings were issued essentially as formulations of pietist ideals and practice, on the basis of "hints that were not explicit" and as ethics-based imperatives, without recourse to talmudic prooftexts or sources.[2]

Urbach compared and contrasted Judah's approach with that of his student R. Isaac of Vienna (d. ca. 1250) in his *Sefer Or Zarua'*. R. Isaac issued a responsum in a similar case in which one member of the community wished to prevent another from removing the Torah from the ark and handing it to the *ḥazzan* (as well as returning it to the ark after it was read), an honor that had been purchased with money that was given to the communal charity fund. The member who protested this practice argued that it was properly the prerogative of the *ḥazzan* alone to remove and to return the Torah. In the course of denying this claim, R. Isaac *Or Zarua'* discussed several talmudic passages, concluding with a passage from bMeg 32a, where *gelilah* is assigned to the leading Torah scholar of the town, since this role earns for its performer, according to R. Joshua b. Levi, a reward equal to that of all of the other Torah service honors.[3]

2. See E. E. Urbach, *The Tosafists* (Hebrew; Jerusalem, 1980), 1: 390–91.

3. See also *Tosafot Megillah* (32a) s.v. *gadol*. This enhanced reward is to be assigned to the leading Torah scholar either because through him the Torah itself is most honored, or because this scholar is the most deserving to receive such a reward. Cf. Meir of Rothenburg's *Ta'amei mesoret ha-Mikra* to the beginning of *parashat Emor* in R. Meir b. Barukh of Rothenburg, *Teshuvot, pesakim u-minhagim*, ed. I. Z. Cahana (Jerusalem, 1957), 1: 21–22.

Nonetheless, the custom in the communities of medieval Ashkenaz was to allow for other individuals (including laymen) to purchase *gelilah*. A similar policy, he argued, could therefore be applied (with even greater ease) to the removal and return of the Torah.[4]

In a note on R. Judah *he-Hasid*'s ruling in *SHP* 1593, Urbach referred the reader to his earlier discussion of a responsum by R. Eliezer b. Isaac of Bohemia (Prague), written in response to a question by the young Judah *he-Hasid* (the text of which has been lost), regarding the economic support of *hazzanim* and other officiants. R. Eliezer disagreed with Judah's contention that synagogue officiants should not receive the payments and donations that were typical at that time, at least in Eastern and Central Europe. In R. Eliezer's view, the prayer leader is akin to those who performed the Temple services and were assigned various gifts according to the Torah in recognition of their services.[5]

In endorsing the payment of *hazzanim*, R. Eliezer dwelled on the esoteric power of the *kedushah* prayer (citing a passage from the *Baraita de-R. Ishmael* [=*Hekhalot rabbati*], with respect to engaging the visage of the patriarch Jacob as part of the Divine Chariot during recitation of the *kedushah*),[6] that could not be recited properly without a competent *hazzan*. Moreover, the *hazzanim* in outlying areas such as Poland, Russia, and Hungary, where there were fewer Torah scholars available, were also hired as teachers of Torah and decisors of Jewish law. If their communal stipends were to be curtailed in accordance with Judah's suggestion, R. Eliezer feared that these communities would lose these services as well, and that religious chaos would ensue. Urbach concluded that R. Eliezer was sympathetic toward R. Judah *he-Hasid*'s particular ethical sensitivities, even as he was deeply concerned with actual circumstances within the communities themselves. R. Judah had turned specifically to R.

4. *Sefer Or Zarua'* (Zhitomir, 1862), pt. 1, sec. 115 (cited in Urbach, *Tosafists*, 1: 391–92). R. Isaac *Or Zarua'* studied with several tosafists in both northern France and Germany, and with R. Judah *he-Hasid* as well. See, e.g., Urbach, *Tosafists*, 1: 436–39; Uziel Fuchs, "'Iyyunim be-Sefer Or Zarua' le-R. Yitzhak b. Moshe me-Vienna" (M.A. thesis, Hebrew University, 1993), 11–40; and Ephraim Kanarfogel, *Peering through the Lattices: Mystical, Magical, and Pietistic Dimensions during the Tosafist Period* (Detroit, 2000), 128–30, 221–25.

5. See *Sefer Or Zarua'*, pt. 1, sec. 113 (cited and corrected by Urbach, *Tosafists*, 1: 213–14, on the basis of a version found in a responsa collection of R. Meir of Rothenburg). Cf *SHP* 471.

6. For other evidence of this *hekhalot* passage in medieval Ashkenazic rabbinic literature, see, e.g., Eric Zimmer, *'Olam ke-minhago noheg* (Jerusalem, 1996), 77–78, and my *Peering through the Lattices*, 49–50.

Eliezer as a halakhist who also understood his esoteric liturgical concerns as a pietist.

Despite his careful analyses and textual comparisons, however, Urbach misconstrued several crucial factors. First, the ostensible absence of talmudic sources from R. Judah's response found in *SHP* 1593 may be understood somewhat differently. As opposed to the responsum written by R. Isaac *Or Zarua'* (or even the responsum by R. Eliezer of Bohemia to R. Judah *he-Hasid*), in which the respondent was expected to offer ample documentation and discussion of his position to a respected colleague or to a local rabbinic court or group of communal leaders, section 1593 in *SHP* is a brief *pesak*, issued in response to the query of a single individual. Although the questioner may well have been some sort of rabbinic figure, a respondent was required to justify his view much less expansively in this kind of format.[7] In addition, the questioner recorded in the passage was himself one of the principals and was asking for immediate guidance, lest difficulties escalate. The response in this case needed to be short and sweet, heavy on reassurances and light on details. "Here is the right thing to do, and here is the reward that you will get for following our recommendation."

In the parallels cited by Urbach, the questions came from disinterested third parties, who were in a better position to establish long-term communal policy. The passage in *SH*, on the other hand, notes that unnamed *hakhamim* (and not the questioner) would be the ones to monitor the situation as it moved forward. Moreover, the passage in *SH* does contain a strongly implied element of talmudic justification, as a comparison with the *Or Zarua'* passage indicates. The single most compelling talmudic reference in that passage comes at the point where *gelilah* is discussed. Although the Talmud indicates that *gelilah* should be given to the most learned person present, R. Isaac *Or Zarua'* notes that Ashkenazic communities allowed the honor to be purchased by others (for the community's benefit). This very talmudic concept is at the heart of the passage in *SH* as well and is explicitly noted in the section just prior (sec. 1591): "The most learned (*zaken*) and most righteous person (*tsadik*) in the city should wrap the Torah scroll." Ephraim b. Meir suggests that he is much more deserving of *gelilah* than the "transgressors" who seek to purchase it—a most important talmudic consideration in bestowing this particular

7. See, e.g., Eliav Shochetman, "The Obligation to State Reasons for Legal Decisions in Jewish Law" (Hebrew), *Shenaton ha-mishpat ha-Ivri* 6–7 (1979–80): 332–52.

honor. He is truly the more qualified, even as the poor will benefit more from the newer arrangement.

At the same time, R. Isaac b. Moses *Or Zarua'* makes a point toward the end of his responsum on removing the Torah (in a portion not cited by Urbach) that is directly parallel to the response in *SH*. R. Isaac refers to additional synagogue services that were awarded, by communal policy, solely according to the amount of charity given. Thus, "with respect to [providing] the wine for *havdalah*, whoever gives more to charity is credited with the *mitsvah* (*zokheh ba-mitsvah*). And there is no [right of] inheritance here. Rather, the one who gives the most to charity receives the credit."[8]

Perhaps most significant, however, is that three rabbinic figures issued the response recorded in *SH*. Urbach did not mention the names of the other two rabbis in his discussion, nor did he even refer to the fact that other rabbinic figures were involved. He characterizes the response as that of the *Hasid* alone.[9] To be sure, the style and terms employed are consistent with the language of *SH*, and R. Judah *he-Hasid* may have adapted the response for inclusion in his work. But whether or not R. Judah was the main writer of this opinion,[10] the names of two other *gedole Regensburg*, R. Barukh and R. Abraham, are attached to this ruling and it is unlikely that they were uninvolved in issuing this answer. Indeed, R. Barukh b. Isaac (not to be confused with the eponymous author of *Sefer ha-Terumah*, a student of R. Isaac b. Samuel [Ri] of Dampierre)[11] and R. Araham b. Moses were members, together with R. Isaac b. Jacob (Ri) *ha-Lavan* (d. ca. 1190), of the rabbinic court in Regensburg in the late twelfth century. R. Judah *he-Hasid* appears to have taken Ri *ha-Lavan*'s

8. R. Isaac also refers in this section of his responsum to the correct procedure for placing the Torah cover on the scroll, citing a tradition "from my teacher R. Eleazar of Worms" that was based on the positioning of the altars in the Temple. An analogous position is found in *SHP* 1626 (=*SHB* 931); cf. *Sefer Mordekhai ha-Shalem 'al Massekhet Megillah*, ed. M. Rabinowitz (Jerusalem, 1997), 123, n. 529. *Arba'ah Turim* notes (*Orah Hayyim*, sec. 147) that it was customary in Ashkenaz to purchase *gelilah* for a steep price (*damim yekarim*).

9. Ivan Marcus did notice (and remark upon) the collaborative nature of this passage. See Marcus, "The Historical Meaning of *Hasidei Ashkenaz*: Fact, Fiction or Cultural Self-Image?" *Gershom Scholem's Major Trends in Jewish Mysticism, Fifty Years After: Proceedings of the Sixth International Conference on the History of Jewish Mysticism*, ed. J. Dan and P. Schäfer (Tübingen, 1993), 112–13.

10. R. Judah's authorship of this *pesak* might have allowed him to more easily include this text within *SH*. See below, n. 14.

11. See Simcha Emanuel, "Biographical Data on R. Baruch ben Isaac" (Hebrew), *Tarbiz* 69 (2000): 423–40.

place on this court and, as such, *SHP* 1593 represents one of this court's halakhic rulings.[12] R. Judah's name is listed last in the ruling recorded in *SH*, although in another *pesak* from this court on the proper time for baking the *matsot* for the Seder when Passover eve falls on the Sabbath,[13] his name is cited first: R. Judah *he-Hasid*, R. Barukh, R. Abraham.[14] In the previous generation, the Regensburg rabbinic court consisted of R. Isaac b. Mordekhai (Ribam of Bohemia), R. Ephraim b. Isaac (d. 1175), and R. Abraham's father, R. Moses b. Joel.[15]

Clearly, the *pesak* preserved in *SHP* 1593 was not that of R. Judah *he-Hasid* alone. Rather, it represented a position of the Regensburg court. A firm awareness of this fact highlights other possible and suggestive parallels. As Urbach himself noted elsewhere,[16] there is little that separates R. Judah *he-Hasid*'s seemingly pietist view on the inappropriate ethical behavior of certain *hazzanim* in eastern Europe (as expressed by R. Judah in his question to R. Eliezer of Bohemia discussed above) from a similar formulation of R. Ephraim b. Isaac, Judah's predecessor on the Regensburg rabbinic court. R. Ephraim wrote to R. Yo'el *ha-Levi* of Bonn that the *hazzanim* who do not read the Torah properly but nonetheless announce that the one who was called to the Torah gave six *peshitim* in its honor (a donation from which the *hazzanim* also profited) are in fact perpetrating a debasement of the Torah. Those who could have stopped these inappropriate practices, but did not, will be held accountable by God.

R. Ephraim indicates that he attempted to intervene but was not

12. See M. Frank, *Kehillot Ashkenaz u-batte dineihen* (Tel Aviv, 1938), 150.

13. See Israel Ta-Shma, *Early Franco-German Ritual and Custom* (Hebrew; Jerusalem, 1992), 237–48.

14. See MS Bodl. 1150, fol. 18r (a parallel version in MS Vatican 45, fol. 88r, omits the name of R. Abraham); I. Ta-Shma, *Knesset mehkarim* (Jerusalem, 2004), 1: 251–52; S. Emanuel, "Sifre halakhah 'avudim shel ba'ale ha-Tosafot," (Ph.D. diss., Hebrew University, 1993), 266; my "Religious Leadership during the Tosafist Period: Between the Academy and the Rabbinic Court," *Jewish Religious Leadership: Image and Reality*, ed. J. Wertheimer (New York, 2004), 1: 272, n. 30; and cf. my "The Development and Diffusion of Unanimous Agreement in Medieval Ashkenaz," *Studies in Medieval Jewish History and Literature*, vol. 3, ed. I. Twersky and J. Harris (Cambridge, Mass., 2000), 27–28.

15. See Urbach, *Tosafists*, 1:195–208, and my "Religious Leadership," 271–73. These scholars composed both Tosafot and halakhic writings, some of which are no longer extant. There were instances in which the Regensburg court was composed of judges from both of these groups. See also Rami Reiner, "Rabbenu Tam: His Northern French Teachers and his German Students" (Hebrew; M.A. thesis, Hebrew University, 1997), 94–95.

16. Urbach, *Tosafists*, 1: 201.

heeded. Indeed, he notes that he once stormed out of the synagogue on Simḥat Torah,[17] when the *ḥazzan* condensed the Torah reading because of one such donation of six *peshitim*. R. Ephraim expressed the hope that R. Yo'el *ha-Levi* would be able to stop this kind of behavior, for which effort he would surely be rewarded. In this instance, R. Ephraim may well have set the tone for his younger colleague in Regensburg, R. Judah *he-Ḥasid*, just as R. Judah and his rabbinic colleagues in Regensburg worked together in issuing their response in the *gelilah* case. Whether or not these rulings involving R. Judah should be seen as primarily in the realm of *ḥasidut* (a question to which we will return), they were not positions he formulated in a vacuum.

Throughout *SH*, no known medieval Ashkenazic rabbis or their works are mentioned by name, not even Rashi (or his talmudic commentaries).[18] *SH* does refer broadly to the geonic yeshivot and to several individual geonim and early Ashkenazic rabbinic figures, but never in the context of talmudic or halakhic study.[19] And yet in sections 1592–93, an entire

17. As Urbach notes, this incident occurred during R. Ephraim's "exile" in Worms, where he had traveled following a different confrontation in Speyer. Cf. Reiner, "Rabbenu Tam," 88, n. 311, and *SHP* 481.

18. See, e.g., I. A. Agus, "More ha-Talmud ve-talmidehem ba-ḥevrah ha-Yehudit be-Germanyah bimei ha-benayim kefi she-metu'ar be-*Sefer Ḥasidim*," *Samuel Belkin Memorial Volume*, ed. M. Carmilly and H. Leaf (New York, 1981), 135–41; I. Ta-Shma, "Mitsvat Talmud Torah ki-be'ayah datit ve-ḥevratit be-*Sefer Ḥasidim*," *Ritual, Custom, and Reality in Franco-Germany, 1000–1350* (Hebrew; Jerusalem, 1996), 112–29; and the index of names cited in J. Freimann's introduction to the Wistinetski edition of *SH*, 20–21. Although the genre of Tosafot is referred to on a number of occasions by *SH*, neither the first-rank rabbinic scholars who produced the Tosafot nor the institutions in which they were produced are mentioned in any detail. See below, n. 54. The Torah commentary of R. Judah *he-Ḥasid* refers to (and discusses) Rashi's Torah commentary on numerous occasions, and to other biblical commentators as well. See, e.g., the index to *Perushe R. Yehudah he-Ḥasid 'al ha-Torah*, ed. Y. S. Lange (Jerusalem, 1975), 214–15, and my *The Intellectual History of Medieval Ashkenazic Jewry: New Perspectives* (Wayne State University Press, forthcoming 2006), chap. 2. A passage from the *Sefer Or Zaru'a* is cited in a marginal gloss to *SHP* at section 432.

19. Among the geonim mentioned are R. Yehudai, R. Saadyah, and R. Hai. The commentaries of two eleventh-century scholars from North Africa, Rabbenu Hananel and R. Nissim b. Jacob of Kairwan, are mentioned (or included) a handful of times, and a passage from R. Isaac Alfasi is copied at one point. R. Jacob b. Yakar of Mainz is mentioned in an oft-cited exemplum about his extreme piety, as are the names of several Ashkenazic martyrs. R. Shabbetai Donnolo's commentary to *Sefer Yetsirah* is noted once. Among the *payyetanim* mentioned (albeit sparingly) are R. Eleazar ha-Kallir, R. Amitai, R. Meshullam, and R. Yehudah *ha-Levi*. See Freimann's index, cited in n. 18 above.

German *bet din* is mentioned. The communal court (rather than the *bet midrash* or yeshivah) was the source of rabbinic power in medieval Germany throughout the twelfth and thirteenth centuries, even as the study hall (and not the rabbinic court) was the most important and powerful institution in northern France. *SH* elsewhere enunciates rules and views about the Jewish judicial system in contemporary Germany that showed familiarity with the nature of this system. Reflecting the German approach of establishing cohesive, long-standing, fixed municipal courts that would endure through the generations, *SH* decries the results that selecting judges on an ad hoc basis (through the procedure referred to as *zabla*, by which each litigant selects one judge and together the two select the third judge) could engender. Judges selected by the litigants themselves might not be knowledgeable enough in Jewish law, and they might also be insensitive to the litigants. Similarly, *SH* expresses support for the institution of *herem bet din*, a communal-based attempt to ensure that the most competent judges would always be able to hear cases.[20] Established courts consisting of prominent rabbinic judges were far less likely to be affected by any of the aforementioned shortcomings.

Recent scholarship has discussed anew the extent to which the German pietists were part of larger Ashkenazic rabbinic communities. Some have suggested that the unusual teachings of *Hasidei Ashkenaz*, together with their unusual dress and comportment,[21] ensured that the pietists (certainly in the days of R. Judah *he-Hasid*) were almost completely removed from the surrounding Jewish society, and that they may have sought and even preferred this kind of isolation. At the same time, whether or not the pietists existed in separate communities, their impact on Ashkenazic society was almost nil.[22] The posture of Judah's leading pietist student,

20. See my "Religious Leadership," 265–81, 297–305, and cf. *SHP* 1142, 1301, 1309–12, 1315, 1374.

21. Cf. Haym Soloveitchik, "Three Themes in the *Sefer Hasidim*," *AJS Review* 1 (1976): 329; I. Marcus, *Piety and Society: The Jewish Pietists of Medieval Germany* (Leiden, 1981), 98; idem, "Judah the Pietist and Eleazar of Worms: From Charismatic to Conventional Leadership," *Jewish Mystical Leaders and Leadership in the Thirteenth Century*, ed. M. Idel and M. Ostow (Montvale, N. J., 1998), 115; and see below, n. 56.

22. See, e.g., Soloveitchik, "Three Themes," 326–37; idem, "Piety, Pietism, and German Pietism: *Sefer Hasidim* I and the Influence of Hasidei Ashkenaz," *JQR* 92 (2002): 470ff.; Joseph Dan, "Ashkenazi Hasidism, 1941–1991: Was There Really a Hasidic Movement in Medieval Germany?" *Gershom Scholem's Major Trends*, 94–101; Ithamar Gruenwald, "Social and Mystical Aspects of Sefer Hasidim," *Mysticism, Magic and Kabbalah in Ashkenazi Judaism*, ed. K. Grozinger and J. Dan (Berlin, 1995), 108–13.

R. Eleazar of Worms, was somewhat different in this regard. Eleazar was a signatory on the so-called *Takkanot shum* of the 1220s, and possibly a composer or editor of Tosafot texts.[23] He was also a prominent member of the rabbinic court in Worms.[24] In addition, R. Eleazar differed from R. Judah *he-Hasid* in his approach to maintaining pietist values and practices. In short, Eleazar's interaction with "mainstream" Ashkenazic rabbinic society was assumed to have been much more pronounced than that of R. Judah.[25]

As we have seen, however, Judah was a member of the rabbinic court of Regensburg. Like R. Eleazar of Worms, he served on the sitting *bet din* in his locale. Moreover, even before R. Judah *he-Hasid* left his native Speyer to settle in Regensburg in the late twelfth century (ca. 1195, and irrespective of the reasons for this move),[26] there is evidence for substantive affinities and in some cases even direct contact between R. Judah *he-Hasid* and a series of leading German and Bohemian tosafists who had studied with Rabbenu Tam in northern France prior to their settling in Regensburg, where they also served on the rabbinical court. Included in this group are R. Ephraim b. Isaac, R. Isaac b. Mordekhai, Ri *ha-Lavan*, and R. Barukh b. Isaac.[27] Indeed, R. Eliezer of Prague, with whom R. Judah corresponded regarding the situation of the *hazzanim* in Eastern Europe (and who shared, as noted, both his mystical and pietistic knowledge and tendencies) had also been a student of Rabbenu Tam.[28]

23. On R. Eleazar's presence at the German rabbinical synod in Mainz, see, e.g., I. Marcus, *Piety and Society*, 127–29, and Soloveitchik, "Three Themes," 347–48. On Eleazar's tosafist writings, see Urbach, *Tosafists*, 1: 403–05.

24. See Urbach, *Tosafists*, 1: 406–07, and my "Religious Leadership during the Tosafist Period," 258–69, 273–74.

25. See, e.g., Marcus, *Piety and Society*, 59–74, 109–20. Although Eleazar maintains that there was no one to whom he could transmit pietist esoteric lore (*torat ha-sod*), recent research suggests that he did have a number of students in this realm despite his statements to the contrary. See my *Peering through the Lattices*, 25.

26. See, e.g., Ta-Shma, *Knesset Mehkarim*, 251–53; Marcus, "Judah the Pietist and Eleazar of Worms," 115–17; and cf. Haym Soloveitchik's review essay of E. Zimmer's *'Olam ke-minhago noheg*, *AJS Review* 23 (1998): 229–30.

27. See R. Reiner, "Rabbenu Tam," 79–98. Urbach (*Tosafists*, 1: 83–87, 1:199–20) aptly characterizes the relationship between Rabbenu Tam and R. Ephraim (who were very close in age) as one that was filled with both respect and antagonism. R. Barukh b. Isaac may not have studied directly with Rabbenu Tam (although he was in contact with Ri of Dampierre); see Urbach, *Tosafists*, 1:196–98, 207–08, 218–21, and Reiner, "Rabbenu Tam," 71–79.

28. See Urbach, *Tosafists*, 1: 212–13, and Reiner, "Rabbenu Tam," 125–27.

Rabbenu Ephraim of Regensburg died in 1175, some twenty years before R. Judah *he-Ḥasid*'s arrival. Despite the implications of several late medieval legends, it is unlikely that there was any direct contact between them.[29] Nonetheless, in addition to their similar views with respect to *ḥazzanim* discussed above, we can point to two other suggestive examples of shared values between R. Judah and R. Ephraim. Three parallel manuscript texts attribute to R. Ephraim of Regensburg an elaborate penance process (*tikkun teshuvah*) for a person who had killed someone. According to this process, the penitent should wander from place to place for a period of three years as a kind of self-imposed exile—he should abstain from eating meat and should drink only water except on the Sabbath and festivals; he should receive lashes twice a day; he should sleep on the ground on a mat of old reeds; he should not participate in any forms of entertainment (*mishakim*); he should bathe and wash his clothes only twice a year; and he should not shave or cut his hair. The passage implies that a heavy regimen of fasting should also be followed and even intimates that the penitent should shackle himself, except on the Sabbath.[30]

In the *tikkune teshuvah* of the German pietists that are found at the beginning of R. Eleazar's *Sefer Rokeaḥ*,[31] which are attributed by R. Eleazar in other texts to R. Judah *he-Ḥasid* (and to his father, R. Samuel *he-Ḥasid* of Speyer), the following regimen is proposed for one who has killed another: three years of wandering exile with lashes to be administered in each place that he arrives; no meat or wine or intoxicating beverages; no shaving or hair cutting; no washing of one's clothes or one's body except once a month; shackling the hand with which the murder was committed; walking barefoot; a period of fasting each day, and fasting on Mondays and Thursdays during the fourth year following the murder, as well as confessing this sin each day throughout his life; no participation in any festive occasions or entertainments. Toward the beginning of this regimen, the penitent is also instructed, when he arrives in a new locale, to announce that he is a murderer, and toward the end he is instructed to

29. See R. Reiner, "Rabbenu Tam," 69. The legends that link Ephraim and Judah are described by both Y. N. Simhoni and J. Dan in *Dat ve-ḥevrah*, 59–61, 167. See also Ta-Shma, *Knesset meḥkarim*, 251, n. 83.

30. MS British Museum 477/3 [IMHM #05757], fol. 165r; MS Parma Palatina [#13741], fol. 352v; and MS Parma [De Rossi, #14236] 1237, fol. 36v. The text was published (from MS BM) by M. Hershler in "Teshuvot ve-tikkun Geonim ve-kadmonim mi-tokh ketav yad," *Sinai* 66 (1970): 177.

31. *Sefer Rokeaḥ* (Jerusalem, 1967), *Hilkhot teshuvah*, sec. 23 (fol. 31a).

sit at the synagogue entrance so that those who are passing by may walk over him (while being careful not to trample him).[32]

As we see, the penitential regimen attributed by Eleazar to R. Judah *he-Ḥasid* is nearly identical to that of R. Ephraim of Regensburg. Although R. Judah may have received his version only from his ancestors (and he may also have embellished it on his own), the many commonalities between these *tikkune teshuvah* in form and content suggest a high degree of correlation in both thought and discourse.[33] In any case, R.

32. R. Judah's regimen appears in a treatise entitled *Darkhe teshuvah* that was published as an appendix to the Prague 1608 edition of R. Meir of Rothenburg's responsa, fols. 113a–114b and is extant in a number of manuscript versions. See Pinchas Vilman, *Ha-teshuvah be-sifrut ha-Shu"t* (n.p., 1995), 64–65; Ya'akov Bazak, "Harigat nefashot ve-dinehah be-sifrut ha-Shu"t," *Sinai* 68 (1971): 279–80; Ivan Marcus, "*Ḥasidei Ashkenaz* Private Penitentials: An Introduction and Descriptive Catalogue of their Manuscripts and Early Editions," *Studies in Jewish Mysticism*, ed. J. Dan and F. Talmage (Cambridge, Mass., 1982), 60–61, 67–69, 71, 79, n. 28; and Marcus, *Piety and Society*, 122–23, 171–73. The preamble states that this formulation was set down by R. Eleazar b. Judah (of Worms), as he received if from R. Judah *Hasid, Av ha-Ḥokmah*, son of R. Samuel *he-Hasid ha-Kadosh ha-Navi*, son of R. Kalonymus of Speyer. On these epithets, see also A. Y. Heschel, "Heavenly Inspiration in the Middle Ages" (Hebrew), *Alexander Marx Jubilee Volume*, ed. S. Lieberman, (Hebrew; New York, 1950), 181, and my "Rabbinic Figures in Castillian Kabbalistic Pseudepigraphy: R. Yehudah he-Ḥasid and R. Elḥanan of Corbeil," *Journal of Jewish Thought and Philosophy* 3 (1993): 86. The requirement for the penitent to announce that he is a murderer as he arrives in each locale is derived in a geonic penance (see the next note) from the phrase in Dt 19.4, *ve-zeh devar ha-rotseaḥ* (interpreted in this context as "the utterance of the killer should be that he is one").

33. The texts that contain R. Ephraim's regimen (see above, n. 30) also contain penances for a killer that were prescribed by various geonim and the rabbis of Rome. These were published by Hershler, "Teshuvot ve-tikkun Geonim," 173–77. Although these penances contain some of the elements found in the regimens by R. Ephraim and R. Judah *he-Hasid* (including lashes, fasting, and wandering), they are constructed rather differently. The geonic penances also stress excommunication (*niddui*) as a major punitive feature. R. Isaac *Or Zarua'* (pt. 1, sec. 112) cites one of the geonic passages: "R. Sherira Gaon wrote that we can do nothing to one who has killed in our time (*ba-zeman ha-zeh*). We cannot kill him or beat him (*le-ḥovto*) or send him into exile. We can, however, stay away from him and not interact with him, and not pray with him and not look at his face, as the rabbis taught that one ought not look at the visage of an evil person." Cf. *SHB* 630 (citing R. Hai) for a much harsher approach, and *Sefer Or Zarua'*, pt. 3, *pisqei Bava Qamma*, sec. 329, citing R. Yehudai Gaon. One who deserves capital punishment "should not be let off without any punishment, but should be lashed and shorn, and he should fast for a month." See also the penance prescribed by R. Meir of Rothenburg for one for who caused a Jew to be killed at the hand of a non-Jew, cited in Bazak, "Harigat nefashot."

Ephraim's tosafist sensibilities would certainly not have been offended by this aspect of pietist doctrine, with which he was in full agreement. Put another way, the appearance of the pietists' *tikune teshuvah*—at least as they related to a killer—around 1200 would not have seemed particularly surprising within the tosafist rabbinic circles in Regensburg, given the similar version that had been issued by R. Ephraim of Regensburg himself some years earlier.[34]

R. Isaac *Or Zarua'* discussed the kosher status of a species of fish called *balbuta* (or *barbuta*) whose scales fell off when it was taken from the water (or whose scales appeared only near its gills). Rashi and his grandsons, Rashbam and Rabbenu Tam, considered this species to be kosher. At the same time, however, R. Isaac reported hearing from "the holy R. Judah the Pious" that whoever eats from this fish "will not merit to eat from the Leviathan" in the world to come. R. Isaac also notes that when R. Judah was asked a (formal) question about this fish, Judah responded that he had reliably heard (*shama'ti 'al ha-'emet*) that R. Ephraim b. Isaac of Regensburg had once permitted it to be eaten. However, in a dream that night, R. Ephraim was brought a plate of crustaceans to eat and became angry with the one who had brought him this plate. At the same time, the latter wondered aloud why he was angry, since R. Ephraim, in allowing the *balbuta*, had himself permitted the very same thing. R. Ephraim was also upset at the angelic agent (*ba'al ha-ḥalom*) who presented this dream to him. In the course of this reaction, R. Ephraim awoke and recalled that he had permitted the *balbuta* fish to be eaten earlier that day. Realizing this, he quickly got out of bed and smashed all the utensils that had been used during the preparation and eating and proclaimed that whoever refrains from eating this fish will be blessed.[35]

R. Ephraim, a student of Rabbenu Tam, had apparently become convinced that this species of fish was halakhically permissible, in accordance with the rabbinic consensus in northern France. Nonetheless, as a result of his dream, he strongly recommended that this fish not be eaten. That such an episode would speak to R. Judah the Pious is quite understandable. Thus, both he and R. Barukh b. Samuel (d. 1221), a leading German rabbinic scholar in Mainz (who communicated directly with R. Judah

34. Cf. Soloveitchik, "Piety, Pietism and German Pietism," 485. R. Ephraim, like R. Eleazar of Worms, was also an exceptionally prolific *payyetan*, and both favored the same *piyyut* forms or genres. See, e.g., A. M. Habermann, "Piyyute R. Ephraim b. Yitshak me-Regensburg" (Hebrew), *Studies of the Research Institute for Hebrew Poetry in Jerusalem* 4 (1938): 121–95, and my *Intellectual History*, chap. 3.

35. *Sefer Or Zarua'*, pt. 4, *pisqe 'Avodah zarah*, secs. 199–200.

he-Hasid about pietist prayer practices),[36] reported R. Ephraim's dream episode to their students.[37]

R. Judah *he-Hasid* posed a question to R. Isaac ben Mordekhai of Regensburg with regard to angelology (although some suggest that the question was posed by R. Isaac ben Mordekhai). One biblical passage implies that many angels watch over a righteous person, while another suggests that only one angel is involved. The answer given is that the single angel is the *Sar ha-Panim* who commands other angels under his control to traverse the world. Regardless of who posed the question, we have here a direct conversation or communication between Ribam and the somewhat younger R. Judah on a quasi-mystical issue.[38] R. Judah *he-Hasid* interacted with Ri *ha-Lavan*'s brother, R. Petahyah of Regensburg, and appears to have "censored" a version of R. Petahyah's travelogue (the so-called *Sibbuv R. Petaḥyah*) in order to suppress certain messianic dates and traditions that were known to R. Judah as well.[39]

It is difficult to document any direct contact between R. Judah and Ri *ha-Lavan*. Nonetheless, it should be noted that an exegetical comment by Ri *ha-Lavan* to Gn 4.7 is included in the Torah commentary of R. Judah that was compiled by his son R. Zal(t)man.[40] In addition, R. Abraham b. Nathan of Lunel (who received a *gematria* tradition in the name of the German pietists)[41] records a *rashe tevot-sofe tevot* application derived from

36. See Urbach, *'Arugat ha-bosem*, 4: 94–96; Soloveitchik, "Three Themes in the *Sefer Hasidim*," 333, n. 70; and cf. my *Peering through the Lattices*, 105–06.

37. R. Barukh of Mainz's version is preserved in *Sefer Tashbez*. See R. Meir b. Barukh of Rothenburg, *Teshuvot, pesakim u-minhagim*, ed. Cahana (Jerusalem, 1959), 2:196 (sec. 60). Here too, R. Ephraim does not rule to prohibit the fish but he "stays away from them" (*piresh mehem*). On the other hand, R. Barukh's version identifies the one who appeared to R. Ephraim as the prophet Elijah (*gillui Eliyahu*). Cf. Urbach, *Tosafists*, 1: 204, and Heschel, "Heavenly Inspiration in the Middle Ages," 199. An important underlying issue in these texts is the use of dreams to determine Jewish law (*lo ba-shamyim hi'*). There is a spate of such dreams in medieval Ashkenaz that range from the mystical to the psychosomatic. I am preparing an analysis of them for publication, based on a paper that was presented at the University of Pennsylvania's Tenth Annual Gruss Colloquium in Judaic Studies, May 2004.

38. See Ta-Shma, *Knesset meḥkarim*, 246, and my *Peering through the Lattices*, 201–02.

39. See Avraham David, "Sibbuv R. Petahyah mi-Regensburg be-nosaḥ ḥadash," *Kovets 'al yad* 13 (1996): 239–43; Urbach, *'Arugat ha-bosem*, 4:125–26; and Ta-Shma, *Knesset meḥkarim*, 229–30, n. 16.

40. See *Perushe ha-Torah le-R. Yehudah he-Hasid*, ed. Lange, 8; and Y. Gellis, *Tosafot ha-shalem* (Jerusalem, 1982), 1:156.

41. See Abraham b. Nathan, *Sefer ha-Manhig*, ed. Y. Raphael (Jerusalem, 1978), 2: 607, 626.

the final word of each book of the Pentateuch in the name of R. Isaac *ha-Lavan*. This application, which equates the Hebrew word *ḥerem* (ban) with the 248 limbs of a person's body, thus suggesting that whoever violates a ban causes harm to his entire body and is thereby subject to all of the punitive oaths in the Pentateuch, is found almost verbatim in the Bologna edition of *SH*.[42]

The commentary to tractate *Tamid*, composed by R. Barukh b. Isaac of Regensburg, may in fact be the so-called *Pseudo-Rabad* commentary to *Tamid* that cites R. Samuel *he-Hasid*, as a teacher, and perhaps R. Judah in addition, or it may only have been one of *Pseudo-Rabad*'s sources. In either case, Barukh's commentary reflects the challenge posed by both R. Samuel and R. Judah, to pay particular attention to the study of tractates in *Seder Kodashim*.[43] As Yaacov Sussmann has shown, a circle of rabbinic scholars in Speyer who were connected with (and in many cases related to) R. Samuel and R. Judah produced a series of commentaries to various tractates in *Seder Kodashim* and other neglected areas of the Talmud and rabbinic literature, as per the dicta of Samuel and Judah found in *SH*.[44]

In addition to these points of confluence and contact, many of the Regensburg scholars that have been mentioned were also involved in a halakhic discussion that had distinctly pietistic overtones. The issue was that of fasting on Rosh ha-Shanah. On the one hand, it would seem entirely inappropriate to fast on Rosh ha-Shanah since it was a major festi-

42. See *Sefer ha-Manhig*, 1:33; *SHB* 106; and Urbach, *Tosafists*, 1: 222–23. Urbach posits additional links between Ri *ha-Lavan* and the German pietists through his correspondent R. Judah b. Kalonymus (Rivak b. Meir), who was included in the circle of R. Samuel *he-Hasid* and his son, R. Judah, in Speyer. See also below, n. 44.

43. See *SHP* 1, 587–88, 765–66, 1509. Inasmuch as the tosafists in northern France produced a series of commentaries to the tractates in *Seder Kodashim* already in the twelfth century, the exhortations of R. Samuel and R. Judah may have been directed to the rabbinic scholars of Germany in particular. See my "The Scope of Talmudic Commentary in Europe during the High Middle Ages," *Printing the Talmud*, ed. S. Mintz (New York, 2005), 43–52, and cf. Marcus, *Piety and Society*, 102–09.

44. See Y. Sussmann, *"Perush ha-Rabad le-massekhet Shekalim: Hiddah Bibliographit—Be'ayah Historit," Me'ah She'arim: Studies in Medieval Jewish Spirituality Life in Memory of Isadore Twersky* (Jerusalem, 2001), 166–67; Sussmann, "Mesoret limmud u-mesoret nosaḥ shel ha-Talmud ha-Yerushalmi—Le-birur nusḥa'otehah shel Yerushalmi massekhet Shekalim," *Studies in Talmudic Literature in Honor of the Eightieth Birthday of Shaul Lieberman* (Jerusalem, 1983), 14, n. 11, 34–35. Cf. Urbach, *Tosafists*, 1:354–61, and U. Fuchs, "Shenei perushim ḥadashim 'al massekhet Tamid: Perush Ashkenazi anonimi u-perush R. Shemayah," *Kovets 'al yad* 15 (2001): 112–15.

val on which fasting was ostensibly proscribed. On the other hand, the essential role of Rosh ha-Shanah in the repentance process leading up to Yom Kippur might be enhanced by fasting on these days as well. R. Avigdor *Kohen Tsedek* (Katz) of Vienna reported that R. Judah *he-Hasid* fasted on Rosh ha-Shanah, while his own teacher, the German tosafist R. Simhah of Speyer (d. ca. 1230), did not.[45] R. Simhah's contemporaries, R. Eliezer b. Yo'el *ha-Levi* (Rabiah) and R. Eleazar of Worms, were also among those who believed that fasting on Rosh ha-Shanah was inappropriate, although fasting on Rosh ha-Shanah could be traced back to pre-Crusade Ashkenaz, and before that to *minhage Erets Israel*.[46]

In his treatment of this question, R. Isaac b. Moses of Vienna reproduced a selection of geonic views on this matter that tended to prohibit fasting. Interspersed with the geonic material, R. Isaac *Or Zarua'* presented the views of rabbinic scholars from Regensburg and Prague. "My teacher, R. Isaac b. Mordekhai (Ribam) of Prague, fasted on Rosh ha-Shanah, applying a *kal va-homer* from a *ta'anit halom* (a fast undertaken in response to a troubling dream)." The argument was formulated by Ribam as follows. A *ta'anit halom* may be undertaken on the Sabbath, when fasting is normally prohibited. If this is so, even though it is not known whether the troubling dream was transmitted by an angel or by a demon (*shed*; in which case the contents are contrived), one may certainly undertake a fast on Rosh ha-Shanah in order to avoid a harsh judgment, since all are being judged directly by the Almighty.

R. Isaac *Or Zarua'* then presented the view of R. Moses, son of R. Ephraim of Regensburg, that one should fast on Rosh ha-Shanah because of the principle that "your table should not be full while the Almighty's is empty." The reasoning behind this principle and its application here is that while at least two bullocks were offered in the Temple on every other yom tov during the year, only one is offered on Rosh ha-Shanah and the divine portion of these sacrifices is thereby diminished.[47] This view of R.

45. See Urbach, *Tosafists*, 1: 419.

46. For a full discussion of this (in the talmudic and geonic periods, and throughout medieval Europe), see Y. Gartner, *Gilgule minhag be-'olam ha-halakhah* (Jerusalem, 1995), 74–96, and cf. Y. Gilat, "On Fasting on the Sabbath" (Hebrew), *Tarbiz 52* (1983): 8–15. R. Judah *he-Hasid* fasted regularly, and even on the Sabbath. See *Haggahot Maimuniyyot, Hilkhot Ta'anit*, 1:2[6], and my *Peering through the Lattices*, 34–36.

47. R. Moses' son (= R. Ephraim of Regensburg's grandson), Judah, was associated with esoteric traditions of the German pietists, especially those of R. Eleazar of Worms. See Urbach, *Tosafists*, 1:207, n. 91,* on the basis of MS Moscow/Gunzburg 511.

Moses b. Ephraim was challenged by R. Barukh b. Isaac of Regensburg. If the underlying principle behind R. Moses' view is indeed correct, we would also be required to fast on the festival of Shemini Atseret (which no one suggests or countenances), since only one bullock is offered on that occasion as well.[48] A parallel (and slightly later) version of this discussion includes R. Abraham of Bohemia (possibly R. Abraham *Haldik*, a halakhist associated with the German pietists),[49] who proposed that fasting be permitted on the basis of the same *kal va-ḥomer* that was attributed by *Sefer Or Zarua'* to Ribam. This *kal va-ḥomer* was then questioned by R. Abraham b. Azriel of Bohemia, the pietist student of R. Judah *he-Hasid* and R. Eleazar of Worms (and author of the *piyyut* commentary *'Arugat ha-bosem*). If a negative dream was in fact transmitted by an angel, the person who received it must fast. It is precisely in order for him to fast and to repent that this dream was revealed to him. As far as Rosh ha-Shanah is concerned, however, it is quite possible that the person was meant to receive a positive judgment, and so there is no need for him to fast. And if a person knows that he has sinned grievously and he is worried about this, let him fast prior to Rosh ha-Shanah. A R. Isaac asserts, in this instance in the name of R. Avraham *Haldik*, that one must fast so that "your table should not be full while the Almighty's is empty." Here again, R. [Abraham b.] Azriel responded that if this were so, we should fast on *Shemini Atseret* as well.[50]

In sum, the issue of fasting on Rosh ha-Shanah was discussed over two generations by rabbinic leaders in Regensburg (and Bohemia), in a circle that was undoubtedly aware of the position of R. Judah *he-Hasid*, who fasted, as well as the view of R. Eleazar of Worms (and other leading German halakhists), who prohibited fasting. It is noteworthy, however, that the discussion in Regensburg is expressed largely in meta-halakhic or pietistic terms Neither of the positions enunciated in Regensburg discussed the fundamental halakhic status of Rosh ha-Shanah as a festival (as the geonim and earlier Ashkenazic halakhists did). One approach that favored fasting focused on the nature of dreams and the roles of angels

48. See *Sefer Or Zarua'*, sec. 257, citing apparently from R. Eleazar of Worm's *Sefer Ma'aseh Rokeaḥ*.

49. On R. Avraham *Haldik*, see the literature cited in my *Peering through the Lattices*, 111, n. 37.

50. On the different versions of this discussion, see Urbach, *Tosafists*, 1: 401–02; idem, *'Arugat ha-bosem*, 4:124–25; and S. Emanuel, "Sifre halakhah 'avudim shel ba'ale ha-Tosafot," 192–93. R. Abraham b. Azriel studied in Regensburg with both R. Barukh b. Isaac and R. Judah *he-Hasid*. See Urbach, *'Arugat ha-bosem*, 4:113.

and demons in them. The more lenient response to this approach questioned only the impact of these factors, not their significance.

The second approach in support of fasting utilized a talmudic formulation (bBets 20b, bHag 7a, "so that your table should not be full while the Almighty's is empty") but applied it differently from the Talmud, which employs this concept (in both *sugyot*) to suggest that those aspects of the sacrificial service and the offerings of a festival that are directed primarily to God must be on par with what is offered on the festival by an individual for his own consumption. In this discussion, the reasoning is extended to suggest that God must be given more, so to speak, than a person receives, and that one must deny his own needs in order to provide properly for God. The pietistic idiom in which this halakhic issue was discussed in Regensburg and Bohemia (and the degree of asceticism that hovered in the background) apparently suited the rabbinic scholars there quite well, a development that is not wholly unexpected given their demonstrated connections with R. Judah *he-Hasid*.[51]

Similarly, the question and response found in *SHP* 1592–93 proceeded along both pietistic and halakhic lines. The questioner wished to ensure that only proper people lead the service (including *gelilah*), betraying a sensitivity in terms of synagogue honors reminiscent of *SH* and the pietism advocated by R. Judah *he-Hasid*. The new candidates for *gelilah* were unlearned "sinners," but they had achieved a dominant position in the community, another consideration that is found in *SH*, according to which pietists could impose their will only if they were already in control (*yadam tekefah*). If not, they must forgo their preferred policies and attempt to achieve the best solution available.

Indeed, this precise point is made in the previous section in *SHP*, 1591. A righteous pietist (*tsadik*) usually led the services on the high Holy Days, but as he grew old, he no longer wanted to lead the prayers. Upon questioning, he explained that he did not want to lead the prayers and then pass, away because his unqualified son would want to take his place. Thus, the old prayer leader preferred that he be replaced in his lifetime. As the biblical narrative in Samuel about Eli and his sons suggests, roles and honors in the synagogue service should not be transferred by inheri-

51. Note also the well-documented suggestions by E. Zimmer throughout his *'Olam ke-minhago noheg* that R. Judah *he-Hasid* and the *Hasidei Ashkenaz* in general were influential in the development of *Minhag Ostreich* (Austria, Poland, Eastern Europe); see my review in *JQR* 89 (1998): 205–06. Cf. Soloveitchik's review essay (above, n. 26), 229–32; his "Piety, Pietism and German Pietism," 484–88; and Zimmer's brief rejoinder in *Sinai* 133 (2004): 249, n. 38.

tance. Rather, the most learned and pious person in the city (*ha-tsaddik ba-'ir*) should wrap the Torah.

Therefore, *SH* continues, it is best that a righteous and learned person (*tsadik zaken*) lead the services on the high Holy Days. If, however, a controversy erupts, this righteous and learned person should not serve as the prayer leader even if this means that an inappropriate person (*eino hagun*) will take his place. The section concludes, however, that "if there is a person with bad intentions or a contentious individual who has a pleasant voice, and knows [technically] how to lead the service or to blow the shofar, if the hand of the righteous [=the Pietists] is dominant, he should not be allowed to lead the prayers or to blow the shofar because of the [rabbinic aphorism] that a prosecutor should not become an attorney for the defense [and] as is written in Isaiah (43.27), 'your mediators have rebelled against me.'" Immediately following is section 1592, in which the questioner seeks to prevent inappropriate people from doing *gelilah*. One might have expected the ruling to have gone against this group. In accordance with the pietist guidelines of *SH*, however, the additional benefit for the poor is the deciding factor in this case, precisely because the transgressors are described as dominant (*gavrah yad 'ovre 'averah*).[52]

In light of these views and policies of *SH*, we can understand how Urbach came to mistakenly characterize *SHP* 1593 as the response of R. Judah *he-Hasid* alone. As we have noted, however, this response from the three Regensburg rabbis rested on a point of halakhic reasoning and is consistent with the position taken by R. Isaac *Or Zarua'* (with respect to taking out the Torah), who ruled that since helping the poor is the greater concern, the synagogue honor may be sold to someone less deserving. At the same time, R. Judah *he-Hasid*'s two judicial colleagues in Regensburg, R. Barukh b. Isaac and R. Abraham b. Moses, were also comfortable with the inclusion of a pietistic reward for the questioner. His continued positive actions (or inaction, by not doing *gelilah*) on behalf of the community would guarantee him additional merits. By removing himself from the *gelilah* honor in order to benefit the poor, he will be rewarded by God. This notion had echoes in *SH* as well as a talmudic base,[53] but the decision as a whole emerges as a *pesak halakhah* from the Regensburg rabbinical court.

52. On these pietistic concepts and considerations in *SH*, see, e.g., H. Soloveitchik, "Three Themes," 325–38; I. Marcus in *Dat ve-hevrah*, 273–76; I. Marcus, *Piety and Society*, 59–65, 98–102.

53. See, e.g., *SHP* 4–6; *SHB* 18 (p. 81), 59, 104. The relevant talmudic passage is found in bKidd 41a, in the name of R. Assi.

This amalgamation of halakhic and pietistic principles on the part of these *gedole Regensburg* is consonant with the approaches of the Regensburg rabbis in the matter of fasting on Rosh ha-Shanah, and with many of the parallels that we have discussed in this essay. Just as we have seen that R. Judah *he-Hasid* was quite involved with the leading rabbinic figures of Regensburg, these rabbis were much more attuned to some of the pietistic practices and values that typified the German pietists as well. Put briefly, there was much in common between *Ḥasidei Ashkenaz* and other rabbinic scholars in Ashkenazic society. It should be noted that although *SH* strongly criticized the inappropriate use of the dialectical method in talmudic studies by unqualified students and teachers who might be led to haughtiness and self-indulgence (in addition to arriving at incorrect halakhic conclusions and wasting study time that might be better spent), at no point does *SH* censure the literature of the Tosafot, or the capable scholars who created it. Indeed, quite to the contrary, *SH* encourages a teacher who had Tosafot texts in his possession to share them with a colleague who did not and directs any individual who was traveling on business to acquire on behalf of his community commentaries and Tosafot texts that he encountered which were not available in his hometown.[54]

Many of the exempla found in *SH* relate to the specific pietistic doctrines and the elite nature and status of the *Hasid* embraced in this work. At the same time, there are exempla and moral prescriptions that speak more broadly to educational needs and procedures throughout Ashkenaz, or to and about women and families within Ashkenazic society as a whole. The student of *SH* must be prepared to determine methodologically which messages the book wished to transmit to the surrounding Ashkenazic society and to measure, in turn, the impact that Ashkenazic society and rabbinic culture had on the book itself.[55]

54. See *SHP* 664, 1478. Cf. I. Ta-Shma, "Mitsvat Talmud Torah be-Sefer Hasidim," 119–24, 128–29; idem, *Ha-sifrut ha-parshanit la-Talmud*, vol. 1 (Jerusalem, 1999), 81–84; vol. 2 (Jerusalem, 2000), 105–06; H. Soloveitchik, "Three Themes," 339–47; I. Marcus, *Piety and Society*, 102–09; *Tosafot BM* 5b, s.v. *de-ḥashid* [= *Tosafot Ket* 18b, s.v. *uve-khule*]; *Tosafot Yev* 61b, s.v. *ve-khen hu' omer*; and above, nn. 23, 43.

55. Regarding education, see, e.g., Ta-Shma, "Mitsvat talmud torah," 112–18, 125–27, and my *Jewish Education and Society in the High Middle Ages* (Detroit, 1992), 20–21, 31, 86–99. On women and family, see Elisheva Baumgarten, *Mothers and Children: Jewish Family Life in Medieval Europe* (Princeton, N. J., 2004), 17, 42, 159–63, 168; Avraham Grossman, *Pious and Rebellious: Jewish Women in Medieval Europe* (Waltham, Mass., 2004), *passim;* and my *Jewish Education and Society* 36–41, 137–41. See also I. Marcus's introduction to *Dat ve-ḥevrah*, 11–23; idem, *Piety and Society*, 2–17; and idem, "The Historical Meaning of *Ḥasidei Ashkenaz*," 102–05.

Since R. Judah *he-Ḥasid* did promulgate and support some rather unique pietistic (and mystical) doctrines and practices,[56] it is perhaps tempting to neatly isolate R. Judah in his own corner. But as *SHP* 1592–93 and other texts both within *SH* and without suggest, to do so is akin to the medical researcher who prepares microscope slides with samples that are sliced either too thin or too small. Any chance of seeing the coherent larger picture that forms the necessary backdrop against which to assess the more limited phenomenon that is the focus of the inquiry is lost. The rabbinic culture of medieval Ashkenaz was infused with far more pietism and mysticism than has been generally thought; the rabbinic scholars of Regensburg are but one clear example.[57] R. Judah *he-Ḥasid*'s similarities and points of uniqueness, as well as the extent of his impact, can be accurately assessed only when the larger picture of rabbinic culture in medieval Ashkenaz is taken fully into account.

56. See, e.g., Soloveitchik, "Three Themes," 311–25; I. Ta-Shma, *Kneset mehkarim*, 184–223, 261–69; idem, *Ha-tefillah ha-Ashkenazit ha-kedumah* (Jerusalem, 2003), 46–53; E. Wolfson, "The Mystical Significance of Torah-Study in German Pietism," *JQR* 84 (1993): 43–78; idem, *Through a Speculum that Shines* (Princeton, N. J., 1994), 234–69; J. Dan, *Torat ha-sod shel Ḥasidut Ashkenaz* (Jerusalem, 1993), 74–83, 178–83, 295–14; and above, nn. 21–22. Note that R. Judah *he-Ḥasid*'s approach to understanding the deaths of 'Er and Onan (that they were culpable despite their very youthful ages because of the requirements of *retson ha-bore'* or *din shamayim*) is cited approvingly by the German halakhist R. Samuel Bamberg (son of R. Barukh of Mainz, above, n. 36). See *Tosafot ha-shalem*, ed. Y. Gellis (Jerusalem, 1985), 4: 64; my *Peering through the Lattices*, 104–05; MS Moscow 348, fol. 245v; and MS JTS Rab. 791, fol. 43v.

57. Numerous additional examples can be found in my *Peering through the Lattices*. Similarly, Yaacov Sussmann has suggested that the increasingly evident influence of the German pietists, and of Ashkenazic mysticism more broadly, can be assessed only through careful study of the spiritual world of the leading rabbinic scholars in Ashkenaz during the twelfth and thirteenth centuries, in addition to the full range of exoteric and esoteric teachings of the German pietists. See Sussmann, "The Scholarly Oeuvre of Prof. E. E. Urbach," *E. E. Urbach: A Bio-Bibliography* (supplement to *Jewish Studies* 1 [1993]; Hebrew), 61, n. 105.