

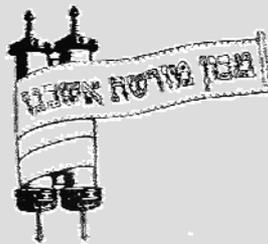
YERUSHASEINU

5774

**The Annual Journal of Toras Ashkenaz
Research, Review, and Recollections of Ashkenaz
Heritage and Customs**

Including the Beis Kenesses Minhag Calendar for the Year 5774

Seventh Yearbook



**Machon Moreshes Ashkenaz
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... the addition of *Adar II* is called “*ibbur shanah*”... The fulfillment of this commandment is the responsibility of the supreme national legal representative body. It is this body that is to fix the character of the year – whether regular or leap year – on the basis of astronomical calculations and other conditions which must be considered in this matter. This national body, when last convened in the days of Hillel II, fixed the calendar for the entire period of the exile.

*Rabbi Samson Raphael Hirsch, Commentary to
Deuteronomy 16:1*

The coming year, 5774, is a leap year. How is a leap year fixed? According to the original law, as stated in the *Mishnah (Sanhedrin 1:2)*, “intercalation of the year needs three [judges], according to Rabbi Meir; Rabban Shimon ben Gamliel says, we start with three, discuss the matter with five, and finish with seven”. But sadly, at the time of writing, we have not merited that the *Sanhedrin* sit in the *Lishkas HaGazis* in Jerusalem, nor even in Yavne. If the wise men will not gather – three, five and seven – and not vote and determine that this year will be a leap year, how then is the intercalation of the year to be fixed?

Every child is familiar with the answer. Nearly two thousand years ago, Hillel *HaNasi*, grandson of Hillel *HaZaken*, determined that the year 5774 will consist of thirteen months! This implies that the very fact of this year being a leap year, expresses the direct and close connection between our generation and the period of *Chazal*.

Sometimes, in moments of weakness and confusion, it appears that times have changed, that the distance between us and *Chazal* is too great to bear. And behold, every three years or so a leap year comes along, accompanied by the emotion of our connection to the time of *Chazal*, an emotion that fills our hearts, expands our consciousness and deepens our commitment to every law and *halachah*, to every custom and practice –

which we observe and whose light we follow out of both privilege and duty to follow the tradition of our fathers, a tradition never broken since Moshe received the Torah from Sinai and gave it to Yehoshua, right up to the *gedolim* of recent generations.

It is our hope and prayer that in the upcoming year, we shall merit to observe the purpose of the additional month, *i.e.* the offering of the *Minchas HaOmer* in the *Beis HaMikdash* (see *Rashi* Deuteronomy 16:1).

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Along with all of Israel, the editors of *Yerushaseinu* express sorrow at the passing of one of the glorious offshoots of *Ashkenaz* Jewry, Rabbi Yehoshua Yeshayah Neuwirth *ztl*, who was a loyal friend of *Machon Moreshes Ashkenaz* and one who had high regard for its activities, and with this in mind, honored *Yerushaseinu* with some of his Torah writings in the First Yearbook (5767).

In his approbation to *Shorshei Minhag Ashkenaz* (vol. 3), he expresses his joy at the effort taken “to restore the crown of glory to the customs of *Ashkenaz*, which we have sadly forgotten”. He praises the collecting together of *Ashkenaz* customs “so that the final generation should know”, and he ends with wishes of “great success and Heavenly help, so that you should enjoy the completion of your work”. May his memory be a blessing.

Ahead of 5774 / 2013

The Editors

R. Eliezer of Tuxh – A German Tosafist

R. Eliezer b. Solomon of Tuxh flourished in the mid-thirteenth century and was a prolific editor of Tosafist commentaries on the Talmud.¹ R. Eliezer's redaction of *Tosafot* is the printed *Tosafot* on many of the major tractates. In addition, R. Eliezer authored critical notes on his redaction, which he recorded in the margins and are known as the *Gilyonot* or *Gilyonei Tosafot*.²

Considerable debate surrounds the location of the city Tuxh. For years, scholarship assumed that R. Eliezer's Tuxh is to be identified as Toques, a small town located near Trouville in Normandy, France.³ However, in recent years this identification has been called into question, with various scholars suggesting that Tuxh was not a French city.⁴ A number of the proponents of this

- 1 For basic biographical information regarding R. Eliezer, see Ephraim Urbach, *Ba'alei ha-Tosafot*, 581-585, and Avraham Havazelet, "Zemannam u-Mekomam shel Tosafot Tuxh," *Yerushateinu* 2 (2008): 319-323.
- 2 For more on R. Eliezer's *Tosafot*, see A. Leibowitz, "Mahutan shel Tosafot Tuxh," *Yeshurun* 27 (2012): 896-906.
- 3 This view was adopted by the overwhelming majority of modern scholars, from the early nineteenth century German historians through the twentieth century historian Ephraim Urbach. See for example, Henri Gross, *Gallia Judaica* (Paris, 1897), 209-211, Moses Mielziner, *Introduction to the Talmud: Historical and Literary Introduction* (New York, 1903), 67, Hermann Leberecht Strack, *Introduction to the Talmud and Midrash* (Philadelphia, 1931), 151, and Urbach, *Ba'alei ha-Tosafot*, 584. Urbach first assumes that R. Eliezer started his intellectual career in Germany and then later moved to France, but elsewhere Urbach is unsure if Tuxh is R. Eliezer's city of origin in Germany or if it is the French city in which he edited his redaction, see *Ba'alei ha-Tosafot*, 486. See also Norman Golb, *The Jews in Medieval Normandy* (Cambridge, 1996), 528, fn. 100, who takes Urbach to task for even suggesting an association between R. Eliezer and Germany. Golb himself, 394, agrees with the above quoted scholars that Tuxh is in France, but he argues that R. Eliezer worked on his redaction in an academy located in the city of Rouen. According to Golb, Rouen was a major center of Talmudic study in the second half of the thirteenth century. See Urbach, *Ba'alei ha-Tosafot*, 584, for his refutation of Golb's assertions. Gerson Soncino was apparently also under the impression that R. Eliezer's redaction was compiled in France, as he writes that he travelled to France in search of the *Tosafot Tuxh*. For the exact quote see Marvin Heller, *Printing the Talmud: A History of the Earliest Printed Edition of the Talmud* (New York, 1992), 102-103 and 132.
- 4 M. Blau, *Shitah ha-Kadmonim al Massekhet Bava Kamma*, 10, asks why one would assume that Toques would be spelled טוק and not טוק.

suggestion maintain that Tikh should be identified as Tucheim,⁵ a small hamlet on the outskirts of Magdeburg, Germany.⁶ Unlike Toques, which has no known connection with any Tosafist activity, the city of Magdeburg was the home of R. Eliezer's uncle and teacher R. Hezekiah, and was a center of Jewish life during the lifetime of R. Eliezer. The suggestion has also been raised that Tikh is to be identified with Taucha, a small town near Leipzig, Germany.⁷

A related discussion, which is more germane to our study, is the proper identification of R. Eliezer's intellectual culture. As with the identification of Tikh, R. Eliezer was traditionally associated with the French Tosafist culture.⁸ Yet, modern scholarship has questioned this identification and has suggested that R. Eliezer was a German Tosafist.⁹ In fact, it was recently argued in the pages of this publication that R. Eliezer is rightfully identified with the Germany Tosafist culture.¹⁰

This article will consider the relevant data in the debate over the intellectual culture of R. Eliezer, and demonstrate that R. Eliezer was a central figure in the German Tosafist culture of the mid- to late-thirteenth century. The results of this study suggest that there is little support for the traditional position that R. Eliezer was a French Tosafist.

Family, Teachers and Colleagues

The first indications that place R. Eliezer in a German context are from the

- 5 I. Ta-Shma, "Le-Toledot ha-Yehudim be-Polin ba-Me'ot ha-12/ha-13," *Zion* 53 (1988): 356, fn. 31, reprinted in *Keneset Mehkarim*, 1:235, fn. 31, M. Blau, *Shitat ha-Kadmonim al Massekhet Bava Kamma*, 10, and Simcha Emanuel, "Unpublished Responsa of R. Meir of Rothenberg," *International Symposium "The Jews of Europe in the Middle Ages"* (Belgium, 2004), 290.
- 6 Modern day Tucheim lies approximately twenty-five miles north east of Magdeburg.
- 7 See Emanuel, "Unpublished Responsa," 290, fn. 8.
- 8 Consistent with his identification of Tikh as a French city, Urbach was of the opinion that R. Eliezer was a member of the French Tosafist culture, and wrote quite confidently that "R. Eliezer's relationship to France is verified by everything we know about him," – *Ba'alei ha-Tosafot*, 584, fn. 63. This position is also assumed by Norman Golb, "L'Edition de nos Tosafot à Rouen à la fin du XIIIe siècle," *Revue des Études Juives* 86 (1977): 545-549. Note that Urbach himself, 624, entertains the possibility that R. Eliezer wrote the *Tosafot Tikh* on tractate *Yevamot* in Germany.
- 9 Both Ta-Shma and Blau – who argued that Tikh is the German city Tucheim – disagreed with Urbach. See Ta-Shma, *ibid.*, and Blau, *ibid.*
- 10 Avraham Havazelet, "Zemannam u-Mekomam shel Tosafot Tikh," *Yerushateinu* 2 (2008): 319-323. Note that Simcha Emanuel has suggested a connection between R. Eliezer and the Austrian community of Zwettl, see Emanuel, "Unpublished Responsa," 283-293.