

*Bernard Rosensweig*

Dr. Bernard Rosensweig is spiritual leader of the Kew Gardens Adath Jeshurun Synagogue, Kew Gardens, New York.

## THE EMERGENCE OF THE PROFESSIONAL RABBI IN ASHKENAZIC JEWRY

Today's rabbi plays a decisive role in the religious and communal life of the Jewish community. He is one of the major forces in shaping the destiny of American Jewry, both individually and collectively. This essay traces the emergence of the professional rabbi in Ashkenazic Jewry.

In the Pre-Crusade period particularly — and probably until the end of the thirteenth century — the most significant feature in the structure of the Ashkenazic community was the absence of a “professional” rabbi<sup>1</sup> — a scholar who was appointed by a particular community to serve as its religious authority and guide; or, a personality whose scholarly eminence was such that the community turned to him as its sole arbiter in matters involving Jewish Law. In these centuries, Jewish learning was widely diffused throughout the Ashkenazic world. This was true to such a degree that “towards the end of the tenth century two outstanding scholars of Germany stated generally that in the average community the members of the upper scholarly class outnumbered those of the lower class.”<sup>2</sup> The fact that the majority of the community was well-versed in Jewish Law tended to obscure those factors which catapult the scholar into a position of undisputed leadership. The result was that the community council controlled the life of the community, and governed on the basis of a scholarly consensus.

The city of Mainz, for example, at the beginning of the eleventh century, could boast of such eminent scholars as Rabbeinu Gershom, Rabbi Simeon the Great, Rabbi Judah the Elder, and Rabbi Judah Ha-Cohen, the author of *Sefer Ha-Dinim*. Yet not one of these outstanding spiritual luminaries

## *The Emergence of the Professional Rabbi in Ashkenazic Jewry*

was acknowledged as the undisputed Rabbi of Mainz, whose authority would be unchallenged and whose advice and judgment alone would be sought in halakhic matters. For example, a child was scheduled to be circumcised on *Rosh Hashanah* in Mainz. The question arose as to whether the circumcision should take place before or after the blowing of the *Shofar*. In the responsum dealing with this incident, we are told that all the aforementioned scholars participated in this discussion, together with some of the members of the *Yeshiva*.<sup>3</sup> Would such a discussion have been conceivable in a community with a recognized rabbi? A question of such a nature would have been referred to the communal rabbi for his decision; no other scholar, no matter how erudite, would have dared to express an opinion.

A radical change occurred, however, after the Black Death. This was the turning point in the history of Ashkenazic Jewry in Germany. The catastrophic force with which the Jews were struck was so stark that Jewish community after Jewish community was wiped off the face of the German map. There was hardly a community in which the Jews were not the victims of terrifying persecutions, suffering, and expulsions, in what turned out to be the most terrible series of massacres to which the Jews had been subjected — until that time — in their long history of martyrdom.<sup>4</sup>

The confusion which followed in the wake of the Black Death was evident on every level of Jewish life. The acts of violence which had been directed against the Jewish community had succeeded in eliminating many scholars, and in lowering the general level of scholarship. Laws and customs, which had been an integral part of the normal life of the Jewish community, now required renewed clarification; the result was the creation of elaborate costumals. *Takkanot*, which had been promulgated in previous centuries, had to be reiterated. At the regional convocation which took place in Nurnberg in 1438, a number of ordinances were passed. We have preserved three of these ordinances. Two of these *Takkanot* were provisions which already had been confirmed and established in the early Middle Ages. It was necessary to repeat these decisions because they were

## TRADITION: *A Journal of Orthodox Thought*

being forgotten as a result of the breakdown of Jewish life following the tragedy of the Black Death.<sup>5</sup>

It was this gap that the rabbi filled. He began to fashion a new role for himself as well as a new relationship with the community. The rabbi provided a singular kind of leadership through which the community was able to restore a measure of order and discipline. By virtue of his personal eminence and influence, which often extended beyond the narrow confines of his individual community, the rabbi became a center of Jewish unity. And as the central figure in the community as well as the religious authority, he gave direction to the whole communal structure.

How did a community select a rabbi? What standards were required? To distinguish between the worthy scholar and the fraudulent pretender, Rabbi Meir ben Baruch Halevi of Vienna adopted the policy, in the late fourteenth century, of bestowing the title *Moreinu* upon capable scholars. Whatever may have been the origins of the *Semichah*, or ordination, in the Middle Ages,<sup>6</sup> it is abundantly clear that in the fifteenth century, it was practically impossible to secure communal recognition as a rabbi, without this formal ordination.

In essence, the *Semichah* confirmed the academic qualifications of the candidate, and authorized him to decide all rabbinic matters. The writ of ordination gave him "the power and the authority to serve as head of a *Yeshiva* in whatever place he shall choose; and he shall be called to the reading of the Law, and to all other appropriate occasions, by the title *Moreinu Ha-Rav*. He shall teach, judge, and exercise jurisdiction in marriage, divorce, unshoeing, and *agunah*. In general, he shall have the rights of a leader, judge, and teacher in Israel."<sup>7</sup> When a man came to a German community with this *Semichah*, he assured its members that he could be trusted to fulfill his rabbinic duties.

It is quite clear that in the fifteenth century most rabbis were not formally appointed by the communities in which they resided. Rabbi Jacob Weil records that his invitation to establish an academy of learning, with all the power which it implied, was extended to him not by the community fathers of

## *The Emergence of the Professional Rabbi in Ashkenazic Jewry*

Nurnberg, but by Rabbi Jacob Molin, his ordainer.<sup>8</sup> It was in this vein that Rabbi Nathan of Eger appointed Rabbi Meisterlein to be the "*parnas*, leader, and spokesman" of the Jewish community of Neustadt.<sup>9</sup>

Nonetheless, there were communities in the fifteenth century who invited a particular rabbi to settle in their midst and to become their spiritual head. We know, for example, that Rabbi Aaron Blumelein, an uncle of Rabbi Israel Isserlein, was asked by the Jewish community of Vienna to leave the city of Krems, where he was the rabbi, to become the head of the *Yeshiva* in Vienna.<sup>10</sup> In the discussion on the Anshel-Bruna Affair, in which Rabbi Israel Bruna fought for the right to practice rabbinically in Regensberg, Rabbi Jacob Weil indicated that such a procedure of communal selection did indeed exist. Clearly he states that since neither of the disputants had been chosen by the community to a position of rabbinic leadership, neither had a legal priority over the other,<sup>11</sup> The obvious conclusion is that there were times when communities did deliberately select the rabbi of their choice to be their authority.

It should be emphasized that in the fifteenth century Ashkenazic rabbis received no remuneration from the communities which they served. Here and there, in the aftermath of the Black Death, there were Rhineland communities which began to offer stipends to their rabbis. In the ordinances of the city of Erfurt in the year 1373, there was included the right of the community to choose and to pay a rabbi. However, none of the fifteenth century sources indicate that the German communities actually paid salaries to their rabbis.

Nonetheless, many rabbis did receive fees for the religious services which they rendered. They received remuneration for officiating at weddings, arranging bills of divorce, and releasing a woman from a levirate marriage. It should be noted that the outstanding rabbis did not approve of this kind of income. Rabbi Israel Isserlein, for example, was frankly embarrassed by the acceptance of fees for the performance of these duties. It is not at all surprising that these sources of income oftentimes became the irritant which touched off rabbinic controversies in communities in which more than one rabbi resided.<sup>12</sup>

Many of the rabbis were involved in the world of business. Rabbi Israel Isserlein refers to a statement of his teacher, Rabbi Shalom of Vienna, that the reason why scholarship was more pronounced in Germany than in any other country was simply due to the fact that a great number of its scholars were money-lenders. This enterprise was not time-consuming, and afforded them a great deal of leisure time for studying.<sup>13</sup>

Parenthetically, it should be noted that the rabbinate developed along somewhat different lines in Sephardic countries. In Spain, for example, the rabbi was elected by the community,<sup>14</sup> and his salary was paid by the community. As early as the eleventh century, Maimonides denounced the practice of remunerating rabbis, and as late as the fifteenth century, Rabbi Isaac ben Sheshet Perfet was still defending this practice.<sup>15</sup> In addition, the practice of conferring the certificate of ordination, and title of *Moreinu* which accompanied it, was unknown in Sephardic countries. The rabbinic requirement in these communities was fulfilled by the permission which the teacher granted to his student to function as an authority and to establish a *Yeshiva*.<sup>16</sup>

The rabbi's power and influence now began to extend into many different areas of Jewish communal life. His most cherished prerogative was the right to establish a *Yeshiva*.<sup>17</sup> The rabbi's identification with his *Yeshiva* was a total one. It highlighted his role as a teacher, involved him in its maintenance, and fostered a protective relationship with his students. Once on *Lag B'Omer*, the son of the sexton in Mainz insulted a student of Rabbi Jacob Molin by calling him "a pig's carcass" in the vernacular. When Rabbi Molin heard this, he was so incensed that he excommunicated the son of the sexton. This was the only *cherem* ever pronounced by Rabbi Jacob Molin, known as Maharil, in his lifetime.<sup>18</sup>

The rabbi was not only the scholar who headed the *Yeshiva*, but he was also the judge who served the community as the *Av Bet Din*.<sup>19</sup> In this capacity, he fulfilled an important function in the Jewish community. He insured that Jewish internal self-government, which was based on the right of Jews to be judged by their own courts, would not be undermined or thwarted. The

## *The Emergence of the Professional Rabbi in Ashkenazic Jewry*

rabbi and his court dealt with a variety of cases. He judged in monetary disputes, and questions involving personal status were in his domain. He even extended his authority into the area of criminal law and ruled in cases involving theft and assault.

All the communal functionaries and all the religious functions were under his direct jurisdiction.<sup>20</sup> Communal legislation fell into his sphere of influence. In a decision which Rabbi Moses Minz sent to the judges and *parnasim* of Worms, he emphasized that nothing could be enacted in a community which had a rabbi, who was recognized by the majority of its inhabitants, without the consent of the rabbi. When the religious problems of the community were involved, the *parnasim* could not move without the rabbi. In fact, even the power of the *parnas* was subject to rabbinic control.<sup>21</sup>

Beyond that, the rabbi was able to enact ordinances when he felt the occasion demanded them. In Erfurt, for example, Rabbi Jacob Weil set down a series of rules governing the granting of a divorce, or of a *chalitzah*, as well as the order of service to be followed at the redemption of the first-born.<sup>22</sup> Similarly, when Rabbi Moses Minz came to Bamberg, and was confronted by confusion and ignorance, he set down a series of *Takkanot* which covered such areas as charity, behavior in the Synagogue, requirements for the *chazzan*, weddings, and mourners.<sup>23</sup>

The rabbi's sphere of influence was not confined to the world of scholarship. In fact, he played an active role in the functioning and in the administration of the community organization, as well as in its relationship with the secular authorities. In the year 1434, Emperor Sigismund decided to levy a Coronation Tax on the Jewish subjects under his sway. No king had ever imposed such a tax, despite Sigismund's claim of royal precedent. Nonetheless, he ordered the Jews to send emissaries to Basle to discuss the contemplated tax. The Jewish community of Augsburg sent two delegates to those negotiations. One of their representatives was Rabbi Jacob Weil, the respected rabbinic head of that *Kehillah*. The same procedure was repeated in the Nurnberg negotiations of 1438.

The secular authorities were fully aware of the new position which the rabbi held in the community, and they were anxious

to capitalize on this knowledge in order to keep the Jews under their control and, more directly, to insure the collection of taxes from the Jewish community. Beginning with the fifteenth century, we come across a number of attempts, on the part of the government, to appoint a chief rabbi, to serve their purpose. In 1407, King Ruprecht appointed a certain Rabbi Israel to this position. In 1426, Sigismund appointed a triumvirate, and in 1436 he appointed Rabbi Anselm of Cologne as the Chief Rabbi.

These attempts apparently ended in practical failure. There is no mention made of any of these appointments in Jewish sources. Our knowledge of these events comes to us from the secular documents of the time. The reason for this absence of information in Jewish sources can only be understood as the result of Jewish opposition to this kind of position. It must be remembered that Jews were traditionally opposed to the intervention of non-Jewish authorities into Jewish affairs and concerns. This antagonism led to indifference on the part of the rabbis and communities to those who held this office. The result was a loss of effective authority by those who had been appointed by the secular organs of government.

With such potential power and influence inherent in the rabbinate, we are not shocked to learn that in the fifteenth century, there were unscrupulous men who bought their way into these positions. Nor are we surprised to hear that they used their authority to further their ambitions. The number of pseudo-scholars and unworthy candidates who acquired *Semichah* multiplied, causing Rabbi Israel Isserlein to comment caustically that while there were many ordained rabbis, there were few genuine scholars.<sup>24</sup>

Rabbi Jacob Weil complained incessantly about those rabbis of his day whose level of learning and scholarship was low, who lacked the requisite qualities for rabbinic leadership, and whose conduct and behavior discredited the Heavenly Name.<sup>25</sup> These unscrupulous men plunged into areas of rabbinic competence for which they were not prepared — and the results were tragic. In two different responsa, Rabbi Jacob Weil discussed the case of a certain Abraham Russia, who lived pub-

## *The Emergence of the Professional Rabbi in Ashkenazic Jewry*

licly with two wives in direct violation of the *Takkanah* of Rabbeinu Gershom, and who performed numerous divorces and *chalitzot* without any rabbinic authorization. Rabbi Weil decreed that all of the divorces and *chalitzot*, which the renegade had granted, were invalid.<sup>26</sup>

These pseudo-scholars used the *cherem*, the power of excommunication, in indiscriminate fashion, in order to extort money from their unhappy parishioners. In one instance, Rabbi Jacob Weil wrote to the community of Nurenberg:

My hair stands in horror . . . The cause stems from the upholders of the Torah, namely, some rabbis who have been privileged to receive the title. They consider themselves to be scholars and they believe that they can apply the laws of scholars to themselves, to ban and to fine . . . They seek excuses to attack the wealthy . . . in order to skin them bare.<sup>27</sup>

Yet, despite these obvious abuses, the professional rabbi became a real entity, whose position and power continued to develop in the succeeding centuries. Beginning with the sixteenth century, Ashkenazic communities began to pay their rabbis fixed salaries from communal funds, and to exempt them from paying taxes. The center of Ashkenazic Jewry shifted from Germany to Poland, and the role of the professional rabbi as the central figure in the Jewish community was firmly established.

### NOTES

1. Prof. Irving A. Agus has argued this thesis effectively and convincingly in a number of books and scholarly articles. Cf., for example, Agus, *Responsa of the Tosaphists* (Hebrew) (New York, 1954), pp. 18-29; *The Heroic Age of Franco-German Jewry* (New York, 1969), pp. 253-260.

2. See *Kol Bo* (Lemberg, 1860), no. 142. Cf. also Agus, "Rabbinic Scholarship in Northern Europe," in *The Dark Ages*, ed. C. Roth (New Brunswick, 1966), p. 189.

3. Cf. S. Eidelberg, *The Responsa of Rabbeinu Gershom Meor HaGolah* (Hebrew) (New York, 1956), no. 32, pp. 98-100. Cf. also Agus, *Urban Civilization in Pre-Crusade Europe* (New York, 1965), pp. 486-488.

## TRADITION: A Journal of Orthodox Thought

4. Cf. my projected book on *Fifteenth Century German Jewry as Reflected in the Responsa of Rabbi Jacob Weil* where this tragedy and all of its implications are fully explored.
5. See Rabbi Jacob Weil, *Responsa* (Jerusalem, 1959), no. 147.
6. For a discussion on whether the Ashkenazic *Semicha* was first introduced by Rabbi Meir Halevi of Vienna, or whether it was given in some form in the centuries prior to the end of the fourteenth century, cf. Agus, *Responsa of the Tosaphists*, pp. 26-29; B. Revel, "The Revival of *Semicha* Four Hundred Years Ago" (Hebrew), *Horeb*, V, pp. 1-26; S. Zeitlin, "The Opposition to the Spiritual Leaders Appointed by the Government," *Jewish Quarterly Review, New Series*, XXXI, pp. 287-300; M. Breuer, *The Ashkenazic Yeshiva Towards the Close of the Middle Ages* (Hebrew), pp. 123ff. For a Sephardic reaction to the Ashkenazic *Semicha*, see Rabbi Israel ben Sheshet Perfet (*Ribash*), *Responsa*, no. 271.
7. See *Leket Yosher*, ed. J. Freimann (Berlin, 1903), II, 38.
8. Weil, *Responsa*, no. 151.
9. Rabbi Israel Bruna, *Responsa* (Jerusalem, 1960), no. 228.
10. *Leket Yosher*, I, 105.
11. Weil, *Responsa*, no. 151. See also Rabbi Israel Isserlein, *Terumat Hadeshen* (New York, 1950), no. 85.
12. See Weil, *Responsa*, no. 151; Isserlein, *Pesakim*, no. 128; Bruna, *Responsa*, no. 278.
13. *Leket Yosher*, I, 119.
14. *Ribash, Responsa*, nos. 192 and 287.
15. See Maimonides, *Commentary on Avot*, Chapter IV; *Ribash, Responsa*, nos. 192, 287 and 445. See also Rabbi Simon ben Zemah Duran, *Sefer Ha-Tashbez* (Lemberg, 1891), I, 142.
16. *Ribash, Responsa*, no. 271.
17. Weil, *Responsa*, no. 151.
18. Rabbi Jacob Molin, *Sefer Maharil* (Sklow, 1796), pp. 86a-b.
19. See, for example, Rabbi Moses Minz, *Responsa* (Lemberg, 1851), no. 74.
20. See Bruna, *Responsa*, no. 254; Weil, *Responsa*, nos. 49, 50 and 97; Minz, *Responsa*, no. 81.
21. Minz, *Responsa*, no. 6; Weil, *Responsa*, no. 173.
22. Weil, *Responsa*, nos. 188, 189 and 190.
23. Minz, *Responsa*, nos. 38, 60, 80, 81 and 109.
24. Isserlein, *Pesakim*, no. 255.
25. Weil, *Responsa*, nos. 129 and 163; *Dinim*, no. 68.
26. Weil, *Responsa*, nos. 85 and 128.
27. *Ibid.*, no. 163.