

A Jewish Divorce Formula (*Get*) from Brno, 1452

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A *get* (plural: *gittin*) is a Jewish divorce letter that declares the dissolution of the bond of marriage. It has to be written on behalf of the husband and delivered to the wife according to Biblical law (see Deut. 24:1). Thus, formally, it is a letter written by the husband to the wife; nonetheless, there is a clear tendency in rabbinic literature to differentiate the *get* from “normal” correspondence and to redefine it as a legal action requiring appropriate publicity (witnesses, mediators, rabbinic court).

Numerous rules concern the physical shape, writing and handling of the document; a whole tractate of the Mishnah, and consequently, of the Babylonian Talmud, is devoted to the *gittin*. From the early Middle Ages onwards they were usually written by professional scribes, often under rabbinic control. The text is always in Aramaic (with Hebrew letters) although, in principle, other languages and scripts are permissible as well.¹

Much of the legislation regarding the *get* concerns the orthographical details of the text. Insignificant as they might seem from a non-professional perspective these details were extremely important for securing the authenticity of such documents within the conditions of pre-modern literacy – the administration of such family matters was not yet entrusted to a centralized state bureaucracy. Orthographic details, the spatial arrangement of the text, and other physical qualities of the document were criteria to differentiate valid divorce documents from possible forgeries or private letters that might have similar wording and content as a *get*, but lack the legal force. They secured the identity of the legal document by excluding the possibility of any misunderstanding about the meaning and function of the text.²

Special emphasis was put on the correct writing of dates and names. The town or settlement where the document was issued had to be clearly identified. In medieval Ashkenaz it became customary to include not only the name of the place but also the names of the rivers or wells nearby.

¹ For an overview of the topic see the article “Divorce” in *Encyclopedia Judaica*, vol. 6, 122-137. For a more detailed account see Ludwig Blau’s classic: *Die jüdische Ehescheidung und der jüdische Scheidebrief: Eine historische Untersuchung*, vol. 1-2, Jahresbericht der Landes-Rabbinerschule in Budapest 34/35 (Budapest: Alkalay und Sohn, 1911-1912).

² See Maimonides, *Mishne Tora*, Hilkhot Gerushin 4: 13-15.

In the Middle Ages many debates emerged among rabbinic authorities on the “correct” forms of place-names, especially in the case of towns or rivers that had more than one name. For example, rabbis had to decide whether to take German or Slavonic versions as the basis of the Hebrew forms (the place-names had to be transliterated into Hebrew characters) in such cases as “Brno” versus “Brünn,” or “Olomouc” versus “Olmütz,” etc.³ Such debates sometimes had political or ideological implications.⁴

A divorce formula from the year 1452 is incorporated into a medieval Ashkenazi manuscript containing halakhic texts. The formula defines the “official” name and designation of the town Brno leaving the names of the participants (husband, wife, witnesses) unfilled.⁵ Probably the formula is a copy of a real *get* that documented a divorce in Brno in 1452. The scribe omitted only the personal names. The text starts with the following lines:

בששי בשבת בשלשה ועשרים יום לירח שבט שנת חמשת אלפים ומאתי
 ושתים עשרה לבריאת עולם למנין שאנו מנין כאן בברונא מתא דיבתא על
 נהר שוורצא ועל נהר סויטאו ועל נהר פונאו אנא פלו' בן פל' [וגומ']

“On the sixth day of the week, on the twenty-third day of the month Shevat, in the year five thousand two hundred twenty-three of the creation of the world, according to the calendar we use [lit. “the counting we count with”], here, in *Bruna*, a town located on the river *Shvartsa* and on the river *Svitau* and on the river *Ponau*, I, x the son of y, etc.”⁶

The date, 23 Shevat, 5212 of the Jewish calendar corresponds to 23 January, 1452 CE. The original document was composed just two years before the expul-

³ In the 16th century R. Shlomo Luria (the Maharshal, 1510-1574) formulated the principle that the name in the *get* should be accord with the “dominant” language of the country. Thus, according to Luria, in Bohemia one should use the German/Yiddish forms, since most of the Jews speak the “language of Ashkenaz” there and not Czech, while in Hungary the Hungarian names should prevail since German was not so widespread among the Jews living there. See his *Yam shel Shlomo*, Gittin 4:32. A century earlier, Israel Isserlein of Wiener-Neustadt accepted the same principle but was of the opposite opinion concerning Czech place-names; he declared that the Czech forms were to be preferred to “Jewish” versions; see his *Terumat ha-deshen*, II, Pesaqim u-ketavim, no. 242 (Bene Beraq, 1971, 24d-25a). I owe this reference to Martha Keil.

⁴ A famous case from the first half of the 19th century is the Hatam Sofer’s rejecting the use of a Latinized transcription of “Pest” (not yet Budapest) besides its traditional Hebrew/ Yiddish form – in accordance with his general policy of resisting linguistic assimilation; see his *responsum* in *ShU”T Hatam Sofer*, Even ha-ezer, 2, 11. This *responsum* contains one of the earliest statements on preserving the “corrupted” forms of Yiddish as a linguistic barrier against assimilation and secularization.

⁵ Applying the traditional method of inserting *peloni ben peloni*, “x, son of y” to the places where personal names should appear.

⁶ Oxford, Bodleian Library, MS. Opp. 312 (Neubauer 682), fol. 341v, lines 1-3. The transcription represents the lines as well. For a description of the codex see Adolf [Abraham] Neubauer, *Catalogue of the Hebrew Manuscripts in the Bodleian Library* (Oxford: Clarendon, 1886-1906), vol. 1, 134-135 and Malachi Beit-Arié and R. A. May, *Supplement of Addenda and Corrigenda to Vol. I (A. Neubauer’s Catalogue)* (Oxford: Clarendon, 1994), 103.

sion of the Jews from Brno, ending the medieval history of the Jewish community in that city.⁷ The formula containing the names of the town and rivers is repeated *verbatim* two more times in the document with one small variant: *Shvartsa* appears as *Shvartsau* in line six.⁸ Both parties were in Brno at the time of the divorce.

The city name ברונא may derive from the Latin *Bruna* – the Jews apparently preferred the Latin form to either the German or Czech versions. According to Heinrich Flesch, the Latin name of the town was especially widespread during the second half of the eleventh century, and, consequently, the beginnings of the Jewish community in Brno must be dated back to that period in spite of the lack of documentary evidence for such an early date. Flesch argues that the Jews' preference for "Bruna" as the official Hebrew name of the city was due to the fact that 'Bruna' was the name most often used when they started to write divorce letters in Brno, in other words, when Jewish community life started in the city. From the eighteenth century on the form ברין [*Brin*] was used instead, which was obviously an attempt to transcribe the German "Brünn."⁹

However, another possible explanation is reported in the name of Israel Bruna, a great Moravian rabbi who was active in Brno before 1445, in the book *Get pashut* by Moses ben Solomon Ibn Habib (1654-1696):

I have seen a collection of manuscripts by Rav Israel of Brno who wrote the text of the *get* according to the custom of his city. This is what he writes:

... according to the calendar we use, here, in Bruna a town located on the river Shvartsau and on the river Svitau and on the river Pona, etc.

And in the margin he remarks:

We don't write *brun*, with *nun*, least the *nun* is shortened [by mistake] and look like a *zayin*; [thus the name of the town could be corrupted into] *bruz*. Moreover, since a doubled *nun* is required, but it is not possible to write a doubled *nun* at the end of the word, therefore, we add an *alef* [to the end of the word].

So far his words. But his opinion is problematic. If the name of the town is *brun* how can one change the name and write *bruna* instead? Why

⁷ See Alfred Engel, "Die Ausweisungen der Juden aus den königlichen Städten Mährens und ihre Folgen," *Jahrbuch der Gesellschaft für Geschichte der Juden in der Cechoslovakischen Republik* 2 (1930): 50-96.

⁸ שוורצאון

⁹ See Heinrich Flesch, "Die Einwanderung der Juden in Mähren," in *Die Juden und Judengemeinden Mährens in Vergangenheit und Gegenwart*, ed. Hugo Gold (Brno: Jüdischer Buch- und Kunstverlag, 1929), 1-2 (hereafter: Gold, *Die Juden*). In a similar way Flesch argues for an early date of the Jewish settlements in many other Moravian places as well. The first documentary evidence for a Jewish presence in Brno comes from the thirteenth century; see Moritz Brunner, "Geschichte der Juden in Brünn," in Gold, *Die Juden*, 137.

should one suspect that it can be corrupted into *bruz*? And consult the writings of Maharia [=Israel Isserlein], number 242.¹⁰

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This valuable testimony enables one to draw some important conclusions. First, it seems that Brno was actually called “Brünn” by the local Jews during the first half of the fifteenth century. This was the reason that the form *Bruna* required explanation and this is why Israel Bruna could refer to the doubling of the ‘n’ at the end of the word. Second, the quotation from Israel Bruna testifies to the form *Shvartsau* with a *waw* at the end of the word rather than *Shvartsa*, appearing twice in MS Opp. 312. Therefore, *Shvartsa* could easily be a copying mistake in the manuscript under discussion here. Third, it seems that the practice reflected in the Oxford manuscript was in accordance with Israel Bruna’s ruling, although the interlinear glosses themselves have apparently no direct relationship to the “marginal glosses” of Israel Bruna.¹¹

Svitau obviously stands for Svitava (German: Zwittawa) and *Shvartsa/Shvartsava* for Svatka (German: Schwarzach or Schwarzawa). *Ponau* is proba-

¹⁰ Moses Ibn Habib, *Get pashut* (Ortakoi [Turkey], 1719), fol. 87 a-b (ad Even ha-Ezer 128:3; end of note 32). The passage is quoted in *Tiv Gittin*, an important rabbinic handbook on the orthography of names in divorce formulas by Ephraim Zalman Margolioth/Margolis (1762-1828); see *Sefer Tiv Gittin* (Vilnius: Rom, 1849), fol. 65a, note 7. About Israel Bruna’s activity in Brno see Abraham Fuchs, “Historical Material in the Responsa of Rabbi Israel Bruna,” Ph.D. dissertation (New York: Yeshiva University, 1974), 60-62, who argues convincingly that Bruna was in Regensburg by 1445, and consequently he must have been the rabbi of Brno in the years before that. In a recently published collection of Hebrew sources about Hungarian Jews, Géza Komoróczy claims that Israel Bruna became the rabbi of Brno “once more at the end of the 1460s” [that is, more than a decade *after* the expulsion of the Jews from the city!]. See Shlomo Spitzer and Géza Komoróczy (ed.), *Héber kútforrások Magyarország és a magyarországi zsidóság történetéhez a kezdetektől 1686-ig* (Hebrew sources relating to the history of Hungary and Hungarian Jewry in the Middle Ages from the beginnings to 1686) (Budapest: MTA Judaisztikai Kutatócsoport–Osiris, 2003), 226-227. This is just one of the many embarrassing mistakes in this book. It is based on a rather elementary misunderstanding of a Hebrew phrase appearing in Bruna’s response no. 25: *nishaalti bi-qhilat bruna me-erets hagar* “I received a question from Hungary when I was in the community of Brno” (not “in the community of Brno that belongs to Hungary,” from which it is inferred that the response must postdate Matthias Corvinus’ conquest of the city in 1469). The phrase was understood correctly by Sámuel Kohn in the 19th century; see his *Héber kútforrások és adatok Magyarország történetéhez* (Hebrew sources on the history of Hungary) (Budapest: Zilahy Sámuel, 1881), 61.

¹¹ Moses Ibn Habib refers to *Terumat ha-deshen*, II Pesaqim u-ketavim, no. 242 as an objection to Israel Bruna’s opinion. In this text Israel Isserlein claims that towns and rivers can be spelled according to Czech pronunciation in Bohemia (see above, note 3). Therefore, it seems that Ibn Habib thought of *bruna* as reflecting a Slavonic form of ‘Brünn.’ However, the *Tiv Gittin* (see note 10) offers another explanation in the name of Israel Isserlein: an *alef* must be added to the end of short names (thus *vina* for ‘Wien’) because of their shortness. The author quotes this explanation from a manuscript containing Israel Isserlein’s response to a certain R. Judah (see *Tiv Gittin* fol. 60b, note 5).

bly identical with Ponávka, a creek that used to lie on the right side of the Svítava. Its bed was changed many times in the last centuries as a result of human interventions and presently it flows into the Svratka underground within the territory of modern Brno.

Interlinear glosses written with smaller letters in the divorce formula provide further interesting information. They were probably added to the document by the scribe. Many of these glosses call attention to orthographical peculiarities in the formula securing the validity of the documents. Since these are minor – and unusual – features of the text, a negligent scribe could easily replace them with more widespread forms. The function of the interlinear glosses is to remind the scribes of the irregular forms. For example, above the word *le-minyan* in line 2 a gloss tells “with one *yod*,” that is to say, the scribe has to write למנין instead of the more widespread למניין. There are many similar instances.

Another group of glosses elucidates some halakhic points. For example, in line 2, above the word *nehar*, ‘river’, a gloss explains that any river close enough to the town that the local people are accustomed to take their horses there to drink should be included in the divorce formula. Above the word *ana*, ‘I’ in line 3 we read:

ולא יכתו' איך

“And he should not write ‘Ich’”

That is to say, the glossator warns scribes to avoid replacing the Aramaic singular first person personal pronoun [*ana*] with the German one. This note may indicate that the Jews in Brno spoke German or Yiddish. Of special interest are the following glosses:

Line 8, above *nafshikhi*:

בנפשיכי כן כות' בברונ"א בב' יודין

ובזניימ"א כות' בחד יוד

בנפשכי

“*be-nafshikhi* [“yourself”] – this way it is written in Brno, that is, with two *yods*. But in Znojmo it is written with one *yod*: *be-nafshikhi*.”

Line 11, above *peturin*:

בניאושט"ט כותב' פיטורין בשני יודין כמו האשרי

בברונא כותב' פטורין בחד יוד כמו המר'

In Neustadt they write *pitturin* with two *yods* in accordance with [the halakhic opinion of] the Asheri; in Brno they write *peturin* with one *yod* in accordance with [the halakhic opinion of] the MR.

These glosses reveal something of the local differences in scribal practices and halakhic traditions that existed between the Jewish communities of Brno, Znojmo, and Wiener Neustadt. These three towns were probably places of administration in the life of medieval Jews in Lower Austria and Moravia. It cannot be assumed that every Jewish settlement had a competent scribe or rabbinic author-

ity that could issue divorce documents. One had to travel to Brno or Znojmo if official Hebrew documents were needed. Apparently, these administrative “centers” had a crystallized local tradition of writing documents by the middle of the fifteenth century.

According to the second gloss, the opinion of the “Asheri,” that is to say, Rabbeinu Asher ben Yehiel (the “Rosh,” Germany and Spain, 1250-1328) was followed in Neustadt concerning the orthography of the word *piturin*.¹² In contrast, Brno followed the opinion of the “MR,” which is probably an abbreviation of *Mordekhay*, that is to say, the famous halakhic compendium of Mordecai ben Hillel (Germany, c. 1250-1298), whose ruling indeed accords with the practice followed in Brno.¹³ This second opinion was accepted by a number of famous Ashkenazi authorities, including R. Jacob Moellin (the Maharil).¹⁴ In the sixteenth century *pitturin* versus *peturin* became the subject of a halakhic debate between two leading authorities of the age: Benjamin ben Mattityah of Atrai, Greece (the author of *Binyamin Zeev*) was for *peturin* while Betsalel Ashkenazi sided with *pitturin*.¹⁵

The codex itself that preserved the *get* contains the *Qitsur ha-Rosh*, the abbreviation of Asher ben Yehiel’s halakhic code, together with an anonymous commentary quoting many authorities, mainly from Ashkenaz, some from Lower Austria, for example, “Mattityah of Krems” (fol. 76v). It is written in Ashkenazi script. Nonetheless, Beit-Arié does not exclude the possibility that it was actually produced in Italy. It is dated to the 1450s by Beit-Arié on the basis of the date 1452 appearing in the text quoted above.

The text appears at the end of Tractate *Gittin*, the chapter devoted to the topic of the *get*. A divorce formula appears in the original text (*Qitzur ha-Rosh*) that follows a different textual tradition than that of the Brno *get*. The differences concern the orthography of words; for example, *monin* is written with *waw* in the *Qitzur ha-Rosh* and without *waw* in the Brno *get*. The *Qitzur ha-Rosh* has *pitturin* while the Brno *get* has *peturin*. In a third similar case (too technical to be elaborated here) one can learn something about the historical roots of the tradition represented by the Brno *get*. The particular form of two words can be traced back to an apparently lost *Tiqqun ha-get* by one of Rashi’s

¹² See Rosh, *Gittin* 9:4 (in the standard Talmud-editions). This was the opinion of the Rosh’s son, Jacob ben Asher (see Tur, *Even ha-ezer* 126), as well as the *Qitzur ha-Rosh* at the end of the *Gittin*.

¹³ See *Mordekhay*, *Gittin* 9 (Ha-megaresh) where Targum Onkelos to Deuteronomy 24:1 is quoted to justify the inclusion of this phrase in the divorce formula.

¹⁴ See MS Vienna, ÖNB, Pal. hebr. 175, fol. 103 v/c and 105 r containing a *get* from Mainz, 1420. See Shlomo Spitzer’s edition, *Sefer Maharil* (Jerusalem: Mifal Torat Hakhmei Ashkenaz, 1989), 512-513. Further sources, including Rabbeinu Yehiel of Paris (thirteenth century) are enumerated in *Beit Yosef* ad *Even ha-ezer* 126.

¹⁵ See *ShU”T Binyamin Zeev*, ed. Meir Benayahu (Jerusalem: Yad Harav Hissim, 1959), no. 119 and *ShU”T Betsalel Ashkenazi* (Lviv, 1904), no. 21, 22, and 23.

teachers, R. Joseph Tov Elem (northern France, middle of the eleventh century). Nonetheless, the *Qitzur ha-Rosh* rejects the tradition in spite of its antiquity.¹⁶

The differences between the ruling of *Qitzur ha-Rosh* and the local tradition might have been the very reason for copying the original document from Brno into the codex. The scribe (or the people who commissioned him) might have felt uneasy about the contradiction between their local traditions and the precepts of the authoritative text. This was a common intellectual problem in the Ashkenazi world. The solution, namely, to adjust the text by adding further materials to it in accordance with local norms, was also a widespread practice in Ashkenaz.¹⁷ The Brno document was probably copied into the text of *Qitzur ha-Rosh* with the intention of replacing the original divorce formula with the locally accepted one.

Therefore, it is not impossible that the codex itself was at least partly prepared in Brno or was commissioned by Jews living in Brno. “Moravia” is not an independent region in medieval Hebrew codicology; that is to say, no medieval Hebrew manuscripts can be identified as Moravian solely on codicological grounds. The presence of a *get* from Brno certainly indicates that the people who produced the codex in the form we know it had some relationship to Moravia, but the exact nature of this relationship is difficult to determine.

Fol. 380v contains a text relating to the expulsion of the Jews from Vienna in 1421. This text is a copy of a letter that was found by Rabbi Anshel in Marburg in the ark of the synagogue. The letter is addressed to the Jews of Vienna after the expulsion in 1421. The anonymous author relates that in a prophetic vision the Archangel Michael revealed to him that the expulsion was a punishment for the sins of the Viennese Jews and it also explains how the Viennese Jews should repent of their sins. The prescribed repentance reminds one of Christian penitential practices: twelve selected men lead by three rabbis should go on a pilgrimage to the Holy Land and visit the tombs of the biblical patriarchs.¹⁸

This short text might reveal something about the historical context of the codex and the texts it contains. After the expulsion in 1421 many former Viennese Jews settled in the neighboring towns of Lower Austria, such as Wiener Neustadt, the city that became the “successor” to Vienna in many respects.¹⁹ Some of them went even farther, to northern Hungary and Moravia. Eizeq Tirna,

¹⁶ The tradition from R. Joseph Tov Elem is quoted in *Qitzur ha-Rosh*, at the very end of Tractate *Gittin* (see editions of the standard Talmud).

¹⁷ The best introduction to this topic is Israel M. Ta-Shma, *Minhag Askenaz ha-qadmon* (Early Franco-German Ritual and Custom), (Jerusalem: Magnes, 1992).

¹⁸ The text is edited in Abraham Grossman, “Iggeret hazon ve-tokhaha me-Ashkenaz be-mea ha-14” (A letter about a vision and admonishment from fourteenth-century Ashkenaz), *Kat-edra* 4 (1977): 190-198. On the expulsion of the Jews from Vienna see Samuel Krauss, *Die Wiener Gesera vom Jahre 1421* (Vienna: W. Braumüller, 1920).

¹⁹ See Martha Keil, “Juden in Grenzgemeinden: Wiener Neustadt und Ödenburg im Spätmittelalter,” in *Studien zur Geschichte der Juden in Österreich*, ed. Martha Keil and Eleonore Lappin, vol. 2 (Bodenheim/Mainz: Philo, 1997), 9-34.

author of the famous *Sefer Minhagim*, was probably active in Brno for a while – I intend to argue for this hypothesis below.

Vienna was an important center of rabbinic scholarship in the decades before the expulsion.²⁰ The influence of this center reached Hungarian and Moravian Jewish communities well before 1421. The expulsion might have given a further impetus to the intellectual ‘expansion’ of the formerly Viennese rabbinic center. For example, Israel Bruna, the greatest halakhic authority of Moravian origin in the fifteenth century, studied not only with R. Moshe ha-Kohen in Olomouc and other local rabbis, but also with the greatest contemporary representatives of the Lower-Austrian school, Israel Isserlein and Jacob Weil.²¹ Moreover, he kept in touch with his masters and could rely on their support many years later when he acted as rabbi in Regensburg.

The Lower-Austrian rabbis were zealous to revive Talmudic scholarship and to increase the authority of rabbis who were competent according to their norms. They did not refrain from imposing their own halakhic style – and the persons representing it, such as Israel Bruna – on other Jewish communities as well. Their teaching was characterized by a strong respect for local customs (*minhagim*), by which they did not mean the actual practice of uneducated people, but a body of knowledge deriving from the “proper” authorities – men of great learning having oral traditions or memories about the customs in the good old days or written records of customs.²²

Moreover, the rabbis of these times attempted to extend their influence over Jewish life by taking a direct control of issuing documents concerning marriage and divorce.²³ Divorce letters were required in great number during this period because of the disintegration of family bonds as a symptom of the crisis and transformation of late medieval Ashkenazi Jewish society.²⁴ The rabbis of

²⁰ See on this Yedidya Altar Dinari, *Hakhmei Ashkenaz be-shilhei yemei ha-benayim* (The rabbis of Germany and Austria at the close of the Middle Ages) (Jerusalem: Bialik Institute, 1984). Nonetheless, the text has no obvious relationship to the debate about the orthography of the month-name *Iyar* that took place in Vienna at the beginning of the fifteenth century; see Dinari, *Hakhmei Ashkenaz*, 43-45.

²¹ See Abraham Fuchs, “Historical Material in the Responsa of Rabbi Israel Bruna,” Ph. D. dissertation (New York: Yeshiva University, 1974), 69-75. The information about Moshe ha-Kohen and his *yeshiva* in Olomouc comes from Shlomo Luria (Maharshal), *Yam shel Shlomo*, Gittin 4: 40 (24d).

²² See the programmatic opening sentences of Eizek Tirna’s *Sefer ha-minhagim*, ed. Spitzer, 1-3; and Dinari, *Hakhmei Ashkenaz*, 190-228. Israel J. Yuval compares this transformation of rabbinic profession to the emergence of medieval guilds; see his *Hakhamim be-doram: Ha-manhigut ha-ruhanit shel yehudei Germania be-shilhei yemei ha-beinayim* (The Sages and their times: Spiritual leadership of the Jews in Germany at the close of the Middle Ages) (Jerusalem: Magnes, 1989), 322.

²³ See Abraham Grossman: “La structure sociale du judaïsme allemand au Moyen Age,” in *La Société Juive à travers l’histoire*, ed. Shmuel Trigano, vol. 1 (Paris: Fayard, 1992), 484-489.

²⁴ See Israel J. Yuval, “Taqqanot neged ribbuy gerushin be-Germania ba-mea ha-15” (Rabbinic ordinances against the increase of divorces in fifteenth-century Germany), *Zion* 48 (1983): 177-215.

the period accepted monetary compensation for writing such documents; this practice looked quite objectionable to rabbinic authorities outside of Ashkenaz.²⁵ In fact, the rules concerning *gittin* became one of the most often discussed halakhic topic among fifteenth-century Ashkenazi rabbis.²⁶

In the light of these facts, the attention paid to the local differences between Znojmo, Brno, and Wiener Neustadt in the orthography of the divorce formula and the thorough explanation of other details in the interlinear glosses are not surprising by any means. These phenomena can be interpreted as forming part of rabbinic attempts to control the administration of matrimonial affairs in late medieval Ashkenaz. Thus, the Brno *get* from the year 1452 might be a piece of evidence for the intellectual expansion of the Lower Austrian rabbinic school.

Appendix: Eizek Tirna – Rabbi of Brno?

Not much is known about the life of Eizek Tirna, the author of the *Sefer Minhagim*, which eventually became one of the most influential collections of religious customs in Ashkenaz. Traditional historiography derives the name “Tirna” from the German place-name “*Tyrnau*” (Slovakian: *Trnava*, Hungarian: *Nagyszombat*), a town in the northern region of the medieval Kingdom of Hungary (today Slovakia) where he might have been a rabbi after the expulsion of the Jews from Vienna (1421).²⁷ This scenario has been questioned recently by Shmuel Weingarten; Dirnau (Germany, Bavaria) was suggested instead.²⁸ Shlomo J. Spitzer, who edited the text, admits the strength of Weingarten’s criticism of the traditional theory but sees no plausible alternative to the latter.²⁹

The debate over Tyrnau versus Dirnau will not be discussed here. I suggest that no matter what his cognomen signifies Eizek Tirna was most probably active for a while in Brno, Moravia.

The first evidence for this is the unusually high number of references to customs of Brno in his book. According to the index of Spitzer’s edition Brno is mentioned in *Sefer ha-minhagim* 16 times. The following table indicating the number of times a place-name is referred to in the text will show the significance of this fact:

²⁵ See. Obadiah of Bertinoro’s commentary on Mishnah, Bekhorot 4:6 [in the traditional editions of the Mishnah].

²⁶ See Grossman, “La structure sociale,” 488.

²⁷ See. Yitzhak Yosef Cohen, “Sifrehem shel hakhmei Hungariya ha-rishonim” (The books of the first Hungarian sages), *Ha-ma’yan* 8 (1968): 4-12.

²⁸ Shmuel Weingarten, “R. Eiziq Tirna u-toldotav” (R. Eizek Tirna and his story), *Ha-ma’yan* 10 (1970): 48-56.

²⁹ Shlomo J. Spitzer, (ed.): *Sefer ha-minhagim le-Rabbeinu Eiziq Tirna* (The Book of Customs by R. Eizek Tirna) (Jerusalem: Mifal Torat Hakhmei Ashkenaz, 1979), 13.

Brno	16
Austria	5
Germany	5
Bohemia	6
Hungary	3
Vienna	6
Znojmo (Znaim)	3
Moravia	5
Poland	7
Rhineland	9

The most frequently mentioned place after Brno is the Rhineland (9), the Rhine Valley, the homeland of the most ancient Ashkenazi communities with the most influential *minhagim*. Brno never had nearly as great prestige in matters of religious customs as Mainz, Worms or Speyer. Nonetheless, customs from Brno are referred to almost twice as frequently in Eizek Tirna's book than the customs of the more famous communities of Rhineland! There can hardly be any other reason for this than a special interest in (and familiarity with) the *minhagim* of Brno.³⁰

The value of this argument is slightly diminished by the fact that *Sefer minhagim* is a compilation. Eizek Tirna based his text on Abraham Klausner's *minhagim* book and many later writers added glosses to it. One of them was Israel Bruna, a younger contemporary, who was a rabbi in Brno in the first half of the fifteenth century.³¹ It is possible that some of his glosses containing references to customs in Brno crept into the main text without the name of their author. Thus, the high number of references to Brno might tell more about the reception of the text than about its origin.

This might be true; however, one should consider the following sentence, which was probably a gloss (by Israel Bruna?) that entered the main text in the course of transmission. It appears in the chapter on Purim in all the printed editions; it is missing from the extant manuscripts (page 164 note 7 in Spitzer's edition): "Once a circumcision took place in Brno on the Shabbat before Rosh hashana and Maharat (מהרא"ט) ordered the recitation of the *yotser* and the *zulat* [liturgical songs] pertaining to that Shabbat."

The abbreviation "Maharat" (מהרא"ט) can hardly mean anything but *Moreinu Ha-rav Eiziq Tirna*. In other words, the sentence quoted above claims that Eizek Tirna delivered a halakhic decision or established a liturgical practice in Brno – in other words, he acted as a rabbi.

The Polish editions read *Maharash* (מהר"ש) instead of Maharat. This acronym designates Shalom of (Wiener-)Neustadt, a famous rabbi at the beginning

³⁰ As a counter-check see the index in Jacob Freimann's edition of Joseph bar Moshe's *Leqet yosher* (Berlin: Izkowsky, 1904), according to which Brno is mentioned only three times as opposed to the Rhineland (23), Vienna (20), Neustadt (47), and Austria (63).

³¹ See Spitzer, *Sefer minhagim*, 17. On the date of Bruna's activity in Brno see note 10.

of the fifteenth century. Therefore, if the Polish text is correct, Shalom of Neustadt worked as a rabbi in Brno.

There is not much reason to prefer the reading of the Polish editions, however. *Maharash* was a more widely known and more prestigious rabbi than Eizek Tirna. Eizek's work was intended for an uneducated audience; he rarely entered the technical details of halakhic decision-making. On the other hand, Shalom of Neustadt's contribution concerned the highest level of halakhic discourse. He was much more often referred to than Eizek Tirna (he is quite often cited in the glosses to *Sefer ha-minhagim* as well). It is easier to explain a corruption from *Maharat* to *Maharash* than vice versa.

Moreover, as has been pointed out above, references to customs in Brno prevail in *Sefer ha-minhagim* but not in the works of Shalom of Neustadt. One passage of the chapter on Pesah³² reads: "On the *rosh hodesh* of Iyar, if it befalls on Shabbat, [the prayer] "*Av ha-rahamim*" is omitted here, in Brno [*po ve-Bruna*]." Such remarks are lacking in Shalom of Neustadt's compendium. Therefore there is no reason to reject reading *Maharat* attested by the majority of witnesses.

Eizek Tirna was probably a rabbi in Brno for at least a short while. His activity can be dated any time from 1421 (the expulsion of the Jews from Vienna) to 1454 (the expulsion of the Jews from Brno). It is impossible to estimate the length of Eizek Tirna's stay in Brno. Nonetheless, the undeniable connection between *Sefer ha-minhagim*, as we know it today and Brno suggests that Eizek Tirna's encounter with the Jewish community of Brno was more than ephemeral.³³

³² Appearing on p. 66 in Spitzer's edition.

³³ Abraham David has informed me that he came to the same conclusion on the basis of a hitherto unknown and unpublished apologetic text by Eizek Tirna. He plans to publish the text in the near future.

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VON GERHARD JARITZ

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niederösterreich kultur

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Vorwort

Medium Aevum Quotidianum 56 hat die Aufgabe mit Hilfe von drei Beiträgen die starke Unterschiedlichkeit alltags- und kulturgeschichtlicher Fragestellungen und Ansätze hervorzuheben. Der Beitrag von Lucie Doležalová zur biblischen Mnemotechnik führt in die Welt christlicher Theologen, Mönche, Studenten und Prediger. Tamás Visis Aufsatz beschäftigt sich mit der großen Bedeutung, welche formale Kriterien für die Abfassung jüdischer Scheidungsurkunden hatten. Anne M. Scott zeigt auf, dass die Analyse des Armutsdiskurses in englischer Literatur des 14. Jahrhunderts durchaus nützlich dazu anregen kann Beziehungen zu den Aspekten einer modernen Armutsdiskussion herzustellen. Alle drei Untersuchungen können zur allgemeinen Feststellung führen, dass unser Forschungsbereich in starkem Maße von transdisziplinären und komparativen Methoden geprägt ist, welche entscheidend auf der Unabdingbarkeit von Kontextualität und Kontextualisierung im Analyseprozess beruhen.

Gerhard Jaritz (Herausgeber)