

etary ruling. In a regular civil file, the court is only required to consider the question of whether the defendant is liable or not; the defendant's financial capacity to pay the sum of the claim does not affect his liability. On the other hand, liability for maintenance, in principle, is based on the financial capacity and situation of the liable party, and the sum of maintenance is fixed in accordance with a number of parameters, inter alia, the liable parties' financial ability to pay a particular sum of monthly maintenance (after he has borne his own expenses). This distinction affects the discretion exercised by the head of the Execution Office in determining how a debt is paid. Regarding a regular debt, the head of the Execution Office may, and is often compelled to, consider the debtor's financial situation, in view of which he determines whether he should pay the debt in one payment or in installments. Regarding a maintenance ruling, the head of the Execution Office does not have such discretion and must implement the court's ruling literally, inasmuch as the judicial forum that ruled on maintenance (a rabbinical court or the family court) has already considered this data and the sum of the maintenance ruling was determined on the basis of that data.

Another difference between collection of a financial debt as distinct from a maintenance debt relates to the use of imprisonment. The Execution Law and Supreme Court rulings restricted the cases in which imprisonment can be imposed against a person who fails to discharge his civil debt (see the detailed ruling of Deputy President Judge M. Elon in HC 5304/92, *Perach v. the Minister of Justice*, 47 (4) PD 715; see in detail: *Execution, Civil). In contrast, Section 74 of the Execution Law determines that regarding a maintenance debt, the head of the Execution Office may, at the request of the person entitled to maintenance, issue an arrest warrant against the debtor, even without investigating his financial ability (one of the minimal terms required for imprisonment with respect to a civil debt). The Supreme Court emphasized the difference between collection of a maintenance debt and collection of a regular civil debt: the maintenance award is fixed by a judicial instance [after having consideration for the liable party's financial situation]; the dependency of the persons entitled to the maintenance on the maintenance payments for their sustenance; the fact that a maintenance ruling is not final and the debtor may apply to a rabbinical court or the family court to alter the amount of the maintenance if there has been a change of circumstances justifying its alteration (p. 731 of the *Perach* decision).

In addition, a special social welfare law was enacted in Israel enabling receipt of maintenance payments through the National Insurance Institute (The Maintenance (Assurance of Payment) Law, 5732 – 1972). According to this law, a person with a maintenance ruling in his favor (such as a spouse or child) may present a copy of the judgment to the National Insurance Institute and the latter will pay the maintenance sum on a monthly basis (subject to a statutory ceiling; see Section 4 of the law). The National Insurance Institute acts on behalf of the person entitled to maintenance, and concurrently initiates execution proceedings against the maintenance debtor.

In this way, those entitled to maintenance receive the monthly payment with dignity and without tension or pressure in the event of the maintenance debtor's failure to pay. This law is particularly effective when the maintenance debtor changes addresses and cannot be traced or absconds abroad. The difference between the sum awarded as maintenance by the Court (either Rabbinical or Family Court) and the sum actually paid by the National Insurance Institute, may be collected by the entitled party by opening a file in the Execution Office (see Section 10 of the law; AM 789/05 AD v. AY).

[Moshe Drori (2nd ed.)]

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MAINZ (Mayence; Heb. מַינֶזְץ, מַגְנֶזָּה, מַגְנֶזָּה), city on the Rhine in Germany.

The Medieval Settlements

Mainz is one of the oldest Jewish communities in Germany. It is presumed that Jews came to the city as merchants in the Roman era and may even have founded a settlement there. The date of the first medieval community is uncertain. A church council in Mainz declared in 906 that a man who killed a Jew out of malice must make amends like any other murderer, and presumably there were some Jews in the city at the time. The *Kalonymus family of Lucca is believed to have moved to Mainz in 917, but the date is not completely reliable. Evidence of the existence of a Jewish community is indisputable only from the middle of the tenth century. Archbishop Frederick (937–54) threatened the Jews with forcible conversion or expulsion. They were in fact expelled by Emperor Henry II in 1012 after a priest had converted to Judaism. Soon after, however (according to Jewish sources only a month), they were allowed to return and continued to play a lively part in the trade of the city, which was a commercial center on the Rhine and Main rivers. An organized community was in existence in the late tenth century (when *Gershom b. Judah was teaching in Mainz; his son apostatized in 1012), although land for a cemetery was not acquired until the time of the expulsion (gravestones dating from the 11th–14th centuries, discovered in 1922 in the fortified inner city, came from this cemetery). Many Jews left the city in 1084 after they had been accused of causing a fire in which their quarter was also damaged; settling in *Speyer, they founded the community there.

At the beginning of the First *Crusade (1096) the Mainz

parnas, Kalonymus b. Meshullam, obtained an order from Emperor Henry *IV protecting the Jews, but nonetheless, and in spite of an armed and spirited resistance, on May 27 more than 1,000 died – some at the hands of the crusaders and many by suicide as an act of **kiddush ha-Shem*. Kalonymus escaped with a group to Ruedesheim but committed suicide the next morning during an attack led by Count Emicho. The synagogue (first mentioned in 1093) and Jewish quarter were burned down on May 29. Twelfth-century Jews immortalized the Mainz martyrdom as an example of supreme **akedah*. The community slowly recuperated in the following years after Henry IV had permitted those forcibly converted to return to Judaism, decreeing that the Jews were also to enjoy the “king’s peace” (*Landfrieden*). During the Second Crusade (1146–47) it suffered several casualties (see also *Bernard of Clairvaux). During the Third Crusade (1189–92) the Jews of Mainz were unharmed because of the resolute protection of Frederick I Barbarossa; large numbers temporarily went into hiding in Munzanberg (near *Friedberg). In 1259 Mainz Jews were ordered to wear the Jewish *badge. In 1281 and 1283 numerous Jews fell victim to the blood *libel; the synagogue was also burnt in these years. As a result of these repeated persecutions some Jews of Mainz, along with those of other German cities, wished, in 1285, to immigrate to Erez Israel under the leadership of *Meir b. Baruch of Rothenburg; others escaped the boundaries of the empire. During the *Black Death (1349) almost the whole community perished; some of them in a battle against the mob, and the majority (6,000 persons) in the flames of their burning synagogue and quarter, set on fire by their own hands in *kiddush ha-Shem*.

In the next decade (following the charter of the German Empire known as the Golden Bull of 1356) Jews again began to settle in Mainz. The community did not attain its former standing, even though a considerable number of Jews settled (in 1385 they presented the council with 3,000 gulden “out of gratitude” for its protection during the anti-Jewish disturbances that had broken out in various places). With the gradual transfer, in the later Middle Ages, of *Judenschutz* (“guardianship over the Jews”) to the cities, their financial obligations grew heavier. The Jewry taxes, granted to the city in 1295 and renewed in 1366, became henceforth ever more burdensome. In 1438 Mainz Jews left the city after a dispute with the council (they may in fact have been expelled); the synagogue and cemetery were confiscated and the tombstones utilized for building. In 1445 they were readmitted, only to be expelled in 1462; permitted to return in 1473, they were finally forced to leave the city ten years later. The synagogue was converted into a chapel.

The Community in the Middle Ages

Until the second half of the 12th century, the Jews conducted lively mercantile activities and from a very early date attended the *Cologne fairs. Discoveries in the area of the oldest Jewish settlement in Mainz provide evidence of commercial connections with Greece and Italy. From this period onward *moneylending became of increased importance in Mainz, as in all

German communities. Records of the 12th, and especially of the 13th century, often reveal that churches and monasteries owed money to Jews. In 1213 Pope *Innocent III released all Christians in the Mainz province who were about to set out on a Crusade from paying interest on debts to Jews. Mainz Jewry also suffered when Emperor *Wenceslaus annulled debts owed to Jews (1390).

Until the Black Death, Jews were allowed to possess land in the city and were recognized as owners of houses. Mainz Jews were probably permitted to reside outside the Jewish quarter, for the protective wall, customary in other cities, was missing. A *Judengasse* is mentioned in 1218, and at the end of the century 54 Jewish houses are recorded. The Jewish community was led by a so-called *Judenbischof*, nominated by the archbishop, and by not less than four elders (*Vorsteher*) who together constituted the *Judenrat* (“Jews’ council”) from 1286 until the end of the 14th century. The supreme non-Jewish juridical authority was the archbishop (from 1209). A *yeshivah* was founded in the tenth century by the Kalonymides and became central under R. Gershom b. *Judah and his pupils and contemporaries, Judah ha-Kohen, Jacob b. *Yakar, Isaac ha-Levi, and Isaac b. *Judah. Gershom’s **takkanot* (“regulations”), which were applicable to the Rhenish cities, were acknowledged by all the other German communities and even by other European ones, thereby achieving the force of law, a fact which enhanced the reputation of Mainz. The chronicle of Solomon b. *Samson recounting the *kiddush ha-Shem* of 1096 regards Mainz as the main, most ancient, and most famous Jewish community on the Rhine; he praises its learning and pious way of life (see A.M. Habermann (ed.), *Sefer Gezerot Ashkenaz ve-Zarefat*).

From the early 12th century on, *Speyer, *Worms, and *Mainz (in Jewish sources named שׁוּמ *shum*), an abbreviation made up of the first letter of their names) were recognized as the leading Jewish communities in Germany. Synodal assemblies were held in Mainz (1150, 1223, 1250), in which primarily representatives of the three leading communities took part; their resolutions, the *takkanot Shum*, were acknowledged by the rest of the communities of Germany. The Mainz rabbi, Jacob b. Moses *Moellin (1356–1427; known as Maharil), promulgated *takkanot* (chiefly concerned with ritual matters) aimed at the German and primarily the Rhenish communities. His collection of **minhagim* (compiled by his pupil Zalman of St. Goar), which rely mainly on Mainz traditions, are connected with all German and some non-German communities and were used to a large extent in the Shulhan Arukh, *Orah Hayyim*. Outstanding among the many notable scholars and personalities in medieval Mainz are, in addition to those already mentioned, Nathan b. *Machir b. Judah (c. 1100); *Eliezer b. Nathan (c. 1150); *Meshullam b. Kalonymus (c. 1150); *Judah b. Kalonymus b. Moses (c. 1175); and Baruch b. Samuel (1200).

Resettlement and the Modern Community

In the early modern era only a few Jews lived in Mainz. In

1513 the archbishop designated Weisenau, near Mainz, as the seat of the rabbinate for the diocese of Mainz, presumably because few resided in the city itself. These few were expelled in 1579, but a new community was reconstituted in 1583, reinforced by emigration from *Frankfurt (1614), Worms (1615), and *Hanau. A rabbi was subsequently engaged and a synagogue built (1639; see also **Landesjudenschaft*). During the French occupation (1644–48), the Jews suffered and were subsequently subjected to ever-harsher restrictions. The permitted number of Jewish families was limited to 20, and later 10 (1671); they were allowed to inhabit one special street only (ghetto).

Influenced by the **Toleranzpatent* (1784) of **Joseph II*, the archbishop-electoral improved the legal position of the Jews and allowed them to open their own schools and attend general ones. After the revolutionary French occupation of Mainz (1792), the **Leibzoll* (“body tax”) was abolished and on September 12 the gates of the ghetto were torn down. Until the end of the occupation (1814) the Jews of Mainz were French citizens (they sent delegates to the *Sanhedrin in Paris). The Napoleonic edict of May 17, 1808, remained in force until 1848. After the German war of liberation (1813–15), Mainz passed to *Hesse-Darmstadt. Full civil rights, promised in June 1816, were not granted.

In the mid-19th century, the community split when R. Joseph *Aub introduced ritual reforms in the newly built synagogue (1853). The Orthodox founded the Israelitische Religionsgesellschaft, with its own synagogue, and engaged Marcus *Lehmann as rabbi; he founded a Jewish school (a high school with instruction in foreign languages) in 1859. Until the Prussian law of 1876 regulating secession from religious communities, the Orthodox remained within the community and seceded only later. In modern times, too, a number of scholars originated from Mainz, notably Michael *Creizenach; Isaac *Bernays; Joseph *Derenburg; and Ludwig *Bamberger. Among the former communal institutions were the Israelite Home for the Sick and Disabled, the Jewish Sistership Organization for the Care of Jewish Antiquities, and the *talmud torah*. The Israelitische Religionsgesellschaft possessed a school (eight classes and 68 pupils), a library, and supplied religious instruction to 30 children. The communal budget totaled 220,000 marks in 1931. Twelve communities from the surrounding district were administered by the Mainz rabbinate. In the 19th century the Jewish population of Mainz increased, but its percentage of the general population remained steady: 1,620 Jews in 1828 (5.3% of the total population); 2,665 in 1861 (5.8%); 2,998 in 1871 (5.8%). From then on, both numbers and ratio declined, to 3,104 (3.7%) in 1900; 2,738 (2.5%) in 1925; and 2,730 (1.8%) in 1933.

Holocaust and Contemporary Periods

On November 9/10, 1938, the main synagogue (including the museum and library) was looted and burnt down. The Orthodox and Polish synagogues suffered similar treatment. On May 17, 1939, only 1,452 Jews remained, 70% of whom were 40

years or over. A steady flow of emigrants was partly balanced by an influx of refugees from the countryside. In March and September 1942 the majority of the community was deported to Poland and *Theresienstadt. On February 10, 1943, the final liquidation of the community, which had been moved to the hospital, took place. After the war, a new community was organized, which numbered 80 persons in 1948 and 122 in 1970 (with an average age of 53). In 1989 the Jewish community numbered 140, and about 1,000 in 2005. The increase is explained by the immigration of Jews from the former Soviet Union. In 2005 a second (liberal) Jewish congregation was founded with about 70 members. It is a member of the Union of Progressive Jews in Germany. The congregation wished to use the restored synagogue in Mainz-Weisenau, which was inaugurated in 1996, as a cultural and educational center on Jewish history and tradition for the citizens of Mainz. It also planned to build a new synagogue.

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[Bernard Dov Sucher Weinryb / Larissa Daemmig (2nd ed.)]

MAIORESCU (MAYER), GEORGE TOMA (1928–), Romanian poet and author. In *Ochii Danielei* (“Daniel’s Eyes”, 1963) the poem “*Amintiri îns-xingerate*” (“Bloodstained Memories”) is a nightmare evocation of his father’s death in a Nazi labor camp. This versatile writer’s other works include accounts of a journey to South America, a collection of love poems, and *Dialog cu secolul și cu oamenii săi* (“A Dialogue with Our Century and Its People”, 1967). He has been translated into more than 20 languages.