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Date May 27th 1960 Signature Rudolph J. Adler

THE LIFE AND WORKS OF RABBI JACOB REISCHER

BY

RABBI RUDOLPH J. ADLER

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TABLE OF CONTENTS

ACKNOWLEDGMENTS	Page ii
INTRODUCTION	1
Chapter	
I. EARLY YEARS	5
The Reischer Family	
The Spira Family	
II. JACOB REISCHER, THE RABBI	15
Jacob Reischer in Prague	
David Oppenheimer	
Reischer in Worms	
Reischer in Metz	
III. TEACHER AND AUTHOR	39
His Literary Activity	
IV. REISCHER'S METHOD OF TREATMENT OF HALAKAH AND AGGADAH	77
Reischer's Method of Treating Halakah	
Reischer's Method of Treating Aggadah	
V. JACOB REISCHER AND COMMUNAL LIFE	96
Regarding Jewish Leadership	
Regarding Religious Observances	
The Social and General Conditions of the Jews at His Time	
VI. JACOB REISCHER'S RELATIVES, ASSOCIATES, AND DISCIPLES	114
His Son, Grandson, and Great-Grandson	
Moses Hagiz	
Judah Leib ben Ephraim	
Gershon Goblentz	
Judah Miller	
VII. REISCHER'S PLACE AND INFLUENCE IN THE JEWISH COMMUNITY OF HIS DAY	131
APPENDIX	139
BIBLIOGRAPHY	151

INTRODUCTION

Rabbi Jacob Reischer, who lived from approximately 1660 to 1733 C.E. was a prominent Talmudist, Respondent, Rabbi and Headmaster of several Talmudic Academies. He was the author of many books. His best known work is the three-volume Responsa collection, Shebut Ya'akob, from which Reischer received his fame and name in Rabbinic circles, THE SHEBUT YA'AKOB.

Our Rabbi's importance is emphasized by the fact that he represents an important link in the Rabbinic chain of the post-Chmielnicki uprising of 1648, which had become very thin because of the destruction of the Polish Talmudic centre. There were not too many great and important Jewish scholars and leaders, from the activities of the famous TaZ and ShaK-- David ben Samuel Halevi (TaZ) and Shabbethai Ha-Kohen (ShaK)-- to the world-renowned Gaon of Vilna and Ezekiel Landau.¹

Rabbi Jacob Reischer was one of the few luminaries on the otherwise dark horizon of Jewish learning, and by his constant writing and teaching of Talmudic subjects he assisted his generation to replenish its Talmudic scholarship and learning. Rabbi Reischer was one of the most outstanding professors

¹TaZ--David ben Samuel Halevi of Lemberg, 1586-1667; ShaK--Shabbethai Ha-Kohen of Vilna, 1621-1662; Gaon of Vilna--Elijah ben Solomon, 1720-1797; Ezekiel Landau--Rabbi of Prague, 1713-1793.

of Jewish studies, at a time when few Talmudic academies were in existence.

Another reason why Reischer is an important figure in Jewish history is the fact that during the period under our investigation, only a handful of large and important Jewish communities existed in Central Europe. There were the communities of Prague, Nikolsburg, Vienna, Hamburg, Berlin, Frankfurt o/M, Amsterdam, Fuerth, Worms, and Metz. Rabbi Reischer served in three of these communities for half a century.

Taking these facts into consideration, and the knowledge that Reischer was requested by the greatest Talmudic authorities of his time to give his opinion on questions of law and Jewish life, and that all subsequent rabbis and teachers in Israel have made use of his books and opinions, it is strange that we know so little about his life. No complete biography has ever been written. Most of the brief biographical notes in existence are too sketchy or seem confusing.²

²A. Cahan, Le Rabbinate de Metz Pendant la Periode Francaise, 1567-1817, p. 52 writes: "Jacob Backofen or Bak for short, better known under the name of Jacob Reische or Reischer. These two names came to him, the latter from the place of his birth, the former from the first position he held and in which he made himself known by the publication of some very well thought of works. Before coming to Metz, he was successively assistant Judge of Prague, Rabbi at Reische, at Anspach, and at Worms. He came to Metz in 1716." Wininger, S. Juedische National biographie: "Reischer Jacob b. Joseph Bak, born 1660 Prague, died January 24, 1733 Metz. Bakofen, Grandfather Jacob learned man in Frankfurt o/M. Father Joseph died February 2, 1731 Dayyan in Prague. Teacher Aaron Simon Spira." Fuerst, Bibl. Jud. III, 148-149; Carmoly, in Jost's Annalen, 1840, p. 96: "Reischer served in Prague, Bamberg, Anspach, Reische, Worms, and Metz." Dr. M. Weinberger, Die Memorbuuecher der Jud Gemeinde in Bayern, 1937, p. 223: "Man fragte Jacob Reischer, Wohnhaft in Prag,

Prior to this investigation we have no accurate information as to Reischer's date and place of birth. We do not know his teacher or teachers, the places where he served as Rabbi or Rosh Yeshiva. We should know why he moved from position to position, why he had many enemies, who they were, why there was fierce controversy about his books, and why he attacked his contemporaries.

Jacob Reischer was related to both David Oppenheimer and Elijah Spira, influential and important Rabbis and authors. We should know more about that relationship. Our author had two family names, Reischer and Backofen. What was the reason for this? The Reischer family played an important part in the historic controversy of Eybeschütz and Emden.³ What part did it play?

During this period there were Jewish movements of great importance, dividing the Jewish communities, such as Shabbethai Zebi-Messianism and Cabbalah influence.⁴ What was Reischer's stand on these issues?

Finally, we are dealing here with a period in Jewish history which is partially documented by a book written by a

Rabbiner und Lehrhauhvorstehar in Rzeszov, ernannte ihn zum Landrabbiner. In dem Vorwort zum Shevut Jacob in 1709 sagt er: Er Wollte in Prag bleiben, ein anderer Rabbiner wurde dann ernannt.

³This controversy raged most furiously between 1750 and 1755. A good account can be found in Yekuti'el Judah Greenwald's book, Rabbi Jonathan Eybeschütz, New York, 1954.

⁴Shabbethai Zebi, pseudo-Messiah, 1626-1676. His movement was continued by Nehemiah Hayun, d. 1726.

Jewish businesswoman and housewife, the well-known Memoirs of Gluckel of Hameln.⁵ A complete biography of Jacob Reischer would supplement this account and add a Rabbi's point of view, which would be of utmost importance to the historian. In addition, since the Memoirs end with the events of the year 1715, and since Reischer came to the same city of Metz in 1718, we will have a continuation of the history of the Jewish community of Metz until Reischer's death in 1733.

In the following pages an endeavor will be made to write a biography of Jacob Reischer based upon his works and many writings of his contemporaries.⁶ Correspondence with official record keepers and historians from the cities in which our Rabbi flourished⁷ has helped to make this account more complete.

⁵The first edition of the Memoirs was by David Kaufman, Frankfurt o/M, 1896. Another German edition by A. Feilchenfeld, Berlin, 1913 came next.

An English translation was prepared by Marvin Lowenthal, Memoirs of Gluckel of Hameln, New York, 1932. Gluckel was a distant relative of Reischer. Her sister-in-law was the aunt of Genendel, first wife of David Oppenheimer. She died in Metz in 1724.

⁶The writings of:

בנחם יחזקאל	Ezekiel Katzenellenbogen
גרשון קובלנץ	Gershon Coblentz

⁷Archives at Metz, Nueremberg, and Ansbach.

CHAPTER I.

EARLY YEARS

A. The Reischer Family

In this chapter an endeavor will be made to trace the Reischer family-name, and the reason for the second family-name Back or Backofen which is also used. Since we have no document giving the exact date of birth for Jacob Reischer, an effort must be made to pinpoint the date as closely as possible through other means. The sources of the exact date of his death will be discussed, although no tombstone inscription has as yet been discovered.

The first member of the Reischer family known to us is Jacob's grandfather also one called Jacob Reischer. Very little is recorded or known about him, except that he was a learned man, that he lived for some time in Frankfurt o/M and that he was buried there.⁸ Mention must also be made of a great-Uncle of Jacob whose name was Zanvil Reisha and who was a learned man.⁹

⁸See introduction by Joseph Reischer to Volume I Shebut Ya'akob by Jacob Reischer:

כ"ד ה'ק יוסף בן הרב הג' מוה"ה יעקב רישר ז"ל ה"ה אשר מנוחתו משכנו
בין גאוני ארץ בק"ק וורנקוורט דמ"ן, וזעא.

⁹See Reischer's introduction to Minhat Ya'akob:
אמר הצעיר הק' יעקב בן לא"א האלוף המרומם מוהר"ר יוסף נר"ו בן לאמ"ו
הרב המופלג והמופלא מוהר"ר יעקב רישר ז"ל אחיו של הג' המפ' מוהר"ר
זנוויל רישר ז"ל.

With regards to the name Reischer and his connection with the city of Reisha it should be noted here, that since the name Reischer was used two generations before our Jacob Reischer, it is not necessary to assume that our Jacob Reischer received his name because of his residence in the community of Reisha, Poland. The only indication that he accepted a position in Reisha is (1) a printer's note in the Wilhelmsdorf and Halle edition of the Iyyun Ya'akob and (2) an appended note to an endorsement given by Reischer to Moses Hagiz's book Leket Hakemah.¹⁰

Based on this evidence a cautious conclusion would suggest that Jacob Reischer accepted the position of Rabbi and Rosh Yeshiva of Reisha without actually establishing residence there, or else he did reside there for a brief period only, since he himself or his close relatives never mentioned Reisha in connection with his rabbinical posts.

It is felt, therefore, that since no further proof has come to light on Jacob Reischer in Reisha and since we do know that even his grandfather was known as Reischer, additional evidence would be required to establish that he lived in the city of Reisha for any length of time.

The city of Reisha or Rzeszov with which Reischer has been associated is situated in Southern Poland, between Cracow and

¹⁰The printer Zevi Hirsch Ben Hayim of Fuerth says that Jacob Reischer was a Chief Judge in Prague, the Rabbi of Reisha, then Worms and Metz.

The appended note in brackets reads as follows:

(והוא בעל ספר מנחת יעקב ותורת השלמים וחק יעקב וידיו מוֹמְנוֹ לְהוֹצִיא
לאור משפטי יעקב על חושן המשפט וישועות יעקב מש"ות חתן הגאון כמוהר"ר
חאלף שפירא נר"ו בן הגאון הרא"ש ז"ל ראשון במעלת התורה לד"ני מורה שוה
שבק"ק פראג ואב"ד שבק"ק רישא ואגפיה) ונתקבל לרישא מצודתו פרוסה לא"ה
בכל מדינת אנשכך ואיתן מושבו פראג, יעא.

Levov. Among a general population of 25,000 there were 12,000 Jews. It was a flourishing and well-organized Jewish community and among its Rabbis were great personalities, Aaron S. Keidanover and Samuel Halevi, son-in-law of Isaac of Poznan, the teacher of the Magen Abraham, to mention just a few. Jacob Reischer is said to have been the Headmaster of the local Talmudic Academy.¹¹

A little more is known about the second generation of the Reischer family, Jacob's father, Joseph Reischer. First, he wrote very fine introductions to Jacob's books. Secondly, Joseph was himself an author of a book called Gib'ot Olam, which however is no longer available.¹² Finally, Jacob mentions his father in his responsa literature,¹³ and informs us of his death which occurred in 1731.¹⁴

Joseph Reischer is important to this investigation for the light he sheds on the second family name of our author, Backofen or Back. In his introduction to the Minhat Ya'akov

¹¹See article on Reisha by A. Apfelbaum, in Ozer Yisrael, Vol. IX, David Eisenstein, editor, New York, 1913.

¹²The book Gib'ot Olam is mentioned by Jacob Reischer, Shebut Ya'akov, Volume I, Teshubah #102. In the catalogue of Bodleian Library it carried #172F copy of manuscript, Oxford. However, upon inquiring there in 1957, it could not be found.

¹³Shebut Ya'akov, Volume I, Teshubah #102.

ושמעתי מאמ"ר מוהר"ר יוסף נר"י שבימי בחורתי אירע מעשה כזה בק"ק פרנקפורט לפני הג' מהר"ם זצ"ל.

¹⁴Ibid., Volume III, Teshubah #100.

ביום ט' אדר ראשון תצא' לפ"ק נתבשר לי בשורה רעה שנפלה עטרת ראשי שמת אמ"ר הרב מו"ה יוסף רישר דיין מק"ק פראג זצ"ל הכ"ם ביום ו' כו' שבט ונעשתי אבל.

Joseph Reischer uses the name Backofen in his signature.¹⁵

It can be assumed that the Backofen family into which Joseph had married was so famous and honorable that his son Jacob continued to use this name or was at least known and identified by it.¹⁶

In trying to establish the birthday of Reischer, difficulties arose because none of his early "Questions and Replies" collected in his book Shebut Ya'akob was dated. However, some help was available from the date of publication of Reischer's first work, the Minhat Ya'akob, dated 1689. Further assistance was obtained from the earliest endorsement (haskamah) which he received for this book which is dated 1684.¹⁷ Two other items were of value in the establishment of the approximate birthdate of Jacob Reischer. One, the fact that Jacob had known Simon Spira¹⁸ who died December 3, 1679;¹⁹ two, the information that Jacob Reischer taught his

¹⁵Jacob Reischer, Minhat Ya'akob (Prague), 1689.

כ"ע הק' יוסף בן לאמ"ו הרב המ' מוהר"ר יעקב רישר זצ"ל חתן הראש והקצין האלוף כהר"ר הירש בקאובן ר"ח זצ"ל דק"ק פראג הוב'.¹⁶
It was customary at that time to carry two family names especially if wealthy or honored. Thus we know of Behrend-Cohen, Spira-Fraenkel, and Neumark-Mireles.

¹⁷The endorsement is from Wolf Spira, Jacob's father-in-law.

¹⁸See introduction by Wolf Spira to Jacob's book Minhat Ya'akob (Prague), 1689.

כד הוי רכיך בשני וארכיב אכתפא דמרא דאבא א"א הו' הגדול זצ"ל בתתי עיני בו.
¹⁹On life and death of Simon Spira see Simon Hock, Die Familien Prags Nach Den Epitaphien Des Alten Juedischen Friedhofs Prag, Pressburg, 1892, p. 379.

only son Simon from his own book Minhat Ya'akob at the age of fifteen.²⁰

Assuming that Simon was about fifteen at the publication of Jacob's Minhat Ya'akob, Jacob must have become a father about 1674. His approximate wedding date would be before 1673 and his birthdate about 1660.²¹ We also know that Jacob married a daughter of Wolf Spira of Prague,²² but no reference to his wife could be discovered in his writings, neither her name nor any other information.²³

Very little is said about Jacob Reischer's teachers. Jacob, in his very early years, attended the lectures of Simon Spira of Prague.²⁴ Simon, however, died in 1679, when

²⁰Jacob Reischer's introduction to Solet Leminha, edition Dessau, printed at end of Hok Ya'akob.

כאשר היה בני הזתיק כהר"ר שמעון ס' כמו בן ס"ו לתלמיד באור"תא צבי וחמיד
תנכתי אותו להוראה בספר תורת חסאת לנגדי תמיד. וספר מנחת יעקב שמש ולמד...

²¹Samuel Joseph Fuenn, 1819-1891 dates Reischer's birth at 1660 C.E. in his biographical lexicon, Keneset Yisrael, pp. 575-6.

²²Wolf Spira signed his endorsement to Jacob's book Minhat Ya'akob (edition Prague), 1689: מעוז ומגדל חמיו של הרב
המחבר רב יעקב די"ן.....

Also D. Oppenheimer in his introduction to Jacob's book Shebut Ya'akob, Volume II says:

ה"ה בן הרב מורה"ר יוסף רישר חתן הגאון מוהר"ר וואלף שפירא נר"ו...

²³Abraham Cahan, Le Rabbinate de Metz, 1567-1817, p. 54 says: "Ten years after Reischer's death in 1733, his wife Yitel or Gitel was assassinated."

²⁴Three references can be quoted where it appears that Jacob may have gained information from Simon Spira during his lifetime.

וראיתי אצל מוה"ז מהר"ש....מזה נפוצה... (מנחת יעקב ס' תנא').
מוה"ז מהר"ש התיר מן השוק קמה... (שם ס' תנג').
וכן נתפשט הוראה מוה"ז הג' המפ' מהר"ש נר"ו פה פראג לסלק היריעה וכן ראיתי
כתוב בגליון הס"ז שלו... (שבות יעקב חלק א' ת' פ"א).

Jacob was just about nineteen years old. Since Simon's son, Wolf, took the place of his father, it is most probable that Jacob continued his studies with Wolf Spira. Additional proof for this opinion can be adduced from the fact that Wolf who had noticed the brilliant Jacob even when attending Simon's lectures, later permitted Jacob to marry one of his daughters.

The Spira family of Prague had so much influence on Jacob Reischer that it becomes necessary to add a fuller account of the family and their relationship with Jacob.

B. The Spira Family

(Jacob Reischer's teacher and father-in-law)

The Spira family plays a significant part in the biography of Jacob Reischer, because Jacob's foremost teachers were Aaron Simon Spira and his son, Benjamin Wolf Spira, Reischer's father-in-law. His brother-in-law Elijah Spira, son of Benjamin Wolf and author of the well-known Eliyahu Rabba-Vesutta is frequently quoted in Jacob Reischer's books.

A few identifying words should be said about each member of this Spira family in order to identify them, since confusion about them seems to be widespread. Furthermore, each member had some special relation to Jacob Reischer and his family.²⁵

Aaron Simon Spira was first Rabbi in Frankfurt, then in Lemberg, Brest, Lublin, Cracow and Vienna, before becoming

²⁵Additional information on the Spira family is available in Gruenwald's book as well as Dr. M.H. Friedlander, Das Leben und Wirken der Hervorragenden Rabbinischen Autoritaeten Prags (Wien), 1902.

Rabbi of Bohemia and Prague in 1640. Since Aaron Simon died in 1679 at Prague, when Reischer was about nineteen years old, he could not have studied with him for too long a time.

Reischer always quoted the opinion of his teacher with great reverence and as authoritative for him, particularly in the case of the repairing of the Holy name in a Sefer Torah;²⁶ the proper observance of the laws of mourning;²⁷ and in the famous case of the Hadasim of Prague, whether or not they could be used on the festival of Sukkoth.²⁸ In the latter case, Aaron Simon's opinion is quoted in a similar case where he advised that they should not be used.

In another account, Reischer relates a very interesting story involving a controversy between Aaron Simon Spira and the ShaK. Spira prohibited the use of grafted Etrogim while the ShaK, who was visiting Prague at the time, permitted them. The Cantor in the famous Altheushul of Prague was required to recite a blessing over the controversial Etrog when he suddenly dropped it and damaged it. This was taken as a bad omen, and it is told that after this the scholars from Germany and Poland agreed with Spira. Jacob further tells us that the ShaK also retracted and later, on his deathbed,

²⁶Shebut Ya'akob, Vol. I, Teshubah #81.

²⁷Ibid., Teshubah #88.

ואולי למד כן בעל נ"ש מדברי מ"ו חמי זקני הג' המ"פ מהר"ש שפירא זצ"ל שהובא שם בתשובותיו.

²⁸Ibid., Teshubah #38.

וכן שמעתי מאמ"ר ה"ה מוהר"ו נר"ו כי כבר ה' לעולמים שגם בימי מו"ה הג' מהר"ש זצ"ל היה חכם אחד דן לפניו על הדסים כאלו אם יוצאיו בו ולא רצה להתיר למעשה.

asked pardon of Rabbi Spira. Reischer states that the son of the ShaK showed such a letter to Rabbi Aaron Simon Spira.²⁹

Wolf Spira, the son of Aaron Simon, was Jacob Reischer's father-in-law. He became also the father-in-law of the well-known David Oppenheimer whose second wife was Wolf Spira's daughter, Shifra.³⁰ Wolf was born in 1640 at Prague and died there in 1715. He was Chief Rabbi of Bohemia for twenty years.

Wolf Spira made an interesting remark linking the name Reischer not with the town Reisha as is usual, but with an Aramaic word Reishe meaning the first or head, in an effort to say that Reischer was deserving of the name because of his renowned piety.³¹

Reischer refers to his father-in-law in his books with great reverence and admits his indebtedness to him, especially in the solution of a difficult divorce case. One such case,

²⁹Ibid.

ושמעתי שפה בפראג בימי מו"ז הג' המפ' מהר"ש זצ"ל שנה אחת ע"י איזה מקרה הביאו אתרוגים המורכבים והורה שלא לברך עליהם. אך איזה תקיפי ואלמי ארץ היו רוצים להמרות פיו וזרפו אליהם בחלקלקית שבפיהם הג' בעל שפתי כהן והורו להתיר... ומתקופתם הכריחו את החזן בב"ה הישנה והחדשה שיתחיל לברך בקול רם וכשרצה להתחיל עכבוהו מן השמים שנפל אתרוג מידו... וא"כ באו כתבים מאשכנז ופולין שלא לברך עליהם באותו שנה. והג' בעל הש"ך נתחרט על הוראה זו קודם מותו וצוה לבנו בכתב ידו שיבקש מחילה מאת מו"ז. ובנו הראה כתב ידו למו"ח זקני הג' זצ"ל.

³⁰

Accounts of the life of David Oppenheimer include: S.H. Lieben, David Oppenheim, in Jarbuch der Juedischen Literatur Gesellschaft, Vol. 19, 1928.

C. Duschinsky, Rabbi David Oppenheimer (Budapest), 1922.

³¹

Introduction by Wolf Spira to Shebut Ya'akov, Vol. I. ר. יעקב בן יוסף רישא, דרישא חסידא ופרישא בינקותא וקשישא. The question of Jacob Reischer in Reisha was discussed earlier on pages 6 and 7. Note also that the Great-Uncle was called Reisha not Reischer.

dated Wednesday, Kislev 4th, 1707 involved Reischer in much controversy.³²

Elijah Spira, son of Wolf Spira and brother of Reischer's wife, was very famous for his two learned volumes, The Eliyahu Sutta³³ and the Eliyahu Rabba.³⁴ Elijah was Rabbi at Tiktin and then head of a Rabbinical School in Prague where he died in 1712, three years prior to his father.³⁵

Jacob Reischer held these books and the ritual decisions of his brother-in-law in great esteem and when consulted on their value or correctness, he usually defended Elijah Spira.³⁶ Another Wolf Spira, a stepbrother of Reischer is mentioned in Reischer's books. He is further identified as having been the son-in-law of Simon Itlich.³⁷

In the following chapter, Reischer's birth-place and youth will be traced and the rabbinical positions which he held during his lifetime

³²Shebut Ya'akob, Vol. I., Teshubah #114.

ומה"ג הג' המפ' מהר"ר וואלף נר"ו כתב שירחיב לו את הדרך לומר שצריך זמן הרבים לבחינת הגט כיון שהיא במקום רחוק ויהיה סובר שיש לו עוד זמן לבטל הגט ובאמת יקדמו את האשה עם הב"ר סמוך לאותו מקום שאפשר כדי ליתן הגט מהר.

³³A commentary on the Orah Hayyim of the Lebusch, Mordecai Jaffe, 1530-1612.

³⁴Explanations on the Orah Hayyim of Shulhan Aruk of Joseph Karo, 1488-1575.

³⁵See Simon Moses Hones, Toldot Haposkim, p. 18.

³⁶Shebut Ya'akob, Vol. I, Teshubah #138.

מ"ם יפה מתמיה ניסי הרב עליהם על שלא התעוררו כלל בחשש איסור זה. Ibid., Teshubah #93.

ועקר שאלה זו ראיתי בדברי הגיסי הג' בספר אליהו זוטא על א"ח סוף ספר אצל המנהגים שנשאל מאתו זצ"ל שאלה זו ממש והשיב שם...

³⁷Shebut Ya'akob, Vol. III, Teshubah #34. Also in addition to Vol. I, #134.

הקשה לי אחי חורגי המופלא האלוף מהר"ר וואלף ד"ן מפרגא נתן הקצין ה"ה מהר"ר שמעון יטליש נר"ו.

will be described. Since there seems to be some confusion and perhaps differences of opinion, his movements will be substantiated from reliable sources only. A brief report of the relationship between Reischer and his famous brother-in-law, David Oppenheimer, will be given next. Finally, an account of Reischer's life and activities, including the enmity which accompanied him, will be commented upon. Thus, it is believed that a clearer understanding of Jacob Reischer and his work will be obtained.

CHAPTER II

JACOB REISCHER, THE RABBI

A. Jacob Reischer in Prague

Rabbi Jacob ben Joseph Reischer was born in the city of Prague as he himself stated in his introduction to the second volume of his responsa Shebut Ya'akob.³⁸ He received his early training in Talmudica from his father,³⁹ from Simon and Wolf Spira,⁴⁰ and he was eventually appointed Head Judge of the Court of the Jewish Community of Prague.⁴¹ It appears that Reischer's early success in Prague both with his important Rabbinic position and his prolific literary activity was partially due to the fact that he had excellent teachers and very influential relatives there.

³⁸ לילך מבית אבי ומארץ מולדתי ומבית אמ"ח חמי הג' אשר עדיין היה בחיים חיותו ובגלו חסדתי וישבתי מנעורי ועד עת זקנתי... (פראג) לאמור לך לך מארץ מקום מולדתי.

³⁹ See Joseph Reischer's introduction to Jacob's book Minhat Ya'akob (edition Fuerth):
ריחק מנוער מפנק ומהתענג פנה וכמעט שלא עבר חצי לילה בשינה

⁴⁰ Teacher Simon, see Jacob's introduction to Shebut Ya'akob, Vol. I:
כאשר קבלתי מבית מו"ח הג' יצ"ו ויתר רבותי נוחי נפשי..

Teacher Wolf, see introduction by Wolf to Jacob's Minhat Ya'akob (edit. Fuerth):

Regarding Reischer's teachers see also page

⁴¹ D. Oppenheimer, introduction to Jacob's Shebut Ya'akob, Vol. II:

וכעת מזלו קבוע פה ק"ק פראג ראש המדברים בני דינא רבה ב"ד מו"ש.

It seems that at least three important books had been completed by Reischer while he served in the city of Prague:

(1) the Minhat Ya'akob, (2) the Hok Ya'akob, and (3) the first volume of the Shebut Ya'akob.⁴² In addition, Reischer was called upon to assist with answering important questions of Jewish law addressed to him from almost every community in the Jewish world of his day.

Jacob Reischer remained in Prague until the plague forced him to leave the city for a short time in 1713.⁴³ If Reischer had accepted previously a position in Reisha, Bamberg, or Anspach, and established his residence there for any length of time as some scholars claim,⁴⁴ he certainly would have mentioned it in his introductions or elsewhere in his biographical notes. Neither Reischer nor his close

⁴²The introductions by Reischer to Minhat Ya'akob, Hok Ya'akob, and Vol. I Shebut Ya'akob are signed. . . Prague. Furthermore, his father Joseph in his introduction to Vol. I, Shebut Ya'akob mentions these three as Jacob's earliest endeavors. In addition there is proof that the Minhat Ya'akob was written in Prague: It was printed in Prague, three haskomot came from Prague, one from his father-in-law who was his teacher and patron. In his introduction Reischer says that he tested his teachings and comments before his teachers and friends. These he had only in Prague at that time. Proof that Hok Ya'akob was written in Prague: Jacob in his introduction tells us how he worked on this book in Prague, in a home given to him by Wolf Spira, after his own home was destroyed in the fire of 1689. Proof that Shebut Ya'akob, Vol. I was written in Prague: Jacob adds to his signature in his introduction: "I never left my dwelling place Prague." Also David Oppenheimer in his haskomoh mentions that Jacob Reischer is one of the Dayanim of Prague. (Head of Dayanim.)

⁴³See Introduction of Reischer to Iyyun Ya'akob:

וה"תי מוכרח לסלול סלול גור וכאשר סר הדבר וחזרתי לבי מרוסי לפראג
כבראשונה.

⁴⁴See also pages 6 of this thesis.

relatives ever did.

Only David Oppenheimer mentions Jacob Reischer as Rabbi of Anspach,⁴⁵ and Reischer himself points out that he was called Rabbi of Anspach, but adds that he never moved his residence from Prague. He merely had jurisdiction over the district of Anspach while he remained Head Judge in Prague.⁴⁶ This situation was possible; (1) as a sign of honor and esteem to Reischer, or (2) he accepted temporarily such an arrangement with the community of Anspach.⁴⁷

Reischer's fame as an authority in Jewish law, even in his early years and while still in the community of Prague, can be demonstrated by many examples. Three illustrations representing various categories will now be given.

The Jewish community of Prague was disturbed by a practice which was considered as a serious violation of the Sabbath law. It seems that many Jews used to frequent the restaurants of the city on the Sabbath for a cup of coffee and to while away the day. Reischer's opinion and help was requested in this difficult situation of preserving the sanctity of the Sabbath. He opposed the custom vigorously, suggesting that even week-day attendance at a coffee-house is perhaps a

⁴⁵D. Oppenheimer introd. to Jacob's Shebut Ya'akob, Vol. II ונתקבל לאב"ד ור"מ במדינת אנשפך יע"א ה"ה בן הרב מוהר"ר יוסף רישר.

⁴⁶Jacob's introd. Shebut Ya'akob, Vol. I. כ"ד הק' יעקב בן ה"ה מוהר"ר יוסף נר"ו ומצ"פ בכל מדינת אנשפך עפ"ק פ"ו מדינה וישובתי לא פסקה בק"ק פראג.

⁴⁷Dr. M. Weinberger, Die Memorbücher der Jud Gemeinden in Bayern, p. 223 suggests that Reischer refused to move to Anspach and lost thereupon the position.

violation of the Jewish law.⁴⁸

Then there is the famous controversy of the Hadassim of Prague. This question of using Hadassim or Etrogim which may have been grafted with another species, became a controversy spreading throughout the Jewish world. All leading responsa masters dealt with it during this period. Reischer must have been a very famous and respected Talmudic scholar to have been consulted in this important issue.⁴⁹

Finally, we are told that the well-known David Oppenheimer was involved in a Halakhic controversy with Jonathan Eybeschütz, both of whom resided in Prague at this time. It seems that it was not only one case of law, but a contest of who was to be the Jewish authority in the city. The great reputation of Reischer must again be acknowledged when we learn that the influential Chief Rabbi of Prague, David Oppenheimer, turned in all humility to Jacob Reischer and requested his opinion and support in this contest between the two "lions."⁵⁰

⁴⁸Shebut Ya'akov, Vol. I, Teshubah #12.

מי שהוא ירא ה' אף בחול אינו הולך לביתם לשחות אף דאין בזה משום בישול עכום יש שאר חששות בזה... משום מושב לצים איכא.
Two contemporary sources mention the same problem. The Memoirs of Gluckel of Hameln, Marvin Lowenthal, introductory chapter, p.27. Speeches and Comments, S. Wertheimer, in Kohut's Deutsche Juden, p. 653.

⁴⁹Shebut Ya'akov, Vol. I, Teshubah #36.

אבל כשנמצאים ההדסים הירוקים שנהגו בו אבותינו אין לנו להוסיף על דבריהם ואין זה רק רמות רוחא הוא דנקיטא ליה וגם ליבו בהוראה.

⁵⁰Ibid., Vol. III, Teshubah #65.

וכל מי שיש לו ידיעת בית רבו לא יהיה נודד כנף ופרכס בי מדרשא להתיר איסור שהוא מן התורה וזהו חלב על הדקין שאינו סותם כלל כ"ד החותם היום... דוד אופנהיים... ואין לזוז מדברי מר ועלינו יערה דוח הבורא הק"י יעקב.

However, Reischer's stay in Prague was not altogether happy. In 1689 he lost his home, his library and many of his unpublished manuscripts in the great fire of Prague.⁵¹ If it had not been for the generosity of his father-in-law, Wolf Spira, Jacob Reischer could never have overcome these difficulties.⁵² Again, when Reischer was forced to flee Prague in 1713 on account of the plague, he wandered about the countryside like a lost soul.⁵³ His misfortune was increased by the sudden death of his only son Simon in Prague in 1714. It seems that Jacob returned to Prague just to bury and mourn the loss of his son, after which he decided to leave the city for good.⁵⁴ It further appears that Jacob himself was afflicted at this time, probably with partial blindness, which later on turned into complete blindness, from which he was, however, cured a few years later.⁵⁵

There was also a brighter side to Reischer's life in

⁵¹Ibid., Vol. I, Teshubah #5.

אך בשעת השרפה דפה שנת תמ"ט נשרף לי אותו תשובה עם שאר כתבים וספרי קודש וכאשר קרה ג"כ לנפשי מקרה בלתי שגור בעוסקי להציל הספרים סביב אכלה אש והייתי מוכרח לנוס ריקם מכל כתבי קודש והספרים.

⁵²Reischer's introd. Hok Ya'akob.
נפלתי קמתי ת"ל על ידי חס' הג' ה"ה מוהר"ר וואלף נר"ו אשר בנה בית נחלת אבותיו גדול בית האחרון מן הראשונה.

⁵³Reischer's introd. to Iyyun Ya'akob.

לסלסל טילסולי גבר

⁵⁴Reischer's introd. to Shebut Ya'akob, Vol. II.

בשנת יוסיף דעת יוסיף מכאוב נלקח מאיתי בן חכם... ויהי ביום השלישי בימי אבלי... ונתקבלתי לקהל עדת ישורון ק"ק ורמ"זא... ובכן אמרתי לעבור שמה.

⁵⁵Reischer's introd. to Iyyun Ya'akob.

כי בא לי כאב עינים.... ואמרתי לשלם עין תחת עין.

Prague, one of which was his close association with the famous Rabbi David Oppenheimer, who later on became his brother-in-law.

B. David Oppenheimer

The most famous and best known relative of Jacob Reischer was David Oppenheimer, Chief Rabbi of Prague and Bohemia.⁵⁶ He was born in Worms in the year 1664 and died in Prague on September 12, 1736. His uncle, Samuel Oppenheimer, left him a fortune so that he was financially independent. Furthermore he married, at the age of seventeen, Genendil, the daughter of Lipman Behrend-Cohn of Hanover, a very influential and wealthy man, a Hofjude.

After having been Rabbi of Nikolsburg since 1690, David Oppenheimer became Chief Rabbi of Prague in 1702. During the Prague epidemic in 1714 he lost his wife, at the same time and in the same plague in which Simon, the only son of Jacob Reischer died. A year earlier, in 1713, David Oppenheimer had been elevated to share the honor of being Rabbi over half of the province of Bohemia with Wolf Spira, the father-in-law of Jacob Reischer. When Wolf Spira died in 1718, David Oppenheimer became Chief Rabbi over all of Bohemia,

⁵⁶Since accounts of his life, activities and well-known library have appeared elsewhere, I have confined myself to events and references which have direct bearing on Jacob Reischer. For accounts on David Oppenheimer see ft.nt. #30 on Oppenheimer's library:

W. Popper, The Censorship of Jewish Books, a Doctor's Thesis (New York), 1899.

A. Max, Some Notes on the List of D. Oppenheimer's Library, in Melanges Offeste A Israel Levy, 1926, p. 458-60.

against the opposition of Jonathan Eybeschütz.⁵⁷

David Oppenheimer took for his second wife, Shifrah, the daughter of Wolf Spira and the widow of Isaac Bondis; thus, Jacob Reischer became the brother-in-law of David Oppenheimer. In the responsa of Jacob Reischer this change is noticeable at the beginning of the Shebut Ya'akob, Vol. II, where Reischer refers to Oppenheimer as brother-in-law, rather than relative as was his custom in Vol. I.⁵⁸ David Oppenheimer was afflicted with blindness during the last year of his life, and he died on the Seventh day of Tishre, 1736.

In all correspondence between Oppenheimer and Reischer, the latter was very humble, acknowledging Oppenheimer's great learning, fame, wealth, and station.⁵⁹ On the other hand, Oppenheimer respected Reischer's wide range of Talmudic learning, and gladly wrote an enthusiastic introduction and recommendation to Reischer's first volume of responsa, the Shebut Ya'akob, Volume I.⁶⁰ David Oppenheimer occasionally

⁵⁷Mainly based on sources quoted by S.H. Lieben, David Oppenheimer, in Jahrbuch der Juedischen Literatur Gesellschaft, Vol. 19, 1928, Prague.

⁵⁸In the Resp. Vol. I, Oppenheimer is referred to as --relative, while in Resp. Vol. II and III, it is always --my brother-in-law.

See Shebut Ya'akob, Vol. II, Teshubah #3.

כשהייתי עם גיסי הג' הגדול המפ' מהר"ר אופנהיים אב"ד ור"ם דק"ק פראג.

⁵⁹Shebut Ya'akob, Vol. III, Teshubah #31.

ורוד בא עד ראש לכל דבר הר גבוה ותלול. כהר תבור יושב בטבור שפנותיו שושנים נוטפות מור עובר על כולם הולך וגובר ה"ה אהוב" אדוני גיסי הג' הגדול המפ' בכל פנה ועבר ג"י פה ע"ה כמהר"ר דוד נר"ו.

⁶⁰Introd. by D. Oppenheimer to Jacob Reischer's Shebut Ya'akob, Vol. I.

ה"ה מחותני הרב הג' המו' זה מופלא חרוץ ושנין אף בפתחי נדה וקינן ותלמודו מסודר בידו כמונה על תמחי וקנון אחריתו יהיה מנין יפה פרי תואר זית רענן

solicited Jacob Reischer's support for an expert opinion on Jewish lore.⁶¹ Reischer usually agreed with his brother-in-law and supported his opinions,⁶² except on very few occasions.

When Rabbi Reischer was asked about permitting an emergency session of a Jewish court on the Sabbath Day, he permitted it, basing his decision on the fact that in a similar case David Oppenheimer permitted it.⁶³ Again, when asked about the use of a Torah scroll improperly repaired, he, at first, did not want to give an opinion in the case, since two of his best friends were on opposite sides, Samson of Duesseldorf and Judah Miller of Deitz. Reischer finally did make a decision, but sent his reply to David Oppenheimer for verification.⁶⁴

In another correspondence dated Shebat 15, 1725, David Oppenheimer tried to solicit support for his decision to permit the ritual of blessing the new moon (kiddush lebanah), on the Sabbath. Although Reischer praised Oppenheimer's erudition

כ"ש מהר"ר יעקב נר"ו וכעת מזלו קבוע פה ק"ק פראג ראש המדברים בבי דינא רבה ב"ד מו"ש ונתקבל לאב"ד ור"מ במדינת אנשנך יע"א ה"ה בן הרב מוהר"ר יוסף רישר נר"ו חתן הג' מוהר"ר וואלף שפירא נר"ו... נאם דוד הק" בן המנוח המפ' מוה" אבר" אפנה"ם.

⁶¹Shebut Ya'akob, Vol. II, Teshubah #98.

הנה תחילת דברי פיהו מתאמרא משמיה דגברא רבא כוחתי מגיסי הג' המפ' כ"ש מהר"ד אופנה"ם ששאל אותי דבר זה... והשבתי לו...

⁶²Ibid., Vol. I, Teshubah #14.

וכן ראיתי שהאריך מחותני המפ' מהר"ר דוד אופנה"ם בספרו נשאל לדוד וע"ש.

⁶³Ibid.

אך מי ימלא לבו לחלוק על דברי הג' בלי ראיה ברורה ואין משיבין את הארי וכו'.

⁶⁴Ibid., Teshubah #80.

ותשובה זו נשלח ג"כ למחותני הג' המפ' מהר"ד אפנה"ם דק"ק פראג בהיותו בבית חמיו הקצין בהנובר והסכים להלכה כמ"ש.

and great station, he differed sharply with him. He was amazed at his opinion seeing that it would violate a custom observed throughout the Jewish settlements. According to Reischer it would be contrary to all later authorities of Jewish law, for they all agree, that one must not practice this ritual on Saturdays or Holidays.⁶⁵

The most interesting question involving David Oppenheimer and Jacob Reischer was the famous Prague incident in 1725, which involved the two great rabbis of Prague, Jonathan Eybeschutz and David Oppenheimer. The ritual question involved was that of a pin found in the intestine of an animal. David Oppenheimer declared the meat as not kosher; Jonathan Eybeschutz said that it was kosher and could be eaten. The controversy developed into a contest for the rabbinic leadership of the city of Prague, one of the most influential communities at that time.

David Oppenheimer in sending his decision to Jacob Reischer dated 15 Sivan 1725, solicited his opinion and support.⁶⁶ Reischer in his reply to David Oppenheimer was very deeply moved, for he must have realized that David Oppenheimer had been humiliated before the entire Prague community.⁶⁷

⁶⁵Shebut Ya'akob, Vol. III, Teshubah #31.

ומי יעלה על לבו לעשות כן נגד מנהג הפשוט בכל תפוצות ישראל ונגד כל האחרונים.

⁶⁶Ibid., Teshubah #65.

There is little doubt that this is a reference to Eybeschutz.

וכל מי שיש לו ידיעת בית דבר לא יהיה נורד כנף ופרכס בי מדרשא להתיר איסור שהוא מן התורה.

⁶⁷Ibid.

ומרוב גודל ענותנותו יותר כדור ההקסין אצל מי שקטן ממנו ע"כ יצאתי ברשות ואכתב דעתי הקלושה....

Jacob Reischer, of course, supported his brother-in-law in his decision against Eybeschütz. This Prague controversy involved many rabbis of Europe, and the issue can be traced in other law books and responsa collections of this particular time.⁶⁸

C. Reischer in Worms

For a better understanding of Reischer and his activities, the following questions must be discussed. Why did Reischer leave Prague? Why did he accept the position in Worms? How long did he remain in Worms and why for a brief period only? What difficulties did he encounter there? Why did he accept the position in Metz? And finally, why did his enemies increase in Metz so that he was in danger of imprisonment?

There were a number of facts and circumstances responsible for Reischer's decision to leave the city of Prague. It appears that the plague of 1713 had caused great upheaval in the Jewish community and perhaps Reischer's position as Chief Judge was jeopardized. Again, since his only son had died of the epidemic, and he himself had suffered a great deal, there was little reason for Reischer to continue his stay, except perhaps to remain with his relatives, the Spiras and Oppenheimers. However, when he received a good offer from the city of Worms, an old and famous Jewish community, and the opportunity to become not only a Judge, but a Chief Rabbi and

⁶⁸See J. Eybeschütz, "Pleisee," #4. Question of Nail in Intestines. Also the account in Tchernovitz, תולדות הפוסקים
Vol. III, p. 239. Yekuti'el Greenwald, Rabbi J. Eybeschütz,
pp. 34-35.

Headmaster of the local Talmudic Academy, his mind was made up and he accepted.

Little did Reischer know that the change for the better would have its limitations. First of all, the leaders of the Worms' community were quarrelsome and did not always accept the opinion of their Rabbi in good faith. Secondly, the enemies which Reischer must have made on account of his books or for other reasons during this period, attacked him at every possible opportunity. Finally, the Talmudic Academy which Reischer had visualized as a flourishing Torah Center, attracted only a limited number of mediocre students.

Almost immediately upon his arrival in Worms, he was involved in a fast-day controversy. Reischer tells us that in the month of Kislev (December) 1714,⁶⁹ when he became Rabbi of Worms, he was asked about a special fast-day. It seems that some people had the custom of fasting in case the moon was too dark for the performance of the mitzvah of Kiddush Lebanah (prayer for welcoming the new moon). Reischer disagreed and refused to sanction such a fast, since it would place an additional burden upon the community.⁷⁰

Reischer also informs us that he remained in Worms as the Rabbi and Headmaster of the Talmudic Academy for about three years, and that he was promoted after this to the Rabbi's

⁶⁹Shebut Ya'akob, Vol. II, Teshubah #10.

בחורש כסלו תע"ה כשבאתי לקבלת רבנות ק"ק וורמ"א..

⁷⁰Ibid.

ומכ"ש שלא לטרוח את הציבור בתענית כנ"ל הק" יעקב.

position of the city of Metz.⁷¹ Although his position in Worms was honorable and the Jewish community one of size and stature, having had great Rabbis before him, yet from Reischer's remarks and other evidence, it seems that the rabbinate in Metz was still a position of greater honor.⁷²

Worms was a city in which Jews had lived for centuries and their right to residence had been guaranteed by law. Worms was also one of the five main judicial Jewish districts, together with Frankfurt, Friedburg, Fulda, and Kinsburg. The Jews of Worms were permitted complete autonomy in their communal affairs as long as they paid the taxes placed upon them. However, there were some limitations such as the wearing of the yellow badge, restrictions on buying and selling, restrictions in their movements, especially on Christian festivals, and the drinking of wine and beer with Gentiles at all times.⁷³

On May 31, 1689 the city of Worms was invaded by the French, and at that time, the entire Jewish quarter was destroyed by fire. The suffering of the Jewish community was alarming, although the city authorities assisted the Jews and helped them to rebuild their homes a year later.⁷⁴

⁷¹Introduction by Jacob to his book Iyyun Ya'akob.

⁷²וישבותי שם כמו שלש שנה ונתעליתי לקבל לאב"ד ור"ם דק"ק מיץ
Introduction by Jacob to his Shebut Ya'akob, Vol. II.
למקום תורה ועיר מלאה חכמים וסופרים טוב אחריה מראשית והרבות גבולי
בתלמידים עד בא חליפתו.
As well as Reischer's term ונתעליתי in his introduction to Iyyun Ya'akob. See ft.nt. 66.

⁷³G.Wolf, Zur Geschichte der Juden in Worms (Breslau), 1862, Beilage #25 and #29.

⁷⁴Ibid.

The community of Worms was used to difficulties as can be gathered from another question which was placed before Reischer while in this community. Again, it deals with a question of fasting. The Jewish community of Worms had taken upon itself to fast every Rosh Chodesh Sivan (the first day of the month) for half a day. This obligation was accepted to commemorate the Crusaders' attack upon the Jewish quarters in the year 1096. It occurred that in the year 1716 the anniversary of that fast day fell on a Friday and the custom had been to fast until about 3:00 P.M. and then pray Minha and Kabolat Shabbat together (afternoon and evening prayer). Reischer was of the opinion that this was wrong, that under no circumstances can one receive the Sabbath so early in the day.⁷⁵

There are many interesting features in this particular responsum. First of all, the observation by Reischer, that he tried to stop the custom like other Rabbis before him, but without success.⁷⁶ Secondly, that he refused to pray with them on that afternoon, to indicate his protest, and that Reischer was rebuked for this by the congregation with the Rabbinic saying: "one must not exclude oneself from the entire congregation."⁷⁷ Thirdly, Reischer, in his discourse to prove his

⁷⁵Responsa, II, #6. בר"ח סיון תע"ו לפ"ק שהיה חל ביום ויו" שנהגו להתענות פה וזרמ"ש מיום גזרת תתנו" עד אחר חצות היום..

⁷⁶Ibid.

וצווחתי על זה ככרוכיא ולא שמעו אלי...

⁷⁷Ibid. אף גם שפרשתי מהם בענין זה ולא התפללתי עמהם תפילת ערבית כדרכי... אף על זה עננו העם לומר שאין לפרוש מן הציבור בענין מנהגם.

point, was very objective and argued that most customs of the Jewish community of Worms were ancient and worthwhile, but suggested that in this case, the true custom had been forgotten. He repeated a well-known remark here, that a custom which is against the Torah cannot and must not be honored, since from minhag it turns into gehinam.⁷⁸

Reischer was called upon to settle another difficult question of law during his stay in Worms. A local judge, Akiba of Worms,⁷⁹ asked Reischer how the Jewish community of Worms could permit the use of non-Jewish yeast for the baking of Jewish bread. Since this practice was against Jewish law why did no one object, Akiba complained.

Reischer, in his reply, completely vindicated the custom of the Worms' community by pointing out that several important Rabbis of former generations had permitted this usage, that there were valid reasons for leniency and that it had been an old established custom.⁸⁰

Finally, we find that Reischer was involved in a difficult Agunah question (deserted woman) while serving in the

⁷⁸All quoted by Reischer in Shebut Ya'akob, Vol. II, Teshubah #6. אין כח ביד שום אדם לבטל ולשנות המנהג נגד ההלכה... והמהפך מנהג כזה אֲוִתִּיּוֹת גִּהֶנָּם... רק עלינו לשבח דברי ראשונים ומנהגם בפרט ק"ק ורמ"שא שרוב מנהגם מיוסד על פי תורה והיראה והשלום.
See Ozer Yisrael, Eisenstein, J.D., New York 1913.
מנהג-גהנם: מחשבות ר"ת ובכמה אחרונים שות" זכר יהוסף א"ת ס"כ.

⁷⁹Respondent of Reischer not identified further.

⁸⁰Shebut Ya'akob, Vol. II, Teshubah #188.

דודי נהגו כן ע"פ הקדמונים וכל מנהגם ע"פ רוב הוא מנהג ותיקין... ואין לפקפק על המנהג נ"ל.

community of Worms. Benjamin Kabri of Trier⁸¹ turned to Reischer with great respect and admiration and was willing to be guided by his wisdom and knowledge.⁸²

It is not only because of the great recognition Reischer received while serving in Worms that we learn of his importance and stature, but it is above all because of Reischer's scholarly replies that we are impressed with the importance of this man to Jewish life at this particular time. So great were the demands made upon him that he had to admit that he was very tired and overcome by the burden of the Rabbinate.⁸³

D. Reischer in Metz

Rabbi Jacob Reischer left the community of Worms and accepted a call to Metz in the year 1717. He left Worms because of his enemies⁸⁴ and perhaps because Metz was a larger and more important city at this particular time.⁸⁵ There were about four hundred and eighty Jewish families in Metz and it continued to grow slowly. The community had always had famous Rabbinic leadership, although not without some jealousies and

⁸¹Respondent, not otherwise identified.

⁸²Shebut Ya'akob, Vol. II, Teshubah #115.

בכך אמרתי לשאול את האורים ותומים של אדוני מ"ו ה' המפ' מה"ה יעקב אב"ד ור"מ דק"ק ורמ"שא והוא יורה לי דרך אשר אלך בה ואת המעשה אשר אעשה.

⁸³Ibid., Teshubah #85, #104.

ואף שראשי ואיברי כבידין עלי כי כבוד ממני הדבר להיות ראשון לבית יעקב לזלות דורא...

⁸⁴Introd. Shebut Ya'akob, Vol. II.

⁸⁵Jacob's introd. to Iyyun Ya'akob...ונתעליתי.
H.Graetz, History of the Jews (German Edition: 1897), Vol. 10, Dritte Auflage, p.27.

difficulties in communal life both from professionals as well as the laity.

Rabbi Reischer was the successor of the famous Gabriel Eskeles and Abraham Brodie⁸⁶ and was, in turn, succeeded by the well-known Rabbi Jacob Joshua Hirsch, author of the P'nei Yehoshuah.⁸⁷ In addition to the Rabbinic prestige connected with the Metz position, Reischer tells us that he was attracted to Metz by the fact that there were many students who were willing to enroll in his Yeshiva.⁸⁸ The number and caliber of Torah students was always a very important factor with Jacob Reischer.

Jacob Reischer started out in Metz with a difficult communal situation, for he had to make peace between two factions. The community was divided because of loyalty to two previous Rabbis, Eskeles and Brodie (Broda), none of whom were re-elected.⁸⁹ Reischer, who was chosen instead, had to appease

⁸⁶G. Eskeles--died Nikolsburg, 1718, Dayyan of Cracow, Rabbi of Olkusz, Prague, Metz, and Nikolsburg.
A. Brodie--died Frankfurt, 1717, Rabbi at Lichtenstadt, Rausnitz, Prague, Metz, and Frankfurt o/M.

⁸⁷Joshua Hirsch, P'nei Yehoshuah (Novellae on the Talmud in four parts, published at Frankfurt o/M, 1752; Fuerth, 1766, 1780). Died Frankfurt, 1756, Rabbi of Tarli, Lisko, Lemberg, Berlin, Metz, Worms, and Frankfurt o/M.

⁸⁸Jacob's introd. to Shebut Ya'akov, Vol. II.

למקום תורה ועיר מלאה חכמים וטוֹפְרִים... והרבות גבולי בתלמידים...

⁸⁹Lowenthal, op. cit., p. 267.
Rabbi Gabriel Eskeles got one year's leave to attend a wedding, but he stayed away for three years. Meanwhile, another group elected Rabbi Brodie, although now Eskeles indicated that he would like to return as their Rabbi. It seems that Reischer was elected by both parties.

both parties, and it appeared that he was successful, probably because of his outstanding reputation as a Talmudic scholar and legal authority.

That Reischer's task was not easy, and that his authority was not always accepted without opposition, can be established from government records of our period in the city of Metz.⁹⁰ A certain Simon Trenel undermined Reischer's authority and when the Rabbi levied sanctions against him, he refused to comply. Thereupon, the Jewish Community Council of Metz called the man to the stand and levied a great fine of money against him. It is told that his wife sought favor with the district governor and obtained some concessions, limiting the fine. The entire episode, however, must have been very unpleasant, dangerous, and harmful to all concerned. When, therefore, Reischer complained of an increase of animosity and enemies in the city of Metz, so that he was in imminent danger of imprisonment, we have here circumstances which help to explain some of the difficulties.

Reischer's tasks and responsibilities within the community organization in Metz are reflected in his Responsa. Thus he had to deal with the re-organization of the court. It was customary in Metz not to have a permanent Law Court, Bet Din. Instead, the two parties would elect their advocate and the Rabbi of the city would act as the third judge. Reischer was asked about the establishment of a Bet Din on a new basis, namely a permanent Bet Din with the Rabbi. Reischer believed

⁹⁰A. Gahan, op. cit., pp. 52-54.

that the old arrangement had its merit, since in the new system the leaders might appoint their own friends, thus, making an impartial judgment quite difficult.⁹¹

As will be pointed out later,⁹² in detail, Reischer was usually lenient with his replies to ritual inquiries. He tried to avoid making Jewish practices burdensome. Confronted with a question of dietary laws, he permitted the food because of the great loss which would ensue and because it was a banquet celebrating an event in Jewish life--S'udat Mitzvah.⁹³

On the first day of Sukkoth it was considered very important to make Kiddush in the Sukkah no matter how bad the weather was. Many people used to hold up the meal for many hours, waiting for the rain to stop so that Kiddush could be made. Reischer, while in Metz, was asked regarding such procedure in the year 1723, when rain spoiled the first day of the festival. Reischer was very outspoken on the subject, declaring that those people go beyond the limits of the Rabbis, that there was no need to wait any such length of time, and that he saw no reason for such burdens or "wisdom" to go beyond the Rabbinic authorities on the subject.⁹⁴

⁹¹Shebut Ya'akob, Vol. II, Teshubah #143.

פה ק"ק מיץ נהגו מעולם ומשנים קדמוניות שלא להוסיב דינים קבועים רק דנים ע"פ זה בורר. והב"ד הוא השליש ועלה ע"ד איזה טובי העיר להוסיב ב"ד קבוע עם הרב אי שפיר דמי. לכן נ"ל פשוט שאין לשנות מנהג זה שהוא מנהג ותיקין מיוסד ע"פ שורת הדין וההלכה.

⁹²See pages 69-70 of this thesis.

⁹³Shebut Ya'akob, Vol. II, Teshubah #109.

מ"מ במקום הפסד גדול כזה וסעודת מצוה הוריתי להקל כנ"ל הק"י יעקב.

⁹⁴Ibid., Vol. III, Teshubah #45.
לא ידעתי איך מלאו לבם לעשות כן להתחכם יותר מחכמים ופוסקים ראשונים ואחרונים. אין לך מניעת שמחת י"ט יותר מזה.

While in the city of Metz, Reischer was involved in a great legal controversy. He reports that in the month of Nissan in the year 1723, he was asked in Metz⁹⁵ by the community leaders whether it was permitted to burn fragments of holy books (Shemot), since no safe place for hiding them could be found, and since the Gentiles used to desecrate them when buried in the local cemetery. Reischer answered that it was permitted in this case, and brought his proof from the Biblical story of King Saul, who committed a sin (suicide) in order not to fall into the hands of the heathen. Thus, in order to prevent the desecration of the holy fragments, one may burn them, an act which is normally against the law.⁹⁶

However, since this was a new inquiry and the reply would have far reaching consequences, Reischer sent his reply to Ezekiel Katzenellenbogen of Hamburg for support. Katzenellenbogen did not agree and very politely suggested that it was better to bury these fragments, even if not on the cemetery proper. Reischer also very politely suggested that since this burning was already an established custom in Metz, he saw no reason why he should interfere and make it more difficult for

⁹⁵It is interesting to note that Reischer had been asked a similar question in Prague, a fact he mentions in his reply. Reischer does not permit burning of Sifrei Torah, only books.

⁹⁶Ibid., Teshubah #10.

..עד שראיתי פה שא"א כלל לעשות תקנה זו בקהלות גדולות שמרבים בכל שנה ושנה בלוי ספרים כאלו עד כמעט כל החביות והתבות וחזרים לא יכלכלוהו כאשר הארץ צר אצלנו בגלות..ומשום שלא יבאו לידי בזיון התירו לשרפם. וגדולה מזו מצינו שהתירו לאבד א"ע לדעת בכה"ג שמואל ל"א.

Same Responsa is found in Keneset Yecheskel, Altona, 1732 by Ezekiel B. Abraham Katzenellenbogen, d. 1749, Altona, Rabbi of Keidani and Altona. Teshubah #37.

the community. Reischer based his decision upon the fact that burying just anywhere is as much a destruction as burning, since the rain, wind, and snow would completely destroy these holy documents.

From this correspondence, we not only see the greatness of Reischer, but also how he tried to make it easier for the community, and that he was sensitive to the problems and conditions of his time. It seems that very little space was allotted to Jewish cemeteries at that time in order to keep the Jewish population at a minimum. Therefore, since there was hardly sufficient room for the burial of humans, no place could be found for the burial of Shemot.

In the beginning, Reischer was very happy with his position in Metz, publishing there his second volume of the Shebut Ya'akob in thanksgiving to God.⁹⁷ However, as time went on, his difficulties increased even in that community. The enemies, on whose account he had left the former community of Worms, became more fierce, so that at one time in 1728 their accusations almost caused him to be sent to prison. Only Providence, Reischer claims, saved him from this terrible fate.⁹⁸

Another reason for his unhappiness in Metz was physical illness. For two years, 1718-1720, Reischer was almost

⁹⁷Reischer's introd. to Shebut Ya'akob, Vol. II.

ובמקום קרבן תודתי באתי להודיע חלק שני מספרי שבות יעקב חלקי ה' אמרתי לשלם פרים שפתי.

⁹⁸Ibid., Vol. III.

שקמו עלי זדוניהם תקיפא כפרזלא שונאי חנם להכחידני בשקר עלילה לתפוס אותי ח"ו בבית הכלא..ברוך השם אשר פדה את יעקב וגאלו.

blind⁹⁹ and again in 1729 he complained about much illness and prolonged ailments.¹⁰⁰

In addition to the usual burden of the Rabbinate, Reischer was involved in some difficult, unusual and sometimes unpleasant cases. There was, for example, a case of a doubtful marriage contract, greatly complicated by the participation of dishonest individuals, both laymen as well as Rabbis.

In the town of Ingweiler (Elsasc), we are told,¹⁰¹ a Cantor by the name of Hershel boarded in the home of Rafael. The Cantor claimed that he had betrothed Rafael's daughter by giving her a silver coin before two witnesses. She claimed that she never received a coin and that the witnesses were lying. However, the parents had promised her to another man who was a Kohen, of priestly descent and prohibited from marrying a divorcee. Therefore, if a divorce from Hershel was required, she could not marry the Kohen afterwards. It appears that the parents bribed some Rabbi to free their daughter without a Get--bill of divorcement. Reischer's opinion was that a Get was necessary. In his Responsum, Reischer complained about all the irregularities in the case by the parents and the unworthy Rabbis involved. He concluded that he would not change his

⁹⁹Reischer's introd. to Iyyun Ya'akob.

¹⁰⁰Shebut Ya'akob, Vol. III, Teshubah #119.

הנה אף שליבי בל עמי כי הייתי מוסל על ערש דוי איזה ימים ה' ישלח לי רפואה...

¹⁰¹Ibid.

רק האנשים האלה אשר ברו עלי דברים כזבים כאלו ראוי לנדותם ולרדותם.. להמציא צד התר להבתולה הנ"ל ע"י שוודא דד"נא או ע"י ל"ג שוודא דד"נא.. אבל אני אמרתי כי אין אחריותו מדינת עלזום עלי....

opinion even if the girl insisted that she would never marry anyone but the Kohen or remain single. Reischer remarked, "Let her be that, I heard that she was a loose woman anyways; we cannot change the law for her." Reischer finally disentangled himself from this unpleasant situation by stating that actually he did not need to accept cases outside the official jurisdiction of his own community of Metz.

Finally, another incident may indicate that Reischer had a difficult time with his congregants in Metz. He tells us that in the month of Adar 1731, he received notice of his father's death. Immediately, the leaders of the community argued regarding his observance of mourning. They believed that since it was Purim Koton he ought not to mourn for his father. Reischer, in his Responsa, felt that some mourning was permitted on Purim Koton, and he acted according to his own opinion.¹⁰²

In spite of all these difficulties--illness, enemies, and the burden of the Rabbinate--Reischer could boast of a first-class Talmudical College with many famous students and disciples who became leaders in various communities.¹⁰³

¹⁰²Ibid., Teshubah #100.

It seems that more than disagreement on a point of law was involved. It was a time of a Rabbi's personal loss and he should have been permitted to use his own discretion. Again Reischer's phrase Ba'ale Tereisin seems to indicate some sarcasm or dissatisfaction.

ביום ט' אדר ראשון תצא" .. שמת א"א הרב מוה" יוסף רישר.. והיה פילפול בין בעלי תריסין אי צריכין להתאבל עליו ביום אדר א" ..

¹⁰³Two of the important disciples were Gershon Koblenz and Judah Miller who are discussed later in the thesis, pp. 128-133

Furthermore, Jacob Reischer continued his literary activity in Metz. He not only completed Volumes II and III of his Shebut Ya'akob, but also concluded his lengthy aggadic commentary, Iyyun Ya'akob.¹⁰⁴ Reischer completed the latter in the year 1720,¹⁰⁵ while the last correspondence in his Shebut Ya'akob Responsa is from 1731.¹⁰⁶

Two years later Reischer passed on and was buried in the city of Metz according to the testimony of his great-grandson, Zalman Reischer, who published the final volume of Reischer's Responsa posthumously.¹⁰⁷ The date of Reischer's death is further established by a note in the records of the Burial Society of Metz.¹⁰⁸ The listing reads as follows:

נפלה עטרת ראשינו הגאון מוה"ה יעקב אברהם מפראג נפטר ביום ש"ק
לאחר מנחה ונקבר למחרתו ביום א' טו" שבט תצ"ג.

In the next chapter an endeavor will be made to explain the scope of Reischer's literary activity, the reasons for working on the particular subjects which he selected, and

¹⁰⁴A commentary on the En Ya'akob of Jacob Ibn Habib, died Salonica, 1516.
First volumes published in 1516 at Salonica.

¹⁰⁵Reischer's introd. to Iyyun Ya'akob.

ובשנת תפ"ג-תפא" גמתי את עיון יעקב.....

¹⁰⁶Shebut Ya'akob, Vol. III, Teshubah #100.
The date Adar, 1731 is mentioned.

¹⁰⁷Introd. by Zalman Reischer to Shebut Ya'akob, Vol. III.
הקדמת הקצין כהר"ר זלמן רישר בן הרב הג' מוהר"ר נחמיה זצ"ל
שהוציא הוצאות מהוננו וכספו לכבוד אביו זקינו הג' המפ' אב"ד
במיק' יעקב רישר ושמה נתבקש לישיבה של מעלה ושם מנוחתו כבוד.

¹⁰⁸A.Cahan, op. cit., p. 54. Jacob Reischer died on Sunday,
Shebat 15, 1733.

above all the fierce controversy surrounding his books, the issues involved and which side was in the right must be determined. Did Jacob Reischer really ignore Acharonim (later authorities) and treat them lightly as accused? Did his antagonists insult Reischer so that he was justified in making those fierce personal attacks upon them?

In order to find answers to these problems, all of Reischer's books and remarks must be carefully examined. In addition, contemporary colleagues as well as the volumes written by the three Rabbis who opposed Reischer, namely Zevi Katz, Johanan of Mezeritz, and Joseph Moses of Breslau must be consulted.¹⁰⁹

¹⁰⁹Rabbi Zevi Hirsch ben R. Ezriel--author of Ateret Zebi (a commentary on Shulhan Aruk, Hoshen Mishpot, Jesnitz, 1722).
 Johanan of Mezeritz, Poland--author of Orah Mishor, a commentary on Isserles' "Remoh," Darke Moshe; also author of books by same name on tractate Nazir. See ft.nt.
 Joseph Moses ben David of Breslau (Not Premislov)--son-in-law of Rabbi Abraham Broda, author of Hok Yoseph (a commentary on Shulhan Aruk, laws of Passover, Amsterdam: 1730).

CHAPTER III

TEACHER AND AUTHOR

A. His Literary Activity

Jacob Reischer's fame is due mainly to the fact that he wrote outstanding books both on the legal aspects of Jewish life, Halakah, as well as on the theological and legendary, Aggadah. He was equally at home in matters of Halakah as well as in the intricacies of Aggadah. In the Rabbinic world, Reischer is best known for his Responsa Shebut Ya'akob and is referred to as THE SHEBUT' YA'AKOB. However, it must be emphasized that anyone studying the laws of Pesach (Passover) of the Shulhan Aruk would also not omit Reischer's commentary, the Hok Ya'akob. Finally, the student who is interested in the Aggadah of the Talmud and refers to the En Ya'akob,¹¹⁰ the classic on that subject, will automatically make use of another commentary by Reischer, the Iyyun Ya'akob, which accompanies it.

As will be seen later, Jacob Reischer wrote many other commentaries, but not all were published and some were not preserved. In spite of his fruitful literary contribution, Reischer himself was not satisfied with his accomplishments

¹¹⁰ Jacob Ibn Habib of Zamora, 1460-1516. See ft.nt. 104.

and complained of having had too little time.¹¹¹ In addition, the burden of the rabbinate,¹¹² and his troubles due to illness¹¹³ and jealous enemies¹¹⁴ caused the curtailment of some of his literary efforts. He implied that if he had had more peace of mind, his productivity would have been much greater. Mention must also be made again in this connection of the great fire which destroyed Reischer's library and much of his correspondence as well as comments on various tractates of the Talmud.¹¹⁵

Lastly, there occurred the death of his only son, Simon, in the year 1714¹¹⁶ which affected Reischer and his works temporarily. There was, however, a strange contradiction in Reischer's behavior with regard to adversity and his literary work. On the one hand, he was unable to continue his efforts at the moment of deep sorrow and affliction; on the other hand, as he recovered, he felt so grateful to the Almighty, that he

¹¹¹Shebut Ya'akob, Vol. I, Teshubah #70.

ומפני אפס הפנאי אשיב כפי מיעוט עיוני....

¹¹²Ibid., Teshubah #159.

ומפני סדרות גדולות המוטלים עלי....

¹¹³Reischer's introd. to Iyyun Ya'akob as well as Shebut Ya'akob, Vol. I, Teshubah #119.

כי בא לי כואב עינים....

¹¹⁴Reischer's introd. to Shebut Ya'akob, Vol. II.

באשר פגעו בי שונאי חנם בקנאה ושנאה יהרפני as well as introd. to Shebut Ya'akob, Vol. III.

אבל קמו עלי זדונים תקיפא כפרזלא שונאי חנם....

¹¹⁵Reischer's introd. Shebut Ya'akob, Vol. I, as well as Teshubah #114 in same volume.

אך בשנת תמס" לפ"ק היר לשרפת אש כל חדושי על השס"....
¹¹⁶Reischer's introd. Shebut Ya'akob, Vol. II.

בשנת יוסיף דעת יוסיף מכאוב נלקח מאיתי בן חכם ישמח אב....

set out, more determined than ever before, to complete his books.¹¹⁷

1. The Minhath Ya'akob

Let us treat Jacob Reischer's books chronologically, beginning with the Minhat Ya'akob, which was his first volume according to the testimony of his father, Joseph.¹¹⁸ The book was published for the first time in Prague, in the year 1689.¹¹⁹ The Minhat Ya'akob is a commentary to the Torat Hatat of Moses Isserles of Cracow¹²⁰ who fashioned his work according to the system of the Shaarei Dura¹²¹ and his order of 96 Klalim or se'ifim (paragraphs). Isserles, however, brings a lengthy discussion of all main legal authorities, Rishonim and Acharonim, and finally adds his own opinion, particularly for special circumstances, as in cases of need or urgency.¹²²

¹¹⁷Reischer's introd. to Iyyun Ya'akob.

¹¹⁸אמרתי ח"ו אבדה תקותי... ע"כ אמרתי לשלם נדרי להשלים חבורי
¹¹⁹Reischer's introd. to Shebut Ya'akob, Vol. I.

כי הקריב ראשית כל ביכוריו פריו פרי קודש הילוליו בספר
¹¹⁹All of Reischer's books were published by himself except the last one Shebut Ya'akob, Vol. III which was published by his great-grandson.

ואקום היום תחת אבי ואשלים חפצו....

¹²⁰Moses Isserles 1530-1572 of Cracow.

¹²¹Isaac A. Reuben of Dura, author of Shaarei Dura, Cracow, 1534. Others called him Isaac ben Meir and not ben Reuben. He was student of Isserlein, author of Trumat Hadeshen.

¹²²It is believed that the Torat Hatat was written by Isserles before he began his famous commentary on the Shulhan Aruk, the Mappah, and that it served as a basis for the Mappah. See Tchernovitz, Toldot Haposkim, Vol. III, New York, 1947, p.64, note 6.

In his introduction to the Minhat Ya'akob, Reischer praised Moses Isserles, but voiced his apprehension that the Torat Hatat might be neglected in favor of the Shulhan Aruk because of the famous commentaries upon it by the TaZ and ShaK. Reischer then explained that he was writing a new commentary on the book in order to restore it to its former popularity.¹²³

It seems that the main objective of the Minhat Ya'akob was to indicate the opinion of the more popular TaZ and ShaK with regard to the questions raised in the Torat Hatat, so that it could compete successfully with the commentaries on the more popular Shulhan Aruk of Caro. This desire on the part of Reischer indicates not only the great respect which he had for Isserles, but it also reveals the deep impression which the Shulhan Aruk had made, even at that early time, on European Jewry. Another reason for Reischer's respect for the Torat Hatat was the fact that it contained a fuller discussion of each law based on Talmud and Rishonim which Caro's Shulhan Aruk omitted. Reischer was against all brief summaries of law and upheld the fuller treatment of Isserles.¹²⁴

Reischer gives the impression as if he felt that Isserles' Torat Hatat was a more valuable book than Caro's Shulhan Aruk.¹²⁵

¹²³Reischer's introd. to Minhat Ya'akob.

וע"כ ידמה.. שלא לעיין עוד בספר תורת חסאת.. וראוי ונכון להחזיר עטרה ליושנה כל אלה ראתה עיני ועורר רעיוני... לעשות פירש וחיבור על ספר תורת חסאת..

¹²⁴Ibid.

להבין כל הדינים עם טעמים ומנהגים על מכונה....

¹²⁵Ibid. אחרי שראיתי גדולי ראשונים ואחרונים.. וחברו כל אחד ואחד קיצר דינ' והנהגות דאיסורי והתירא ואחריהם קם... מוהר"ר משה איסרלס זצ"ל הפליא לעשות בעניניו סכל אשר היה לפניו.. בספר תורת חסאת.. היטב הרק בטעם ודעת מפורשה...

Although he admits that the Shulhan Aruk was greatly improved by later commentaries, especially by the TaZ and ShaK,¹²⁶ its value, according to Reischer, was not increased to such an extent that the Torat Hatat could be permitted to be forgotten entirely.¹²⁷ Furthermore, if a brief and concise code of law like the Shulhan Aruk, which omitted sources entirely, could be so greatly improved by elaborate commentaries, how much more successfully could the already well-documented Torat Hatat of Isserles' be brought up to date by additional comments. Reischer felt, that in spite of his youth, he should undertake this work.¹²⁸ In addition to his great erudition, despite his young age, he brought to this task the zeal of opposing all collections of law without documentation and the profound desire to strengthen the hands of those authors who carefully referred to Rishonim and Talmudic sources.¹²⁹ Added to the Minhat Ya'akov is a section referred to as both Torat Hashlamim and Shalme Ya'akov. The work includes a commentary on Hilhot Niddah of

¹²⁶Ibid. אך לפי שעתה נתפשטו חיבורים רבים ונכבדים עם תוספת חידושי דינים ובפרטות הני אשלי רברבי בעלי אסופות הס"ז וש"כ על הש"ע כסדר.

¹²⁷Ibid. וע"י זה יתבטל הכוונה המכונה להבין כל הדינים עם טעמים ומנהגים על מכוונה וראוי ונכון לתחזיר עטרה ליושנה..

128

הגם כי אנכי תולעת נבער מדעת דרך בשנים ולא אב בתכמה.. כי קטן יעקב ודל וכל רז מני חדל על כל זה אמרתי אלך ואדון בקרקע לפני רבותי וחברי... ואנכי דל שבדלים הבאתי מנחת עני....

¹²⁹Jacob Reischer does not enter nor even mention the disagreements and difficulties between Isserles and the Maharshah as well as between Isserles and Hayim ben Bezalel in his introd. or comments to the Torat Hatat. See also page 141 of this thesis.

the Shulhan Aruk, Yore Deah, sections 183-197; a commentary and original additions to the Kuntres Hasfeikot of the ShaK. Finally, at the end of the Minhat Ya'akob we find 18 Responsa of Jacob Reischer, with many difficult and intricate questions, some from well-known Rabbis and far-away communities. It appears that even at this early age, Jacob Reischer's fame as a Halakist had been established. He certainly proves his great skill in Responsa work by his later work the Shebut Ya'akob in three volumes.

Although the Torat Hashlamim was published together with the Minhat Ya'akob in Prague, 1689, yet it should be considered as a separate volume, especially, since Reischer referred to it as such.¹³⁰ In his introduction to this book, Reischer explains his reasons for adding it to the Minhat Ya'akob in the following words: "Since we find in similar books of prohibited foods the subject of Niddah (family purity), combined with the dietary law, I shall do the same."¹³¹ He then gives the Torat Habayit of the Rashba¹³² and the Shaare Dura of Isaac Dura¹³³ as examples.¹³⁴

¹³⁰Hok Ya'akob, paragraph 433, note 20; paragraph 440, note 13.

¹³¹Reischer's introd. to his Torat Hashlamim (Prague, 1689).

¹³²... שבכל ספרי ת"ח נדפס לבסוף הש"ע מהל' נדה.
¹³²Rabbi Solomon ben Aderet, 1236-1310--author of Torat Habayit Haaruk (Venice, 1607) and Torat Habayit Hakazir (Cremona, 1565).

¹³³See ft.nt. 121.

שנמשכו בזה אחר תורת הבית להרשב"א ושערי דורא שכולם חיברו הל' נדה למאכלות אסורות.

¹³⁴Reischer's introd. to Torat Hashlamim.

Reischer also explained his reasons for adding a commentary on Sefiekot, doubtful mixtures and circumstances, namely, because of the Torat Hatat, upon which he wrote his notes and commentary, dealt with this subject in almost every instance. However, since the ShaK had already made a fine collection of these rules, he would be satisfied to add only a few more cases and just comment on the rest.¹³⁵

The laws of Sefeikot which the ShaK had gathered were printed with the Shulhan Aruk, Yore Deah, section 110. There, thirty-six cases are listed to which Jacob Reischer added sixteen others, which he gleaned from Rishonim and Acharonim. In addition, all fifty-two rules were analyzed, commented upon and examples for each were cited from various Talmudic tractates. Reischer called his book Torat Hashlamim, since it makes the Torat Hatat of Isserles complete.¹³⁶ In addition to the combined endorsements (*haskamot*) to the Minhat Ya'akov,¹³⁷ there is also a poem by his father Joseph and a letter (or additional *haskamah*) from his father-in-law Wolf Spira. Joseph commented on the fact that although his son was quite young, he was wiser than some older and more experienced sages. Joseph also pointed out that his son was very studious, that he studied

¹³⁵Ibid.

וכבר אסף בעל הש"כ כל דיני ספיקות. אמרתי לחבר ג"כ קיצור ד' ספיקות שלו לספר זה. גם יצאתי ללקוט שושנים אשר עדין לא הובא בדברי הש"ך.

¹³⁶Ibid.

¹³⁷The combined endorsement is signed by Wolf Spira, Samuel Hilman and Menahem Mendel, son of Solomon Bachrah Ashkenazi. There is also a lengthy endorsement by Gershon Ashkenazi, author of the well-known Abodat Hagershuni.

day, and night, that he investigated all commentaries and came up with the best. God was also kind to him, vindicating him over his enemies, preventing him from disgrace and assisting him in his rise to halachik recognition.¹³⁸

Wolf Spira in his special recommendation expressed similar sentiments, also mentioning Jacob's early start on the road to distinguished Talmudic scholarship, but adding the fact that he, Wolf, was happy to have had some portion in his success. Wolf Spira assured him continued support in all his endeavors.¹³⁹

A super-commentary and additional notes on both sections of the Minhat Ya'akob were later composed by Reischer and added to the first edition of the Hok Ya'akob. These notes were called Solet Le'minha, also Olat Le'minha Belulah Bashemen. Finally Reischer's son Simon commented on this material and tried to vindicate his father in face of opposition to the Minhat Ya'akob. Simon's notes, which are included with his fathers, were printed together for the first time at the end of the Hok Ya'akob, edition Dessau, 1696.¹⁴⁰

As an example of the accomplishments of Reischer in his, Minhat Ya'akob, the following digest of one of his comments will be given. Minhat Ya'akob--Section (K'lal) #5.

138 יגע צעיר בשנים ומצא בחכמה עשרת מונים יותר מותיקין זקנים... וכמעט שלא עבר חצי הלילה בשינה.. סבכי יער ונבכי ים הפוסקים ירד וצלל במעמקים והעלה חכו ממחקים.. ה' בעזרו לא יבוש יעקב.. והלכו רבים לאורו....

139 קנקן חדש מלא ישן יש בו... נותן בים תלמוד דרך ובמים עזה בתיבו.. אף זרועי תאמצו וידי תכון עמו להוסיף ספרים בטוב טעמו.

¹⁴⁰See p. 64 in this thesis.

Regarding the law of meat which was salted without having been washed previously as required by Jewish law:

Torat Hatat

Such meat is prohibited, as pointed out in Sha'are Dura.¹⁴¹ Even after the fact (B'diabad) and also according to the S'mak,¹⁴² Maharit¹⁴³ and Isur V'heter.¹⁴⁴ But the Bet Yoseph¹⁴⁵ writes, that the Maharam¹⁴⁶ and Rosh¹⁴⁷ permit it and that the law is to rely on those who permit it in case of great loss, Fridays or any other time when no other meat could be prepared. This is agreeable, but under normal circumstances, it is prohibited. The Isur V'heter notes that even to roast such meat over the open fire is prohibited. This is also agreeable, even though the Sha'are Dura brings both opinions, those who permit roasting and those who prohibit it.

Minhat Ya'akov

1) Meat salted without previous washing is prohibited because it is believed that washing is required to prevent the blood from entering the meat. Thus, if salted without washing the blood will enter the meat with the salt and can never be drawn out again either through other salt or by roasting. However, the Rosh and his followers hold that salt cannot remove blood without the meat having been washed first, either because the water did not soften the meat or because the blood made the salt impotent. All this is explained in detail by the Bah,¹⁴⁸ Shach¹⁴⁹ and TaZ¹⁵⁰ and therefore,

¹⁴¹See ft.nt. 121 in this thesis.

¹⁴²Isaac ben Joseph of Corbeil, Publ. 1277.

¹⁴³Joseph ben Moses of Trani, Venice, 1645.

¹⁴⁴See ft.nt. 191 in this thesis.

¹⁴⁵Joseph Caro, 1488-1575.

¹⁴⁶Rabbi Meir of Rothenburg, 1215-1293.

¹⁴⁷Rabbi Asher ben Jehiel, 1250-1327.

¹⁴⁸See ft.nt. 161 in this thesis.

¹⁴⁹See ft.nt. 1 in this thesis.

¹⁵⁰See ft.nt. 1 in this thesis.

one may permit the meat by means of a second washing and salting. Therefore, when Caro and Isserles rely in special cases on those who permit the meat, they must require a second washing and salting of the meat. This is also the opinion of the ShaK. But the Maharshall¹⁵¹ and the Olat Shabbat¹⁵² prohibit such meat even if there is a great loss, and the Bah also agrees with this. The ShaK, however, writes that their words are not the accepted opinion and not law.

2) Those who prohibit hold that the meat cannot be eaten in any form and this can be deducted from the words of the Rosh and Tur. In the Responsa of Joseph Halevy¹⁵³ however, is written that from the words of the Rosh and Tur it seems that those who prohibit the meat would restrict it to cooking but not roasting over fire and such an opinion is quite logical, because meat for roasting does not require washing off, even if blood is found on it. However, if one studies the comments of Rosh and Tur carefully (Reischer) one will find that those who prohibit the meat will also not permit its roasting. As to the logic to permit it, I just cannot understand this reasoning of Joseph Halevy, for the prohibition is based on the fact that the meat was salted without washing and not because it was merely not washed. This blood, entering the meat with the salt cannot be removed even by roasting.

3) Only if the meat was already cooked should one apply the lenient opinion (B'diabad),¹⁵⁴ but not before it was cooked, since in that case the meat can still be washed and salted a second time. However, the ShaK holds, that the words of Isserles seem to indicate that even if the meat had not been cooked, the leniency of B'diabad could be applied, and no second washing and salting would be required. I cannot deduct this from the text (Reischer) and it also seems illogical; it requires, therefore, further consideration and study.

¹⁵¹Solomon Luria, 1510-1573.

¹⁵²Samuel ben Joseph of Cracow.

¹⁵³Joseph ben Hayim Ha-Levi, author of Match Joseph, Constant., 1717-1726.

¹⁵⁴A technical term meaning "after it has been done" and since one must deal with these circumstances as they are now, leniency is usually suggested.

2. Hok Ya'akob

The third book of Reischer's was the Hok Ya'akob, a commentary on the Shulhan Aruk, Orah Hayim, sections 429 to 489 dealing with the laws of Passover. This book was first printed in Dessau in the year 1696, other editions appeared in 1724, at Jessnitz and in 1757 at Berlin. There can be no doubt that this commentary made a great impression on all students of Halakah at that particular time, because of its thoroughness, its profound acquaintance with the sources, and its authoritative conclusions. Reischer always returned to the Talmudic sources,¹⁵⁵ quoting various readings in case of doubt,¹⁵⁶ and writing in clear and concise language with careful and correct quotations.¹⁵⁷

However, publication of the book met with a very mixed reception. Reischer made himself enemies, as well as friends, but in the end he was vindicated, for his commentary became a constant companion to the famous Jewish code of law, the Shulhan Aruk.¹⁵⁸ Here are some of the facts which surrounded the creation of the Hok Ya'akob.

Jacob Reischer contemplated a commentary on the entire volume of the Orah Hayim of the Shulhan Aruk. He worked on

¹⁵⁵Hok Ya'akob, paragraph 472, section 1.

וכדי לברר הדין בכל הצדדים הוצרכתי להעתיק סוגיא דש"ס דערנאין דף ז.
Shebut Ya'akob, Vol. I, Teshubah #13.
 אף שדבר זה א"צ ראיה מ"מ לא אמנע מלהביא ראיה ברורה מהא דאיתא במנחות
 דף סד".

¹⁵⁶Hok Ya'akob, paragraph 472, section 1.

וכן הוא הגרסא בהראש" והתוספ' אכן בגרסא שלפנינו..

¹⁵⁷Iyyun Ya'akob, Berachot page 55.

¹⁵⁸בזוהר בראשית דפוס זולצנאך דף ט.
 Laws of Passover, sections 429-494.

it, but before it was ready for publication another commentary appeared, similar to the one which he himself was about to publish. It was the now famous commentary Magen Abraham,¹⁵⁹ which was published together with the already popular TaZ.¹⁶⁰ Reischer realized that he was in a dilemma. He then concentrated all his efforts on the laws of Passover and his labours were rewarded. He still faced much opposition even to this limited treatise for the following reasons:

Firstly, a number of commentaries on the Orah Hayim had been in the process of preparation at the same time; some had been printed, others remained unpublished. The Nachlat Zebi and Ateret Zebi on Orah Hayim, by R. Zebi Katz,¹⁶¹ appeared in 1646. The Eliyahu Rabba and Zutta by Eliyahu Spira,¹⁶² brother-in-law of Reischer came next, followed by the Olat Tamid and Olat Shabbat by Samuel ben Joseph of Cracow in 1681. Thereafter, the son of the Magen Abraham published his father's work together with the TaZ and with the permission of the Vaad Arba Arazot (Council of the Four Lands), in 1692. The unprinted commentaries of Reischer's contemporaries included a book called B'er Mayim Hayim by the author of the Havot Yair,¹⁶³ and

¹⁵⁹Author Abraham Gumbiner of Kalish, d. 1683.

¹⁶⁰David Halevi, 1586-1667.

¹⁶¹He was a student of the Bach, Joel Sirkes, and must not be confused with Reischer's enemy Zebi Hirsch ben Ezriel.

¹⁶²See chapter on Spira family in this thesis.

¹⁶³Rabbi Yair-Hayim Bacharach, author of Havot Yair and Hut Hashanee, 1628-1702, d. Worms, Rabbi of Mainz, Frankfurt, and Worms.

Kol Yehuda by Judah Judel.¹⁶⁴

Secondly, each author above mentioned followed his teachers somewhat blindly, opposing anyone who tried to minimize their importance. In addition, Reischer made it a habit to oppose new books, especially those which were of a summary type and which appeared during his lifetime. He was very outspoken on this subject as can be clearly observed from the following remarks:

However, just recently a book, called B'er Heiteb, was printed, a commentary on the Shulhan Aruk. As a rule, if you see in these brief commentaries any decision against the Shulhan Aruk, do not rely on them because they are not reliable.¹⁶⁵

At another occasion, Reischer points out:

. . . and recently a book Kizzur Sheloh was printed, in which the author writes that one must not go to the river (for the ritual of Tashlich on Rosh Hashono) on the Sabbath. This is without reason and proof; a pure invention. But certain ill-informed Jews, when they see such statements printed in a new book, even if one should not rely on it, they will accept it as law. However, they are not doing the right thing.¹⁶⁶

Although Reischer was not a boastful man, he made constant references to his own works in preference to other contemporaries.¹⁶⁷ It appears that he honestly believed his own

¹⁶⁴See K'lilat Yofee, Hayim Nathan Dembitzer, Cracow, 1888, p. 68. The money set aside for the printing of this book was used to print the Divrei David of the TaZ.

¹⁶⁵Shebut Ya'akob, Vol. III, Teshubah #41.

ואל תשגיח כלל בדברי באר היטב... בכדי כלל הדבר אם תראה בספרי הקדושים כאלו שום פסק נגד הש"ע אל תסמוך עליהם כי לא בר סמכא הם.

¹⁶⁶Ibid., Teshubah #42.

ומקורב נדפס קיצור שלה" . שכתב שם שאין לילך אל הנהר ביום השבת בלי סעם וראיה כלל... ואיזה עה"א כשרואין כבר נדפס בספר חדש אף שאין ראוי לסמוך עליו תופסין כן להלכה ולאו שפיר עבדי.

¹⁶⁷See Iyyun Ya'akob, Berahot pages 10, 21 and 23.

works to be more authoritative than those of others and he dismissed many Acharonim as just another collection of laws without having consulted the Talmudic sources carefully as he deemed necessary.

The first edition of the Hok Ya'akob was printed in Dessau in 1696. It has an introduction by Jacob Reischer and haskamot from Wolf Spira and Joseph Reischer. No other people added endorsements to the work. Added as a second part of this first edition, also printed in Dessau and at the same time, are the Solet Leminha and Shemen Leminha, the former by Jacob Reischer, the latter by his son Simon. These notes and comments are actually additions to the Minhat Ya'akob and Torat Hashlamim, which had appeared in 1689 and which had been attacked by other scholars. Reischer and his son defended these early works and printed these remarks at their earliest convenience, namely at the publication of Reischer's next book, the Hok Ya'akob in 1696. There is no connection in content between these two parts of the Dessau edition of the Hok Ya'akob and Solet Leminha. There is also a separate introduction to the Solet Leminha by Jacob Reischer, as well as an introductory remark called Hitnatzlut--vindication--by his son Simon.

In his introduction to the Hok Ya'akob, Reischer remarked about the great fire in Prague in 1689 how all his books and notes were burned and how Wolf Spira assisted him and permitted him to live in his beautiful home. Because Reischer was able to study quietly in such a fine atmosphere, he was able to work on his comments to the Shulhan Aruk, beginning with the Orah

Hayim section. However, when Reischer realized that Elijah Spira, the TaZ and the Magen Abraham were working on the same endeavor, he decided to restrict his remarks to the Laws of Passover. He emphasized the need for elaboration there, since many of these laws were unclear, with one teacher permitting the other prohibiting, thus causing waste of money to Israel. Reischer also underlined the value of his book by claiming that it would include many original comments gleaned from deep study of Talmud Bavli, Yerushalmi, as well as Tosfot.¹⁶⁸

Wolf Spira in his haskamah to the Hok Ya'akob indicated his closeness to his son-in-law and praised him for his great erudition. He also implied his great industriousness by explaining that Reischer worked on the Hok Ya'akob even before the Minhat Ya'akob had been completed. Finally, Wolf Spira recommended the book because Reischer was an authority on Hilhot Pesach and because his decisions were based on a careful study of the sources, Talmud and Tosfot. "After having reviewed carefully each Halakah," Wolf Spira concluded, "I was convinced of Reischer's competence in this field."¹⁶⁹

His father Joseph called attention to the fact that his son overshadowed many contemporary scholars and that he was

168 אש נשקה ביעקב..בפראג עיר הקדושה..ספרי קודש..עם כמה חבורים אשר חברתי...אותיותם פרחו השמימה..נפילתי קמתי ת"ל על ידי חמי הג"ה מוהר"ר וואלף נר"ו..ואנכי יושב בבית ארזים...לבאר דברי הש"ע כסדר ארבע סורים..אך..כבר קדמוני שלושה המה נפלאי מקרוב באו ה"ה גיסי הרב בספרו אליהו זוטא..ואחריו נדפסו שני מגינים טורי זהב..עם מגן אברהם..בחקת הפסח ומשפטו כי לא נמצא בו במקום אחד הלכה ברורה רק זה אסרה וזה מתירה..להפסיד ולכלות ממון ישראל..מלבד הרבה חידושי דינים אשר חדשתי ע"פ סוגיות הש"ס והירושלמי והתוספות.

169 רב עוד יוסף חתני כבבת עיני..חקק קב ונקי ולעטרה משלים עד שעד"ן ספר מנחת יעקב לא השלים..למנות ולסמוך בני החבורה על זה חק הפסח..ועמדת על דבריו פסקי פסקי...ולו נתגלה חק הפסח טעמא.

blessed with complete integrity. "Because of his youth, we can expect much more of him in the future. Let us only hope," his father concluded in his poem, "that those who are jealous of him will not succeed in causing any difficulties, but let there be peace to the lovers of Torah."¹⁷⁰

As one example of Reischer's commentary in his Hok Ya'akob, the law of Searching for Homez was selected, Shulhan Aruk, section #432, subsection #2. Jacob Reischer's comment here is on the additional note made by Isserles which reads as follows:

It is customary to place pieces of bread at a place in the house where it can be found, so that the blessing over the search will not be in vain. However, if one did not provide the bread it does not matter, since in the minds of the people the blessing is in any case restricted to the occasion when Homez will be found.

Reischer in his note #14 commented on the controversy of placing bread for this ritual of Searching for Homez, giving the opinions of many scholars and finally his own. He mentioned that the Rabad,¹⁷¹ in his book Tamim Deim, Section 29, wrote that it was a custom of the women. The TaZ also said that one should not put down Homez anywhere in the house; and the Mahariv¹⁷² also restricted the custom considerably. However, Reischer insisted that it was a good custom, that the reason

¹⁷⁰ ויותר מהמה בני הזהיר בית יעקב אש.. אינו נושא פנים לגדולים כי לא יבא לפניו חנוף ממתיקים.. אשר עדין אצלו ספון וסמון כי כבר רצה.. שאל יעלה עליו קנאת בוגדים אשר זה הבל תהבלו.. עם צדיקים אל יכתבו ושלום רב לאוהבי תורתו..

¹⁷¹ Rabbi Abraham Ibn-David Halevi (1110-1180).

¹⁷² Jacob Weil, Responsa Hanav, 1610.

was the fact that one would search more carefully in the entire house, since there was Homez lying about, and above all Reischer concluded, one must not disregard a custom in Israel.¹⁷³

Because of his critical attitude to contemporaries, Reischer's new book, the Hok Ya'akob, was harshly criticized. There was first Rabbi Joseph ben David of Breslau, who in his book Hok Yoseph opposed Reischer in almost every decision.¹⁷⁴ Because of this hostile attitude, Reischer was very angry, especially since Joseph named his work in the same manner as Reischer. The Hok Yoseph appeared particularly violent when Reischer was accused of attacking or dismissing the opinions of Bah, TaZ, ShaK, and Magen Abraham. The second opponent, Rabbi Zebi Katz, seemed to disagree with Reischer in his book Ateret Zebi, for the same reasons. Finally, Rabbi Jonanan of Mezeritz, in his Orah Mishor consistently disagreed with Jacob Reischer.

Other characteristics of the Hok Ya'akob can be noted with some regularity. He did not use Mysticism (Cabbalan) as basis for Jewish law as did other authors.¹⁷⁵ Reischer opposed Cabbalah and was particularly outspoken on this subject when he discussed the laws of Counting the Omer.¹⁷⁶ Reischer, many

¹⁷³See Hok Ya'akob, section #432, note #14.

¹⁷⁴This book also deals with the laws of Passover just as Reischer's, published in 1730 probably for the sole aim of opposing Reischer.

¹⁷⁵Eliahu Rabba and Magen Abraham.

¹⁷⁶Hok Ya'akob, paragraph 489, note 11.

Other comments: Iyyun Ya'akob, (1) Becharot 28, (2) Becharot 33.
 (1) ומנעו בניכם מן ההגיד... קבלה
 (2) גדולה דעה... ולא כחדשים מקרוב באו לשנות סדר תפלה

times, would oppose the Olat Tamid,¹⁷⁷ Magen Abraham and Bet Shemuel.¹⁷⁸ He contended with most Acharonim who attacked the Shulhan Aruk,¹⁷⁹ but was very polite and careful when Rishonim were involved in the discussions.¹⁸⁰

The controversy over Reischer's books and his many enemies which may have resulted from this source of friction, demands a little more attention and clarification. Who were the parties involved? What was the issue? What language and methods were used by them?

In evaluating the disagreements between Reischer and the three Rabbis, the phrases used and the accusations made must be carefully examined. It appears that Reischer was more violent and less diplomatic both in language and attitude. On the other hand, the three Rabbis seemed to have selected Jacob Reischer for their special target of attack, even if their language and their mood was less outspoken and less hostile.

Again, as to the main criticism levelled against Reischer, namely, that he would dismiss Acharonim (later authorities) and treat them with much less respect than earlier authorities, this seems to be substantiated from the texts, even if he denied it.

¹⁷⁷By Samuel ben Joseph of Cracow (a commentary on the Shulhan Aruk, Orah Hayim, Amsterdam: 1681).

¹⁷⁸Samuel ben Uri Shrago Feibish, Rabbi of Shidlov and Fuerth (commentary on Shulhan Aruk, Eben Hoezer).

ח"ק יעקב תמ"א ס"ק א. ח"ק יעקב תמ"א ס"ק ח"א. והסומן על דעת ח"א אינו אלא שגגת הוראה.

¹⁷⁹Shebut Ya'akob, Vol. I, Teshubah #19.

אכן ראיתי חבל נביאים אחרונים. ואין דבריהם מוכרחים וברורים כלל.

¹⁸⁰Iyyun Ya'akob, tractate Sabbath, p. 11.

ולא בלשון מדברת גדולות כאשר חרשים מקרוב באו.

However, it was not difficult to find reasons for Reischer's apparent short temper and easily hurt feelings. First, his antagonists were younger contemporaries; secondly, he had just lost his only son, Simon, whose book they included in their attacks and who had written his comments in defence of his father. Thirdly, Jacob Reischer had suffered many losses during this period, due to the terrible plague in Prague, the fire which had destroyed his home and library, and the many enemies who had made his life difficult for him. Finally, it appears that Reischer had physical handicaps to contend with, which resulted in a lengthy period of blindness.¹⁸¹ No wonder that Reischer was quite irritable under these unfortunate circumstances.

Reischer replied to his antagonists in a special pamphlet entitled, "No Fault is to be Found with Jacob."¹⁸² He first took issue with Rabbi Zebi Hirsch Katz. Reischer claimed that he was not an authority on Jewish law at all and that it was suspected, that most of his material had been taken from the works of his late father. Jacob Reischer, in dismissing Katz's attacks added other accusations elsewhere.¹⁸³

Reischer concluded his angry remarks by saying that even the language of Katz was faulty with mistakes in syntax and

¹⁸¹See Chapter , Reischer in Prague.

¹⁸²First time printed in Shebut Ya'akob, Vol. III, Metz, 1789, now added to Shebut Ya'akob usually at the very beginning of the book, as in Lemberg edition, 1897.

¹⁸³Reischer's introd. Shebut Ya'akob, Vol. III.

שדבריו הכל הבל ונסקקו דבריו ולא נאמרו כלל וכ"ש שלא נתן לכתב... כל דבריו בזה גנב מאיתי מפאר יעקב בבא קמא... ויפה היה שתיקתו מדבורו.

grammar, while his own language was so clear, that even children would understand it. He also showed his replies to colleagues and students who praised the work highly. Anyone who saw these replies and the clear reasoning employed and failed to accept them, should not be called a judge, Reischer felt.¹⁸⁴

It must be admitted that Rabbi Zebi ben Ezriel Katz, the author of the Ateret Zebi, a commentary on the Hoshen Mishpat of the Shulhan Aruk, opposed Reischer in his very first statement to section #482. However, he did it in a mild and acceptable manner. The Hoshen Mishpat stated:¹⁸⁵ "The Jewish Court of today does not display a staff, leather stripe or Shofar." The Ateret Zebi commended:¹⁸⁶

In the Responsa Shebut Ya'akov (Reischer) it is stated that if a court desired to display it, it was permitted, based on Rab Hai Gaon's permission. It appears to me (Ateret Zebi) that it is prohibited and no Court today should be permitted to display such implements.

The second Rabbi who seemed antagonistic to Reischer and his works was Johanan of Mezeritz.¹⁸⁷ He leveled his criticism

¹⁸⁴Ibid.

כל ד"ן שיראה תשובתי ולא דאין כי האי דינא לא
דינא הוא.

¹⁸⁵Hoshen Mishpat, Section 432.

¹⁸⁶Ateret Zebi, Note 1.

כתב בתשובת שבות יעקב: רב א' שרוצה לנהוג להיזהר
ב"ד כלי הדינים ושאי לעשות כן ואין כאן משום יוהרא והוכיח כן מדברי
רב האי גאון. ולי נראה דרב האי קאי אדור שהן סרבנים אבל בלאו הכי י
כאן צד איסור.. וכשהרב רוצה לנהוג להיות כב"ד כלי הדינים עושה הדור
לסרבנים וזה איסור גמור.

¹⁸⁷Also known as Johanan ben Meir Kremnitzer of Kalish, author of Orah Mishor. He wrote two books by the same name. One was a commentary on Isserles' Darke Moshe, on Tur Yoreh Deah, Sulzbach 1692, in which he attacks Reischer. The other Orah Mishor was a commentary to the Talmudic tractate Nazir.

against Jacob Reischer for disagreeing with Moses Isserles,¹⁸⁸ and he was unable to understand how Simon Reischer could accuse the ShaK of having made a mistake and written carelessly.¹⁸⁹

Reischer in his reply was not as polite as his antagonist. In his pamphlet, "Lo Hibit," he claimed that Johanan's remarks indicated that he never saw the light of Jewish learning and scholarship. "I was not certain whether I should answer him at all," Reischer asserted, "since King Solomon told us not to argue with a fool."¹⁹⁰

It seems that Reischer was especially provoked because Johanan had humiliated Reischer's only son, Simon. Reischer was obliged to further criticize Johanan for correcting texts in various books without sufficient proof. More authorities and more ancient texts should have been consulted before emendation should have taken place Reischer asserted. He also remarked that his son Simon reproached Johanan for having corrected the text in the Issur Vehetter¹⁹¹ without sufficient justification.

It is interesting to note in this connection how father

¹⁸⁸Orah Mishor, Mahadura Batra, commentary on Darke Moshe of Yoreh Deah, section 1, paragraph 3.

בחק יעקב ס' תלב" ס"ק ה' השיג על מ"ש דדעת רבינו בהג"ה ס' קנח" סי' א' דלא כרמבם ומחלק בתילוקים שונים וכל חילוקיו למגן הוא.. כמבואר בד"מ.. ויהיו דבריו סותרים אהרדי יותר..

¹⁸⁹Ibid., section 57, paragraph 3.

בשמן למנוחה דף צב"ו. וראיתי עכשיו יותר חלילה לו לומר על הג' השך" ששגג בדברי עצמו וכ' שלא בהשגחה ובהפוך הוא שהוא כתב שלא בהשגחה על הש"ך ולא הרגיש...

¹⁹⁰Reischer's pamphlet, "Lo Hibit." וה"תי מסופ'..אם אשיב... כבר אמר החכם שלמה אל תען כסיל באולתו פן תשו' לו גם את'...

¹⁹¹Believed to be authored by Rabbi Jonah Ashkenazi (Peraro, 1555).

and son, Jacob and Simon Reischer, worked hand in hand defending one another against Johanan's attacks on both. Jacob wrote first his Minhat Ya'akob and Solet Leminha and Simon wrote later his Shemen Leminha in defense of his father. Finally, his father defended Simon in his pamphlet "Lo Hibit." Jacob summarized his wrath at Johanan by stating that "... all his accusations are naught, a waste of paper and ink and all his words are nothingness."¹⁹²

Comparing Reischer's remarks with those made by Johanan it becomes clear that Reischer was more hostile and outspoken than Johanan, which can only be explained by the fact that the honor of his late son had been hurt. The seriousness of the strife is further evidenced by the fact that Johanan requested David Oppenheimer to intervene with Reischer in his behalf.¹⁹³

The third Rabbi who entered into violent arguments with Reischer was Joseph Moshe ben David of Breslau, the author of the Hok Yoseph. This author gives the impression as if he purposely wrote the book to refute Reischer's opinions on the same subject of Passover, which Reischer had previously treated in his own Hok Ya'akob. Joseph became especially hostile when Jacob disagreed with later authorities, such as Isserles, Bah,

¹⁹²Reischer's pamphlet, "Lo Hibit."

¹⁹³See C. Duschinsky, Rabbi D. Oppenheimer, Budapest, 1922.
בעל אורח מישור כותב לרב ואפנה"ם ונותן שלום למחותנו הרב המופלג בעל מנחת יעקב אשר הוא לע"ע מסתופף בצילו דהוד רום אדוני מ"ו ובסוף אני בצדקתו שאל יקטרג עלי עוד נגד אדוני מ"ו הלא כבר נח רוגזים... ואין כאן מקום להאריך ולהטריח לאדוני מ"ו עוד עכשיו מענין זה מי הוא צדק בענין זה אקוה שכל משכיל יראה שאני צדיק ראשון בריבו.

ShaK, and TaZ.¹⁹⁴ Joseph was the son-in-law of the well-known Abraham Brodie of Prague,¹⁹⁵ and studied for some time under the direction of Rabbi Yom Tov Lipman Heller of Cracow.¹⁹⁶

Reischer, who immediately noticed the hostile attitude of Joseph and the fact that he was a special target for all his attacks,¹⁹⁷ did not remain silent. In his pamphlet he stated that there was no need actually to justify oneself before Joseph, who has not reached the level of scholarship. His low level of achievement was noticeable in the two inquiries made by him, which were just on a student level, like one who was never ordained.¹⁹⁸

As stated previously, Reischer was furious because Joseph had used the same name for his book, "Hok." He claimed that it was stolen from him, that his quotation was from Psalms and made sense, while Joseph's combination, Hok Yoseph, was nowhere to be found, perhaps sarcastically, with the idol-astrous priests of Egypt for whom Joseph made laws of Pass-over.¹⁹⁹ Jacob added another accusation, namely that he heard

¹⁹⁴Hok Yoseph, section 484, paragraph 12.

ולא כמ"ש הח"י בשם המ"א שדעתו לפסוק כמחרי"ל שלא להתענות אפילו מ"ה..
¹⁹⁴Ibid., section 451, paragraph 26. כלל גדול.. שלא לזוז מדברי הרמ"א.

¹⁹⁵See ft.nt. 86 of this thesis.

¹⁹⁶Author of Tosfot Yom Tov, 1579-1654 at Cracow.

¹⁹⁷Hok Yoseph, section 460, paragraph 6.
וראיתי שהח"י משיג על כל האחרונים ותמיה לי שמשיג על גדולי אחרונים..

¹⁹⁸Reischer's pamphlet "No fault"
לא ראה מאורת אור תורת הפוסקים מימיו.. שנשאלתי שתי שאלות כאלו מתלמידי
שלא הגיע להוראה...

¹⁹⁹Ibid.
ויעמידה ליעקב לחק.. חוקת הפסח.. מה שעשה יוסף חק לכומרים במצרים.

that all the comments and quotations in this book were taken from other authors.

By comparing the remarks of the two litigants, one must admit that Joseph consistently attacked Reischer, but that he was never impolite or personal about it. One feels that only Reischer attacked on a personal basis and that some of his sharp comments and criticism appear unwarranted, unless there were other reasons that were unknown.

Despite these three Rabbis and their opposition to the Hok Ya'akob, Reischer's work on Passover became very popular even during his lifetime. Thus a second edition was printed in Jesnitz in 1724. There is an interesting introduction by one called Nahman ben Yehiel Michel,²⁰⁰ who praised Reischer and his book most profoundly. He stated that his students insisted that he would reprint the Hok Ya'akob, and although he intended to publish a book of his own authorship, he decided finally to sacrifice his book for Reischer's, since the latter's had attained such great popularity.²⁰¹

Nahman claimed, however, to have improved the printed text of the Hok Ya'akob, since Reischer was known never to have left his house of study even for the supervision of the printing of his own books, while Nahman was skilled with the

²⁰⁰ Rabbi Nahman ben Yehiel Michel of Dessau, Rabbi of Halle and Dayyan of Leipzig during the "Messe." See introd. to Hok Ya'akob, Jesnitz, 1724.

²⁰¹ Introd. by Nahman.

ולרוב העתרות והפצרות התלמידים הרעוני רעיוני לאמר אעלה בתמר...
אמנם באשר ראיתי שחביבים דברי קדשו של הגאון בעל המחבר ורבים שמו בצמח
דבריו בטלתי רצוני...

pen.²⁰² Finally, Nahman assured the reader that he added some new material to the book and that those places were carefully marked by him.²⁰³

a) Sefer Solet Leminha and Shemen Leminha:--

At the end of the Hok Ya'akob another book of Reischer's is added, which is actually two books in one. The first, Solet Leminha, by Jacob Reischer, elaborates and defends his earlier work the Minhat Ya'akob and Torat Hashlamim; the second, Shemen Leminha, by Simon Reischer, is intended to support his father and assist in his vindication over his adversaries. In the first edition, Dessau, 1696, the remarks of Jacob are in ordinary print, while his son's are in bold print, added to each section of the Solet Leminha where Simon had something to add. Thus it gives the appearance of a complete unit.

In his introduction,²⁰⁴ Jacob remarked that after the Minhat Ya'akob had appeared, other books containing similar information (Isur Vehetter) were published, such as the works, Bet Hillel, Shaar Epnraim and P'ri Hadash.²⁰⁵ Some of these Reischer ascertained, did not see his book Minhat Ya'akob, and thus made statements which Reischer revealed long before

²⁰²Ibid.

..... לא פסקה ישיבה מביטור

²⁰³Ibid.

²⁰⁴Reischer's introd. to Solet Leminha, Dessau, 1696.

²⁰⁵Hillel Ben Naftali Hertz, Dehenfurt, 1691.
Ephraim Hakonen, Sulzbach, 1688.
Hezekiah Di Silva, Amsterdam, 1710.

them; or they had accepted opinions, which Reischer had proved wrong and dismissed long ago. Reischer also indicated that Simon had found some pages of a book called Torat Haasham,²⁰⁶ by Yom Tov Lipman Heller, a relative of Simon's father-in-law, Hayim Friedlander. Reischer felt that this also needed elucidation. Finally, Reischer came to realize that some of his own remarks in his Minhat Ya'akob were too brief and difficult for young Rabbis to understand. Above all, Reischer insisted that he had to answer the attacks of the author of the Orah Mishor, who repudiated his remarks without ever requesting Reischer's personal interpretation. Reischer also mentioned that Simon, who had received his early training from him and from his book Minhat Ya'akob, urged him to defend this work against the unjust accusations of the Orah Mishor.

Simon Reischer in his introduction to his Shemen Leminha pointed out that though he was very young and should not have entered the controversy of Torah, yet because he received his early training from his father and because he had complete confidence in his teaching, he felt compelled to rise to his defence.²⁰⁷ Simon concluded that he had more confidence too, because he recited many of his comments before important teachers and Rabbis who praised his remarks and acknowledged them as being correct.

²⁰⁶Commentary on Isserles' Torat Hatat, 3 vols.

²⁰⁷Reischer's introd. to Shemen Leminha.

מי אנכי לגשת אל המלחמה אך כאשר אל גנת אגוז ירדתי ובתורת אמ"ר למדתי ומצוף דבש אמרתו טעמתי וקנאת אמ"ר הרב קנאתי ומתורתו לא נסיתי.... ולפני אבותי ורבותי הגאונים דברי הצעתי והסכימו לאמר יפה דנתי ויפה כוונתי

3. The Responsa Collection Shebut Ya'akob

a) Vols. I and II:--

Reischer's opus magnum was the Shebut Ya'akob, a publication of his correspondence (questions and answers) which he carried on with all parts of Europe, and which he collected and edited very carefully and in detail, before printing it. An analysis of his style and method of treatment will be given in the next chapter.²⁰⁸ It will suffice here to say that Reischer wrote concisely and yet fully, plainly but beautifully, and that he was generally respectful and considerate of the opinions of others, but at the same time authoritative. He was so well oriented in the Talmudic sources and Rishonim that even the greatest scholars seldom opposed him.

There are altogether three separate volumes of the Shebut Ya'akob. The first one was published in 1710 at Halle, again in 1719 in Offenbach, and finally in 1789 in Metz. It is interesting to note that the last dated Responsum in the first volume is from 1707.²⁰⁹ The book was arranged according to the four sections of the Shulhan Aruk.²¹⁰

Reischer, in his introduction, gave a partial autobiography, which is a fine description of his own personality

²⁰⁸For some examples in full see Appendix at end of thesis.

²⁰⁹Shebut Ya'akob, Vol. I, Teshubah #97. Case of widow of Hamburg, dated Elul 10, 1707.

²¹⁰The four sections are: Orah Hayim, Yoreh Deah, Eben Hoezer, and Hoshen Mishpat. Reischer's Responsa is divided as follows: Teshuvot 1-42; 43-91; 92-132; 133-182.

and feelings. He said:

I am a humble man and do not publish my works for the sake of honor or self-glorification.²¹¹ I shall never refute the arguments and opinions of either Rishonim or Acharonim, although sometimes I cannot understand them. However, in that case I blame myself rather than accusing them.²¹²

Reischer also lashed out against the young Rabbis of his time who must have criticized him for his authoritative style and his attacks on their beloved masters of Halakah, the ShaK, TaZ, and Bah. He stated that he was not like the young Rabbis who were filled with pride, who would tell untruths and were neither learned nor God-fearing.²¹³

The first volume of Reischer's Shebut Ya'akob contained 182 responsa. He explained the reason for the number 182, because of its numerical letter-value of the word Ya'akob--yud, ayin, kuf, beit. Furthermore, it was named Shebut Ya'akob to refer to the sentence "And He will return the captives of Jacob to Zion in joy."²¹⁴

²¹¹Apparently he had been accused of this by others.

²¹²Reischer's introd. to Shebut Ya'akob, Vol. I.

ולא כי גאה גאה.. כאשר מעולם לא הלכתי בדרך רחוקה ונפלאה... וחלילה לדבר על גדולי ראשונים ואחרונים תועה אף שלפעמים אשתומם על המראה תליתי בעצמי השגיאה..

²¹³Ibid.

ולא כמו שנתפשט בזמנים הללו במי שלא שימשו כל צרכם הזנב והלטאה.. ורחוק מהם מעין היסועה...

²¹⁴This is not a Biblical quotation. Some similar sentences are found in the Bible as follows:

Jeremiah 30,18

Ezekiel 39,25

Psalms 85,2

It seems that Reischer might refer to some Piyutim either of

Sukkoth--

or Selichot--

כהושעת שבות שבטי יעקב תשוב ותשוב שבות אהלי יעקב..
והשב שבות אהלי יעקב והושיענו למען שמך...

Jacob Reischer received recommendations (Haskamot) to his first volume of the Shebut Ya'akob from David Oppenheimer and Wolf Spira. The former assured the readers that Reischer was well learned and acquainted with the most intricate parts of Torah. His responsa volume Shebut Ya'akob was excellent, well organized and ready for use. Oppenheimer continued saying that although he saw only several of Reischer's responsa which they had exchanged, he could tell that he was a great man and well versed in his field.²¹⁵ Wolf Spira noted that Reischer's responsa were sharp and contained deep Halakic decisions as well as original comments to Talmudic passages. Spira concluded saying that Jacob Reischer was a great scholar who was teaching Israel Torah and may he continue to spread Torah with no one to make him afraid.²¹⁶ A further endorsement was received from Naphtali Cohen of Frankfurt²¹⁷ who had great praise for all of Reischer's publications.²¹⁸

As an introduction and recommendation for the Shebut Ya'akob, Vol. I, Joseph Reischer, Jacob's father, composed a poem in which he expressed his happiness at having been blessed with a son who was so well versed in Torah. In pride and

²¹⁵Introd. to Shebut Ya'akob, Vol. I.

מחיתי הרב הגדול. המופלג זה מופלג חרוץ ושנון אף בפתחי נדה וקנין
ותלמודו מסודר בידו... ספר שאלות ותשובות שחיבר... דורש וחוקר חקור הרי
אמת והכול מתוקן לסעודה...

²¹⁶Ibid.

שאלות ותשובות כתבנית היכל מחושבת... למופת בחריפות ובקיאות... הרי הרי
מסבר ומפרק... יעקב יעקב שקט ושאנן ואין מחיר במגוריו...

²¹⁷Author of Birkat Adonai, Frankfurt, 1702.

²¹⁸Haskamah to Shebut Ya'akob, Vol. I.

... והספר נקרא על שמו שבות יעקב ופאר יעקב כי שמו נאה לו פארו והדרו
בכך הנני מסכים עם הגאונים הנ"ל ותוקף גזירתי...

Jacob Reischer in his introduction to the Shebut Ya'akov Vol. I, pointed out that he realized his privilege of being able to publish books even before his ordination, and that he was grateful that his books were accepted well. He continued to say that only because his earlier works were acclaimed, he continued with his publications. This he did not for his own glory, but for the glory of His Maker. Finally, Reischer explained that since it was customary to add original contributions of Talmudic studies and Tosfot to Responsa works, he would do the same. However, most of this material was destroyed in the fire of 1689.²²⁰

The commentary on the Talmud appended to this book was called P'ier Ya'akob, a play on the letters aleph, peh, and reish which spell pride ('קדש) or ashes ('אש) and which should indicate that these comments are only those which were saved from the fire and ashes of 1689, but of which the author could

219 Joseph's poem--Shebut Ya'akob, Vol. I.

יבול יעקב יסמח ישראל בערסיו, כי הקריב ראשית כל ביביריו... מדי קודם
הילוליו... יתגר נטח חכו סמתיים... הדולה סים סגורות סמתיים... דגלס וקס'

²²⁰Reischer's introd. Shebut Ya'akob, Vol. I.

שונותי מסלולן גבורה הרמה והנשאה חבורים שהבדתי ובדפסו מימציקדם כטעדין
 לה הופתי להודאה, ואחרי שראיתי שבדלי בנות בשמעים, ע"כ עוררו רעיוני
 להדפיס עוד חבורים אשר תחת ידי ובמרומים שהי שלא עשיתי לכבוד בית אבא
 או לכבודי כי אם לכבוד קוני, כדרכן של בעלי תשובות להדפיס לבסוף חידושי
 הש"ס והתוסט", אך בשנת תש"ט היה לשרפת אש כל חידושי כל הש"ס...

be proud, nevertheless.

While the first volume of the Shebut Ya'akob was written in Prague and published in Halle in 1709, the second volume was written in Metz and published in Offenbach in 1719. Jacob remarked that he published this second volume out of gratitude to God for having assisted him in obtaining a fine rabbinic position. The book contained 188 responsa according to the name Jacob, when written in full with a vow (י).²²¹

Jacob Reischer, in his introduction to Vol. II of the Shebut Ya'akob, eulogized his son Simon as a great scholar and pointed out his great personal loss. However, he explained that in the midst of his mourning, he received a call to Worms, which he accepted, although it was difficult for him to leave all his relatives in Prague. Reischer indicated further that he was not very happy in Worms because of jealous adversaries, and that he was glad to accept the next position offered to him by the community of Metz. It was in gratitude of this last position that he was publishing this second volume of the Shebut Ya'akob. Finally, Reischer remarked that he was not calling his books by his own name, Jacob, because of conceit, but because it was traditional and based on the Talmud, Sanhedrin 93B. It was also a great merit to have books named in ones honor and through books one could attain an everlasting name.²²²

²²¹The Hebrew name Jacob can be written with the additional letter (waw). The numerical value is then 188.

²²²Reischer's introd. Shebut Ya'akob, Vol. II.

עיני כלו בדמעות.. בני יחידי אשר גדלתי.. והיה ידו בכול לדרוש את התורה במ"ט פנים ואחור.. ויהי ביום השלישי בימי אבלי.. ונתקבלתי.. ק"ק ורמ"א.. אף שהיה הדבר קשה אלי להניח אבא.. הקנאה ושנאה יהדפני.. ואני לגדולה עלה עליתי.. ק"ק מיץ נתקבלתי.. ובמקום קרבן תודתי באתי להדפיס חלק ב' מספרי שבות יעקב.. שראוי לקרא הספר בשמו.. והוא דאיתא בגמרא דסנהדרין דף צג"

Joseph Reischer expressed his great pride in his son's achievements, in his introduction to the Shebut Ya'akob Vol. II, pointing out that Jacob's seat was among all the wise men of Israel. Joseph was angry at Jacob's enemies, who accused him without reason, and he called on God to pay them according to their evil deeds.

At the end of his remarks Joseph stated that his grandson, Nehemiah, was now also ready to take his rightful place in the war of Torah, so as to fulfill the sentence "Torah will not be wanting from you, your children and children's children forever."²²³

In this second volume of his Responsa Shebut Ya'akob, Reischer included some summaries of Halakic principles belonging to the Hoshen Mishpat which he called K'lale V'dine Kim Lee and K'lalei Miggo.²²⁴ In a brief introduction to these

שם עולם אתן לו אשר לא יכרת... זה שמי וזכרי לדור דור....

223 וכסאו מוסלת בין גדולי רומה ידו בכל ספר מדע ותכמתא...
ופני שונאיו חפו וכסתה כלימה שלא הועילו דבריהם דברי מרמה....
יתן להם כמעשה ידיהם וכפעלם ישלמם... וניין ונכדי כמר נחמיה יהיה לנו
לנחמה כי הוא כלי מוכן לתורה ולתעודה.. ויתקים בנו כי לא ימוש...

224 The word Miggo is made up of two words min go--from its midst--see Talmud Babli, Ketubot 111 and Kiddushin 44. It is usually understood that it is like an alibi for the accused. Ketubot 22, "The mouth which prohibited, he is the mouth which can permit." We believe such an individual, because he had the opportunity to give a better answer or argument. Therefore, why should he have told an untruth. Since he is using the weaker answer, it seems to prove that he is telling the truth. This method of Miggo has, however, many restrictions.

summaries, he mentioned the fact that he intended to write separate books on these parts of the Shulhan Aruk, but that he now finds it impossible.

Seeing that my K'lalei Kim Lee have been printed in my name briefly by the Lekat Hakemah²²⁵ at the beginning of Hilhot Ribit, I shall reprint them now with my Responsa in full, as well as the K'lalei Miggo of section 92 of the Hoshen Mishpat.²²⁶

4. The Iyyun Ya'akob

In the year 1721 another work by Jacob Reischer was published. It was a book on Aggadic passages of the Talmud which had been collected by Jacob Ibn Habib according to the Talmudic tractates in which they were found.²²⁷ Reischer made a lengthy commentary on this book. Ibn Habib called his volumes En Ya'akob; Reischer named his commentary Iyyun Ya'akob. He stated in his introduction to the work that he actually began his commentary as early as 1713 during his period of exile from Prague due to the epidemic.

Since I had to travel from town to town without my books, I did not want to waste my time completely. Therefore, I concentrated on Aggadah, and what I considered new, I wrote down.²²⁸

One can also notice the apologetic attitude toward Aggadah, the

²²⁵Author of Lekat Hakemah, Moses Hagiz, who is discussed in this thesis, Chapter V.

²²⁶Reischer's introd. at end of Vol. II, Shebut Ya'akob.

וכבר נדפסו בשמי בספר לקט הקמח על י"ד ריש הלכות ריבית בקצרה.
ע"כ אמרתי להדפיסו שנית.. וכן כללי מגו מסי' פ"ב בה"מ...

²²⁷Ibn Habib, 1460-1516.

²²⁸Reischer's introd. to his book Iyyun Ya'akob.
כי אין אומן בלי כלים.. ולא לבטל הזמן בלא דבר.. ונתתי בליבי ללמוד דברי
אגדה ומה שחדשתי כתבתי לי לזכרון....

study of which at that time, was not considered important at all.²²⁹ In his explanations, Reischer avoided being complicated or far-fetched. He made much use of his great knowledge of Talmud and Midrash in order to explain and to throw light on difficult passages. He remarked that all his previous books were well received and this fact encouraged him. Reischer expressed the hope that he would shortly publish his third volume of Responsa, thus dating the Iyyun Ya'akob exactly between Volumes II and III of the Shebut Ya'akob.²³⁰

The publication of the Iyyun Ya'akob was delayed on account of Reischer's temporary blindness in 1718; as he stated in his introduction to the book that he was afraid that it was perhaps a punishment for the curse he placed upon his enemies in the introduction to his second volume of Responsa.²³¹ However, Jacob was completely cured in 1720, and he was able to pay his vow (neder) namely to complete his comments on the En Ya'akob, saying "Ayin tahat Ayin, I am paying eye for eye."²³²

²²⁹Solomon Edels-Maharsha in his introduction to his Halakic commentary justifies himself as follows:

ובאמת הנני רואה עתה מחכמי התלמוד שעשו חיבור אחד מהלכות ואגדות כי תורה אחת היא לנו בפירושה של תורה תורה משה וכמה דרכי מוסר וחכמה והוראה ע"פ תורת משה אשר יוציאם לנו מתוך דבריהם מאגדות וע"כ תיהייתי על הראשונות שחלקתי חיבור זה לב' חלקים דהיינו ח"א מחדושי אגדות..²³⁰

²³⁰Reischer's introd. to Iyyun Ya'akob.

²³¹Ibid.

ואזכנה להדפיס עוד ספרי שבות יעקב חלק ג'

לשלם עין תחת עין.....

²³²Ibid.

Since God restored his eyesight Reischer named his book eye-opener in gratitude to the Almighty. The book was completed in Metz and published in 1729 at Wilhelmsdorf.

5. Shebut Ya'akob, Vol. III

Reischer's last book was the third volume of his famous Responsa, Shebut Ya'akob, which he completed before his death, but which was never published by him. It was published posthumously by his great-grandson Zalman Reischer of Metz.

Zalman indicated that his father Nehemiah had wanted to publish this book, but that he died before he could undertake this task. He, therefore, was taking the place of his father and was not going to delay this matter any further. Zalman also intended to publish two other books written by Jacob, the Mishpete and Yeshuat Ya'akob, but never succeeded in doing so; these books have never appeared.²³³

In Jacob's introduction to the third volume, he complained once again of his enemies and how they had heaped severe but false accusations upon him. The result of this bitter onslaught had been the immediate danger of his imprisonment. But God saved him from this fate and, in thanksgiving, he published the third volume of the Responsa. Since he was getting old, Reischer explained, his replies would not be as complete and lengthy as before, and he would restrict himself to short notes only, indicating his previous comments on the matter or referring to some of his earlier books.²³⁴ The last

²³³Introd. by Zalman Reischer to Reischer's Shebut Ya'akob, Vol. III.

²³⁴Reischer's introd. Shebut Ya'akob, Vol. III.

dated reply in this book of Responsa was from 1731,²³⁵ the year in which his father died.

Reischer's literary activity would not be complete without a list indicating the most important correspondents with whom he exchanged information. This list will give the names of the Rabbis according to the Hebrew alphabet as well as the number and volume of the Responsa,²³⁶ thus indicating the wide extent of Reischer's correspondence.

At the end of Vol. III Reischer published the pamphlet "Lo Hibit" a defence against his antagonists.²³⁷

LIST OF NAMES OF CORRESPONDENTS IN REISCHER'S
SHEBUT YA'AKOB, VOLS. I, II, AND III

Name	Vol.	Teshubah Number
Abraham Sasoon (or student)	I	94
Abraham, Dayyan of Glogo	I	67
Abraham of Gedung	I	76, 100
Aaron of Metz	II	100, 155
A. Dayyan of Koeln	II	88
Aryeh Leib of Cracow	I	95, 127
Anshel of Pinchow	I	107
Akiba of Worms	I	107
Baruch, Ab Bet Din of Fuerth	II	188
Ben Zion Wengrovi	III	82
Benjamin Kabri of Trier	I	91
Benjamin Katz of Cracow	II	115
Gershon Koblenz of Metz	II	64
David Oppenheimer	II	14, 41, 48, 105
	I	14, 39, 80
	II	98
	III	31, 65

²³⁵Shebut Ya'akob, Vol. III, Teshubah #100. Dealing with question of Reischer's mourning for the death of his father.

²³⁶Many of these respondents are mentioned in the text of this thesis and further identified.

²³⁷See pages 59-60 of this thesis.

LIST OF NAMES OF CORRESPONDENTS IN REISCHER'S
SHEBUT YA'AKOB, VOLS. I, II, AND III
 --(continued)--

Name	Vol.	Teshubah Number
David Eibeshitz	I	81,173
Heshel of Trier	III	105
Wolf Setzel, son of R.Hezekiah	I	112,151
Wolf Spira, father-in-law ²³⁸	I	114
	III	34,174
Wolf Spira, stepbrother, son- in-law of Simon Itlich	I	134(addition)
Wolf Setzel, son of Ber	III	34
Zanvil of Alsace	I	112
Yechezkel Katzenellenbogen of Hamburg	III	81
Judah Miller	III	111
	I	46,59,60,71, 80,132,133
Yisachar Berman Halevi of Fuerth-Westofen	III	80
	I	94
	II	185
Joske of Hilsum	III	137
Jospe of Ansbach	II	3
Jacob Segal of Kreiznach	II	59
Judah Leib Katz, son of Nuta Rosnitz, Chacham of Prague	II	93,161
Leib, son of author of <u>Shaar Ephraim</u>	II	98
	I	22,94
Leib of Phershei and Schwaben	II	18
	I	99,102
Meir Bun	III	116
Man Dayyan of Worms (also Menachem Man of Una)	II	46
Moshe Chagiz	II	104,85,138
	I	57,87
Moshe Zanz	II	118,148
Meir of Trier	I	107
Mendel Ginzberg, Dayyan of Prague	I	110
Nathan Katz, son of R. Zalman	II	7
Pinchas of Worms	II	108
Zebi Hirsh, son of Benjamin of Berlin	II	153
Simon of Rosnitz, son of Reischer	III	174
Samuel of Fuerth, Bet Shemuel	I	26,66,55,129,155
	I	70

238

Wolf Spira--father-in-law and teacher of Reischer.

Elijah Spira, Reischer's brother-in-law did not seem to have corresponded with him, but is once mentioned advising on Get procedure, Shebut Ya'akob, Vol. II, Teshubah #93.

LIST OF NAMES OF CORRESPONDENTS IN REISCHER'S
SHEBUT YA'AKOB, VOLS. I, II, AND III
--(continued)--

Name	Vol.	Teshubah Number
Samson of Duesseldorf	I	80
	III	121
Simon Spira	I	81, 88
Sho'ul Apta	I	107
Solomon of Rotterdam	II	75
	III	28
Simon of Bamberg	III	61
Samuel Zenvil Weil, Ab Bet Din of Alsace	III	119

NAMES OF CORRESPONDENTS MENTIONED IN THE
18 TESHUBOT ADDED TO MINHAT YA'AKOB

Name	Teshubah Number
Leib, son of Ephraim of Ofen	18
Lipman of Switzerland	3
Menachem Mendel of Hamburg	1
Mendel, son of Rabbi of Tribetch	6

CHAPTER IV

REISCHER'S METHOD OF TREATMENT OF HALAKAH AND AGGADAH

A. Reischer's Method of Treating Halakah

Reischer's main field was Halakah. His works became famous immediately upon their appearance and have continued to be guides in Jewish law to this very day. What was his method in dealing with problems of Halakah? Why was his approach considered superior? Did he really ignore completely later authorities on Jewish law and ritual as some have charged? Was he lenient or severe, meikil or mahmir, in his final decisions?

It appears that Reischer had a systematic approach to his studies. The two outstanding qualities and traits were: (1) he was not satisfied to accept an opinion unless he himself had re-examined all the sources; (2) he felt that study must be systematic, beginning with the earliest sources available and then moving forward, maintaining the chain and proper sequence of the Jewish historical tradition. Reischer would look first for a Mishna or a Tosefta, then for the Halakic Midrash. After this he would turn to Talmud, Maimonides and other early, post-Talmudic authorities. Finally, he would continue to investigate the Shulhan Aruk, its commentaries and the responsa literature and only then make his conclusions. He refused to merely discuss decisions based on summaries, hair-splitting distinctions, or

sole interpretations of contemporaries.²³⁹

Reischer was blessed with the rare combination of having been well-read and of a keen and logical mind. He would win his arguments by employing both of these gifts at the same time. He could find a Talmudic passage to substantiate his point of view which his opponent did not recall or had overlooked. Again, he was able to make such fine distinctions in a given case which his opponent could understand, but was unable to imitate.

These two important qualities were recognized by his contemporaries as well as by later authorities to have been possessed by him, thus, making his works superior to many other books of this kind. It is for these reasons that Reischer's books enjoyed popularity among scholars and that they are being consulted to this very day.

There were other reasons why Reischer was considered as one having made special contributions to Jewish jurisprudence. He was extremely cautious and responsible with regard to final decisions. For example, once he was requested to interpret the meaning of a local Jewish ordinance (Takanah) and the text and circumstances were explained to him. Reischer refused to give an opinion, until he had seen the text of the ordinance in black and white.²⁴⁰

²³⁹In order to substantiate my findings three Responsa summaries are given in full in the Appendix indicating Reischer's application of system and logic.

²⁴⁰Shebut Ya'akob, Vol. II, Teshubah #135.

לא רציתי להחליט דעתי למעשה עד אשר אראה מהות ואיכות לשון התקנה עצמה...

Again, we often read in Reischer's Responsa that he refused to give a final opinion, unless he could find another authority to share his view in the matter, especially in questions of Niddah,²⁴¹ Agunah,²⁴² or in a case where other authorities held a different point of view.

As to the accusation made especially by the Hok Yoseph²⁴³ that Reischer treated lightly later authorities and his contemporaries, and that he only respected the opinion of early masters of the law up to the Shulhan Aruk this seems to be somewhat exaggerated. It can only be said that Reischer respected the early teachers (Rishonim) more than he did the later authorities (Acharonim), but he did not ignore them. This attitude is not unusual and was accepted by many students of the law. To generalize and to claim that Reischer ignored all later authorities and that he acted disrespectful toward them, is an exaggeration and cannot be substantiated.

Reischer did take issue more consistently with the

²⁴¹Laws of menstruation were complicated and severe. Jewish family life and morality were believed to be dependent on their observance. Reischer's careful attitude is expressed in these words:

ומ"ם לא מלאני לבי להתירה אלא שיטכיים עמי עור בהוראה...
Shebut Ya'akob, Vol. I, Tesh. #65.

²⁴²Laws of the deserted wife, where husband is separated from her without bill of divorcement; or his whereabouts are unknown. Marriage and divorce was considered the cornerstone of Jewish existence. The laws were strictly upheld even to the point of harshness. Rabbis avoided acting as individuals, they preferred meeting as a group of three, with the jurisdiction of a court, in these difficult cases. As Reischer remarks:

אף שדרכי למנוע להשיב בדיני עגונה...
Shebut Ya'akob, Vol. I, Tesh. #99.

²⁴³See page 61 of this thesis, ft.nt. 197.

following books: Bet Shemuel, Olat Shabbat and Olat Tamid, Magen Abraham, Nahlat Shivah, and Bet Ya'akob.²⁴⁴ Jacob Reischer opposed in his writings some younger authors and especially those who composed summaries, kizzurim, without sufficient notes and sources. He was not in favor of the Perah Mate Aharon, Be'er Heteb and the Kizzur Sheloh.²⁴⁵ Reischer was outspoken in his criticism against younger scholars who published books without sufficient knowledge for such undertakings. In his view they were just bold and irresponsible or many times just looking for honor and fame.²⁴⁶

At the same time, however, Reischer sought the opinion of many contemporaries, and he acknowledged even their superiority, apologizing and retracting his own opinion when necessary. Thus, he said for example²⁴⁷ that he would not be ashamed to admit that he made a mistake, if that should be the case.

In most cases, we find a healthy give-and-take attitude in Reischer's correspondence with his colleagues, where he will claim victory once and acknowledge defeat in the next case. Reischer had great respect for the following authorities which

²⁴⁴For the names and dates of these authors see page Author of Bet Ya'akob--Jacob b. Samuel of Zausmir (Sandomierz) first edition Durenfurt, 1696.

²⁴⁵Author of Perah Mate Aaron--Aaron ben Chayim Perachya, published Amsterdam, 1703. Author of Be'er Heteb--Isaiah ben Abraham, book on Orah Hayim, published at Amsterdam, 1708. Author of Kizzur Sheloh--Yehiel Mihel ben Abraham, Amsterdam, 1707.

²⁴⁶Reischer's introduction to his Shebut Ya'akob, Vol. I: ולא כמו שנתפשט בזמנים הללו במי שלא שימשו כל צרכם.. אשר יהדפו ראשונים בשנאה וקנאה להתכבד בקלונם...
²⁴⁷Shebut Ya'akob, Vol. I, Teshubah #22. ובמקום שכיון חל האמת אז לא יבאש יעקב מלומר דברים שאמרת טעות הן..

can be classified as Acharonim: Joseph Colon, Chacham Zevi Ashkenazi, Moses Hagiz, David Oppenheimer, Yair Bacharach, and Ezekiel Katzenellenbogen.²⁴⁸ He criticized the Maharshl²⁴⁹ occasionally, but on the other hand, he would rely on him and base his opinion upon Luria's decisions.

Reischer knew only one authority, the law of Torah. He bluntly remarked that he would refute the word and decision of even a friend or relative, if a question of Halakah were at stake. He was true to the law and impartial.²⁵⁰ He claimed further, that some contemporaries had taken bribes and that he, on the other hand, had never succumbed to this temptation. On the contrary, he used to suggest that law suits should not be encouraged at all, but that differences between individuals be settled by reconciliation. He also stated that he always supported the established court of the city, turning away from

²⁴⁸Ashkenazi--born 1658, died 1718 at Lemberg, Rabbi at Altona, Amsterdam, Hamburg, and Lemberg.

Hagiz--see pages 123-126

Oppenheimer--see pages 21-25.

Colon--Joseph ben Solomon, born 1420, died at Padua 1480, Responsa printed at Venice, 1519.

Bacharach--see ft.nt. 163

Katzenellenbogen--see ft.nt. 96

²⁴⁹Solomon ben Jechiel Luria, born 1510 died at Lublin 1573, Rabbi at Ostrog and Lublin.

Shebut Ya'akov, Vol. I, Teshubah #179.

ומהרש"ל בפ' החובל ס' יא" כתב וז"ל אבל אם הוא אינו רגיל במלאכה או מחמת עשירות או מחמת עצלות אינו נותן לו שבת כלל ע"ש וכתב עוד וז"ל ונראה דלא שיימין שום שבת אלא דמלאכה אבל שבת שהיה יכול להסתחר ולהרוויח לא שיימין דמי יודע אם הצליח עד כאן לשון מהרש"ל. ובאמת דבריו תמוה'... דלא כמהרש"ל שמחלק מסברות הכרס הא לך עיקר הדינים...

250

מ"מ לאהבת האמת ליעקב תתן גרול משניהם זה הכריע אותי להשיב מלא דבר ולא אכא

This comment is based on Micha 7,20. But references to himself--
Shebut Ya'akov, Vol. I, Teshubah #80.

any matter which would increase division or strife.²⁵¹

True excellence and superiority of a judge, the Rabbis of the Talmud said, can be established by the attempt of the individual in authority to seek the lenient decision in any given case.²⁵² Reischer doubtlessly qualified for this distinction. He always tried to make the law less difficult and cumbersome, unless greater authorities before him had made it impossible.²⁵³

Another reason why Reischer's works were considered outstanding and more influential than others, was the fact that he had a sound attitude to the modern problems of his day. He felt responsible to answer the questions of his generation and was unafraid to delve into new issues and render decisions. He believed, for example, that a physician can be relied upon in certain questions of Niddah,²⁵⁴ as well as in matters concerning the saving of human lives. He permitted the administration of harmful drugs to humans, if expert doctors considered it a fifty-fifty chance.²⁵⁵ Reischer also permitted animals to be

²⁵¹Shebut Ya'akob, Vol. I, Teshubah #96; Vol. III, Teshubah #119.

¹ כדי שלא ירבה מחלוקת בישראל....

² כי נתברר להם שאמת ליעקב ואין אני נוטה אחר הבצע כמו איזה מורים שלא כהלכה.

²⁵²Talmud Babli, Hulin 58A כוחו דהיתרי עדיף

²⁵³Perhaps this was another reason why Reischer's books were quite popular. This aspect will be further elaborated in the chapter on Reischer's attitude to Jewish life.

²⁵⁴Shebut Ya'akob, Vol. II, Teshubah #76.

והרופאים צריך שיהיו שנים....

²⁵⁵Other Rabbis did not agree since the drug might hasten

used as guinea pigs for scientific research.²⁵⁶

Reischer permitted the innovation of wearing glasses for the administering of the Halizah ceremony, although most rabbis required the use of the naked eye.²⁵⁷ For similar reasons Reischer did not disqualify an aging priest from blessing the people simply because he was unable to do it standing up as was usually required; in this special circumstance sitting down seemed to Reischer permissible.²⁵⁸

In another inquiry Reischer permitted the Jews to remove their hats in the Synagogue out of respect for an important gentile who had come to visit there.²⁵⁹ This indicated a modern outlook and an independent judgment of Reischer, making his works more valuable. Some of his decisions appear as current and as courageous today as they must have been two centuries ago.

Although Halakah was the basic authority for Reischer,

death. But Reischer explained: כיון שודאי ימות מניחין הודאי ותופסין הספק אולי יתרפא...

Shebut Ya'akob, Vol. III, Teshubah #78.

See appendix at end of thesis. על כן מן הראוי להחזק בדבר כזו עם הרופאים.

²⁵⁶Others objected because of cruelty to animals. Reischer received such an inquiry from the son of the Dayyan Una of Worms.

Shebut Ya'akob, Vol. III, Teshubah #71.

²⁵⁷Shebut Ya'akob, Vol. I, Teshubah #126.

שרוב בעלי הוראה המה חכמים וזקנים ממש היושבים אצל החליצה ורואין ע"י בתי עינים.

²⁵⁸Ibid., Vol. II, Teshubah #1.

לכן נ"ל פשוט דנושא כפיו בסמיכה או מיושב אם אי אפשר בענין אחר.

²⁵⁹Ibid., Vol. III, Teshubah #5.

יש מקילין בדבר להסיר הכובע בפניהם מכ"ש היכא דליכא חשש זהודאי אין חולק בדבר. See also appendix at end of thesis.

he also recognized religious acts based on local custom--
minhag,²⁶⁰ as well as customs based on piety--chasidut.²⁶¹
 However, the former must never oppose the law and the latter
 must not be considered obligatory or ever take the place of the
 law. Reischer was very outspoken on the subject of wrong 'custom--
minhag shetut, and made use of the well-known play on words,
minhag-gehinam.²⁶²

The only criticism of Reischer's approach to Torah and
 life is perhaps the fact that he based this relationship exclu-
 sively on Halakah, without due regard to moral implications, some
 of which may not be explicitly expressed in the Talmud, but seem
 to be implied. For example, he permitted Jews to trade with the
 tanned skins of enemy soldiers by basing it on the strict legal
 opinion in the case.²⁶³ One would expect here some reference to
 the moral and aesthetic aspect of the case, which would explain
 that this transaction, although legally permitted, was however
 against the spirit of Jewish law. Reischer did not add such
 sentiment. Of course it should be realized that the severe

²⁶⁰Ibid., Vol. II, Teshubah 6.

אבל רוב מנהגם מיוסד ע"פ התורה .. וזמ"ש

²⁶¹Ibid., Vol. I, Teshubah #177.

²⁶²קטן והגדיל מדינא לא צריך לשלם אבל מחסידות צריך לשלם.

²⁶³If the letters of the Hebrew word MNHG--custom, are
 read from right to left the word GHNM--Gehenna is formed. This
 was used to indicate that from an improper custom evil will re-
 sult. Reischer quotes this in Shebut Ya'akov, Vol. II, Teshubah
 #6. As to the history of this use see Ozer Yisroel, David
 Eisenstein, editor, New York, 1913. There we learn that Rabbenu
 Tam used it first.

²⁶³Shebut Ya'akov, Vol. I, Teshubah #89.

קצת מעמי הארצות הפשיטו העורות מהסונאים... אם מותר לישראל לישא ולית
 עם אותן עורות.. עבד קנוי לרבו קנין הגוף ומותר בהנאה.. והסומך על
 דבריהם להקל לא הפסיד.

restrictions imposed upon Jews in commerce and all other branches of earning a livelihood, particularly in war time, may have forced Reischer to this harsh attitude. However, the lack of mentioning any objection on grounds of ethics or aesthetic feelings is conspicuous in this particular responsum.

B. Reischer's Method of Treating Aggadah

Although Reischer's main field of study was Halakah, we find him deeply interested in Aggadah as well. What importance did he assign to the historic, legendary, and theological discussions of the Rabbinic literature? What prompted him to contribute to this special field of literature? What new approach did he bring to it? What urged him to write a full commentary on the Aggadic portion of the Talmud, collected in the En Ya'akob?

After examining a goodly number of examples of Reischer's Aggadic comments in his book Iyyun Ya'akob, certain conclusions can be reached which can assist answering some of the above questions. The consistency in his approach, coupled with a clear methodology, seems to display a characteristic all his own. It was stated earlier²⁶⁴ that Reischer considered the Aggadic portions of the Talmud of secondary importance. He himself tells us, that he indulged in this study only because he lacked sufficient books at the time as well as the tranquility to discuss the more serious legal portions of the Talmud.²⁶⁵

This attitude was universal and continues to be held by

²⁶⁴In Chapter III, Reischer's Literary Activity.

²⁶⁵Reischer's introduction to Iyyun Ya'akob.

Jewish Halakic authorities even to our own day. Reischer, felt, however, that studying and making contributions to this branch of Torah would be a pious occupation and a way of serving God. In his preface he indicated,²⁶⁶ that only significant comments deserved to be written down and published in a book form, and he felt a need to justify the publication of his own book. He stated, therefore, that he would only put down in writing such comments as he felt were new and novel.²⁶⁷ It is also possible that Reischer gave weekly instruction in En Ya'akov, and thus the Halakist became occasionally an Aggadist, although this is not explicitly indicated by Reischer.

It appears that Reischer did blaze a new path in Aggadic interpretation in many instances which will now be indicated. It is quite evident that Reischer, in his commentary Iyyun Ya'akov, was usually quite rational, clear, and original.

He indicated that all his comments would be simple and plain-peshat,²⁶⁸ and that he would refrain from far-fetched and obscure explanations wherever possible.²⁶⁹ However, there were some exceptions in Reischer's comments as far as plain and rational interpretation is concerned, but these may rather

²⁶⁶ Ibid.

²⁶⁷ Ibid.

ומה שהושגתי.... כתבתי לי לזיכרון...

²⁶⁸ The simple interpretation of a passage based on the language, idiom or grammar as used in every day speech is called "peshat." Any other explanation based on hidden meaning, rules of rabbinic interpretation implied, but not stated in the text, is referred to as "derash."

²⁶⁹ Introduction to Iyyun Ya'akov.

כי לא הלכתי בגדולות ונפלאות רק הקרוב על השכל והפשט...

prove the rule. The temptation for abandoning the simple explanation was too great even for Reischer when he noticed that the Mishnah teachers (Tannaim) emphasized the importance of the number three. There had to be some connection between all such sayings.²⁷⁰ Thus Reischer said rather forcefully that Pesach and service, Matzah and Torah, Moror and Loving-Kindness were corresponding one to the other.²⁷¹

Reischer in his Aggadic comments relied substantially on his great store of Talmudic knowledge and explained most of the obscure passages by drawing on that source. His method, most often used, was to illuminate one Talmudic passage by means of another, as one of the thirty-two Midoth of Rabbi Eliezer, son of Rabbi Jose Haglili, suggests.²⁷²

Jacob Reischer was most skillful in pointing out those

²⁷⁰ Iyyun Ya'akob, Pesachim 109.

Based on Mishnah Aboth, Chapter I.

על שלושה דברים העולם עומד.....

Based on Mishnah Pesachim, Chapter X.

כל שלא אמר שלושה דברים בפסח לא יצא ידי חובתו ואילו הן פסח, מצה ומרור.

²⁷¹ Reischer suggested that Pesach was the equivalent of Service (ritual or Temple); Matzah to correspond to poverty connected with Torah; Moror to point to God's Loving-Kindness for He redeemed the Israelites from slavery.

In Halakah a connection of two sayings by the same Rabbi is sought even if the subjects are not related. This method is known as Leshitato. This could have prompted Reischer to apply it in the field of Aggadah, thus, we see the Halakist adapting himself to Aggadic matters. Did Reischer believe that the author of both statements mentioned above was the same? Reischer is being accused of carelessness with or poor knowledge of the history of the Tannaim and Amoraim elsewhere. See J. Slotnick-Avida.

הכרונולוגיה של התלמוד והבנת התלמוד, הצופה
להכמת ישראל, בודפסט שנה י"ב חוברת א"

272

PAGE 4.9

The rules of Aggadic interpretation are appended to the first Talmudic Tractate Berachot, the rule quoted is #17.

מדרש שאינו מתפרש במקומו ומתפרש במקום אחר.

Talmudic statements which seemed to supplement one another.

Thus we find a passage to the effect: "One who holds a Scroll of the Law naked, will be buried naked."²⁷³ Reischer supplied the comment which connected it with another passage, in which the human body was compared with the Scroll of the Law.²⁷⁴

On the Talmudic dictum:

Whosoever partakes of the wedding meal of a Bridegroom . . . if he does gladden him, what is his reward? Rabbi Joshua ben Levi said; he is privileged to acquire (the knowledge of) Torah

Reischer, after having searched for a connecting link between Torah and a wedding feast, finally found it.²⁷⁵

Reischer's logical method of interpreting Aggadah was demonstrated most clearly in the following commentary on Hillel's famous words: "What is hateful to you, do not to your neighbor."²⁷⁶ Why did Hillel use the negative form in stating the Golden Rule? Why did he not say, "Love thy neighbor as thyself?". Reischer answered, that this rule is followed more readily if taken in the negative side.²⁷⁷ In commenting on the

²⁷³All English translations of Talmudic passages are from the Babylonian Talmud, translated into English by Rabbi Dr. I. Epstein, Soncino Press, London, 1938. This passage is from Shabbath 14A.

²⁷⁴Reischer's book, Iyyun Ya'akob, Sabbath 14A.

²⁷⁵Ibid., Berachot 6B.
האוחז ס"ת ערום...הטעם דגוף האדם נמשל לס"ת...
"תורה נקראת כלה כדאיתא במדרש רבה פ' כי תשא."

²⁷⁶Sabbath 31A. ולא רצה ללמוד עמו ואהבת לרעך כמוך...
וימנע מלג"ר....

²⁷⁷Ibid.

Talmudic passage:²⁷⁸ "What is (the reason of) Chanukah?", Reischer suggests that perhaps the eight candles of the festival are indicated here.²⁷⁹ Again, as a comment on the Talmudic text:²⁸⁰ "He who habitually practises (the lighting of) the lamp will possess scholarly sons," Reischer quite originally remarked because his household will be able to study by the light.²⁸¹

As an expression of almost modern thinking on the part of Reischer, which was typical of his sound attitude to the entire field of Aggadah, the following seems to stand out. To the Talmudic passage²⁸² "Jerusalem was destroyed only because the Sabbath was desecrated therein . . . the reading of the Shema was neglected . . . they neglected the education of school children" Reischer, in commenting on this passage,²⁸³ seems to have implied that the teachers of the Talmud did not disagree as to the reasons for the destruction of the Temple,

²⁷⁸Ibid., Sabbath 21B.

²⁷⁹Others had used the word of Chanukah as an abbreviation, see Maharsho, Sabbath 21B, who quotes Rabbenu Nissim, who in turn quotes: "Someone wrote Chanukah means, they rested on the 25th." Reischer suggested another abbreviation, eight candles on the 25th.

חנו בכה" ראשי תבות, ה' נרות.

Iyyun Ya'akob, Sabbath 31A.

²⁸⁰Iyyun Ya'akob, Sabbath 23B.

הרגיל בנר ה"ל בנים ת"ח.

²⁸¹Ibid. כדי שבני ביתו יכולין ללמוד בלילה אצל הנר.

²⁸²Ibid., Sabbath 119B.

²⁸³Ibid.

לא פליגי...וכל אחד אומר תוכחתו לפי צורך דורו שהיו פרוצין באותו עברה.

but everyone emphasized the sin which was most apparent in his own particular time, in order to teach his generation an important lesson.

It also appears that Reischer was particularly interested in those passages of Aggadah which were relevant to Halakah, trying to explain the origin or reason for various commandments. The following examples might be pointed out: "Jacob instituted the evening prayer . . .²⁸⁴ is it compulsory or optional?". He replied, "It is optional;"²⁸⁵ upon which Reischer commented²⁸⁶ that Jacob was free from the duty of prayer since he was always occupied with the study of Torah; hence, his evening prayer was optional. Again on the passage²⁸⁷ "Great is knowledge, since it was placed at the beginning of the weekday blessings." Reischer commented²⁸⁸ that this order of prayer must not be changed as some have suggested lately.

Reischer demonstrated his great skill in harmonizing

²⁸⁴Berachot 26B,

יעקב תקן תפלת ערבית...

Based on Genesis 28,11 ויפגע במקום

Based on Genesis 25,27 ויעקב איש תם

²⁸⁵Berachot 27B

תפלת ערבית רשות...

²⁸⁶Iyyun Ya'akov, Berachot 26B.

יעקב היה פטור מן התפלה שתורתו אומנתו לכן ערבית רשות ולא חובה.

²⁸⁷Berachot 33A.

גדולה דעה שנתנה בתחילת ברכה של חול..

²⁸⁸Iyyun Ya'akov, Berachot 33A. Reischer is apparently alluding to Jonathan Eybeschutz and his followers, thus reflecting some problems of his time.

דעת צריך להיות ראשונה... ולא כחדשים מקרוב באו לשנות סדר תפלה ומנהג קדמונים...

conflicting statements when he was asked by Rabbi Gershon 7
Coblenz to explain the following paradoxical sayings:²⁸⁹

- A) Had not Israel sinned only the Pentateuch and the book of Joshua would have been given them.
- B) The Holy One blessed be He desired to make Israel worthy, therefore gave He them the Law (to study) and many commandments (to do).²⁹⁰

Reischer:

If we had not sinned, all of us would be like Rabbi Akiba who was able to deduct all laws just from the passages of the Torah.

If we had not transgressed the Law, we would still be in the Land of Israel and had no need except for the Five Books of Moses and Joshua.

Finally, the Torah compensates for suffering; if we had fewer sins we would have less suffering and less need for Torah.²⁹¹

Reischer, in his Aggadic commentary, made use not only of the Babylonian, but also of the Jerusalem Talmud, the Midrashim and commentaries to the Talmud.²⁹² He quoted frequently the Maharsho²⁹³ and he referred often to his own remarks which he made in his novella on various Talmudic tractates.²⁹⁴ In this

²⁸⁹Makkoth 23B.

לזכות את ישראל לפיכך הרבה להם תורה...
אלמלא לא חטאו ישראל

²⁹⁰Nedarim 22B.

לא נתן להם אלא חומש ויהושע.....

²⁹¹Shebut Ya'akov, Vol. II, Teshubah #182.

²⁹²

ירושלמי... מ' שבת דף קנד.
מהרש"א... מ' ברכות דף ה.
ילקוט תהלים... מ' ברכות דף ה.

²⁹³Samuel Edels, Rabbi in Posen, Lublin, and Ostrog, died 1631. He also wrote a commentary on the Aggadic portion of the Talmud, called Chidushe Aggadoth, Frankfort o/M, 1682.

²⁹⁴

פאר יעקב... מ' ברכות דף י.

connection it is interesting to note that our Rabbi refers sometimes to his own collections which are no longer extant. Thus, he mentioned his commentaries to tractate Sanhedrin, Menachot, Nedarim, Yebamoth, Abodah Zarah, and Megillah, none of which came down to us.²⁹⁵

Jacob Reischer was fully aware of the distinction between the literal meaning and the homiletic interpretation of a Biblical passage. When deviating from the literal meaning, he stated it clearly and introduced it with the remark:²⁹⁶ "And by way of Derash I said" to indicate that this is not the true meaning of the passage.

It appears that Reischer tried to avoid Cabbalistic interpretation in his Aggadic commentary. In rare occasions, where a Talmudic statement would call for mystic exposition, Reischer tried to lend to it an historical garb only.²⁹⁷ On the other hand where he had the opportunity to speak out against Cabbalah, he would do so. To the Talmudic statement:²⁹⁸ "Keep your children from meditation," Reischer added significantly--

295

חדוש' סנהדרין דף קה" ע"ב.... מ' ברכות דף כא.
 חדוש' מנחות דף כט" מ' ברכות דף כג.
 חדוש' נדרים דף כב" מ' ברכות דף כז.
 חדוש' יבמות הבא על יבמתו... מ' ברכות דף כז.

²⁹⁶Iyyun Ya'akov, Berachot 55.

ובדרך דרש אמרתי....

²⁹⁷Ibid., Erubin 53.

מקרת המכפלה.. אפשר דפליגי אם אדם קדמא חשוב יותר מאבות..

²⁹⁸Berachot 28B.

ומנעו בניכם מן ההגיון...

Cabbalah!²⁹⁹

Reischer tried to be exhaustive in his comments, giving more than one reason for a ritual or a passage. Thus, he gave two explanations for the Sabbath meals,³⁰⁰ four different reasons for the Passover wine³⁰¹ and many expositions for the passage: "Our forefathers instituted prayer."³⁰²

One must especially appreciate Reischer's scholastic honesty when he admitted that he could not explain a certain passage. In such a case he added: "It is better to remain silent than to add to the spurious comments of others which do not satisfy."³⁰³

Finally, Reischer would always try to teach a moral lesson related to his own time and needs, while commenting on Aggadic sayings. Every lesson which was applicable to daily life, Reischer passed on to his generation. While discussing the Talmudic statement concerning the possible exclusion of the book of Ezekiel from the Bible Canon, Reischer was quick to point

²⁹⁹Iyyun Ya'akov, Berachot 28.

מן התגיון... קבלה .

I have referred to another attack of Reischer on Cabbalah in ft.nt. 288. I shall discuss Reischer's attitude to Cabbalah again in connection with the Eybeschütz controversy, page 118.

³⁰⁰The three Sabbath meals, Shabbat 117.

שלש סעודות כנגד שבת, הקבה, וישראל או שאכל סעודה יתרה כנגד נשמה יתרה.

³⁰¹Four cups of wine, Pesachim 109.

נגד ד' מאות שנה, נגד ד' מלכיות, לכפר על ד' מיתות ב"ד, ונגאלו בזכות ד' שמות הויה.

³⁰²Berachot 26.

³⁰³Pesachim 54. ראיתי הרבה טעמים במפרשים בזה ולא מצאתי בהם נחת ע"כ אמרתי כל כיוצא בזה שתיקתי יפה מדיבורי.

out, that one must not destroy books today just because some statement in them was unusual, or difficult to comprehend.

Reischer admonished his generation to learn to be cautious with the remarks of Rishonim and blame their lack of knowledge rather than the words of their predecessors. He warned them not to imitate some young scholars who condemn quickly.³⁰⁴

In another remarkable comment Reischer displayed cleverness and great insight. To the Talmudic passage:³⁰⁵ "Hillel said, my son you have asked a great question," Reischer justified Hillel by stating that if Hillel had not replied in this fashion, this man may never have asked any other question. Hillel teaches our generation to respect any inquiry, lest people be afraid to ask a second time.³⁰⁶ Finally, Reischer had a profound statement on the subject of sickness and its relationship to repentance and spiritual life, when he offered the following thoughts:³⁰⁷

A) Do not consult a doctor immediately, rather look at your spiritual condition first.³⁰⁸

³⁰⁴Sabbath 30. אולי מקוצר המושג אינו... זריכין להיות מתון... ולא בלשון מדברת גדולות כאשר חרשים מקרוב באו... מבין הדבר על בוריו.

³⁰⁵Sabbath 31, the question was very silly, thus Hillel's reply seemed strange.

א"ל בני שאלה גדולה שאלת...

³⁰⁶Iyyun Ya'akob, Sabbath 31.

יש ללמוד מזה כששואל אדם אפי' דברים של מה בכך לא ירחיק אותו בשחק.

³⁰⁷Ibid., Berachot 5A.

אם רואה אדם שיסורין באין עליו יפספס במעשיו.

³⁰⁸General practitioners claimed that 50 per cent of their patients had no physical ailment.

- B) Learn from the physician, just as he must seek the cause of the illness, so must you seek the reason for God's dissatisfaction with you.
- C) However, do not look for any significance in an ailment brought on by obvious human causes, overeating, or exhaustion.³⁰⁹

309 לא יתלה הדבר בדרך מקרה וישלח מיד אל רופא.. רק יפספש
תחילה במעשיו.. כמו שהרופא צריך לחפש.. גם בבריאת הנפש יפספש במעשיו
מאיזה עברה.. ולא שהביא על עצמו יסורין מכה ריבוי אכילה.
Text in Iyyun Ya'akob, Berachot 5A.

CHAPTER V

JACOB REISCHER AND COMMUNAL LIFE

A. Regarding Jewish Leadership

It seems that a fierce struggle was in progress in the communal life of Reischer's period, regarding the powers of the rabbinate and lay leadership. How far-reaching was the influence of the Rabbi in a community? What was the authority of the lay leader in relation to the Rabbi?

Reischer entered the controversy by trying to uphold the dignity of the rabbinate,³¹⁰ by insisting on the absolute authority of Jewish law as expounded by experts³¹¹ and by underlining the unquestionable right of the local Rabbi to be the only one to decide all questions involving Jewish law.³¹² At the same time, however, he recognized the need and place for lay leadership,³¹³ but he pleaded for an intelligent and learned

³¹⁰Shebut Ya'akob, Vol. I, Tesh. #87.

אבל פרנסים שבזמן הזה אין ראויין לדבר כלל בענין הוראה דיינים ושתיקתם יפה מדיבורם להורות הלכה בפני רבם וראוי לגעור בנזיפה. Tesh. #11.
בל"ה בדורות הללו נתמעטו כבוד תלמידי חכמים ואי לאו דזונות מפרכסין זא"ז ת"ח לא כ"ש.

³¹¹Ibid., Tesh. #87. Reischer reminded the lay leaders of the Talmudic opinion (Sabbath 114A).
איזהו ת"ח שממנין אותו פרנס על הצבור זה שואלין אותו דבר הלכה...

³¹²Ibid.

ושתיקתם יפה מדיבורם להורות הלכה בפני רבם.
³¹³Ibid., Tesh. #74. Reischer also mentioned that he discussed this question in his Torat Hashlamim.

דיש כח ביד ראשי הקהל וטובי העיר שהומחזם רבים עליהם מדעת כולם לכל דבר מה שעשוי עשוי בתקנת הקהל.

Jewish lay government.³¹⁴ Reischer fought relentlessly against any form of intimidation of Rabbis by rich and influential Jews.³¹⁵ At the same time Reischer was also critical towards Rabbis and he urged them to increase their knowledge and improve their actions.³¹⁶

Jacob Reischer was convinced that the dignity and respect for the rabbinate should be upheld under all circumstances, even by means of the rabbinic excommunication, the Herem, if necessary.³¹⁷ This did not mean, however, that he endorsed high-handedness of Rabbis or false pride. On the contrary, there is sufficient proof that Reischer himself was a very humble man, respecting most of his colleagues and fellow Rabbis.³¹⁸

One is also able to detect, on the part of Reischer, a jealous guarding of the Rabbi's position vis-a-vis other religious functionaries. He insisted that a Hebrew teacher (melamed) should

³¹⁴Ibid.

מצינו בש"ס (שבת קיד) איזה ת"ח הראוי למנו' פרנס על הצבור וזה ששואלין אותו דבר הלכה בכל מקום ואומרה הרי אף שת"ח פטור ממס אעפ"כ הוא קודם לכל התמניו' והמקרא צוח ב' מלכים ימלכו...

³¹⁵Ibid., Vol. III, Tesh. #141.

ואותן הוצאות של הרבנ' והכתבים הכול יקח לילך אחר ב"ד יפה כמו הג' אב"ד דק"ק פיורדא או מי כמוהו מורה והוא יהיה שליש ביניהם ואז יצא הדין לאמיתו של תורה...

³¹⁶Ibid., Vol. I, Tesh. #16. ... לכן נ"ל שהמורה שהורה להקל... Reischer criticized Rabbis who gave decisions in law suits without proper learning and qualification.

אכן ראיתי חבל נביאים אחרונים מתנבאים בטבטגנון אחד... Tesh. # 19 ואין דבריהם מוכרחים וברורים כלל.

³¹⁷Ibid., Vol. III, Tesh. #99.

ויש לנדותו ולהחרימו עד שיפ"ס לת"ח ויבקש ממנו מחילה...

³¹⁸Ibid., Vol. I, Tesh. #107.

ונחלתי ואירא מחוות דעי כי מה אדע אשר לא ידעו המה ומי אנכי דעת הקלושה להכניס ראשי בין ההורים הגדולים...

not perform marriages.³¹⁹ This was only to be done by a Rabbi. Furthermore, a ritual slaughterer (shohet), who was unwilling to show his knife to a Rabbi, or anyone who challenged the authority of a Rabbi, should be removed.³²⁰ At the same time, he cautioned the Rabbis not to abuse their powers and not to suspect all shohtim of disloyalty to the rabbinate.³²¹

Finally, Reischer made it clear that the position of a Rabbi must receive public recognition. Thus, a learned man was entitled to preference in a law suit,³²² a talmid haham should refuse to sit together in a Bet Din with unworthy or simple members.³²³ He also suggested that a permanent court of Rabbis be established in every community and be in charge of legal matters wherever possible.³²⁴ Reischer attempted to restrict

³¹⁹Ibid., Vol. III, Tesh. #121.
 שלשון לא יהיה לו עסק משמע כל התעסקות בענין קדושין וגיסין לא יהיה הד"ן
 או המסדר..

הנה על דבר הטבה אי רגיל ומוחזק בכך ראוי להעבירו ואפשר לנהוג כיון שהורו
³²⁰Ibid., Vol. I, Tesh. #51. Reischer insisted on carrying out the Talmudic law of Rabbinic supervision of the
 shohet to all questions of religious law.

³²¹Ibid., Vol. II, Tesh. #58. וכבר אמרו חז"ל עד אחד נאמן
 באיסורין ורוב מצוין אצל שחיטה מומחין הן
Ibid., Tesh. #55. וקבלתי משוחט מומחה שאם תרצה לזהר שלא יבא לידך ספק כזו...

³²²Ibid., Vol. I, Tesh. #144. דמצוה להפוך בזכות תלמיד חכם.. וכן נ"ל קצת ראייה מהא דאיתא בפ' כל כתבי
 דף קי"ט.

³²³Ibid., Vol. II, Tesh. #137. Reischer insisted on the Talmudic requirements סנהדרין דף כג.
 מ"מ נק" הדעת היו מחמירין ע"ע בכל ענין שלא ליטב בדיון אלא א"כ היו יודעין
 כל היושב עמו שהם כשרים...

³²⁴With regard to city of Metz, for example.
Ibid., Tesh. #143.

שלא לשנות בית דין במיץ...

the takanah bylaw against appointing a Rabbi who is a relative by demanding that it must not be construed so as to disqualify even distant relatives who have become candidates.³²⁵

Reischer also became involved in the question of salaries for Rabbis.³²⁶ The negative side had strong support, since no reward was to be received for instructing in Torah.³²⁷ Reischer, when asked about payment for a Pesak Din (legal decision) made a very fine distinction, permitting acceptance of remuneration for such an effort. He said,

. . . since Torah knowledge today has decreased and we are not completely clear in the true Torah application, therefore, all a Rabbi really does now is to find a suitable settlement, a compromise, and for this, one may surely take salary.³²⁸

He strengthened rabbinic authority by insisting that the officer of the Bet Din (Jewish Court) could use force, if necessary, and a rich and influential party in a law suit could be required to plead before a court in a neutral town.³²⁹

³²⁵Ibid., Vol. III, Tesh. #83.

³²⁶See S. Osaf פול' וליטא לקורות הרבנות באשכנז; פול' וליטא, in Reshumot, A.Droyanov (editor), Vol. II, Tel Aviv, pp. 259-300.

³²⁷Mishnah Behorot, Chapter IV, Mishnah 6.

הנוטל שכר לדון דיניו בטילין
Talmud Bavli Ketubot 105a.
מבוער הדין שנוטל שכר לדון אבל דינו דין
Maimonides, Aboth 4 who opposes vehemently acceptance of salaries by Rabbis. However, the TashBaZ (Samson ben Zadok, first edition, 1556), permitted it.

³²⁸Shebut Ya'akob, Vol. I, Tesh. #142.

דלית זידע האידנא למידן דין תורה וכיון שאין דנין דין תורה היו כמו פטר דמותר ליטול ממנו שכר

³²⁹Ibid., Vol. III, Tesh. #141.

לילך אחר ב"ד יפה כמו הג' אב"ד דק"ק פיורדא

The top lay leaders of the various Jewish communities during Reischer's time were frequent subjects of controversies in his responsa. On the one hand, every Jewish leader whether learned in Jewish lore or not, deserved a certain amount of honor and recognition. On the other hand, if he was a talmid haham, additional recognition was in order. Furthermore, if he was not learned at all, some Rabbis and laymen refused to recognize his leadership and would certainly not permit his interference in matters of ritual. Finally, there were many occasions where the lay leaders over-stepped their power and used their influence and wealth to intimidate rabbinic leadership.

There seems to have been a tradition in the seventeenth and eighteenth centuries for community leaders to have been elected by virtue of their ability to contribute large amounts of taxes.³³⁰ Reischer was asked about the validity of a new takanah,³³¹ stipulating that either payments of high taxes or Jewish learning without such payments be made the pre-requisite for appointments to the Jewish Community Council. Reischer answered that the takanah should be enforced, since it was a common custom.³³²

³³⁰Ibid., Vol. I, Tesh. #74.

³³¹Ibid. A Takanah is a regulation adopted by a Jewish community for the benefit of its members. The text of this particular regulation was as follows:

שלא יקחו לברירת' אם לא שיתן סך ידוע למס או שיהיה מכונה בשם חבר אף
שלא יתן כל כך ואם יהיה למדן מכונה בשם מורינו אף שלא יהי' כלל מפורעי
מס....

³³²Shebut Ya'akov, Vol. I, Tesh. #74.
לכן נ"ל פשוט בנדון דידן דאין לעכב כלל... שלא ימנע העשיר מליתן מס הרבה
כדי שיבא להברירה... מנהג של ישראל תורה....

Reischer was also called upon to give a decision with regard to honoring poorly educated Jewish officials. Could these individuals be given preference in being called to the Torah as was the custom with other leaders of Jewish communities?³³³ Reischer insisted that since the individual in question had attained such high position of Jewish lay leadership, he deserved this honor whether learned or not.³³⁴

Another interesting correspondence throws light upon Reischer's attitude to Jewish lay leadership. Moses Hagiz addressed a question to Reischer regarding a matter of disinterring the dead and re-burial elsewhere, so that another relative might be buried in the vacant plot. This request was based on a will which was referred to the local Jewish leaders of the community (Amsterdam). After having asked the Amsterdam Rabbi (hacham) the leaders permitted removal of the remains (al tenai) with the stipulation that it be buried in Israel. It seems that this was not according to the Rabbi's advice, for when Moses Hagiz was visiting Amsterdam, he was asked the same question by the local leaders who were not sure of their actions. Neither was Hagiz, for he relayed the inquiry to Jacob Reischer. In his reply Reischer had this to say about his lay leaders:

But the leaders of today are not qualified to give an opinion on matters of Jewish law at all,

³³³Based on Talmud Gittin 60a. פרנסים הדור....

³³⁴Teshubah #1 of the "eighteen" responsa printed at the end of the Minhat Ya'akov.

צריכין לתת כבוד לפרנס גם אם אין ת"ח...דוקא אם זה מנהג התיקין ושיש לו ראיה וסמך מן התורה....

and their silence would be better than their speeches in which they attempt to give ritual decisions in the very presence of their Rabbis. It is advisable to rebuke them sharply for this.

He then gave his opinion on the ritual question indicating that no removal should be permitted at any time, except where it was customary to remove bodies after a certain period of interment.³³⁵

Finally, there was the case where Rabbi Ezekiel Katzenellenbogen of Hamburg (1670-1749) requested the assistance of Reischer to impress upon a wealthy and influential man the fact that Jewish law was strongly opposed to bribe, intimidation, and influence. A certain Rabbi was afraid to give an opinion locally, in a case involving a rich man.³³⁶ His reason was the fact that all the local leaders were prejudiced in favor of the wealthy individual. Both Rabbi Ezekiel and Reischer agreed that the rich person could be forced to stand trial in a neutral place, so that justice would be done. Reischer agreed to make his views known to the wealthy individual by letter, as requested.³³⁷ Reischer showed courage and sincerity which is greatly demonstrated in this responsum. He was not a man who could be bought-- he was a true Rabbi in Israel.

³³⁵Shebut Ya'akov, Vol. I, Tesh. #87.

אבל פרנסים שבזמן הזה אין ראויין לדבר כלל בענין הוראה ודינים....
וראוי לגעור בהם בנוזיפה...

³³⁶Ibid., Vol. III, Tesh. #141.

³³⁷Ibid. ולמה יתאמץ בדבר של מה בכך הלא תורה אחד ומשפט אחד
לכולנו ומה יתן ומה יוסיף אם ידון במקום הזה או במקום אחר...
ע"כ ישמע נא לעצתי לעשות שלום בין ד"ני וחכמי ישראל...

B. Regarding Religious Observances

It was mentioned earlier,³³⁸ that in his treatment of Halakah Reischer endeavored to find the more lenient opinion if possible. It appears that he continued this trend with practical questions of ritual observance as well. With restrictions pertaining to mourning Reischer was lenient;³³⁹ in laws and customs referring to priestly families (Kohanim) he eased the restrictions preventing defilement because of health reasons;³⁴⁰ in laws of soaking meat he showed special consideration in difficult circumstances;³⁴¹ and he excluded vermouth wine from the prohibition of Gentile wine.³⁴²

Reischer tried to make observances easier for the individual as well as for the community. In special hardship cases he permitted a widow to marry before the usual period of waiting,³⁴³ and he allowed the adding of warm water to the

³³⁸See page 83 of this thesis.

³³⁹Reischer made liberal use of the Talmudic tradition of leniency with laws of mourning in line with the rule:

Ibid., Vol. I, Tesh. #90. הלכה כדברי המיקל באבל...

³⁴⁰Ibid., Tesh. #85. ורוב העולם חולים ואיטנים הם לגבי דבר זה....

³⁴¹Ibid., Tesh. #58. וגדול כבוד הבריות ואיכא אונס צינה....
אכן בשומן אהז נראה מסעמים שכתבתי להתיר...

³⁴²Ibid., Tesh. #63. לא ידעתי איך מלאו לבו להחמיר בגזרה חדשה...
...לא ידעתי איך מלאו לבו להחמיר בגזרה חדשה...

³⁴³Ibid., Tesh. #98.

..לית דין צריך בשש להתיר לישא אחר ימי לידתה והוא מילתא דרבנן אין להחמיר בה כולי האי...

ritual bath (mikveh) so that the women would find it more pleasant.³⁴⁴ Reischer permitted the painting of the Lulab to make it look green and fresh at a time when the prices for new ones were prohibitive.³⁴⁵ In case of rain he permitted eating indoors on Sukkoth, without requiring a lengthy period of waiting for the rain to stop.³⁴⁶ Reischer was also against the introduction of additional fast-days because of local misfortunes. He did not believe that one should burden the Jewish community with additional fast-days and restrictions, merely for local difficulties.³⁴⁷ He permitted the reading of the newspaper on the Sabbath, restricting it, however, to the news part. Any other reading would detract from the holiness of the day.³⁴⁸

Reischer, however, agreed that there were some categories in Jewish observance where leniency would be out of place. (1) When the lenient opinion would be an apparent violation of a well-founded tradition. (This he made clear in his opposition to the Prague custom of drinking coffee on the Sabbath in a local

³⁴⁴Ibid., Vol. III, Tesh. #82.

לכן נ"ל פשוט שאין להתמיר כלל בדינים אלו.
³⁴⁵Ibid., Vol. II, Tesh. #28.

מי צבע אינן פוסלין וה"ה כאן בלולב והוא רק הידור מצוה ...

³⁴⁶Many expressed the opinion that one must wait with Kiddush and meal even till midnight. Reischer's opinion, see Shebut Ya'akov, Vol. III, Tesh. #45.

לא ידעתי איך מלאו לבם לעשות כן להתחכם יותר מחכמינו ז"ל להתמיר בחומרות יתרות ...

³⁴⁷Ibid., Vol. II, Tesh. #10.
 ומצינו בש"ס שחכמים הקילו כמה פעמים אפי' על טורח ציבור ומכ"ש שלא לטרוח את הציבור בתעני' ...

³⁴⁸Ibid., Vol. III, Tesh. #23.

נ"ל דליכא בזה איסור קריאה משום שטרי הדיוטות ...
 See also Orah Hayim, Section 307.

restaurant.)³⁴⁹ (2) When the stricter opinion was based on an old and well-established custom. (Thus, Reischer held that the Hadassim of Prague should not be used,³⁵⁰ and a wedding during the prohibited period of the counting of the Omer should not take place, even if after the 33rd Day, Lag Be'omer.)³⁵¹ (3) When most early authorities (Rishonim) insisted on strictness in the case, or when all later authorities (Acharonim) and the current custom was against the easier way. (It was for these two reasons that Reischer was strict with the butchers in Amsterdam who had neglected laws of Nikkur which early authorities had enforced,³⁵² and he prohibited the prayer for the sanctification of the moon (Kiddush Levanah) on Sabbath and Holidays.)³⁵³

Finally, there was one other category where Reischer refused to be lenient, namely, when the leniency, in his opinion, could be abused, thus leading to a deterioration of the entire law. (For these reasons Reischer remained uncompromising with

³⁴⁹Shebut Ya'akob, Vol. I, Tesh. #12.

ומן היום ההוא והלאה מי שיראת ה' נוגע בלבו נמנעו לשתותו בשבת ובלא"ה מי שהוא ירא ה' אף בחול אינו הולך לביתם לשתות... משום מושב לצים ...

³⁵⁰Ibid., Tesh. #36.

אבל כשנמצאים ההדסים הירוקים שנהגו אבותינו אין לנו להוסיף על דבריהם... כי אל תטוש תורת אמך...

³⁵¹Ibid., Vol. II, Tesh. #35.

לכן נ"ל דשומר נפשו ירחק מנשואין בימים כאלו אף שהיה הרבה צודים להקל...

³⁵²Ibid., Vol. I, Tesh. #57.

גם הגידין הצמותין תוך העצם ג"כ אסור... שאם יש אדם שפסע כנגד דבר זה ראוי לנדותו ...

³⁵³Ibid., Vol. III, Tesh. #31.

ומי יעלה על לבו לעשות כן נגד מנהג הפשוט בכל תפוצות ישראל ונגד כל האחרונים שפוסקים כולם כאחד שאין לקרש הלבנה בשבת וי"ט.
In this he disagreed with his famous brother-in-law, David Oppenheimer.

the question of Sirhot, and warned butchers and shohtim to interpret the law of Kashrut as strictly as possible, since they might be lenient for business purposes.³⁵⁴ He was strict with family purity laws (Niddah),³⁵⁵ fearing that the family would take the matter lightly and finally, he was severe with carrying a watch on Sabbath, thus preventing the laws of not carrying on the Sabbath from disappearing.)³⁵⁶

C. The Social and General Conditions of the Jews at His Time

Reischer's Responsa can also assist in the study of Jewish life, both religious and social, during his time. They can assist in answering the following questions: How widespread was Jewish scholarship and learning at his time? How strong and pure was Jewish family life? What difficulties were encountered in social life due to gentile environment, influence of Christianity, wars, persecutions and expulsions?

In addition, how did Jacob Reischer try to alleviate the suffering and strengthen the hands and minds of the Jewish masses? In what way did his decisions and leadership help stabilize Jewish communal life and thereby bring about a certain

³⁵⁴Ibid., Tesh. #105.

שנים או שלושה שוחטים מיגעין זא"ז בכל כוחם עד שמנתק הסירכא
אוי להם ולנשמתם שעושין כן כי מאכילין טריפות לישראל ...

³⁵⁵Responsa #13 of the "Eighteen Responsa" at the end of Minhat Ya'akov.

³⁵⁶Shebut Ya'akov, Vol. III, Tesh. #26.

עוד נ"ל טעם לאסור דהוי כמוקצה מחמת חסרון כ"ס
Reischer's attitude to practical Halakah was lenient except in matters where laxity was feared, he adopted the stricter view.

measure of inner peace and tranquility?

There is testimony to a healthy, religious life in which the entire community used to share. All of Reischer's male congregants could not only recite Hebrew prayers, but could chant them and act as Cantors.³⁵⁷ Jewish learning was widespread even among laymen; it was appreciated and publicly recognized. Thus, we are informed in Reischer's Responsa that a wealthy man made a will to increase the share of the inheritance for one of his sons if he would distinguish himself in learning.³⁵⁸

Reischer was always sensitive to Jewish unity and Jewish security and was mindful of his responsibilities of leadership.³⁵⁹ In dealing with the government or ruling power, in war or peace, he was most cautious.³⁶⁰ Finally, Reischer acted as protector and champion of Jewish women, defending them against all accusations.³⁶¹

³⁵⁷Ibid., Vol. I, Tesh. #6.

דעכטו הכול בקיאיין לירד לפני התיבה ולהתפלל ...

³⁵⁸Ibid., Vol. II, Tesh. #146. See also the appendix at end of this thesis.

ותוך הצחצחא צוה על א' מבניו שאם ידרוש ברבים בבית הכנסת שיתן לו סך מה מעזבונו יתר על חלקו המגיעו עליו ...

³⁵⁹Ibid., Vol. I, Tesh. #96.

כדי שלא ירבה מחלוקת בישראל ...

³⁶⁰Ibid., Vol. II, Tesh. #82.

Ibid., Tesh. #155. ... רכל זה בתנאי כפול אם לא יהיה חשש סכנה בדבר ...

השררה העבירו דרך לעקל חביות "ן משררה אחרת מאיזה סכסוך וקטטה שנפלו ביניהם.. וכל כה"ג פשרה עדיף ...

³⁶¹Ibid., Tesh. #112.

וכל השפחות שבבית יתנו עיניהם בבני בית העשירים ותפקיד עצמה לו ...

Ibid., Vol. I, Tesh. #104.

On the negative side of the picture, Reischer indicated that the influence of Galut, war and oppression had begun to make inroads in the otherwise peaceful and strictly religious life of the Jewish community. Some religious organizations had deteriorated,³⁶² people were plagued by collectors and were tired of giving to Mishlachim.³⁶³ Occasionally, Jews converted although returning to the fold from time to time.³⁶⁴ Finally, Reischer's period was not free of the Mosur (the Jewish informer who spied on his co-religionists for payment).³⁶⁵ The compassionate Reischer pleaded for mercy with respect to the Mosur's children, if they were good. They should not suffer just because their father turned to this contemptible pursuit.

Jewish family life was morally sound and of very high calibre. However, because of constant contact with peoples of lower morals, Jewish family life was also affected adversely. There were cases of intermarriage,³⁶⁶ wife beating,³⁶⁷ light-

³⁶²Ibid., Tesh. #72.

... כמו שנה או שנתים אתגלי בהת"הו שלא היו תוכם כבדם

³⁶³Ibid., Vol. III, Tesh. #85.

ק"ק חברון שלחו לכאן שליח א' והביא רשימה... ובקש המסולה שיפרעו היתומים ..
Probably while in Metz, See A. Yaari, Pinkes Shlohei Eretz Yisroel, Jerusalem, 1951, pp. 479 and 493. Reischer's Responsa is not mentioned there.

³⁶⁴Shebut Ya'akob, Vol. III, Tesh. #90.

מומר שחזר ושב ...

³⁶⁵Ibid., Tesh. #97.

.. בת של מסור שזקוקה לחליצה .. מ"ם הבר דלא לוסף עליה לעכב בתו מן החליצה ..

³⁶⁶Ibid., Vol. I, Tesh. #20.

ישראל א' נשוי נכרית אשר לא כדת ...

³⁶⁷Ibid., Tesh. #113.

אשה א' צעקה .. על בעלה שהכה אותה ...

heartedness, such as mock-marriage,³⁶⁸ and illegitimate Jewish children.³⁶⁹

Reischer was asked about a son who refused to pay funeral expenses for his father and who had to be legally forced to make such payment.³⁷⁰ A brother requesting exorbitant payments for performing the required ritual of Halizah in behalf of his sister-in-law, had to be brought to court where it was finally settled.³⁷¹ Again, there were evil sons of a Kohen who had disgraced their family. The public demanded not only punishment of the children, but of the father as well. Reischer suggested that the father must not suffer further disgrace on account of his sons, but instead he should be accorded all the privileges of the priesthood.³⁷²

There is evidence in Reischer's Responsa of the hardships of the Jewish communities due to unfriendly laws, restrictions, and even outright persecution at the hands of non-Jews. One of the best illustrations of the latter is the question of martyrdom, kiddush hashem. Thus, Reischer was consulted concerning

³⁶⁸Ibid., Vol. II, Tesh. #118.

... הוציא הטבעת משער הסוס .. ואמר לה הרי את מקודשת לי

³⁶⁹Ibid., Vol. III, Tesh. #108.

במקומות שיש תקנה קבוע משררה יר"ה שכל זונה פנויה שהיא מעוברת אם אין כאן איש שמורה שהולד ממנו הוא ואיבן מקדש אותה מיד כדת משה וישראל בחופה וק"א לוקחין הילד לשררה ומגדלין אותו לחוק' ...

³⁷⁰Responsa #8 of the "Eighteen Responsa" at the end of Minhat Ya'akov.

... כופין אותו משום כבוד האב

³⁷¹Shebut Ya'akov, Vol. II, Tesh. #28.

³⁷²Ibid., Tesh. #2. ... וכופין אותם ליתן זה לזה שטר חליצה

וכן אם אין שם כוהן אלא הוא יש לקרותו ראשון ...

a Jewish community which was forced to transgress a law for which Jews were required to give their lives. Several members of this community had the opportunity to leave quietly. Must these people flee and save themselves (so as not be accused of suicide), or must they remain in order to share the fate of the majority in this great sacrifice for Judaism?³⁷³

Reischer carefully avoided a one-sided reply to this question of grave responsibility and far-reaching consequences. He stated that the people may leave, since they were able to avoid the terrible transgression and live; but they were also permitted to remain and serve as an example of courage to the others in performing the holy duty of the sanctification of the Holy Name. In the latter case, they would not be considered as guilty of suicide.

Other evidence of outrages committed against Jews during those days is brought to light by the careful observance of a fast day in the city of Worms since 1096.³⁷⁴ On May 18 of that year, the Crusaders attacked the Jews of that city without mercy.³⁷⁵ This sad memory of 1096, as well as the constant insecurity and danger of recurrence of such outrages, compelled the Jews of .

³⁷³Ibid., Tesh. #106.

דודאי גדול הצלת נפשות אם יכולין לברוח אבל מ"מ אם רוצה להחמיר ע"ע
ולמסור נפשו לקדש השם ברבים שממנו ילמדו אחרים לעשות זכור לטוב ודאי
לא מקרי מאבד עצמו לדעת ..

³⁷⁴Ibid., Tesh. #6.

שנהגו להתענות פה וזרמ"ש"א מיום גזרת תתנ"ו ...

³⁷⁵Siegmund Salfeld, Das Martyrologium des Nurnberger
Memorbuches (Qvellen, Zur Geschichte der Juden in Deutschland,
Vol. III, Berlin) Leonhard Simion, 1898, pp. 3-12.

Worms to continue the self-imposed fast day.

There were also cases of cemetery desecration mentioned by Reischer,³⁷⁶ and he was forced to permit the burning of dilapidated Holy Books--Sheimot--³⁷⁷ lest they be desecrated by non-Jews. A Gentile law restricted not only the building of synagogues, but also the size of cemeteries for Jews, so that Reischer had to decree that the usual required distance between one grave and the other might be diminished, due to exile (Galut) and thus accommodate more people.³⁷⁸ In addition to these peculiar Jewish disadvantages, the Jews were not immune to the general adverse conditions of the seventeenth and eighteenth century. Two great conflagrations occurred in the city of Prague in 1689³⁷⁹ and 1713³⁸⁰ playing havoc with the Jewish ghetto and causing great suffering and distress. Another fire destroyed the Jewish ghetto of Worms in the year 1689 during the French invasion of that city.³⁸¹

Reischer, when asked about the ritual of mourning for

³⁷⁶Shebut Ya'akob, Vol. II, Tesh. #103.

... שנתחטטו איזוה מתים והפשיטו את תכריכין
³⁷⁷Ibid., Vol. III, Tesh. #10.

³⁷⁸Ibid., Vol. II, Tesh. #95.

לפי שלא לנו ניתן הארץ רחבת ידים לפנינו ...
Also Vol. I, Tesh. #87.

³⁷⁹Ibid., Vol. I, Tesh. #158.

מעשה שכזה בא לפניו אחר השרפה הגדולה פה קהלתנו שנת תמ"ט ..
³⁸⁰Ibid., Vol. II, Tesh. #136.

בשנת תע"ג בחורש אדר שהיה בפראג שרפה גדולה ...
³⁸¹See ft.nt. #301, also Wolf, Zur Geschichte der Juden in Worms, 1862.

the burned Torah scrolls in Prague, tells us in moving words how he himself witnessed the destruction of untold numbers of Tora Scrolls, and how he himself carried several to safety. In his reply he insisted that Keriah (tearing of garments) was not required, except for the destruction by willful intent.³⁸²

The war of the Spanish succession of 1701-1713 caused very great economic distress to the Jews, so that some were forced to deal with the skins of the enemy,³⁸³ accept temporary currency which could become worthless overnight,³⁸⁴ and trade in stolen goods.³⁸⁵ Reischer was asked, regarding the latter case, whether a refund could be legally obtained from the thief, where the rightful owner had claimed his belongings. Reischer agreed that no refund was necessary, since the buyer knew that he was buying stolen goods in the first place.

In the path of poverty and war, followed sickness and plagues--epidemics which swept through entire communities. Reischer was asked in this connection about the use of chemicals on Jewish bodies³⁸⁶ for the purpose of disinfection; his answer

³⁸²Shebut Ya'akob, Vol. I, Tesh. #84.

בעוסקי להציל הספרים סביבי אכלה אש והייתי מוכרח לנוס ריקם מכל כתבי קודש והספרים.. שאין לקרוע אא"כ שנשרף ע"י אדם בכת..

³⁸³Ibid., Tesh. #89.

קצת מעמי הארצות הפשיטו העורות מהשונאים ועיבדו אותן כאשר יעבדו עורות בהמה אם מותר לישראל לישא וליתן עם אותן עורות .. לכן היה נ"ל פשוט דהסומך על דבריהם להקל לא הפסיד...

³⁸⁴Ibid., Vol. II, Tesh. #155.

³⁸⁵Ibid., Vol. III, Tesh. #181.

אחר שלקח מטלטלין מגנב מפורסם.. אע"ג דלא כתב בה אחריות הוי ככתוב בה אחריות ומעות חוזרין.. אבל במטלטלין הכיר בה שאינו שלו

³⁸⁶Ibid., Vol. II, Tesh. #97.

המעות מתנה כשמואל.

דעריך לשפוך עליו סיד ולהיות קבור בשכונת קברות ולא יקבור ביערים כקבורת חמור בלי שום שמירה שאפשר שהכלבים יחפרהו...

was in the affirmative, perhaps because he had lost his only son during such a pestilence in Prague.

It appears further that robbers of all kinds frequented the highways and Jewish merchants were an easy target for prey. Reischer was asked concerning a wife of a traveling merchant who tried to protect her husband's life from robbers by giving herself freely into their hands, relying on their mercy.³⁸⁷ Reischer permitted the wife to return to her husband and considered the transgression as forced upon her by the circumstances.

³⁸⁷Ibid., Tesh. #117.

וככה יש לנהוג גם הוא ולא להפריש ח"ו מאשתו הכשרה ...

CHAPTER VI

JACOB REISCHER'S RELATIVES, ASSOCIATES, AND DISCIPLES

A. His Son, Grandson, and Great-Grandson

Jacob Reischer had only one son,³⁸⁸ Simon, who enjoyed a very fine Rabbinic reputation on his own account, who corresponded with his learned father regarding ritual questions,³⁸⁹ and who wrote a commentary and notes on his father's books.³⁹⁰ Simon had great love and affection for his father.³⁹¹ He stated that his father was humble and even after a clear decision with underlying proof and documentation, would end his statements with a reference to further study and varification by other means.

Simon also insisted that the knowledge of his father was well-known and that all books of Jewish law lay open before him like a well-set table.³⁹²

³⁸⁸ מבני הרב המופלא מהר"ש נ"ו אב"ד דק"ק ריוזניץ. Introd. Shebut Ya'akob, Vol. II.

³⁸⁹ Shebut Ya'akob, Vol. I, Tesh. #66.

מבני הרב המופלא מהר"ש נ"ו אב"ד דק"ק ריוזניץ ...
ה"תי מסתפק ושואל אב אבי רבי רבי ...

³⁹⁰ Simon's notes on his father's Minhat Ya'akob are called "Shemen Leminha" and added to the Hok Ya'akob. (See p. 52)

³⁹¹ Shebut Ya'akob, Vol. I, Tesh. #66.

ואף שדבריו מוכרחים מכת ראיות ברורות מ"ס ופוסקים מ"ם ענותנותך גרם
שכתבת וצ"ע למעשה ..

³⁹² Ibid.

וכל ספרי הפוסקים ערוכים ופתוחים לפניך כש"ע ...

Simon was First Rabbi (Ab Bet Din) of Rosnitz, Poland and after this, Associate Rabbi (Darshan) in Prague.³⁹³ He must have been a very busy Rabbi in spite of his youth, since he apologized for his imposing upon his father's time in seeking advice by stating that he had no time to give the matter too much thought.³⁹⁴ Jacob's affection for his only son was very great, and he praised his ability and good judgment in his Rabbinic duties.³⁹⁵ Jacob attended Simon's wedding³⁹⁶ and was heartbroken at the early loss of his only son in 1714.³⁹⁷

Simon's son, Nehemiah Reischer, was Assistant Rabbi of Metz and Rabbi of Lothringen.³⁹⁸ He is best known in Jewish history for the part which he played in the famous Eybeschütz-Emden controversy.³⁹⁹ The main issue of the strife, in short, was whether or not Eybeschütz was sympathetic to the Shabbethai Zebi⁴⁰⁰ movement and whether his denial at various occasions was

³⁹³Reischer's introd. to Shebut Ya'akob, Vol. II.

בני יחידים.. לאב"ד ור"מ בק"ק רוזניץ נבחר ... ומשם עלה לדרשן בק"ק פראג..

³⁹⁴Shebut Ya'akob, Vol. I, Tesh. #155.

ולפי שטרות הזמן גרם שלא אוכל לע"ן היטב הדק ...

³⁹⁵Ibid.

הנה רוח ה' דבר בך להיות מתון בדיון זה ולא עשית כמו שדרכם של איזה דינים שאינם הגונים ...

Reischer was also Simon's first important teacher.

³⁹⁶Ibid., Tesh. #182.

כשנסעתי על שמחת בני הרב המופלא מהר"ש ...

³⁹⁷Reischer's Introd. Shebut Ya'akob, Vol. II.

בשנת יוסיף דעת יוסיף מכאוב נלקח מאיתי בן חכם ...
³⁹⁸Zalman Reischer's Introd. to Vol. III, Shebut Ya'akob.

מהר"ר נחמיה זצ"ל שהיה אב"ד במדינת לוטרינגן וחר מדיני רבה דק"ק מיץ.

³⁹⁹Literature on controversy, see Bibliography of thesis.

⁴⁰⁰See Graetz, History of the Jews, Vol. V, pp. 260-262.

genuine. Emden and those on his side believed that Eybeschütz was a follower of the false Messiah; the friends of Eybeschütz denied this vigorously and blamed Emden for inventing a myth to disgrace Eybeschütz, who had been called to serve in the same community of Hamburg in which Emden lived.

Nehemiah Reischer was on the side of Emden and against Eybeschütz following the Reischer family tradition in this matter.⁴⁰¹ However, a peculiar development resulting in a complete turnabout of Nehemiah, makes this episode complicated but very fascinating.

Jacob Reischer, Jonathan Eybeschütz, and David Oppenheimer were all well-known Rabbis in the city of Prague at the beginning of the eighteenth century.⁴⁰² In spite of the fact that they became related to one another through marriage into the famous Rabbinic family of Spira,⁴⁰³ sharp disagreements developed between David Oppenheimer and Jonathan Eybeschütz, with Jacob Reischer siding with Oppenheimer.⁴⁰⁴

It appears that the initial disagreement had its origin in the question of final authority in Jewish law in the city of Prague. David Oppenheimer had been appointed Chief Rabbi and felt

⁴⁰¹Jacob Reischer and his wife were reported to have been against Eybeschütz. See also Emden's book, Sefat Emet, p. 11.

⁴⁰²Reischer remained in Prague till 1714. D. Oppenheimer became Chief Rabbi of Prague in 1702, in 1713 over half of Bohemia, in 1718 over all of Bohemia. J. Eybeschütz came to Prague in 1710.

⁴⁰³Both D. Oppenheimer and Jacob Reischer had married daughters of Wolf Spira. Eybeschütz married the daughter of Isaac Spira, a nephew of Wolf Spira.

⁴⁰⁴As for example in the case quoted, see also next footnote.

that his decisions in Jewish law should be final. Jonathan Eybeschutz, the younger of the two, thought that at different times Oppenheimer's decisions were not legally correct. Since Eybeschutz was, even at that early time, a recognized Talmudic genius, a clear and sharp teacher, and a very prolific writer, he had many admirers in spite of his youth and the stature of his influential opponent. The matter of disagreement came to a head when Eybeschutz permitted a certain meat after both Oppenheimer and Reischer had prohibited it.⁴⁰⁵

From this day on, Oppenheimer opposed Eybeschutz in all matters, particularly in the printing of the Eybeschutz Talmud edition⁴⁰⁶ and the question of a Takanah, a stipulation by a community not to hire a Rabbi who is related to a member of the congregation.⁴⁰⁷

Jacob Reischer supported Oppenheimer against Eybeschutz in all these matters for reasons which are nowhere clearly stated, but which can be conjectured to be the following:
(1) Jacob Reischer was against mysticism (Cabbalah); Eybeschutz stressed it to such a degree that he must have been considered

⁴⁰⁵Shebut Ya'akov, Vol. III, Tesh. #65.

מסמך תחוב בריש מעי רק חלב הדבוק במעי ...
See also Tchernovitz, Chaim, Toldot Haposkim, Vol. III, p. 239.
Also Greenwald, Rabbi Jonathan Eybeschutz, pp. 34-35.

⁴⁰⁶Graetz, op. cit., Vol. 5, p. 251.

⁴⁰⁷Shebut Ya'akov, Vol. III, Tesh. #83.

רע"ל דכחוני המתקנים ה' אפי' על קורבה רחוקה כרי שלא יתאמצו הקרובים לקבל
רב אחד בשביל קורבה עמהם אע"פ שאינו הגון כאשר באמת נעשו רברים כאלה ...
Also Greenwald, p. 39. It seems that the Eybeschutz election to the pulpit of Hamburg depended on the decision of this question.

a heretic by Reischer.⁴⁰⁸ (2) There must have been some professional jealousy between the two men, and it was aggravated by the fact that Eybeschütz was elected to the very position which was vacated because of the sudden and tragic death of Reischer's promising son, Simon. (3) Jacob Emden, being the son of the famous Haham Zebi, Ashkenazi of Hamburg, who was greatly respected by Jacob Reischer as well as being considered a close friend,⁴⁰⁹ had at once Reischer's sympathies in this controversy, particularly since the fight against Cabbalah was Reischer's from the very beginning.

It is therefore quite strange that at the beginning Nehemiah Reischer, Jacob's grandson, should have been on the side of Eybeschütz.⁴¹⁰ However, Nehemiah was attracted to Eybeschütz by his great learning and his new approach to Talmudic discussions.⁴¹¹ In addition, he was drawn to him by his radiant personality which won him such great popularity and an unbelievable great number of students and admirers in a short time and over a wide area.⁴¹² Nehemiah Reischer was so impressed with

⁴⁰⁸ Emden, Sefat Emet, p. 11. From Nehemiah's letter to Emden.
ובחזירתי פה לכנפי אמו"ז הגאון הנ"ל חרה לו עלי במאור. והשיב לי ח"ו
שיבוא תחת פני והלואי שלא תלכד ברשתו... כי קסמים בידו וכמור נחשב לפני...

⁴⁰⁹ Shebut Ya'akob, Vol. I, Tesh. #84.

וכן השיב לי הרב המאור הגדול מוהר"ר צבי נר"ו אב"ד דק"ק המבורג...

⁴¹⁰ Emden, op. cit., p. 11.

⁴¹¹ Ibid.

ואף מזה לא הנתתי ידי לע"ל בבה"מ לשמוע דברי רב יונתן וחריפתו נכנס לאזני
עד שהבעיר בלילי להב החשק האהבה לשמוע בקולו ...

⁴¹² Ibid.

ושחרתי פניו לאמור אם תראה אותו לפניך תאהוב אותו כמוני ...

Eybeschütz that Oppenheimer was forced to warn him not to attend Eybeschütz's lectures⁴¹³ and Rabbi J. Falk, author of Penei Yehoshua, had to warn him to forsake the cause of Eybeschütz.⁴¹⁴ Yet Nehemiah campaigned openly for the candidacy of Eybeschütz⁴¹⁵ to fill the vacant Rabbinic position in Metz, to occupy the place of Jacob Reischer, his own grandfather, whose opposition to Eybeschütz was well known to him.

It may have been the dramatic appeal of Jacob Reischer's widow to the leaders of Metz and her insistence that Eybeschütz's election would be an insult to her late husband's memory,⁴¹⁶ that caused Nehemiah to change camps, or perhaps it was on account of some reported irregularity of a transaction by Eybeschütz which occurred at that particular time.⁴¹⁷ In any case, Nehemiah made

⁴¹³Ibid. שהגאון מוהר"ר דוד זצ"ל גער בי על אשר נכנסתי למחיצתו. וכתב לגיסיו אמו"ז מהר"י זצ"ל לפח חק"ק בקובלנא רבה על אשר באתי לכותלי רב יונתן ...

Also Graetz, op. cit., p. 341, ft. nt. 15 and p. 394.

⁴¹⁴Greenwald, op. cit., p. 84.

⁴¹⁵Emden, op. cit., p. 11.

ובשנת תצג' לפ"ק נלקח מאתנו ארון אלקים אמו"ז הג' מהר"י זצ"ל וכשנחתו אנשי קהלתנו לדיעות לקבל נשיא עליהם באו כתבים אלי מרב יונתן להזכיר שמו ובאהבתי אותו אמרתי בוודאי עשה תשובה ועשיתי שליחותי לפ"ו חק"ק.

⁴¹⁶Ibid.

ונודע דברי לאמי זקנתי החסידת זצ"ל והלכה לבית עקורי הק"ק להתחנן שאל ישמע לדברי להושיב מומר הזה על כסא הגדולים כי יהיה חרפה לראשונים אשר בעדן מנוו אף שהיתה דודתה של אשת רב יונתן (שפירא) ונשתקע הדבר ולא נאמר ואפי' בגורל לא עלה ...

⁴¹⁷Ibid.

אכן בדואו פה בשבתו על סיר הבשר ראיתי מעשיו המקולקלים אשר קרב ורחק בזרוע בסלע המתלוקת וחמדת ממון שהביב עליו ביותר ...

a complete turnabout and became one of the fiercest enemies of Eybeschütz.⁴¹⁸ Perhaps the excommunication of Eybeschütz by the famous and revered Rabbis, all friends of Jacob Reischer: Arye Leib of Amsterdam, Samuel Hilman of Metz, and Joshua Falk of Frankfurt contributed as well to Nehemiah's change of mind. Whatever the reasons, we find that Nehemiah's friendly attitude to Emden was so intense now, and so well known, that he was excommunicated as a friend of Emden by a supporter of Eybeschütz, Hayim of Lublin, together with Emden himself and another supporter, Moses Majo.⁴¹⁹

The last member of the Reischer family who is of some importance to an account of Jacob Reischer is the son of Nehemiah, Zalman Reischer, Jacob's great-grandson. He lived in Metz and must have been of means, since he was able to publish the last volume of Jacob's Responsa,⁴²⁰ a feat which Nehemiah was not able to accomplish. This book was published in 1789 and contained also an introduction by Zalman and a recommendation by the well-known Pinhas Halevi Horvitz, Rabbi of Frankfurt o/M.⁴²¹ As far as the importance of Zalman Reischer to this thesis is concerned,

⁴¹⁸ Emden, Hitavkut, p. 2.

וכונה תשע שנים שחנה פה לא הגיעו קרסוליו למי מקוה וכתב קמיעות לכל דבר בלי עיון וכוונה וכמה פעמים בעמידתו ממטתו בלי נטילה.. ובראותי מעשיו המקולקלים וקלות דאית ביה עמדתי לנגדו.. וגדלה השנאה אשר שנאו לבסוף מאתה אשר אהבו מתחלה...

⁴¹⁹ This information comes from Emden's book Hitavkut which was also the source for Graetz's History, Vol. V.

⁴²⁰ Introd. to Reischer's Shebut Ya'akob, Vol. III.

⁴²¹ Author of Book: Sefer Haphlaah, Offenbach, 1787 and others, died about 1805.

it is mainly because he disclosed the burial place of Jacob to have been in Metz, that Nehemiah died before 1789, and that he was in the possession of the two manuscripts of Jacob Reischer's unpublished books, "Mishpetei Ya'akob" and "Yeshuot Ya'akob," which were quoted quite frequently by Jacob.⁴²²

There were four other people who had a closer contact with Jacob Reischer. They were: Moses Hagiz, Judah Leib ben Ephraim, Gershon Coblentz, and Judah Miller of Deitz.

B. Moses Hagiz

Moses, the son of Jacob Hagiz, was born in Jerusalem in 1671. His father died while he was still a child, and he lived a hard life. Moses was a poor but well-educated man and tried to make a living by teaching and publishing books. He was sent as an emissary from Jerusalem and wandered through Italy where he had friends and to Amsterdam where he taught until 1714. Here he made the acquaintance of the great Rabbi Zebi Ashkenazi, and he became involved in the Hayyun controversy.⁴²³ Because of his zealotry against the Messianic pretender, Moses Hagiz was forced to leave Amsterdam. He went thereupon to Altona and finally

⁴²²Zalman's introd. to Shebut Ya'akob, Vol. III.

אב"ד ק"ק מיץ (ויזר) ושמה נתבקש לישיבה של מעלה ושם מנחתו כבוד... ועוד
אתי אשר מצאתי באוזרות א"א וז"ל יתר חיבורי הג' המתבר א"א הנקראים בשם
משפטי יעקב וישועת יעקב ..

⁴²³A detailed account of Hayyun and the part which Moses Hagiz played in this episode are documented in P. Beer's volume, Korot Hakitot Beyisrael. I.M. Jost, Toldot Yisrael Hearukh Vehakazer. Isaac Marcus Jost, Geschichte des Judentums und seiner Sekten, Vol. 2-3, Leipzig, 1857-59.

returned to Palestine in 1738, where he died about 1750.⁴²⁴ His most important books are the Leket Hakemah on the Shulhan Aruk and his Responsa collection, Shetei Halechem.⁴²⁵

The relationship between Jacob Reischer and Moses Hagiz must have been very cordial, since Moses requested Reischer's support freely and solicited his opinion regarding matters of Jewish law. Jacob Reischer, in every case, replied with courtesy and showed great respect for his erudition, saying in one case at least, that Moses Hagiz need not rely on Jacob's learning or reasoning power.⁴²⁶

Moses Hagiz must have felt that the Amsterdam community was lax in some aspects of Jewish observance, and that he should try to remedy the situation. In at least two of such cases Hagiz sought the opinion and support of Jacob Reischer. The first case involved the carelessness of the kosher butchers with regard to the laws of Nikkur.⁴²⁷ Reischer heartily agreed that Hagiz should try to correct the matter, and he deplored the situation as

⁴²⁴See also A.L. Frumkin, Toldot Hakmei Yisrael, Vol. II, Chapter on Moses Hagiz.

⁴²⁵Leket Hakemah--responsa collection on Shulhan Aruk subjects, Amsterdam, 1695. It was an addition to an earlier responsa collection by Isaac ben Abraham Hayim Yeshurun author of Panim Hadashot, Venice, 1651. Leket Hakemah, II--a commentary on Mishnayot, Wansbeck, 1726. Shetei Halechem: Wansbeck, 1733.

⁴²⁶Shebut Ya'akob, Vol. I, Tesh. #87.

הנה בודאי מר לא צריך לא לגמרא דידי ולא לסבא ...

⁴²⁷The removal of prohibited fats and veins from meat to make it kosher.

Shebut Ya'akob, Vol. I, Tesh. #57.

ומי ימלא לבו לתלוק עליהם ולהקל ...

reervently as Hagiz. The other case was a complaint about the improper use of cemetery lots where the lay leadership tried to arrogate for themselves the right to make decisions which involved questions of ritual law.⁴²⁸ Reischer again supported Hagiz in the case and deplored the independent action of the lay leadership.

A very interesting inquiry was made by Hagiz with regard to a betrothal in jest, kiddushin Bitzchok. Moses Hagiz must have been on one of his many travels, since the question came from the city of Kassel, Germany. A married man betrothed a widow in jest and since there were witnesses, Hagiz was afraid that it might be a valid betrothal and that a divorce would be required. Reischer did not think so and advised that no divorce was necessary.⁴²⁹

In another case where a Kohen had married a Haluzah,⁴³⁰ without having had knowledge of her status, Jacob Reischer answered the inquiry, but added that since this was a new case for him and since he was most cautious in his replies, he would not rely on his own decision, unless other Rabbis would agree with him.⁴³¹

Here one can notice Reischer's greatness, seeing that he was selected by Hagiz to answer such a new and difficult question.

⁴²⁸Ibid., Tesh. #87.

ומה שעשה כן ע"פ רצון פרנסי העדה אין זה מקרי ברשות כון שלא נעשה ע"פ רשות ב"ד ורוב חכמי העיר הוי כשגות הוראה ...

⁴²⁹Ibid., Vol. II, Tesh. #118.

אכן המיקל וסומך על המקילין לא הפסיד ויש לו על מה שיסמכו ...
⁴³⁰Based on Deuteronomy 25,5; A woman released of the need for levirate marriage through a religious ceremony.

⁴³¹Ibid., Vol. I, Tesh. #93.

אך כיון הוא מלתא חזת' ומיראי הוראה אני לא אסמך עלי למעשה עד שיסכימו איזה גדולי חקרי לב ..

There is also a solemn testimony here to Reischer's humility, when he admitted to Hagiz that he would not entirely rely on his own decision.

C. Judah Leib ben Ephraim

Another frequent correspondent and friend of Jacob Reischer was Judah Leib, son of Ephraim the author of the Shaar Ephraim. Judah Leib is best known for editing and publishing this volume of Responsa.⁴³² Judah also added some original responsa under the title Kuntres Acharon, the last pamphlet. Otherwise a resident of Jerusalem, Judah came to Europe for the purpose of arranging the publication of this book.

Judah Leib began his correspondence with Reischer from the city of Jerusalem,⁴³³ and at the outset, it was not in an altogether friendly tone. It seems that Reischer's commentary on the laws of Passover, the Hok Ya'akob was criticized by some Palestinian scholars and Judah found also, on his own accord, some irritable habit in the book.⁴³⁴ Judah, in his first letter to Reischer, complained that Reischer dismissed well-known and distinguished Jewish authorities, such as the Magen Abraham, for example, without sufficient proof and respect.

Jacob Reischer replied politely, without any signs of

⁴³²Ephraim ben Jacob Kohn of Wilna, author of Responsa collection Shaar Ephraim with an appendix by Judah Leib, Sulzbach, 1688.

⁴³³Shebut Ya'akob, Vol. I, Tesh. #22.

מהרב מהר"ר ליב בנו של המחבר הג' שער אפרים מירושלים..

⁴³⁴Ibid.

An apparent lack of reverence on the part of Reischer for the opinion of well-known Acharonim.

anger and in a very gentle manner.⁴³⁵ He insisted that his dismissal was based on careful considerations and only after having ascertained that his own opinion was the correct one in each case. He added, however, that if he was wrong, he would be the first to make his apologies. Reischer continued to say that this has been his custom always, not to rely or insist on his own good judgment against the opinion of others. In other words, if he be proven wrong, he certainly would admit his mistakes.⁴³⁶

This first frank encounter of the two Rabbis seemed to have established very cordial relations between them for the remainder of their lives. For from then on, the exchange of correspondence was only on a friendly basis. In the next exchange, Reischer explained that he submitted to Leib a decision in an adultery case for support and agreement.⁴³⁷ Another time, Judah Leib made inquiries about a difficult passage in Maimonides, which Reischer clarified.⁴³⁸ Finally, when Judah Leib was about to have his father's book published, the Shaar Ephraim, he came upon a doubtful case regarding a Sefer Torah written improperly. Judah Leib turned to Reischer for clarification, and he answered

⁴³⁵Ibid.

הנה לא ידעתי מה חרי אף הכוהן הנדון הזה ...

⁴³⁶Ibid.

שכל דברי אמת כדת של תורה.. כי זה דרכי כל הימים שלא לעמוד בחזק על קט שיכלי ודעתי רק להודות על האמת ...

⁴³⁷Ibid., Tesh. #94.

גם הצעתי לפני הרב ה"ה מוהר"ר ליב בן המחבר שער אפרים...

⁴³⁸Ibid., Vol. II, Tesh. #18.

מבן הרב המח' שער אפרים.. בשם חכם ספרדי אחד ...

By the way, Judah Leib asked this question in behalf of another Palestinian scholar whose name was omitted.

to the best of his ability.⁴³⁹

D. Gershon Coblentz

Rabbi Gershon Coblentz, son of Isaac Moses Seligman of Metz, was a student of Jacob Reischer and became one of the Dayyanim of Metz.⁴⁴⁰ He lived in the first half of the eighteenth century and must have died as a fairly young person. The correspondence between Coblentz and Reischer began and ended in the second volume of Reischer's Responsa and indicated that it was for a comparatively short period only. Again, since Gershon's book Kiryat Hannah⁴⁴¹ was printed by his son Jacob in 1785, it is apparent that Gershon Coblentz lived a short life. Finally, we are told that Gershon was very ill, so that the name Jacob was added to his own. However, he soon died of the severe sickness.⁴⁴²

In his correspondence, Gershon addressed Reischer with great reverence, referring to him as "Man of God," while referring to himself as the youngest of his students.⁴⁴⁴ Reischer was always very polite, friendly, and happy to answer all his inquiries.

⁴³⁹Responsa 18 of the "Eighteen Responsa" printed at the end of Minhat Ya'akov. It involved a question of Haser or Yeter (with letters Y-י-or without).

הנה בהיות עוסקי בהדפס' ספר אמ"ו ז"ל וק"ל ונכנסתי בשער אפרים תמהתי מאוד...
והנה האמת נכון ולק"מ ...

⁴⁴⁰Shebut Ya'akov, Vol. II, Tesh. #131.

⁴⁴¹Responsa collection, Metz, 1785.

⁴⁴²See Chonez, Toldot Haposkim, p. 565A.

בחלותו את חוליו אשר מת בו נתוסף לו השם יעקב ונקרא גרשון יעקב.

⁴⁴³Shebut Ya'akov, Vol. II, Tesh. #14.

איש האלוקים ...

⁴⁴⁴Ibid., Tesh. #131.

הצעיר שבתלמידים ...

However, it seems that some of the replies were unduly delayed and Reischer was compelled to excuse himself. Once he remarked that he was very busy and must be brief;⁴⁴⁵ another time he blamed the pressure of the holiday season for his delay.⁴⁴⁶

In Gershon Coblentz's opinion, Reischer rated very highly as a legal authority in Jewish law. He stated that he had asked many Rabbis first, before turning to Reischer and that because they could not answer him satisfactorily, he now inquired with him.⁴⁴⁷

In addition, three important questions of Jewish law were discussed by these two respondents which are recorded. One was the question of making use of the public mail on the Sabbath, receiving or sending mail which had to be transported on that day. Reischer was able to permit it.⁴⁴⁸ Secondly, there was an inquiry regarding a movement emphasizing the custom to have midnight services, Tikkun Hazot, especially in the city of Metz. It was stated that the masses were encouraged to come to the synagogue for that purpose and Gershon was afraid that this was not proper. Gershon's reason was that no ordinary individual should arrogate for himself

⁴⁴⁵Ibid., Tesh. #14.

ומחמת טרדא אקצר ...

⁴⁴⁶Ibid., Tesh. #150.

ומפני טרדת וחגיגת הרגל לא יכולתי להשיב ..

⁴⁴⁷Ibid., Tesh. #14 regarding the four cups of wine for Passover in case of insufficient wine for both Seder nights.

ודבר זה שאלתי לחכמים ואין פותר אותם לי אמרתי ארובה נא אל איש אלוקים ..

⁴⁴⁸Ibid., Tesh. #42.

ומה ששאל עוד על דבר הכתבים .. בודאי ליכא איסורא ..

the importance of a saint, for whom such services were usually designed. Reischer agreed that such services should not be encouraged, but for other reasons, namely that it would adversely effect attendance at regular daily services, and it would keep people away from the study of the Torah.⁴⁴⁹

Reischer was asked to give a decision on the importance of all laws classified as "danger" but not "forbidden."⁴⁵⁰ The example in this particular question was, whether foods or drinks kept under a bed were permitted. Reischer was lenient and permitted it, making a distinction between law and custom. Gershon Coblenz also addressed a lengthy question of Aggadah to Reischer which was earlier discussed in detail.⁴⁵¹

E. Judah Miller

Another student and disciple of Jacob Reischer was Judah Miller of Deutz.⁴⁵² Like Gershon Coblenz, Judah Miller had the highest regard for his teacher, Jacob Reischer. In several Responsa, Judah indicated that this particular question was asked of other Rabbis, but that no satisfactory answer was received,

⁴⁴⁹Ibid., Tesh. #44. ... אבל להתפלל כן בקביעות בזיכור לא

It appears that Cabbalistic influence encouraged this new custom and Reischer opposed any such influence.

⁴⁵⁰There were a number of prohibitions classified as Sakanah--dangerous but not outright prohibited. It appears that renewed emphasis on these laws was due to Cabbalistic influence for which Reischer had no respect.

נ"ל פשוט דאין כאן חשש איסור בדיעבד רק בכל אלז מוואר בש"ס ופוחקים ..

⁴⁵¹See page 92 of this thesis.

⁴⁵²Deutz is near Cologne, Germany. Miller held several positions in the Rhineland of Germany.

whereupon he turned to Reischer for guidance.⁴⁵³

Reischer's remarkable erudition was particularly evident in a responsum involving a difficult passage in Maimonides.⁴⁵⁴ Judah was convinced that there was an error in the text and that the reading ought to be changed. He asked such permission of Reischer. However, Jacob Reischer argued that since he had no books with him which to consult, being just on a visit, he did not feel competent to settle the question from memory. He did suggest, however, that it seemed to him that Maimonides was correct and no textual change was necessary, since Maimonides relied on a certain Tosefta. After Reischer had returned home, he verified his opinion and as suspected, Maimonides was based on a Tosefta and some other sources.⁴⁵⁵

Another time, Reischer was called upon to decide whether Judah Miller or Samson of Duesseldorf were correct. The inquiry dealt with a question regarding a Sefer Torah which had been repaired improperly. At first, Reischer hesitated to mediate, seeing that his close associates were involved. In the end, he assumed his responsibility as Senior Rabbi, but at the same time, he had his decision verified by David Oppenheimer of Prague.⁴⁵⁶

Judah Miller called upon Reischer in many other instances,

⁴⁵³Shebut Ya'akob, Vol. I, Tesh. #46.

⁴⁵⁴This occurred at a meeting of the two Rabbis at Duesseldorf where Judah inquired of Reischer.

⁴⁵⁵Shebut Ya'akob, Vol. I, Tesh. #59.

⁴⁵⁶David Oppenheimer at the time was visiting his father-in-law at Hanover, Reischer tells us. Oppenheimer agreed with Reischer.
Ibid., Tesh. #80.

usually to clarify difficult passages, emphasizing the fact that the older authors of legal works such as the TaZ, Avodat Hager-shuni,⁴⁵⁷ Mishne Lamelech,⁴⁵⁸ and Kesef Mishne⁴⁵⁹ could not be easily dismissed, even if they seemed difficult to comprehend. Rather than accusing them of mistakes, one must delve into the Talmud and earnestly try to find justification for their statements. With Reischer's vast erudition, it was perhaps easier for him to follow such a path than for his students or colleagues.

Another very interesting comment in the Reischer-Miller responsa exchange is also worth noting. It regards the reliability of an author of the book Yerioth Izim which was supposed to have been written by a great man according to Miller. Miller inquired of Reischer with regard to a difficult passage in Maimonides and seems to have suggested that based on the Yerioth Izim the Maimonides passage seemed almost impossible. Reischer made this interesting reply⁴⁶⁰

I never heard of the book or the author, unless you refer to a book written in the style of religious poetry (paitan) which certainly cannot be accepted as authoritative in Jewish law. Furthermore, it appears that the author is never quoted by any other legal authorities of importance, he therefore, is certainly not significant enough to challenge and displace such a legal authority as our great Maimonides.

⁴⁵⁷Responsa by Gershon Ashkenazi of Metz, Frankfurt o/M, 1699. See Shebut Ya'akob, Vol. I, Tesh. #71.

⁴⁵⁸Author Judah Rosanes--commentary on Maimonides Code, Constantinople, 1731, Hamburg, 1790. See Shebut Ya'akob, Vol. I, Tesh. #131.

⁴⁵⁹Author Joseph Caro, printed with Maimonides' Code, Amsterdam, 1702. See Shebut Ya'akob, Vol. I, Tesh. #132.

⁴⁶⁰Shebut Ya'akob, Vol. I, Tesh. #59.

ומ"ש מכ"ת שמואל להדיא בספר יריעת עזים שחיבר גדול הדור א' קדמון הנה לא נודע לי מנו הוא ומי הוא מחברו אם כוונתו על ספר י"ע שחיבר הדינים ע"ד הפ"טנים בודאי לא בר סמכא הוא ...

CHAPTER VII

REISCHER'S PLACE AND INFLUENCE IN THE JEWISH COMMUNITY OF HIS DAY

All indications, from the primary and secondary sources which were consulted, point to the conclusion that Jacob Reischer tried to be a responsible Jewish leader who successfully upheld the dignity and effectiveness of his high office and important calling. Although it appears that Reischer did not seek out any controversies and definitely tried to keep himself removed from conflict, yet in the battle for the dignity and influence of the Rabbinate, Reischer did not remain silent. In many places we hear him defend the Rabbinate and rebuke the lay leaders who were encroaching on Rabbinic duties and responsibilities. Over and over again did Reischer stress the fact that communal leaders must not interfere in religious questions, but must uphold the ruling of the Rabbis and Rabbinic Courts.⁴⁶¹

In another instance when the Rabbis were accused of charging too much for their legal advice, a complaint also voiced in the Memoirs of Gluckel von Hameln,⁴⁶² Reischer justified the Rabbis. Their time and effort should be compensated.⁴⁶³ It seems

⁴⁶¹Shebut Ya'akov, Vol. I, Tesh. #87.
Also in Moses Hagiz, Lekat Hakemah, p. 103.

⁴⁶²See p.30, edit. Marvin Lowenthal, New York, 1932

⁴⁶³Shebut Ya'akov, Vol. I, Tesh. #142.

that Reischer realized that there was more at stake than the legal fees of the Rabbis. It seemed to him, and perhaps rightly so, that the laymen tried to discredit the reputation of all Rabbis, so as to weaken their position and eventually take over the leadership of the Jewish community. This, our Rabbi could not permit to happen, for he was dedicated with all his life to the furtherance of the traditional Rabbinic Judaism of his time.

It appears that Jacob Reischer had most of the traits of character and certainly the scholarship of a great Rabbi, worthy to lead the largest and most important community of his day. Although he did serve important congregations, yet he was never called to the most distinguished ones such as Humburg, Berlin, or Frankfurt. One suspects that his occasional poor health, his temporary blindness, and the wide influence of his enemies, about whom he complained so often, were probably contributing factors which prevented Reischer from rising to the very top in communal Jewish leadership.

Reischer, over a period of years, must have acquired a reputation not only of profound scholarship, but also of complete honesty and integrity, combined with a passion for justice. He himself complained of the acceptance of bribes by some colleagues, which he considered outrageous. It seems that he had many opportunities to succumb to such temptations. Jacob Reischer was asked many times to settle or assist in the settlement of inheritance cases, some probably involving large fortunes and wealthy parties.⁴⁶⁴

⁴⁶⁴One such case came before Zebi Hirsch Berlin, who consulted David Oppenheimer, Hirsch Halberstadt, Naphtali Katz of Glogau, and finally Jacob Reischer. The attention given to the case indicates that it was no small matter.

Reischer appears to have been beyond reproach and seems to have adhered to the highest ethics and morals.⁴⁶⁵

There were also many questions concerning Nadon.⁴⁶⁶

Reischer was consulted in these matters repeatedly, indicating that he had a reputation for complete honesty and impartiality.⁴⁶⁷

Rabbi Moses of Zanz⁴⁶⁸ consulted with our Rabbi regarding such a case in which the courts of Cracow, Apta, and Pinczow were involved.⁴⁶⁹

Finally, Reischer was called upon for Halakic decisions which necessitated ethical considerations and which were of a difficult nature. Business transactions for Jews were always cumbersome during these years, especially in war time. In this connection Reischer was asked among other inquiries the following questions.

What should Jews do in case the gold standard was changed suddenly on account of war? What constitutes unethical or illegal business practice under such circumstances? What would happen to former business transactions and money loans affected by these

⁴⁶⁵Shebut Ya'akob, Vol. III, Tesh. #174.

וזריכין אנו לקבל האמת ממי שאמרנו ומודים דרבנן ה"נו שבח"הו ולא לקנות
ח"ו נגד האמת ...

⁴⁶⁶Money which the wife brought into the marriage union, which had special status in the financial arrangement of the couple which became important in case of a divorce.

⁴⁶⁷Shebut Ya'akob, Vol. I, Tesh. #107.

⁴⁶⁸A town near Cracow.

⁴⁶⁹This was the only responsum of Reischer in which a Rabbi suggested that the parties settle their dispute at the meeting of the council of the four lands in Jaroslav.
Shebut Ya'akob, Vol. I, Tesh. #107.

עד אסיפת הוועד ביארסלב ...

changes? Is it permitted to trade in stolen goods or in other illegal merchandise, if these were the only means of sustaining life?

Reischer was not only called upon to voice his opinion in such matters, but he seemed to have been one of the greatest authorities in these questions. He advised always patiently, cautiously, and with consideration.⁴⁷⁰

Reischer's Responsa Shebut Ya'akob received additional attention for dealing with unusual questions. He once discussed how Siamese twins would fulfill the law of phylacteries and marriage. Reischer delved into the Talmud and found the answer.⁴⁷¹

Jacob Reischer tended to be more lenient in Jewish life and rituals than many of his colleagues. His great mind realized that the Jewish religion was not needed to provide greater hardships to the already suffering Jewish masses. He attempted to lighten the burden rather than to add to it, to emphasize fundamentals rather than to enforce customs. Above all, he was not afraid to decide on new and modern problems of his day, but he was always prepared to shoulder the responsibilities of his office, and to share this task with like-minded leaders of Israel.

As a typical example of the result of this attitude, are the following two cases involving the question of carrying on the Sabbath by means of an Eruv (a device to permit carrying on the

⁴⁷⁰Shebut Ya'akob, Vol. II, Tesh. #175; Vol. III, Tesh. #181.

⁴⁷¹Ibid., Vol. I, Tesh. #4.

דלענין תפלין צריך כל אחר להנ״ח תפלין בפני עצמו על ראשו.. ומ״מ אסורין
לישא אשה דיש חשש איסור א״א ...

See Appendix at end of this thesis.

Sabbath). In both of these cases, eminent authorities had questioned the legality of the Erub, but Reischer sided with the more lenient opinion, against the Hacham Zebi of Hamburg in the case of the city of Toplin,⁴⁷² as well as in the unusual instance of the ice Erub in Rotterdam.⁴⁷³ The latter needs some explanation. The city of Rotterdam, Holland has many canals and in the winter they freeze over so that one can walk on them. Reischer was asked whether such streets on ice can be included in the Erub device. Reischer replied that since the Talmud does not explicitly exclude such a possibility and since three other Rabbis permitted it, the old arrangement of including such streets should remain unchanged.

There has always been one area in Jewish life where the Jewish religion placed many restrictions upon the Jewish woman, occasioning severe hardships. This problem of Agunah⁴⁷⁴ became acute particularly in or after war times, and during Reischer's time gave rise to many inquiries. In his Responsa we hear of such cases based on rumors of death, accidents, armed robbery, and war time incidents, as well as plain desertion or because of conversion to another faith.

It is a well known fact that only the greatest Rabbinic authorities were considered competent to give judgment and to

⁴⁷²Ibid., Vol. II, Tesh. #7.

⁴⁷³Ibid., Vol. III, Tesh. #28.

מ"ם כיון דדין הקרישה לא הוזכר בש"ס ושום פוסק ראשון אין לנו לברור להחמיר ולאסור הטלטול במקום שנוהגין התר...

⁴⁷⁴The deserted woman whose husband had disappeared without having legal witnesses testifying to his death, or a body found without proper identification. In such cases the woman was considered married until definite proof of her husband's death was established.

make final decisions in such questions. Rabbi Reischer, in many instances, was called upon to solve such intricate cases, together with other outstanding scholars of his day. Our Rabbi's opinion and legal advice was sought jointly with those of David Oppenheimer,⁴⁷⁵ Yechezkel Katzenellenbogen,⁴⁷⁶ and Rabb Naphtali Cohen of Frankfurt.⁴⁷⁷

In all these questions of great personal responsibility, Reischer was humble, careful, and unquestionably loyal to Torah Law, but at the same time humane, compassionate, and even lenient.

Another serious problem of Jewish community life at that time was the occasional necessity for the individual Jew or an entire community to make the supreme sacrifice for Judaism. Such inquiries of the need to sanctify the Holy Name, Kiddush Hashem, were made of Jacob Reischer. It goes without saying, that only the greatest sages and scholars were consulted in such matters of life and death. His replies and demeanor in such heavy and critical tasks were just, dignified, and responsible.⁴⁷⁸ Such admirable conduct was also evident in such other difficult encounters as cemetery desecrations and the like.⁴⁷⁹

There is one other test for greatness with regard to Jewish leadership, namely whether or not the individual partici-

⁴⁷⁵Shebut Ya'akob, Vol. II, Tesh. #65.

⁴⁷⁶Ibid., Tesh. #111.

⁴⁷⁷Ibid., Tesh. #114-115.

⁴⁷⁸See p. 111 of thesis, based on Shebut Ya'akob, Vol. II, Tesh. #106.

⁴⁷⁹Shebut Ya'akob, Vol. II, Tesh. #103.
Also in Keneset Yechezkel of Katzenellenbogen, Tesh. #37.

pated in Jewish world movements, ideological controversies, or questions of Jewish Weltanschauung. Of course, not all periods in Jewish history had movements of such distinguished nature. However, during Reischer's time, there occurred the Shabbethai Zebi movement, a controversy regarding the importance of Cabbalah and the famous Eybeschütz-Emden conflict in which our Rabbi's interest and influence can be observed.

With regard to the first movement of Messianism, no clear statement taking issue with the subject specifically could be found in Reischer's Responsa. It is somewhat disappointing that Reischer, in this case, did not voice an opinion openly and unmistakably, for Moses Hagiz, a contemporary of Reischer, spoke out against the pretender Hayyun.

In the issue of Jewish mysticism (Cabbalah), Reischer did voice an opinion. We know that he was against it,⁴⁸⁰ but even here he was most cautious and never attacked any individual exponent, nor did he mention any name of those who were connected with the movement.

Finally, in the Eybeschütz-Emden controversy, although Reischer's sympathies were known from other sources⁴⁸¹ yet no real declarations by himself were forthcoming. It is difficult to give reasons for Reischer's peculiar behavior in these matters. Perhaps he was deliberately avoiding controversies, and instead concentrated on his studies, students, and Responsa.

In addition to Jacob Reischer's great Talmudic knowledge, he was also blessed with great teaching ability and a burning zeal

⁴⁸⁰See p. 92 of thesis.

⁴⁸¹Emden's book Hitavkut.

to spread Torah. Wherever he became Rabbi, he immediately founded a Yeshiva or carried on its activity with added enthusiasm. He even gives the impression as if he would judge the desirability of a post by the availability of Rabbinic students and a Yeshiva institution. Our Rabbi tells us how pleased he was to find good Talmud student-material in Worms and in Metz.⁴⁸² His great devotion to teaching was richly rewarded in that he was blessed with such important disciples as his own son Simon, the famous Gershon Coblentz as well as the illustrious Judah Miller and others.

All told, it must be admitted that Reischer's fame rests most profoundly on his literary output. This activity more than anything else demanded his attention as well as his time. Both the quantity and the variety of content testify to the enormous amount of time and effort which must have been devoted to this phase of Reischer's work. It appears that the reward in this field was also the greatest, according to the Rabbinic dictum "According to the effort will be the reward,"⁴⁸³ for it provided him with a more lasting and more widespread fame and remembrance than any other portion of his eminent contributions to Jewish life.

⁴⁸²Reischer's introd. Shebut Ya'akov, Vol. II.

⁴⁸³Mishna Aboth V, 23. .. ומקצוי ארץ באר תלמידים הנזונים ללמוד בישיבותי ..

APPENDIX

A. Shebut Ya'akob, Vol. I, Teshubah #4

Digest of Question:

On Chanukah 1708, Siamese twins, joined at the head, were brought to our town. They were non-Jewish boys and a little over one year old. What would be the law in case of Jewish children?

Digest of Answer:

This is a difficult question, but I will try to answer it. Based on the discussion in the Talmud Babli, Menahot 37a: "If one has two heads on which one does one place the phylacteries? . . . How much money must one give to the Kohen (Priest) for the redemption of such a firstborn, five or ten Sela'im?".

Reischer concludes: The discussion in the Talmud and the uncertainty in the commentaries, Rashi and Tosfot, is restricted to the Talmudic question of one child with two heads, but in our case we are dealing with two children joined at the head; therefore, it is clear that they must don phylacteries separately.

א"כ פשיטא דלענין תפילין צריך כל אחד להניח תפילין בפני עצמו.
And as far as inheritance is concerned, they must receive two portions, just as any other two individuals. However, they cannot get married, since they must sleep in one bed.

חשש איסור א"א וגם אסור לשמש בפני כל חי . . .

Again, if one is a male and one a female the parents have fulfilled the duty of parenthood.

ק"ם מצו' פריה ורביה ...

The Siamese twins can also participate in a Halizah ceremony, but the one joined at the right should be the participant, since the right side is always preferred with Halizah. As for the redemption of the firstborn, if they were born head first, ten Se'laim are to be paid, if feet first, five as with ordinary twins.

דינם כשאר תאומים ולא יהיב רק חמס סלעים ...

B. Shebut Ya'akob, Vol. I, Teshubah #34

Digest of Question:

A man received the Sukkoth festive branch (Arba Minim) during the Hallel prayer. It was in proper condition (kosher), but the man refused to use it, explaining that he would wait an hour or so for a better set (mehudar). May one wait or not? Do we apply in this case the dictum: "The eager ones will hurry with the performance of the commandment."?

Digest of Answer:

1) Sifra and quoted in Talmud Babli Menahot 72a:

One does not have to wait to fulfill the commandment in a more desirable manner (min hamuvhar), but should perform it immediately. Thus in Orah Hayim, Section 25, laws of phylacteries we find that if one has phylacteries but no prayershawl one should don the former and not wait for the latter.

(2) Reischer insists that the festive branch (Lulab) is

a different case. In the phylactery case, it was doubtful whether the prayershawl would be forthcoming altogether, hence we say that one should not wait, but in our case of the festive branch, he was certain that in a couple of hours he could fulfill the law more pleasingly. In such circumstances one should wait.

...מותר לשהות אפי' זמן מרובה כל שודאי לו שיבא לידו מצוה מן המובחר...

There are three examples to prove this in the Talmud, Reischer explains:

A) Talmud Babli, Yoma 6b.

If one order of priests became suddenly unclean while preparing the sacrifice, we wait so that another order can be brought in, although we could rely on the rule that uncleanness does not invalidate a congregational offering.

B) Talmud Babli, Sanhedrin 12b.

One may make a leap year or intercalate a month in order to sacrifice the Paschal lamb in cleanliness. And the fact that the animals for the offering are not fully grown can serve as an additional reason (saad) to help postpone the holiday. All this is done to assist in fulfilling the commandment more satisfactorily, and the setting of all the coming festivals is postponed for one month.

C) Talmud Babli, Baba Kamma 80a.

If one made a vow to marry a woman in Eretz Israel one is not forced to marry immediately, but one can wait for a suitable wife.

(3) Reischer concludes that the man should wait for a better Sukkoth branch and our case cannot be compared to the phylacteries, since there the quality of the commandment is not decreased by the immediate fulfillment of the mitzvah.

לכן נ"ל בגדון שלפנינו אם בודאי יובא לו אחרון מהודר יש להמתין על מצוה מן המובחר כנ"ל הק' יעקב.

C. Shebut Ya'akob, Vol. I, Teshubah #63Digest of Question:

A Gentile brought a large barrel of Vermouth wine which was sealed on the top, but only tightly closed and not sealed on the side of the tap. Is this wine permitted?

הוותם במקום המנופה ולא במקום הכרזא ...

Digest of Answer:

(1) Gentile wine is prohibited for two reasons, because they use it in worship or because it can lead to intermarriage. However, when wine is mixed with honey or leaven it is no longer prohibited. (Isserles, Yore Deah, Section 123) Since Vermouth wine does not taste like real wine it ought to be permitted. .

(2) Two authorities will not permit such distinction and claim that the mixture must be different in name as well as in taste in order to be permitted. (Zemah Zedek--Menachem Mendel b. Abraham and Havot Yair--Hayim Bacharach.)

(3) Reischer concludes: (A) The severe opinion is only found with wine and vinegar because the taste is so close, but not with any other wine mixtures. (B) Fear of intermarriage exists only with a commonly used social drink, not with Vermouth wine. (C) A tight tap is as good as a sealed one according to Abodat Hagershuni, Responsa #88. (Gershon Ashkenazi) Therefore, in this case I do not hesitate to permit it and in any other new occurrence with regard to Vermouth wine some other Rabbi's permission would be required to permit it in general.

אך שאין דעתי מכרעת נגד שני תשובות גדולי הקרי לב בעל צ"צ וחות יאיר
בלתי הסכמות שאר גדולי הורא' כדי להתיר "ן בשתייה אך מ"מ בנדון שלפנינו
נלע"ד להתיר ה"ן אפי' בשתי'.

Digest of Question:

A Gentile brought a large barrel of Vermouth wine which was sealed on the top, but only tightly closed and not sealed on the side of the tap. Is this wine permitted?

... חותם במקום המגופה ולא במקום הברז

Digest of Answer:

(1) Gentile wine is prohibited for two reasons, because they use it in worship or because it can lead to intermarriage. However, when wine is mixed with honey or leaven it is no longer prohibited. (Isserles, Yore Deah, Section 123) Since Vermouth wine does not taste like real wine it ought to be permitted.

(2) Two authorities will not permit such distinction and claim that the mixture must be different in name as well as in taste in order to be permitted. (Zemah Zedek--Menachem Mendel b. Abraham and Havot Yair--Hayim Bacharach.)

(3) Reischer concludes: (A) The severe opinion is only found with wine and vinegar because the taste is so close, but not with any other wine mixtures. (B) Fear of intermarriage exists only with a commonly used social drink, not with Vermouth wine. (C) A tight tap is as good as a sealed one according to Abodat Hagershuni, Responsa #88. (Gershon Ashkenazi) Therefore, in this case I do not hesitate to permit it and in any other new occurrence with regard to Vermouth wine some other Rabbi's permission would be required to permit it in general.

אך שאין דעתי מכרעת נגד שני תשובות גדולי הקרי לב בעל צ"צ וחות יאיר
בלתי הסכמות שאר גדולי הורא' כדי להתיר "ן בשתייה אך מ"ם בנדרון שלפנינו
נלע"ד להתיר ה"ן אפי' בשתי'.

D. Shebut Ya'akov, Vol. I, Teshubah #126.

Digest of Question:

Since the law of Halizah demands that no participating judge (Dayyan) must be blind even in one eye, may a judge who depends on glasses participate?

Digest of Answer:

(1) In Talmud Babli, Rosh Hashanah 24a, a similar question is raised with regard to witnesses who saw the new moon in water or a metal mirror reflection. This is not acceptable. The Responsa D'bar Sh'muel (Samuel b. Abraham Aboab) #242 mentions also that one cannot bless the new moon by seeing only a reflection or in a glass mirror; although he permits it later for other reasons.

(2) Reischer gives two reasons why in our case we can be lenient. (A) Our rabbis were asked to be extra strict with witnesses for the new moon. (B) Only reflections and mirror without looking at the sky or moon are in question, but if a mirror or glasses are looking at the real object, this is certainly valid. Proof that such sights are considered real are found in the Talmud Babli as follows: Yebamoth 49, The prophet seeing the glory of God in a mirage. Sotah 31a, Unborn children could see the Almighty from the womb of their mothers. Also in Berachot 25b, another proof.

(3) The Responsa Helahot Ketanot #99 (Jacob b. Samuel Hagiz) permits reading the Torah through glasses. However, this could be restricted to people who could also see without them, and be of no avail for old people who rely on glasses completely.

(4) Reischer concludes, let us look at reality, at every day practice. Cantors read with glasses and especially in our case, where it is stated that Halizah should be performed before elders, and most learned and wise Rabbis are older men who do wear glasses (not like some who are "wise in their own eyes" who usurp the place of judges and may God repay them) and they participate in the ceremony and I never heard any complaints about it. (Reischer)

מ"ם פוק חזי מה עמא דבר שהחזנים קורין ע"י בתי עינים...
 שרוב בעלי הוראה חכמים וזקנים ממש היושבים אצל החליצה ורואין ע"י
 בתי עינים ולא שמעתי מעולם פוצה פה ומפוצף.

E. Shebut Ya'akov, Vol. II, Teshubah #51

Digest of Question:

A Shohet, ritual slaughterer, was examined and he did not know the laws of Shehitah. He had a permit (kabalah), however; may one eat the meat and are the utensils in which the meat was prepared permitted to be used?

Digest of Answer:

(1) Isserles, based on Agudah (Alexander S. Katz) and Rashbo (Solomon ben Aderet) whose comments are found in Yore Deah, Section 1, permits all meat and utensils used. The TaZ

prohibits it and is based on Tosafot, Hullin 3b. The condition of the Mikvah and of the Shohet in our case can be compared and are very similar.

שהרי חסר לפניך והעמד טמא על חזקתו....
הרי פגום לפניך... בהמה בחייה בחזקת איסור....

(2) Reischer concludes that there is a difference because only the knife of the Shohet requires examination as does the Mikvah, but not the slaughterer himself, who was in possession of a valid permit. Shehita is only improper where the Shohet has no permit, therefore, in our case the meat and utensils are permitted.

כיון שנשחט ע"י שוחט שא"צ בדיקה אחריו לכתחילה כלל ואין כאן רק ריעותא
חדא שעכשיו אינו יודע כנ"ל ברור לק"ם דברי גדולי ראשונים וראוי לסמוך
עליהם בהפסד מרובה בזה...

F. Shebut Ya'akob, Vol. II, Teshubah #146

Digest of Question:

A wealthy man had a stipulation in his will that one of his sons should receive more than the others if he would deliver a discourse at the local Synagogue. The brothers, however, refused to give him more because they claimed that his speech was not good and that what he said seemed to have been copied from others and was not his own.

Digest of Answer:

(1) One should try to help the learned brother (honor of Torah), even if his brothers would not recognize him as well versed. The mere fact that his brothers felt that it was not a good speech has no bearing on the case, because one can never

please all. His father demanded only that he speak publicly in the Synagogue, not that it should be well presented or on a special subject. Furthermore, we do not normally expect a deep or difficult discourse, as is obvious from Talmud Babli, Kidushin (al menat sheani Talmid) see Rashi there, also Maimonides, Hilhot Ishut, Section 8, as well as Tur, Eben Haezer, Section 35.

(2) As for the accusation, that the brother used material of others, if there are two witnesses to this, it seems to be a violation of the father's intent. And even if the father intended to have his son say a speech of someone else, this is a sin and deserves punishment rather than reward. Again, if the father just wanted his son to preach so as to instill confidence in him and so that he would lose his stage fright, although the discourse would not be his but his father's. In such a case, the brother who wants a larger share of the inheritance would have to bring proof, establishing such intentions, since the property is now in the hands of all heirs on an equal basis.

(3) Furthermore, even if we were certain of such intentions by the father, we would not change the regular inheritance procedure because of it, as is explained by Rosh' (Rabbi Asher) Responsa, Section 84, Note 4, also quoted in Tur, Hoshen Mishpat and Shulhan Aruk, Section 281, as well as in the Responsa of Abraham Sasoon, #124.

(4) Finally, since there are no witnesses in this case, but only the opinion of the other brothers, the will of the father must be carried out and we cannot believe the brothers. No oath is required, but one can use the ordinary ban (cherem) to ascertain

the truth, or give the learned brother a test to see whether he is able to prepare a sermon or not. If he is able, he should receive his reward.

אם יכול לכוין מעצמו הפירוש ע"פ הדרוש שראוי לאומרים ברבים אזי יזכה במתנתו ויקבל שכר על הדרישה ועל הפרישה, נ"ל הק' יעקב.

G. Shebut Ya'akob, Vol. III, Teshubah #5

Digest of Question:

Is it permitted to remove the hat in the Synagogue to honor a visiting ruler or prince, even if one would be standing bareheaded?

Digest of Answer:

1) The prohibition of bareheadedness has no foundation in the Talmud, only Maimonides in Hilhot Tefillah, Section 5, Note 5 writes that one should not recite the "Standing Prayer" bareheaded. The Bet Yoseph (Caro) in the name of the Kolbo (author unknown) who also quotes Maimonides indicates that this custom is extra piety (midat hasidut). Since it is only special piety, Reischer claims, one can dispense with it for living in peace with the ruling power (shalom malhut), especially since those who are stricter base it on the Zohar where it is emphasized only in connection with the morning prayers and Tallit and Tefillin, but no other time.

2) Furthermore, the Responsa of Maharshal (Solomon Luria) #72 permits even praying and the reading of the Shemah bareheaded.

However, the proof of the Maharshal is weak and the TaZ adds another objection, namely the imitation of gentiles (Hukat Hagoi).

מ"מ מלשון המדרש אין ראייה מוכרחת כלל גם הס"ז בא"ח סי' ה' השיג על מהרש"ל בזה ע"ש ומסיק שיש איסור משום ובחוקותיהם לא תלכו.

(3) Therefore, for the sake of peace it is permitted, but if it is possible to explain to the ruler that this act is against Jewish tradition, and if this explanation could avoid the removal of the hats, this would be preferable.

דאפילו ישנן ש"ו עליהם יש מקילין בדבר להסיר הכובע לפנייהם מכ"ש היכא דליכא חשש זה ודאי דאין חולק בדבר כנ"ל מ"מ אם אפשר להתנצל לפניו... ודאי זכור לטוב

H. Shebut Ya'akob, Vol. III, Teshubah #75

Digest of Question:

If a man is so seriously ill that most Doctors believe he will die in a day or two, may one administer a drug which might cure him or perhaps shorten his life to a few hours?

Digest of Answer:

(1) Since here is a question of life and death, extreme caution is necessary. It would also appear that one should not interfere, since it is so close to the end of life as is explained in Ebel Rabati, also called Semahot (one of the smaller tractates, appended to the Talmud Babli). Maimonides and all other legal authorities (Poskim) agree that interference with a deathly sick person is like murder.

(2) However, all this should not apply if the interference

is based on an attempt to save his life. Proof for this is in Talmud Babli Abodah Zarah, p. 27b, where even a heathen is permitted to heal a Jew in such a condition. Further proof is found in Ramban Torat Ha'adam, p. 14a and Maimonides Hilhot Rozeah as well as in Tur Yoreh Deah, Section 155.

וְדַאי מִתּוֹרַפָּאִין מֵהֵן. . לֹחֵי שְׂעָה לֹא חֵי־שִׁינָן .

(3) The attending physician, however, must consult with other doctors of the city and abide by the majority opinion and also have the agreement of the wisest authority in the city.

א"כ ג"כ בנדרון זה כיוון שודאי ימות מניחין הודאי ותופסין הספק אולי יתרפא. .
ע"כ יעשה ע"פ רוב דיעות הרופאים והסכמת החכם שבעיר כנ"ל הקטן יעקב.

I. An Example from the 18 Responsa of Reischer at the
End of the Torat Hatat Prague 1689, Teshubah #14

Digest of Question:

Meat which froze in the water in which it had been soaked prior to salting and remained in this state several days, must one prohibit it or not?

Digest of Answer:

(1) If it was lying in ice for three days it is prohibited, because if we consider the ice like water it is bad (even one day prohibited) and if we rule ice not to be like water, then it is unfit as well (after three days).

(2) But even if it remained in ice for less than three days, we must consider ice as a hardening factor on the meat and worse than cold water which is permitted for soaking meat. The

Responsa of Rashba (Solomon b. Aderet) also mentions that one cannot salt meat which is frozen, since the salt cannot get at the blood in such a case. The Maharshal (Solomon Luria) also agrees with this opinion.

(3) However, since I have not seen this prohibition (Reischer) of ice before three days with any other legal authority (Posek), and since the prohibition of three days without salting is only a Gaonic decree (humrat hagonim) and not found in the Talmud, therefore, we do not have to add to the severity of the decree. Furthermore, in the Responsa of Abraham Sasoon and in the ShaK the lenient opinion is preferred.

(4) To consider it like water and to prohibit the meat because of soaking is not logical, since only water, salt or brine are mentioned and not ice. Added to this must be the reason that soaking makes meat unfit because it is considered like boiling, with water entering and leaving the meat, which is not the case when lying in ice.

(5) This lenient opinion is supported by the Mordecai (Mordecai b. Hillel Ashkenazi) to Betzah, Perik 2; the B'er Shebah (Issachar Ber b. Israel Lizer) p. 74; and also in the Responsa of the Masat Binyamin (Benjamin Aaron b. Abraham Solnik) Section 104 in connection with Agunah, where the point is made that ice preserves and does not change the fabric.

(6) However, even after three days, when the meat is prohibited, it refers only to the boiling of it, but roasting the meat over the open fire is permitted.

לכן בכה"ג אין להחמיר אכן אם שהה כך שלושה ימים אז יש לאסור לבשל וכמ"ס
אבל לצלי מותר בכל ענין.

BIBLIOGRAPHY

Primary Sources

Jacob Reischer's Books

Hok Ya'akob with "Shemen Leminha" and "Solet Leminha," Dessau, 1696.

Iyyun Ya'akob, Wilmersdorf, 1729.

Minhat Ya'akob, Prague, 1689.

Shebut Ya'akob, Vol. I, with "P'er Ya'akob," Halle, 1709.

Shebut Ya'akob, Vol. II, Offenbach, 1719.

Shebut Ya'akob, Vol. III, with "Lo Hibit" pamphlet, Metz, 1789.

Others

Benveniste, Hayim. Keneset Hagdolah, Constantinople, 1743.

Coblentz, Gershon. Kiryat Hannah, Metz, 1785.

Emden, Jacob. S'fat Emet V'lashon Z'horit, Levov, 1878.

Hagiz, Moses. Lekat Hakemah, Wansbeck, 1726.

_____. Shetel Halehem, Premislov, 1897.

Isserles, Moses. Torat Hatat, Cracow, 1591.

Johanan of Mezeritz. Orah Mishor, Sulzbach, 1692.

Joseph ben David of Breslau. Hok Yoseph, Amsterdam, 1730.

Katzenellenbogen, Ezekiel. Keneset Yechezkel, Altona, 1732.

Kaufman, D. Die Nemoiren der Glueckel von Hameln, editor, Frankfurt, 1896.

Zebi, Hirsch ben Moses. Ateret Zebi, Cracow, 1640.

_____. Nahlat Zebi, Dessau, 1661.

Secondary Sources

Berliner, Abraham. Aus dem Leben der Juden Deutschlands im Mittelalter, Berlin, 1900.

Cahan, Abraham. Le rabbinat de Metz pendant la periode Francaise, 1567-1817.

Carlebach, E. Die Rechtlichen und Socialen Verhaeltnisse der Juedischen Gemeinden, Speyer, Worms und Mainz.

Chones, Simon M. Toldot Haposkim, New York, 1946.

Cohen, Mortimer. Jacob Emden, a Man of Controversy, Philadelphia, 1937.

Dembitzer, Hayim Nathan. Kelilat Yofi, Cracow, 1888; Vol. II, 1920.

Dubnow, S.M. History of the Jews in Russia and Poland from the Earliest Time until the Present Day, 10 Vols., Berlin, 1925-29.

Duschinsky, C. Toldot Rav David Oppenheim, Budapest, 1922.

Elbogen, Isidore. Geschichte der Juden in Deutschland, Berlin, 1935.

Feilchenfeld, A. Gluckel of Hameln, Berlin, 1913.

Freehof, Solomon B. The Responsa Literature, Philadelphia, 1955.

Friedlander, Dr. Magnus Hirsch. Das Leben und Wirken der hervorragendsten rabbinischen Autoritaeten Prags, Vienna, 1902.

Frumkin, A.L. Toldot Hakmei Yerushalaim, Edit. Eliezer Rivlin, Jerusalem, 1928.

Graetz, H. Geschichte der Juden, 12 vols., Leipzig, 1897 (with notes by Graetz and M. Brann).

Gruenwald, Max. Samuel Oppenheim und sein Kreis, Vienna, 1913.

Gruenwald, Yekuti'el J. Horav Rav Yonathan Eibenschutz, Columbus.

Haenle, S. Geschichte der Juden im ehemaligen Fuerstentum Ansbach, 1867.

- Hock, Simon. Die Familien Prags nach den Epitaphien des alten Juedischen Friedhofes Prag, Pressburg, 1892.
- Horovitz, Dr. Marcus. Frankfurter Rabbinen, Frankfurt o/M, 1882.
- Jost, Isaac M. Geschichte des Judentums und seiner Sekten, Leipzig, 1857-59.
- Kaufman, David. Samson Wertheimer, Vienna, 1888.
- _____. Jair Chayim Bacharach, 1638-1702, Trier, 1894.
- Kober, Adolph. Cologne, Jewish Community Series, Philadelphia, 1940.
- Kohut, Adolf. Geschichte der Deutschen Juden, Berlin, 1898.
- Loewenthal, Marvin. The Jews of Germany, Philadelphia, 1936.
- Levy, M. Zur Geschichte der Wormser Juedischen Gemeinde, Worms, 1911.
- Levysohn. Nafshot Zaddikim, 60 Epitaphien von Grabsteinen des Israelit Friedhofes zu Worms.
- Lieben, S.H. Beitrage zur Kulturgeschichte der Juden Boehmens im 18 Jahrhundert, Prag, 1930.
- Manheimer, Moses. Die Juden in Worms, ein Beitrag zur Geschichte der Juden in den Rheingegenden, Frankfurt o/M, 1842.
- Popper, W. The Censorship of Jewish Books, a Doct. Thesis, New York, 1899.
- Rothschild, S. Die Wormser Juedische Gemeinde, 1889.
- Sief, Osher. Hormah, Rav Moses Isserles, Jerusalem, 1957.
- Stern, Selma. The Court Jew, Philadelphia, 1950.
- Szajkowsky, Z. The Economic Status of the Jews of Alsace, Metz and Lorraine, 1648-1789, New York, 1954.
- Tchernovitz, Chayim. Toldot Haposkim, New York, 1946.
- Weinberger, M. Die Memorbucher der Juedischen Gemeinden in Bayern, Frankfurt, 1937.
- Wolf, Gerson. Zur Geschichte der Juden in Worms und des Deutschen Staetwesens, 1862.
- Yaari, A. Pinkes Sh'lohei Eretz Yisroel, Jerusalem, 1951.

Articles

Apfelbaum, A. "Reisha," in Ozer Yisrael, Eisenstein, J.D., New York, 1913.

Avida-Slotnick, I. התלמוד והבנת התלמוד
in Hazofeh, Budapest, Year 12, Vol. I.

Azulai, Hayim Joseph D. Shem Hagdolim, Leghorn 1774, Ben Jacob edit., 1852, see Jacob Bak.

Carmoly, E. In Jost's Annalen, 1840, p. 96.

Fuenn, Samuel J. "Jacob Reischer," Keneset Yisrael, Warsaw, 1886-90, pp. 575-76.

The Jewish Encyclopedia. "Jacob Reischer," Vol. 10, p. 369.

Margolis. "Jacob Reischer," Encyclopedia Toldot Gedole Yisroel. Jerus.
Mo-ad Horav Kook, 1940.

Max, A. Some notes on the history of the D. Oppenheimer Library,
in Melanges Offeste a Israel Levy, 1926, pp. 458-460.

Osoff, Simon. לקורות הרבנות באשכנז, פולניה וליטא
in Reshumoth, Moriah, Tel Aviv.

Winninger, S. Juedische Nationalbiographie.