SOLOMON LURIA'S RESPONSE

Digested and edited from the Hebrew and provided with notes and an introduction

By

SIMON HURWITZ, Ph. D.

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An Outline of Solomon Luria's Response Covered in this Volume.

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The aim of digesting rabbinical responsa into English is to afford the English reader an opportunity to learn Jewish life through first hand information. In the following pages I have endeavored to present a digest of Solomon Luria's responsa in the hope that many other responsa will be given similar treatment. This work is not designed to form a biography of one of the great rabbis who wrote responsa, but to show the value of responsa proper as a source for Jewish history and law.

In this volume one will find the substance of a book of simplified rabbinical literature, without the pilpul and or dialectics of the original, which in many cases confuse the reader. I have left the responsa in the digest unexplained as to their historical or halakic value. In other words, I have not deviated from the subject matter dealt with in the text of each responsum but have only interpreted and given meaning to some obscure passages which the author left unexplained, and have inserted some dates and names of places and people omitted by the author.

In order to facilitate ready reference to the halakic as well as to the historic side of the responsa dealt with in this volume an outline of their contents has been added at the end of the book. From these addenda the reader will get an idea of the general scope of the subject matter covered in this volume, such as laws relating to evidence, contracts, landlord and tenants, executor and trustee, descendant's estates, domestic relations, slander, crimes, oaths, ritual,
as well as data relating to economic, political and cultural aspects of the life of the Jews of that period.

In preparing this digest I have used the ה'ל עַמָּנָה, Lublin, 1699.

It has been impossible to avoid altogether the introduction of Hebrew and other foreign words in the digest. Therefore, a glossary is appended at the end of the book.
CHAPTER I
INTRODUCTION
AND BIOGRAPHIC SKETCH OF SOLOMON LURIA

Solomon Luria (MarShal)

Solomon Luria was born in Posen, Poland, about 1510. His father Jehiel Luria, of Worms, Germany, a descendant of Rashi, was a very learned man. Solomon received his education in Posen, where he studied Talmud under the guidance of his grandfather, Rabbi Isaac Klaumberia of Worms (R. 64). For this reason Solomon preferred to be called by the name of פוער ו, the abbreviation of פוער ולמנה (R. 87), פוער being the name of his grandfather (R. 1 and many others).

His traits of being accurate and critical as well as his profound knowledge of the Talmud, Solomon Luria acquired from his grandfather in Posen, who was a very pious man and great Talmudist (R. 64). Luria's profundity is


[2] This date is merely conjectural, based on a rather vague expression in one of Luria's responsa (R. 35); See Graetz, Ibid., note 4.


[4] ית שלום ממותא במצדה פreshape ר', כמא 3"
illustrated in responsa 39 where he criticizes the decision of a certain scholar who prohibited a gift given by a Gentile to a Jew on a holiday to be used on the same day. The scholar under consideration based his decision upon Isserlein's (1390-1460). Terumat-ha-Desheen, which in turn was based upon the SeMak of Isaac, son of Joseph of Corbeil, who flourished in the second half of the thirteenth century. Luria, however, did not consider the reference to the SeMak authentic, for no law was regarded by him authoritative unless it could be traced to the Talmud or to the decisions of the early Geonim (R. 1). That however, does not imply that he was unversed in the latest sources of Halakah. He himself intimates in the preface to the tractate Hullin, of his Yam Shel Shelomo, that he was careful not to overlook any important source of information. He further states in the same preface that he does not wish to be accused of plagiarism. That he used his authorities with the utmost precision and proper discrimination can be seen also from his reply to Moses Isserles's (1520-1562) query concerning a stipulated will. (R. 17). It reads as follows:

"Even if you could prove that some of my decisions are erroneous because they do not coincide with those of the recent learned judges I would take no account thereof. But if you could prove that I erred in my decisions principally because no support is to be found in the Talmud, or that my line of reasoning does not fall in with those of the early Geonim, I would then acknowledge my mistake."

In opposing Isserles's decision concerning sorcery he says that with all respect to him, he must assume that the latter did not understand... (Moses Ben Maimon (1135-1204)) (R. 3,
In another place Luria states that the statement of Rashba—

(A. v. Solomon ben Abraham, 1235-1310) that Rabenu Gershon

(960-1040) meant to apply the ban against bigamy only toward

the end of the fifth millennium was nothing but tattle and

grating speech (R. 14). The interpretation of the inverted

 Nunin (found in Numbers 10, 34-36) by Rabenu Bahya ben Asher,

(born about the middle of the thirteenth century — died 1340) to

mean the destruction of the world at the end of the fiftieth

millennium, appeared to him to be a sheer dream deserving no

attention whatsoever (R. 73). Again in his responsa No. 80,

Luria says that the author of the Tur (Jacob ben Asher —

died before 1340) failed to go to the bottom of the law, and

also failed to fully comprehend the teachings of the Geonim.

Such remarks Luria expressed with reference to later as

well as earlier authorities.

Solomon Luria examined every item of tradition and law

with the most analytical acuteness. For instance, he amended

the phrase נטול ל, which appears in Terumat-ha-Deaen in

connection with the law of Mazot over-lapping one another, to

read נטול ל in which case he held that it was perfectly

proper to use the rest of the Mazot found in the oven at the

time of baking during the Passover holidays (R. 57). His

spirit of thoroughness and profound inquiry led him to a cri-

tical examination of the Talmud and he not infrequently

ventured to alter the text.
He left Posen in 1535 and after some time he was elected rabbi of Brest-Litovsk where he established a Yeshiva. From the case of "A Shohet's Inadvertency" which took place in Brest-Litovsk we learn how unselfish Luria was, and how he hated injustice and falsehood. "All that I have written about the Shohet-Cantor," he says in his responsa, "was not done out of vindictiveness but to check the licentiousness of the brutal people who had closed the House of God. I hope that God will help me for I am fighting His battles and not my own." (R. 20).

About 1550 he received the appointment as rabbi and head of the Yeshivah in Ostrog, a city in which many scholars resided (R. 8). Because of his convictions and critical attitude Luria made many enemies in his life who used every opportunity to harass him. As in Brest-Litovsk so in Ostrog his enemies persecuted him in such a severe manner that he was forced to resign his post and become a wanderer throughout Lithuania. Even his own disciples showed outspoken ingratitude towards him. They turned against him and followed his adversary, Rabbi Sholem Shakna, who was also rabbi in Lublin (R. 16). But this act did not offend him personally, he worried only because, in his opinion, the Torah had been disgraced. In responsa No. 11 he writes in reference to

(6) The great fire of Posen took place May 2, 1535 and it is assumed that he left the city right after it. See Graetz, Geschichte der Juden, Vierte Durchgezogene Auflage, Band 9, p. 417 note.

(7) Therefore he was sometimes called Solomon of Lithuania.

(Responsa of Moses Isserles No. 132, 10.)

(8) For this reason he was called Marshal of Ostrog (See A. S. Geschwister, La poche, p. 53.)
his disciples: "I perceive almost every day how the Torah is being confused and put to shame by those who have originally studied it and then departed from it." He expresses the hope that God would either soften the adamantine hearts of his enemies or else He would give him strength and power to save his soul and the soul of his pupils from their hands (R. 17). It might be interesting to note at this point that his fight with Shalom Shakna was not a personal one but concerning the methodology of the Talmud. Shalom Shakna was a pilpulist. Luria, on the other hand, was a clear-thinking man and abhorred pilpul. His last rabbinical post Luria held in Lublin, where he assumed his duties as Rabbi in 1553, serving in that capacity until the last days of his life.

As Rabbi he fought ceaselessly for a higher standard of Jewish life. In many of his responsa we find him complaining of the ignorance of his time. In the case of "The Removal of a Sefer Torah" (R. 16) Luria says: "The people of the entire congregation were ignorant of the law." Similar statements we find in many more of his responsa. He also complained that considerable ignorance was prevalent among the rabbis. For instance in responsum No. 4 he writes: "Since the interpretation and application of the true law were

(9) See A. S. Horodetzki, המורהersh"ך.
abandoned because of the growing ignorance of the
the
growing ignorance of judges it was customary for laymen
to settle law suits by means of arbitration."

He attacked everybody who in his opinion, did not live
in accordance with the teachings of the Torah. He even
accused some of the talmudic scholars for studying rabbinic-
ical literature for personal gain. In responsum No. 21 he
writes: "The reason why some of the rabbis pretended to
pursue a strict interpretation of the law was because they
sought to derive for themselves and for their secretaries
pecuniary gains." But more than anybody else he criticized
scholars who boasted of their knowledge of the Torah. To
these he applied the most biting criticism. (R. 11).

His attacks against other rabbis, as well as against
Shalom Shakna, above mentioned, were not personal. He never
wished to impose his individuality upon others; he only fought
against hypocrisy and ignorance. About the German Jews he
writes the following: "I shall disclose their shame, for a
man of wealth and authority is not even blamed for violating
the Jewish law which teaches to abstain from drinking pagan
wine, or eating fish cooked in their dishes. Such a man is
not reputed as being irreligious and is accorded honors on
the same level with goodly pious men. On the other hand,
the eating of kosher food with the head uncovered was re-
garded by many as something equivalent to the leaving of
the Jewish fold." In passing Luria remarks that the wise man
should be more careful in his demeanor with the religiously ignorant people (R. 72).

Although Luria was a profound student of Kabbala, he objected to the spreading of the Kabbala movement among the masses, for he believed that only the chosen few could comprehend its meaning. In responsum No. 98 he writes to one of his correspondents: "My dear friend! Those new-comers, the would-be Kabbalists, do not understand the Zohar and its real meaning. They boast as if they know the hidden depths of the Torah, her secrets and mysteries. I wish they could understand at least the revealed part of it."

In the same way he objected to the philosophical interpretation of Jewish law. In his opinion, the interpretation of the law of God on a rationalistic basis would be nothing but blasphemy. He reproaches Isserles for using the philosophical method of interpretation and deplores the fact that the pupils of the latter were permeated with the destructive spirit of the Aristotelian philosophy (R. of Moses Isserles No. 6). In the same responsum Luria points out to Isserles his deficiency in grammatical knowledge, advising him to take up the study of grammar.

On the other hand, we find him very careful not to disgrace the rabbis who erred in their decision, for whenever he could, he would find a pretext favoring the rabbi's position with reference to the

(10) Mentioned in the Hebrew text; omitted from the digest.
decisions they rendered, although he himself did not subscribe to them. He excused a rabbi of Padua for making a decision concerning the law of Nidah, which in his opinion was wrong, but which was rendered because of certain plausible reasonings (R. 6).

He was interested in all phases of Jewish life and never hesitated to voice his opinion on its problems. Solomon Luria was a unique figure among the rabbinical scholars, a man of profound rabbinical learning and unusual acumen, independent in thought and action. In the age of decadence in which he lived, he fought against the deteriorating elements which had crept into Jewish life. His aim in life was service and not any personal gain. In responsum No. 11, he concludes: "I am ready to take an oath that I have passed this judgment not for any personal gain for it is not money that gratifies me."

As a judge, Luria was always tolerant and lenient in cases where women were involved in his rulings, especially in religious matters. Yet his method of punishment he borrowed from the Catholic Church, namely the use of the ban (R. 11), black candles, etc.

Many contrasts and contradictions blended harmoniously in the profound soul of Solomon Luria. While he followed every tradition of Jewish life, he was at the same time free and objective in his investigations in the field of rabbinical literature. Although he possessed a stormy and vitriolic disposition, yet he yearned for peace and harmony. His responses show the alertness of his mind and the depth of his
soul which was impregnated with lofty ideas and emotions. In his capacity as judge he exhibited a thoroughly democratic spirit. He was always in touch with the material and spiritual needs of the masses (R. 60).

Solomon Luria belongs to the very few elevated spirits who exercised a powerful influence not only upon their own generation, but upon those that followed. (11)

He died in Lublin on the twelfth day of Kislev 1573.

(11) This date is inscribed on his tombstone. See S. B. Nissenbaum, קְפֵרָה יְהוּדית בְּפִיוֹבְלִים , p. 23; S. A. Horodetzki בָּרְבּוּ סָלָה נָבָה.
To give a detailed account of the entire responsa literature would lead us far afield from our main subject, and would, moreover, require more space than can be condensed into one volume for its full description. All that is intended here is to give, in a few words, an account of the responsa in general before describing the volume of Luria's response, so that the reader may get an idea of how much material is contained in this branch of literature for the historian, for the rabbi, and for the student of law.

The responsa literature up to the present time, unlike the Bible and to some extent unlike the Talmud, has been but little studied by mediaeval or modern scholars. The works on responsa previously written deal with single periods only and do not embrace the responsa literature as a whole.

This literature which numbers close to a thousand volumes, contains material covering the entire life of the Jewish people wherever they lived throughout the Diaspora. Material of this genre digested and translated from the Hebrew original forms the basis of the present volume.

(1) Some of the important works are: Joel Müller - Briefe und Responsen aus der Vorgaonischen Judischen Literatur, Berlin 1886; Einleitung in die Responsen der Babylonischen Gaonen, in 1891; Zacharias Frankel - Entwurf einer Ges-
Responsa, in the main, do not belong to the academic branch of rabbinical Literature. True enough, response in many cases were theoretical in character and had no great practical value in everyday life. Thus, we find there were queries concerning difficult passages in the Bible, the Mishnah and the Talmud; trivial talmudic disputes, gaonic differences of opinion; certain rulings on the philosophy of religion, astronomy, mathematics, chronology, geography and many others of a rather scholastic and theoretical nature. The bulk, however, served to answer questions arising from problems of everyday life.

Thus, most of the queries sent to the scholars for their decision were concerning civil law cases, religious rites, the payment of taxes, pagan wine, marriage, divorce, halizah, converts, the synagogue and other innumerable problems of Jewish life and customs.

The responsa literature has its origin in the talmudic period. Juridical correspondence was carried on between Palestine and Babylonia as early as the second century as indicated by the talmudic phrases. מ碏 פוש קוש and other formulas of letter writing, or by the phrase מ锖 תולוד frequently found in the Talmud. These response, however, being incorporated and scattered throughout the Talmud can not be considered as a branch of literature by itself. Responsa as we now know them begin with the post-talmudic period. True enough that after the Talmud had been codified and copies made available

to the scholars even outside of Babylonia, the need of the people to send their problems and difficulties to Babylonia was not as great as before, for they could find answers to questions of Jewish law in the Talmud itself. But as the Talmud was not all comprehensive, and since a new problem for arose every now and then/which the rabbi could find no decision in the Talmud, he then sent the case to the Gaon for consultation. These responsa no longer being included in the Talmud were preserved separately as responsa literature. The responsa as a whole, therefore, may be considered as a supplement to the codified Talmud, which like the Talmud, are products of the course of events.

The literary form of the responsa of the early Geonim is much finer than that of the Talmud of the Amoraic period. This may be due to a progressive development of the responsa literature in the Saboraic period, examples of which have not come down to us.

The responsa of the early Geonim and especially those of the later ones, generally deal with various problems of Jewish life. Despite the tremendous difficulties which interrupted regular communication during that period, the Jews who lived even in the most distant lands sent their inquiries concerning religion and law to those Geonim of Babylonia.

With the spread of Arab dominion, Jews formed new centers for intellectual activity. The renaissance in Moslem countries stimulated pursuits along scientific lines. The Halakha therefore suffered a setback in the new centers, but at the same time the Babylonian center widened its field of halakic activity by virtue of the fact that the new centers not having the inclination for promoting the Halakha, sent their queries to Babylonia. However, in course of time the influence of the Babylonian schools was on the decline and the new centers of learning in Spain and in France were gaining in influence, to such an extent that by the eleventh century they became completely independent of the Babylonian Schools.

A new epoch of responsa begins with the eleventh century in which we find men like Al-Fasi. (1013-1103), Samuel ha-Nagid 993-1065) Hasi (1040-1105), and others figuring prominently in the promotion of Jewish learning. These men are responsible for many valuable contributions to responsal literature which reflects the conditions of life Jews have experienced in the religious, social and economic fields.

The literary style of responsa varies as to countries and periods. The lucid Spanish manner of exposition and the sentimental nature of Frenchmen were both reflected in the responsa of their place and time.

As to the subject matter, the responsa vary from country to country. As time went on the queries became more practical,

(5) Jacob Mann, JCR N. S. V. I P: 462-463.
having an immediate bearing on Jewish life. Legal questions pressing for solution were sent by laymen and scholars to the new centers from all over the Diaspora.

Great as the importance and value of the responsa of the gaonic period and early rabbinic times might have been, the responsa of the later rabbinic periods were more important in the life of the Jewish people. The Black Plague (1348-1349) which wrought havoc and devastation all over Europe, did not discriminate between Jew and Gentile, nor between one racial group and another. Horrible as the situation was, the Christians, by accusing the Jews of poisoning the wells added greatly to their suffering. For as a consequence of this, many Jews met with death by violence, some were compelled to accept Christianity and some sought refuge in other places. The effect of all this upon the intellectual promotion of the Jewish mind is self apparent. The impoverished Jewish communities could give no support to Jewish learning. Not only was there no furtherance of Jewish learning, but there was felt throughout the period in question a lessening in Jewish tradition and a weakening of Jewish law and custom. Ignorance, therefore, was widely spread.

See Geschichte des Erziehungswesens und der Kultur der Juden in Deutschland von Dr. M. Gudeman, Band III p. 11-14.
Even the rabbis did not possess as profound a background as their colleagues of the former generation. Apparently, because of the decadence of learning among the rabbis the responsum literature grew in its usefulness and for the same reason I venture to say that Jacob ben Asher in the fifteenth century found it advisable and necessary to compile a code called Turim, comprising all Jewish law. The purpose of this work was to enable the rabbis to decide upon questions of the law with greater ease than by tracing it direct from the Talmud. While this served its purpose in many instances, Joseph Caro in the sixteenth century found it necessary to write an abridged version of the Turim, the Shulhan Aruk, a much simpler and less comprehensive work for the use of the less erudite scholars of the time. True enough that Jewish learning was then diffused among a large number of the people, but as far as scholarship and great contributions were concerned the period was one of decline for the Jews. Only here and there is found a great rabbinical scholar who could resolve queries and problems of a Jewish character. To these scholars, rabbis and congregations as well as private individuals turned for their decisions and advice. These scholarly rabbis are responsible for the promotion and development of an extensive responsa literature which reached its


height during the period of the Polish school.

The purpose of recording queries or cases involving problems from every walk of life was to elucidate Jewish law and to preserve continuity of Jewish tradition. The rabbis in the responsal literature have given the same attention and equal weight to cases of less important character as to cases of great importance. They were entirely objective in handling Jewish problems. Because of this objective attitude on the part of the rabbis responsal literature is considered as one of the best sources of historical information. Responsa literature, then, not only served its immediate respective generations but carries with it historical material of great value for future generations. We learn from the responsal literature many interesting points mirroring the character of the Jews as well as their occupations, how they lived and how they suffered, etc. Responsa contain material of great importance for historical research. Marshall's responsa are a case in point.
In the previous chapter we learned that responsa deal chiefly with practical problems. The rabbis responded to the needs of everyday life referred to them by their disciples, private individuals and different communities.

The responsa of Solomon Luria, which form the theme of this treatise, are characteristic of the nature and range of interest in this literature. They include countries such as Poland, Lithuania, Germany, Italy and Turkey. The cases treated vary greatly in character. Luria was consulted on the law of Sabbath, Passover, Sukkot and other holidays. Queries were sent to him concerning prayers, benedictions, washing the hands, tefillin, Sefer Torahs, redeeming the first born, the Ninth of Ab, and other fast days, mourners, menstruation, marriage, divorce and halizah, domestic relations, liturgical laws, civil laws, slander, usury and many other things. His chief correspondent was Moses Isserles of Cracow.

These responsa introduce the reader to the material and intellectual life of the Jews of the time. The lawyer and the rabbi will learn from the cases dealt with in the responsa of the procedure of Jewish law as treated by Jewish courts, and the historian will find first hand information concerning the life of the Jews in the second and third quarter of the sixteenth century. The events are told in the most naive way and without fear of the government. His responsa portray a very vivid and definite picture of how the Jews lived in Poland and in other countries. We see them at their business, in their shops and at the fairs; manufacturing and refining salt; floating timber
to Germany; collecting taxes; selling whiskey; lending money
to Gentiles, etc.

We see them as they settle their law suits, as they bribe
government officials to procure a privilege for the selling of
whiskey or for collecting taxes. Their internal quarrels are
often mediated by government officials and even by the Polish
queen herself.

They travel in Poland, Turkey and Palestine, although the
highways are full of danger for them. Their lives are jeopard-
ized even in the cities.

The constant fear of the informer hovers over their heads,
preventing them in many cases from arranging their lives in
accordance with Jewish law.

The cultural and religious life of the Jews occupies
much space in the response. Jews donate Sefer Torahs and
silver candlesticks to the synagogue. A Jew offers his
seat in the synagogue as a pledge for a charitable contribution.
Some communities lack spiritual leaders. In the city of Ostrog,
for example, the community forgot to procure an Etrog and Lulab
for the Sukkot festival.

We see the Jew at the synagogue and at his home; how he
celebrates his holidays; how he gets ready for Passover, Sukkot
and other festivals; and how he observes the fast days; a scholar
studying the Talmud with uncovered head is considered a heretic.

We see how new customs had sprung up among the Jews. Women
instituted the custom of abstaining from meat eating during the
"Three Weeks" and wait even until the Sabbath following the Ninth
of Ab. And we learn that the lighting of the Yahrzeit candles
originated with the Jews in Germany.

The decadence of the middle ages affected the life of the Jews. They were not free from superstition. Jewish youth wore amulets to ward off evil spirits. Jews consulted Gentile sorcerers in the curing of sickness. Illegitimate births occur among the Jews in many places. Polygamy is prohibited in Poland, while it is practiced in Turkey. Levirate marriage is still practiced in some places.

From Luria's responsa one can get a clear conception of the married life of the Jews, of the way husbands treated their wives, and of the various reasons for divorce, etc.
PART II

THE RESPONSA OF SOLOMON LURIA
A, who with the consent of his brothers had for a number of years been using a seat in the synagogue left by his father as an inheritance to him and to his brothers, acknowledged on his death-bed that his brothers had not given him their parts of the seat in perpetuity. His divorcee, (A had no children by his wife and he had divorced her before he died in order to free her from the obligation of marrying one of his brothers,) on the other hand, claimed that the whole seat belonged to her deceased husband, since he held it during a period of three years, which legally gave him title to the seat; moreover, he had even offered it once as a pledge for a charitable contribution. Hence she was entitled to collect her Ketubbah from the whole seat.

Q. Has the divorced wife the right to collect her Ketubbah by claim of undisturbed possession from the seat in the synagogue, which the brothers of the deceased husband allowed him to use and to pledge for charity?

A. The claim of undisturbed possession unsupported by any legal claim is not valid. Moreover, the husband on his death-bed acknowledged the brothers' ownership of the seat. Therefore, she cannot collect the Ketubbah from the whole seat, but she can collect from the part which belonged to her husband minus the amount which he pledged for charity.
Sorcery

Q. Is it permissible for a sick person to consult Gentile sorcerers?

A. When life is in danger or such probability exists or in case a limb of the body is in danger, such consultation is permissible; for sorcerers at times help through genuine remedies. But when no danger is involved this practice is prohibited, because sorcery in general is based on nothing but falsehoods, deceit and delusions.

(1) Responsum II is missing in the text.
Isaac Zeligman holding a royal grant from a Polish King for the right of collecting the taxes in the city of Plotzk, agreed in accordance with a decision reached by a court of arbitration, but not accompanied by Kinyan, in the city of Wilna, 1556, to allow his partner Jonah a quarter interest in the royal grant; in consideration of this Jonah agreed to pay fifty shok and produce responsible sureties within thirty days who would guarantee the taxes to be collected by Jonah when they were to be paid into the treasury. Accordingly, Jonah sent by agent his fifty Shok, but Isaac now sought to withdraw from the agreement.

Q. Is the court of arbitration binding on Isaac Zeligman although it was made without Kinyan?

A. Yes. Kinyan is necessary only in the case of a forced arbitration or when arbitration is offered by the Judges instead of a Din-Torah. But when arbitration has been agreed upon before the court by both litigants, Kinyan is not essential. Hence the decision of the court of arbitration in the case of Isaac Zeligman is final, since he agreed to it of his free will.

(2) According to the date of the responsum Sigismund Augustus was then King of Poland.
If a death occurs on Hol-ha-Mo‘ed Sukkot is Shemini 'Azeret, although it does not annul Shivah, counted as seven days into the Sheloshim?

A. Yes. Shemini 'Azeret although it does not annul Shivah, is counted as seven days into the Sheloshim.
VI

Nidah

Q. Moses Isserles questions the Takkanah of Meir of Padua, Italy, agreed to by his son, Judah, concerning the Tevilah of Nidah, namely: that it is permissible for women to go to the Mikvah to cleanse and wash the hair preparatory to the ablution by night rather than at twilight; because the Mikvah being located in the yard of the synagogue, the women going there before dark were exposed to the view and comments of the literers.

He asked the question because a rabbi of Padua in a lecture before the women opposed Judah and warned them that night cleansing and ablution do not render them ritually clean to cohabit with their husbands; and children born of such cohabitation would be illegitimate.

A. Luria upholds the Takkanah and admonishes the rabbi to retract his words and acknowledge his mistake in the very place of his first lecture and apologize to Meir for opposing him in his absence.
A villager had redeemed his first born son on the thirtieth day instead of the thirty-first day.

Q. Does the father have to redeem his son on the thirty-first day again although he gave the money to the Cohen on the thirtieth day?

A. No. The son is redeemed; for if the father did not definitely say that he meant to redeem his son on the very day he gave the money to the Cohen, we take it for granted he surely meant the redemption to take place on the proper day, namely on the thirty-first.
In 1553 when Luria was Rabbi in Ostrog, Podol, it happened that the congregation had no *Ethrog* for *Sukkot*. A messenger was sent to the next city to procure one; he returned Friday afternoon on the eve of *Sukkot* with the *Ethrog* and palm but without the necessary myrtle. The congregation was about to send a Gentile to the neighboring Jewish community to get a myrtle, though it be of last year. Luria, however, would not allow it because of the rule of *Shebut* which in this case could not be put off in favor of "the taking of the *Lulab*." For waving the *Lulab* the second day of *Sukkot* in any place even in the territory of Palestine, excepting Jerusalem, is only talmudic.

Sunday morning, the second day of *Sukkot*, he ordered the cantor to wave the *Lulab* at the proper time of the services, "in order that the rule of the *Lulab* should not be forgotten by the people of this congregation," but without saying the necessary benediction of the *Lulab*. Sunday night, the third night of *Sukkot*, he sent a messenger for the myrtle and on the following morning told the congregation that they should say: "הנחותה since it is said even on precepts which are not (מדאוריית) mentioned in the five books of Moses, for instance, the lighting of the Hanukah candles, and the reading of Esther on Purim."
Yahrzeit

Q. If one obligated himself to the fast on the day of his Yahrzeit, must he fast the whole day if the Yahrzeit occurs on Friday?

A. If the fast of the first Yahrzeit occurred on a Friday and he did not complete the full day of fasting, then he need not complete the subsequent fasts, though it falls on any other day. But if the first fast of the Yahrzeit fell on any other day, and he fasted the whole day, then he has to complete the succeeding fasts of the Yahrzeit even when it falls on a Friday.
Catching Chickens on Sabbath

Q. Are we permitted to run after and catch chickens in the house on Sabbath?

A. In the house it is permitted; but in a large yard it is not.
In Gunzburg, Vavaria, a husband (Moses) had brought an accusation of immorality against his wife (Eliae) before the chief Rabbi Isaac Levy and his court. The court in passing its decision (?) ordered both parties not to present the case to any other court in order to avoid more altercations between the families.

The wife's father (Anselm), however, procured witnesses of a suspicious character and in the absence of his son-in-law brought counter charges before the court of a local rabbi to discredit and dishonor his son-in-law and his entire family, accusing his father of having lived with his mother before marriage and, since girls were not enjoined by the law to take the ritual bath (mikvah) hence he was conceived by an "unclean" woman (Niddah) and therefore is a bastard. (?) He, furthermore, caused them great harm by informing the government on them. He even sought to avenge himself upon Rabbi Isaac Levy, before whom his son-in-law had brought the accusations against his daughter, by informing the government on him.

Mendel, the district rabbi, then wrote to Luria for his opinion:

Q. (1) Is it permitted to a Jewish court receive statements of witnesses in any case in the absence of the accused?

(2) What punishment should be meted out to the informers?

A. (1) No. Such evidence is valueless, especially in cases of no monetary matters, as in this case concerning the virtue and uprightness of people, unless the accused deliberately failed to appear before the court when summoned. Moreover, in this case both parties were prohibited by the first court.
from making further appeals and furthermore the witnesses were found perjured. Therefore the decision of the local rabbi is void.

(2) Luria would have allowed the husband's family to take the life of the informer if need be, to save themselves if the informer had still been persecuting them; but, in his opinion, the wife's father was merely acting to save the honor of his daughter and not with the intention of causing any damage to his son-in-law and his family; therefore he could not be regarded as an informer in the strict sense of the word and should not be dealt with as such. The wife's father should go even so far as to spend his entire fortune, if necessary, in order to save the honor of Rabbi Isaac Levy before the city officials and humbly apologize to the Rabbi and accept his decision.
Defamation

Q. I was asked by prominent men, to give my opinion concerning a slanderous rumor circulated about the mother’s family to the injury of the reputation of Bezalel’s sons who were about to be ordained as rabbis.

A. My reply was to this effect: my grandfather, Isaac Klaumberia, who was a relative and well acquainted with the family in question respected the family greatly and never told me anything disreputable concerning it. Therefore, I regard this rumor as vicious, and am prepared to put a ban on anyone circulating it.
Q. May the 'Omer be counted Friday evening after Kiddush, when this has been said in the synagogue before sunset?

A. No. 'Omer must by all means be counted after sunset.
A Polish Jew, having deserted his wife and a seven year old son, migrated to Plevno, Turkey, and there wished to divorce her. Rabbi Eliezer, of Nikopol, wrote the bill of divorce for his wife on condition that the husband would appease her by paying her a certain amount of money. The husband did not fulfill his condition and sent her the bill of divorce, by a Jew travelling from Palestine to Poland, even without payment of the Ketubbah. The wife refused on this ground to accept the bill of divorce. The husband then hired an unscrupulous person to deliver the bill to his wife. The messenger, however, failing to do so, forged the name of Luria together with the names of the heads of his community on a document, stating that she did receive the bill of divorce and brought it to the husband; and on this strength the authorities at Plevno permitted him to marry a second wife. The phrase "let...

When Luria heard of it, he immediately wrote the rabbis of Plevno to take steps to separate the husband from his second wife until he divorced the first one. He maintained that the man being a native of Poland was bound by the law of monogamy, according to the herem of Rabenu Gershon, which was prevailing in Poland - but not in Turkey. Therefore, it was their duty to force him to give his first wife another bill of divorce together with the payment of the Ketubbah, or such other money as she might claim.
A man on his death-bed made a will orally, in favor of his minor children, before two witnesses, A and B, appointing two executors to handle the property and telling them "Let it be known that one should not handle the property without the advice of the other." Then one of the executors sold the inheritance at a loss, without the knowledge of the other.

A stated that the testator had stipulated by the words "Let it be known," that neither of the executors could act without consulting the other.

B thought that the testator meant it merely as advice and not as an obligation.

Q. Can one of the executors act independently of the other or not?

A. Any stipulation in a will should be accepted in the general sense of the words or terms. Therefore the phrase "Let it be known," should be taken as imperative; the sale would be revoked, and failing to do so, the executor is liable for any loss the beneficiaries under the will have sustained.
The Removal of a Sefer Torah

A man had presented a Sefer Torah to a synagogue and did not state at the time that it was not given in perpetuity. The Sefer Torah, however, was still held in his name. After many years, this donor died, and his sons, moving to another locality, desired to remove their father's Sefer to their new locality, in spite of the fact that the mantles of the Sefer belonged to the synagogue. The officers of the synagogue agreed to the removal, basing their consent on the precedent of a similar case.

Q. Have the sons the right to remove the Sefer Torah from the synagogue?

A. No. They have no right to remove it for the following reasons:

   a. An act done does not constitute a custom, and does not establish a precedent. Even a custom or practice of the people, not having the approval of learned authorities or not having its root in the law, does not take precedence over the law.

   b. The Sefer Torah being in the possession of the synagogue, the sons cannot remove it without first procuring evidence that their father did not give it in perpetuity.

   c. Moreover, since the donor himself when he presented the Sefer Torah did not stipulate that he could remove it at any time, it is prima-facie evidence that he intended it to remain in the possession of that synagogue in perpetuity, and in addition the mantles of the Sefer Torah belonged to the syna-
gogue. Hence, his sons cannot claim a right which he could not have claimed for himself.
A Stipulation in a Will

A father stipulated in his will that his daughter and her husband should have the right to live in his house all their life, as they did during his lifetime. While her father was living she did not contribute anything towards the upkeep of the house. But, after her father's death the heirs demanded of her a share for the running expenses of the house, which she refused. Some time later the daughter wanted to move to a different house and rent her rooms to a tenant and collect the rent for herself.

Q. 1. Could she be forced by law to contribute towards the upkeep of the house?

Q. 2. Would she be entitled to the rent if she rented her rooms to someone else?

A. 1. She could not be compelled to contribute towards the upkeep of the house, because words or terms used in a will must be strictly construed in their accepted sense.

A. 2. But should she leave the house, she would not be entitled to the rent, because her father might have given her the house only to live therein, in order that she may not have to move to other houses, but not to rent it to other people.

Note: This question was submitted by Moses Isserles who held as Luria that the daughter did not have to contribute towards the upkeep of the house, for the custom of the country was that a daughter who received a house upon her marriage was free from supplying anything towards its up-
keep, but differed in his opinion with Luria with regard to the question of the rent. According to Isserles, she had the right to rent the house to someone else and collect the rent for herself and the heirs could not interpret the intention in the will as to restrict her in her rights to the use of the house. (Found in text)

From the tone and style of the response it is apparent that this question, as the preceding one, was submitted to Luria by Raba Hanasi. See response No. LII by Shammai LeCutman.
A Child of Unknown Father

Q. Is a female of an unknown father allowed to be married to a Cohen? (4)

A. If upon investigation the mother affirmed that she had cohabited with a Jew, she and the daughter are allowed to marry priests, even in cities where Jews form a minority. In cities where Jews form the majority, she and the daughter are allowed to marry priests even when it is not known with whom she co-habited. But in cities where the Gentiles form the majority, and no investigation has been made with regard to the identity of the father, neither the mother nor the daughter are allowed to marry a priest. Should either of them already be married to a Cohen, she need not be divorced.

(5) question not clearly stated in the text.

(4) From the tone and style of the responsum it is apparent that this question, as the preceding one, was submitted to Luria by Moses Isserles. See responsum No. LXI by Moses Isserles.
‘Erub and Visitors of Lublin

Q. Do the Jewish merchants who came to the fairs of Lublin, have the right to carry things on the Sabbath within the city limits, without having participated in the ‘Erub?

Moses Isserles would allow the Jewish merchants, whom he considered as visitors, to carry things within the city of Lublin without an ‘Erub of their own on the ground that their rights to carry things on the Sabbath cannot be curtailed before they have stayed in the city thirty days.

Luria, on the other hand, maintains that visitors who come to a place regularly have not the rights of visitors. And since the Jewish merchants come regularly to the fairs of Lublin, therefore, they are not permitted to carry things within the city on the Sabbath, without having an ‘Erub of their own.

(5) Question not clearly stated in the text.
(6) See Responsa 17b Note 4.
Selling a Stolen Pledge

Moses bought a ring from a Gentile, knowing it to be stolen, and pledged it with Gershon of Neustadt, informing him of the theft. Gershon now sold the ring to a nobleman, who, recognizing it, informed the authorities. To save himself, Gershon told the authorities that he bought the ring from Moses, on which account Moses had to flee the city to save his life.

A. What punishment should be meted out to Gershon?

B. Inasmuch as Gershon had no right to sell the ring without the consent of the pledgor or the permission of the court, Gershon must pay all damages suffered by Moses, clear him before the authorities, so as to make safe for him to return home, and also beg Moses's pardon. Gershon, however, should not be regarded as an informer, since he did not act in malice, but only in self-defense.


A Shoḥet's Inadvertency

In the city of Brisk, Lithuania, Isaac the shoḥet, being also cantor, had sold inadvertently a kosher lamb to a Gentile and a terefaḥ one to a Jew. Luria, satisfied that it was but a slip, decided that the shoḥet could not be disqualified on this account.

A certain faction, opposed to Luria, then convened a Bet-Din with Rabbi Abraham at the head, and in Luria's absence passed judgment upon Isaac that he was not to be trusted to act as shoḥet any longer. Isaac, then, urgently requested by the congregation, consented to serve as cantor only, but with the understanding that on Luria's return they would send the minutes of the Bet-Din to him to review their decision; and Isaac officiated meanwhile as cantor during the High Holidays.

On Luria's return, however, Rabbi Abraham and his faction failed to submit their decision to Luria for review; moreover, they did not even allow Isaac to conduct the services any longer immediately the Sukkot festivals had passed, on the ground that he was not acceptable to the congregation.

Some members of the congregation regarded the second act of Rabbi Abraham and his faction as even worse than disqualifying Isaac as shoḥet, and urged Rabbi Abraham to submit the case to Luria to which Rabbi Abraham did not consent, claiming that his decision was right, and while
in the synagogue he tried to besmirch Isaac's character by telling some events that took place in his career as sho'het, to prove to Luria the justice of his decision. However, when he failed to convince Luria that no injustice had been done to Isaac, especially as far as their second decision was concerned, he admitted that Isaac had not forfeited the confidence of the congregation sufficiently to disqualify him as cantor, yet he himself, he said, could not reverse his decision without first consulting his party, and promised thereby to send to Luria the decision of the Bet-Din the very next day. The next day Rabbi Abraham sent a delegation to Luria instead and at the same time his faction closed the synagogue.

The local authority on being appealed to, ordered the synagogue to be re-opened, saying: "Let the house of God not be closed; and as for the cantor, let the rabbis of Lithuania decide as to the fitness of the cantor to continue his services at the synagogue."

After this took place, they sent the decision of the Bet-Din to Luria, and he decided that the congregation now had the right to disqualify Isaac as their sho'het since he had agreed to it already, but he could not be dismissed as cantor, though he be paid a full year's salary, unless he was not acceptable to the entire congregation. And in case the entire congregation objects to his conducting the services any longer, he should be paid his salary until the end of the year according to the terms of his contract.
A sister-in-law of Solomon, a physician in Kazimierz, a town not far from Cracow, was engaged to a young man, Abraham by name, who subsequent to the engagement, gave his bride some presents, according to the custom. The girl jilted him; and the groom now claimed that the presents he gave her were understood to constitute betrothal. The case was brought before the local Jewish authorities of Cracow. Of the two witnesses who testified about the giving of the presents, one denied the groom's claim while the other one affirmed it. The local authorities hesitated to allow the girl to marry any other man. Then Solomon took the case to Luria, in Lublin, with a letter from Moses Isserles of Cracow, giving him full particulars of the case.

Q. Could the bridal presents be claimed as constituting a betrothal?

A. Luria decided that the presents could not be regarded as constituting betrothal.

1. Custom allows girls to receive presents from their grooms before betrothal as gifts.

2. The one witness who testified that the presents were given to her for betrothal purposes is not enough, according to the law, to prohibit her from marrying any other man. The girl, therefore, was free to marry any other man, even the jilted groom's relatives. The groom, however, having put forth such a claim, could not be allowed to marry
any of her relatives, though, of course, he might marry any other woman, because his claim did not bring him under the herem of Rabenu Gershon; unless the authorities of his community wish to punish him for putting forth such a claim.

If the deceased husband, in which case she would have to go through the ceremony of belliath, was advised by a certain scholar to bring the levir before the Hai-Hig on some pretext, and while there, spit into his face, in the presence of the members of the court, which spitting forms part of the belliath ceremony, and could thus according to this scholar render the levirate marriage prohibitory and the levir would have to free her by belliath.

This the widow did; whereas the court forced the levir to go through the entire belliath ceremony, to which the levir submitted, and then the court freed the widow to marry whenever she liked.

When the facts of the case were submitted to Luzia, he decided that this spitting did not make the levirate marriage prohibitory; therefore, the belliath was a forced one and had no effect whatsoever. Hence, the widow could not marry, the levir thus far, any other man, unless he was willing to go through the same ceremony of belliath a second time of his free will.

The scholar who gave the widow this cunning advice began to ask her forgiveness.
A Forced Halitzah

A childless widow in Poland, where levirate marriage was practiced, not wishing to become the wife of the brother of her deceased husband, in which case she would have to go through the ceremony of Halitzah, was advised by a certain scholar to bring the levir before the Bet-Din on some pretext, and while there, spit into his face, in the presence of the members of the court, which spitting forms part of the Halitzah ceremony, and would thus according to this scholar render the levirate marriage prohibitory and the levir would have to free her by Halitzah.

This the widow did; whereupon the court forced the levir to go through the entire Halitzah ceremony; to which the levir submitted; and then the court freed the widow to marry whomsoever she liked.

When the facts of the case were submitted to Lurie, he decided that this spitting did not make the levirate marriage prohibitory; therefore, the Halitzah was a forced one and had no effect whatsoever. Hence, the widow could not marry, the levir thus far, any other man, unless he was willing to go through the same ceremony of Halitzah a second time of his free will.

The scholar who gave the widow this cunning advise needs to ask her forgiveness.

(7) See Responsum 17b, Note 4.
The Beverage of the Cup Used at Grace

After Meals

Q. Is it permissible to use any kind of beverage for the cup at the grace after meals?

A. Yes; but only when wine or beer is not obtainable. Yet this information should be kept from the public, or they might make of it a general rule and apply it even when the above mentioned beverages are procurable.
Entering a Protest

In the city of Lublin, in 1551, a man circulated a report that he had betrothed a certain widow in the absence of witnesses, which fact the woman absolutely denied. To get rid, however, of his importunities, the woman agreed to accept a divorce from him, which he would grant only on condition that she give him a certain sum of money. The widow, after having protested, in the presence of two witnesses, that the whole matter was but a device in order to extort money from her, deposited the promised money with a trustee. When, however, she was already divorced, she would not permit the trustee to hand over the money to the divorcee until the case was brought before a Jewish court.

A. Can her protest be sustained?

A. Though I have heard the other party and it is not proper for a judge to respond to a question or to pass his opinion in money matters before hearing the claims of both parties, yet since widows and orphans are entitled to special consideration, I would advise the court, not as a judge but only as a friend of the widow, to find a verdict in her favor. For even though the court has already heard the claim of the second party, it has a right to accept my points in favor of the widow, if the rabbis of the court find them acceptable.
First, however, I must decide whether she has a right to remarry; a point much more important than the monetary matter, even though I have not been asked to give my opinion upon that.

The widow, according to the law, is even allowed to marry a Cohen, for the divorce under the circumstances should have no more effect than a get given to an unmarried woman. But taking into consideration that the people regard her as a divorced woman, because the get was written by a competent rabbi who would write no get without any substantial ground, she should not marry a Cohen, in order to avoid evil talk. As far as the money is concerned, her protest should be sustained and the deposit returned to her. Moreover, since the knavery of this man is so evident, the trustee would not lose his reputation by returning the money to her even without the order of the Bet-Din.
Disinfecting a Vessel Ritually (הגלות)

Q. While cleansing a vessel ritually, the water in the boiler ceased boiling. Could the same water still be used for the same purpose when it starts boiling again?

A. Yes; it may be used.
Q. May one change a shirt on the Sabbath preceding the Ninth of Ab?

A. Yes; it is permissible; for no mourning that can be noticed by the public is allowed on the Sabbath. Furthermore, changing shirts does not mean changing clothes, as shirts are often changed in Poland in the middle of the week, because of perspiration.
Malice

Someone had spread a malicious rumor about a certain man that he had slept with his own married sister and bathed with her in one bath-tub.

This terrible accusation was brought to the notice of Rabbi Meir of Padua, who, in his turn consulted the opinion of Moses Isserles, and the latter asked Luria to say what punishment ought to be inflicted upon this malicious slanderer.

A. According to talmudic law, he would deserve the "forty stripes" four times over: twice for accusing the man of incest with a woman that is his sister and married, and twice again for accusing the woman of incest and adultery; which should be inflicted in the synagogue after the Minhah service on a Monday and Thursday during two consecutive weeks.

But since we are unable to enforce the law at all times, and there is always present the fear of the informer, therefore I would suggest that a fine of eight gold Rhein-isch be substituted for the "stripes;" that he must come to the synagogue during the services, confess his guilt, while holding two black, lighted candles in his hands, and the hazan of the congregation announcing that this slanderer begs for pardon.

Should the slanderer not submit to this punishment, he should then be put under a ban.
Genealogy of Geonim

Q. What is the genealogical order of the Geonim who are known by their works?

A. I know no definite tradition, yet anyone who reads their books will discover some of their genealogy by the style of their writings and by the controversies of the events that took place at their respective times. Luria then sent his inquirers a copy of the genealogy of the Geonim as he had it at hand.

<table>
<thead>
<tr>
<th>Table Ia</th>
<th>Meshullam</th>
<th>Yithiel</th>
<th>Meshullam</th>
<th>Moses</th>
<th>Jekuthiel</th>
<th>Calonymus</th>
<th>Moses ha-Zaken</th>
</tr>
</thead>
</table>

("came with King Charles from Lucca, 919")

(A: "שנת כהן זכאי")

(Continued)
(8)
Gershon b. Levi of Worms
Levi of Worms
Leviyahu"
Eliakim ha-Levi
Michten
(10)
Ha-Cadol
Ha-Cadol of Mayence
Lomon ha-Sabli
(11)
Gershon of Metz
Jacob ha-Zaken b. Yakar
Isaac b. Yakar
(12)
Joshua ha-Levi of Bonn
Abi Haeszri
(Sec. T 2)
Nathan
Meth Paseah"
Natrorai of Cologne
(10)
Isaac b. Judah
("Loreh Zedek")
Gershon of Metz
Jacob ha-Zaken b. Yakar
Isaac b. Yakar
(10)
Eliakim ha-Levi
Rashi 2
(44 Comm on 44
Tractates)
(10)
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Jacob ha-Zaken b. Yakar
Isaac b. Yakar
(10)
Eliakim ha-Levi
Rashi 2
(44 Comm on 44
Tractates)
Table I

Sherira Gaon
Hai Gaon
(956–
the last Gaon)

Moshullam ha-Cadol

Hananel

Gershon Meor-ha-Golah
(992–1040)

Simon of la Mans
(A. "הancer הקב")

(Joseph ha-Zaken
Abin ha-Gadol
Bhai Yomani

(Moses) Calonymus of Lucca
(buried at Orleans)

Isaac

Elijah ha-Zaken
(br. 1 of Hai Gaon)

Joseph ha-Zaken

Abin ha-Gadol

Calonymus of Rome

Joshua Hassid

Isaac Hassid

Eliakim b. Joseph

Calonymus ha-Zaken

Simon ha-Cadol

Samuel Hassid

Judah Hassid of Spires
Abraham of Spires
(both exiled from their native country to Lisbon)
Elijah Hassid of Fano Menahem b. Peretz of Joigny
Hiskiyah of Auxerre, Meshullam of Melun
Ephraim of Lisbon

Moses ha-Cohen Ashkenazi
Jacob of Orleans, Hayim Cohen
Isaac b. Baruch, Isaac b. Mordecai
Joseph Seker-Shor
Benjamin of Canterbury
"Abba" R. I. ha-Laban

Samson of Sens or Isaac b. Abraham of Lambier
(buried "near Mt. Carmel")
Ezra ha-Nassi
Samson of Joinville
Baruch b. Isaac
(A "Sefer Haterumach")
Samson of Soisy
Solomon of Troyes
Eleazar of Sozanne

Judah Cohen of Wurzburg
Aaron of Lisbon
(continues)

Rashi
(1040-1105)

Samuel b. Meir—br.

Isaac b. Asher ha-Levi of Spires  
Joseph Dan Ben-Dit  
R. Tam

Shemariah of Spires  
Meir, Judah (A. "Piyut")

Metul (?)  
David of Wurzburg

Judah Hassid  
Aaron of Ratisbon

Nehemiah Wurzburg  
Leazar b. Joel ha-Levi  
Jonathan  
Eliezer of Worms

Elhanan (killed 1184)

Elhanan  
Judah b. Isaac of Paris  
(1166-122)

Mendhem Vardimas  
(-1224)

Jehiel

Samuel b. Solomon  
Judah of Metz(?)  
("Sir Moral" (18))

Meir (21)

Elhanan  
Samuel

Judah of Melun

Samuel of Chateau-Thierry

Jacob of Orleans

Gershom of Preux (19)

Mothaniel of Chinon

(buried a)
Abbreviations

\( \text{d} \) = descendant

\( \text{d} \) = disciple

\( \text{br} \) = brother

\( \text{br}-1 \) = brother-in-law

\( \text{s}-1 \) = son-in-law

\( \text{A} \) = author

Notes:

(8) Or Eleazer


(10) The following names are omitted from the chart, as our author places them "long before" the Lotharingian School:

(11) Not mentioned among Rashi's teachers.

(12) is probably a corruption from וננה.

(13) Isaac of Ramerupt and Isaac of Dampierre, who are identical, seem to be two different persons according to our author.

(14) Also mentioned as a disciple of Isaac of Ramerupt or Dampierre.

(15) in the text is probably a corruption from רז"הברבכ

(16) in the text is probably a corruption from ע"הברבכ

(17) The sons of Metul and the disciples of Isaac b. Abraham of Dampierre seem to be identical.

See

(18) ; Gallia Judaica, p. 478, 20.

(19) ; see Gallia Judaica, p. 40.

(20) Probably the place of abode of a scholar whose name is missing in the list, and who was the teacher of Isaac b.
Q. May one indulge in dainty milk dishes on the eve of the Ninth of Ab before the afternoon service, and then take the fast on a fruit diet while sitting on the floor?

A. Custom would not permit the use of dainty milk dishes because such indulgence is considered a luxury. Learned people, particularly, should not permit themselves such indulgence.
Beer before Fasting

Q. May beer be drunk at the final meal on the eve of the Ninth of 'Ab?

A. No; beer in these countries is the substitute of wine, and wine at the final meal was prohibited as early as tanaitic times, we especially, in an age of religious persecution, ought to be more strict in the observance of our laws.
The Burial Service

Q. Is Ziduk ha-Din to be said on the Ninth of 'Ab?

A. I see no valid reason why it should not be said. Rashi permitted it to be said if the funeral took place before noon on this day.

According to the written documents of the witnesses, she was accused of clandestine meetings with a male companion and indecorous behavior in a "winter house." Her father denied the charge, saying that his son-in-law was not seeking to avenge himself. The case, in the first instance, was brought before the Jewish authorities of Prague, who, believing the witnesses, sustained the charge.

The father then brought the case to Grazee before Moses Isserles and his Bevi-Din, who dismissed the charge, yet hesitated to allow the husband to continue to live with his wife because of his own definite conclusion, unless the heads of two talmudic schools agreed to it. A copy of the decision was submitted to Luria and his opinion asked for, to which he replied that he agreed with the decision of Isserles and his reasons thereof:

1. The evidence speaks only of indecency, and not of infidelity.
2. The evidence was taken in the absence of the accused.
3. Those authorities who tried the case were laymen, and failed to cross-examine the witnesses as legally required.
4. The witnesses are such characters as are not qualified to testify.
5. Evidence in writing cannot be accepted in ritual matters, although it is accepted in civil law.
6. The "winter-house" cannot be considered a hiding place since
Charge of Infidelity

A man in the city of Prague, having had some disagreement with his father-in-law concerning money matters, deserted his wife, and five years later, supported by witnesses in writing, accused her of what was in his opinion infidelity. According to the written documents of the witnesses, she was accused of clandestine meetings with a male companion and indecorous behavior in a "winter house." Her father denied the charge, saying that his son-in-law was but seeking to avenge himself. The case, in the first instance, was brought before the Jewish authorities of Prague, who, believing the witnesses, sustained the charge.

The father then brought the case to Cracow before Moses Isserles and his Bet-Din, who dismissed the charge, yet hesitated to allow the husband to continue to live with his wife because of his own definite accusation, unless the heads of two Talmudic schools agreed to it. A copy of the decision was submitted to Luria and his opinion asked for, to which he replied that he agreed with the decision of Isserles and his reasons thereof:

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D- The witnesses are such characters as are not qualified to testify.
E- Evidence in writing cannot be accepted in ritual questions although it is accepted in civil law.
F- The "winter-house" cannot be considered a hiding place since the

(23) See Rama, responsum XII.
officers as well as the students, when passing by those open houses, always try to find out whether something is taking place there.

Hence, the husband ought to live with his wife again, and can never divorce her. But he must first confess in public that he was misled by the witnesses in making his accusation.

A. No. It should not be followed; quite the contrary. The ecclesiastical head of the community should wash first, as becomes his dignified position; then waiting for all the others to wash their hands, without engaging in any conversation in the meantime. This would set the right kind of example for all the others to follow. He may, nevertheless, answer any question of erudition and thus would not constitute an interruption. On the contrary, the law requires conversation on the laws of the Torah at the meal table.
Washing Hands before Meals

Asher ben Yehiel was in the habit of washing his hands last at a public meal, so as not to divert his attention from the hands while waiting for all the others to wash theirs before pronouncing the benediction.

Q. Is this practice to be followed?

A. No. It should not be followed; quite the contrary. The ecclesiastical head of the community should wash first, as becomes his dignified position; then waiting for all the others to wash their hands, without engaging in any conversation in the meantime. This would set the right kind of example for all the others to follow. He may, nevertheless, answer any question of erudition and this would not constitute an interruption. On the contrary, the law requires conversation on the laws of the Torah at the meal table.
Encroachment

In 1547 in a settlement near Brisk, Lithuania, A (claimant) held the monopoly for the sale of whiskey from the city officials for a period of three years. Before his time expired, the claimant asserted that B had succeeded in persuading the city officials to transfer the monopoly to him for the next three years. A, however, managed to get the city officials to revoke B's license so that the right of monopoly might remain with him for the next term also. At the same time, he warned B before a Bet-Din not to out-bid him. B disregarded the warning; and obtained an order from the queen, through the influence of her secretary, to grant him the license for the higher revenue of eighty shok according to his offer.

B, the defendant, contended that the privilege of obtaining the grant of the municipality for the sale of whiskey (and tax collecting) was open to public competition and bidding for it as well as the bribing of the officials, was done by everybody. Moreover, in his case, he did not even resort to these practices, since the city officials sent for him and asked him to buy the monopoly. Subsequently, however, B contended he was asked to return the license for the purpose of re-examination, and then they refused to restore it to him unless he paid a bribe of 400 lindish to the city Judge and the same amount to each of the other officials. B paid the bribe; but before the license had been returned to him, A approached the chief official with a more alluring bribe, and at the same time, raised the bid for the license. The chief

(24) Bona (Sforza).
official then commanded his subordinates not to return the li-
- cense to B. He warned A in public not to cause him any fur-
- ther expense, and said that he was willing to submit the 
- case before a Bet-Din. A, however, persisted in bribing the 
- officials until the chief annulled B's contract and gave the 
- license to A.

B. warned the chief that he would lodge a complaint 
against him with the Queen (a) for annulling his contract 
and(b) for refusing to return the bribe he had paid. And 
when the Queen's secretary came to the city on his periodi-
cal visit to listen to any complaints against the city offi-
cials, B related to him all that transpired with regard to 
the monopoly, stating at the same time, that he could also 
afford to pay as high a price for the monopoly as any other 
bidder, provided he was not called upon to pay such heavy 
bribes.

The secretary, after reporting to the Queen all that he 
had learnt concerning this matter — how the contract given to 
A was not the outcome of a public sale, nay, even the seal 
used for signing the contract was taken out of the City Hall 
by the officials without authority — decided that the contract 
given to A was illegal; and therefore ordered the city officials 
to give B a royal grant in the name of the Queen; and the 
bribes forced out of him be returned.

The litigants having agreed to bring the matter before 
a rabbi, the case was accordingly brought before one (name
not given) chosen by both of them; yet B asked the rabbi to have an assessor sit with him to hear the case, to which A objected. The rabbi hesitated as to whether he should invite another scholar to try the case with him, or not, and finally tried the case alone. His decision was that B should transfer the license to A and should in addition pay him the difference between the price at which he could have obtained the license had not B competed with him, and the price he would have to pay now.

When the case was submitted to Luria (and his Bet-Din) he characterized the said rabbi as wicked and arrogant for passing judgment by himself, and decided in favor of B, stating that such competition was permissible.
A competent scribe of Ruthenia in writing the parshiyot for the Tefillin shel yad left a hiatus at the end of the second Shemé and commenced the next passage (Im Shamoa) at the beginning of the next line; thus he made the former passage an open one (Petuhah) whereas it should have been (according to some authorities) a closed one (Setumah).

Luria, after reviewing at full length all that his contemporaries (Joshua Shanz, Isaac Kazenellenbogen, and David Blumish) had said on the subject, decided that such Tefillin could not be regarded as defective (Pasul).
A lease with an implied condition

A leased his house to B for three years, because he, the lessee, was moving to Tiberius (?) for the same period; where he had rented a mill and the adjoining estate for the space of three years.

The owner of the mill, however, dispossessed A of his tenancy only after a year and a half and A had no alternative but to return home.

Now, A wished to regain possession of his house, claiming that he had leased it for three full years because he had expected to remain in Tiberia for the same space of time. But B refused to vacate the house, on the plea that he had rented it for three full years, and "hired is equivalent to a purchase."

Luria decided that inasmuch as A leased his house to B for three years only because he had expected that he would remain in Tiberia for a like period, now that he (A) was ousted from his tenancy in Tiberia before his own lease had expired and his living taken away from him A was entitled to regain possession of his house; since he would never have leased it to B for three years had he expected that he would have to return to town ere the three years had expired.
Q. A present was given by a Gentile to a Jew on the first day of a holiday. The Gentile in procuring it had perhaps done some work on it on the same day. May another Jew make use of it on the second day of the festival or not?

A. Yes; another Jew may make use of that gift on the second day of the festival. Moreover, he is allowed to use it on the evening of the same day. If he only waits enough time—after dusk, during which he would have been able to procure it himself from the nearest place.
Mukzah

Q. May the knife used in circumcision on the Sabbath be handled or hidden away after the operation?

A. Yes; it may.
Disagreement between a husband and his wife had reached that acute stage that the wife demanded a divorce on the ground of repugnancy because of her husband's frivolity in religious matters (?)..

Q. Can the husband be compelled to grant the demanded divorce?

A. No; the husband cannot be compelled to give his wife a bill of divorce on the ground of repugnancy because of his alleged frivolity in religious matters. Moreover, should the charges even be true, or, should he even become converted to another religion, she cannot compel him, provided he conducts himself towards her as a Jewish husband, to give her a divorce. But at the same time she cannot be compelled to live with him either. The Bet Din, however, should find out from her parents, under the threat of a ban, whether or not they persuaded her to make the accusations against her husband, and if they discover such imavery, the wife shall lose all the dowry she had brought unto her husband.
A and B entered into a contract with Gentiles to deliver to the latter 10,000 barrel staves. They delivered 6,600, which they jointly bought from the Starosts, and for which they were fully paid according to the price stated in the contract. Subsequently, A delivered the balance of 3,400 staves out of his own property. For these he charged a price lower than the one agreed upon, and later the Gentiles refused to pay altogether.

Now A demanded that B should share with him his loss, claiming that inasmuch as the second delivery was to complete the contract, the money received after the first delivery was of the nature of an installment on the whole amount that would be due to them after all the 10,000 staves had been delivered.

B refused to share in the loss, contending that he was partner only in the 6,600 staves of the first delivery, but not in the remainder, which was delivered by A entirely on his own account without the consent of both of them (which act terminated the partnership based on the original agreement) and as proof of his contention, he cited the fact that A had charged for his staves a lower price than they had received for the staves of the first delivery.

B also refused to pay his share of the bribe which A claimed to have given to the official for procuring the contract, stating that this was the first time he had heard from A that such a bribe was ever paid. This question was submitted to Luria by Elijah b. Aaron.

A. Luria decided, that inasmuch as the contract, drawn up by a Gentile court, could not be accepted as evidence in a Jewish court, could not be accepted as evidence in a Jewish
court, moreover, since the contract was vitiated by a verbal agreement with regard to the 3,400 staves, B therefore only had to take the special oath of partnership to substantiate his assertion that with the first delivery of the 6,600 staves his partnership ended, and he was then relieved from sharing the loss B had sustained. Yet as regards sharing the bribe, A could reimburse himself even without an oath.
Right of Preemption

Q. A leased his house to B for a period of one year, and before the year expired A sold this house to C. B then claimed that he had the privilege to buy the house before anybody else on the ground of his leasehold.

A. Luria decided that B has no prerogative of buying the house before anybody else because the right of preemption is given to a buyer only and not to a lesor.
Q. Is the Amen after Boneh Yerushalaim, in Grace after meals to be said aloud or in an undertone?

A. This Amen like any other Amen, must be said aloud.
Treatment after Childbirth

Q. Could a husband be compelled to supply his wife with better nourishment during her confinement which usually extends over a period of three or four weeks?

A. Yes; he can be compelled, since a woman during that period considered a "sick" person nowadays. She is, furthermore, entitled to all the other considerations prevailing in such cases among average families, such as a servant and the like.
C. Does the statement in the Talmud, that the rule of Shebut does not apply to Friday at twilight, hold for any act at all, or only when a religious requisite or a matter of great importance is involved?

A. The statement referred to, applied only to such acts as are of religious significance, such as: providing food and drink or clothes for the Sabbath, even to lighting a Yahrzeit candle, as is customary with German Jews. But such acts as have purely secular purposes are prohibited unless they are of great moment or causing great loss.
Wearing Amulets on the Sabbath

Q. May youths wear their amulets on the Sabbath in a Karmelit if the amulet has been given by one not of acknowledged competency?

A. Although there is no efficacy derived from these amulets, yet they may be worn on Sabbath in a Karmelit, since they that wear them to ward off the evil spirits also regard them as an ornament.
Q. If one omitted 'Al ha-Nissim on Purim in the Grace after meals, does he have to repeat the Grace?

A. Yes, the Grace must be repeated with the formula inserted, since the meal of Purim is an institution established by the prophets and sages it must be kept with the strictness of any other biblical law.
A gave his son-in-law a note in which he bequeathed to him one thousand guldens to be paid to him by his heirs. His heirs, however, he indicated in the note, had the option of giving his said son-in-law, instead of the stipulated sum, a share in his estate to the extent of a half that which any of his sons would inherit from him, both of what he actually possessed at the time the note was written and what was eventually to become his possession.

A dies; but before the note was paid, A's father had also died, leaving the estate to A's children as the natural heirs. A's sons would not give their brother-in-law the thousand guldens stipulated, but preferred to give him instead the "half-male" share in the property their father had left at his death.

The son-in-law, however, claimed that if he was not to get the stipulated thousand guldens, but a "half-male" share, then he was entitled to a "half-male" share also in the property their grandfather had bequeathed them, since he was to have his "half-male" share even in the property that would come to him prospectively even after his death.

Luria decided in favor of the son-in-law, stating that since the sons refused to pay him the stipulated sum of money, but elected rather to give him instead a share of the estate, they must give him his share even of the estate bequeathed to them by their grandfather, in accordance with the terms of the note which indicated in its peculiar style that A meant to bequeath to his son-in-law even the property that
would come to him after his death.

Note: This question was submitted to Moses Isserles of Cracow and Meir of Padua who agreed with the decision of Luria.

"Can his children force the widow to accept the debt and return to the real estate? Is it not as the Synagogue is regarded by the Law as real estate?"

Isserles who submitted the question to Luria, one of his students that the widow who collected her Ketubah from the seat in the Synagogue is not paid until the other creditors and if the debtor is at any time willing to pay the debt in such, has to return the real estate.

Luria, however, held that the widow could not be forced to return the real estate (seat), since it was the real estate that was mortgaged to her and from the very beginning she depended upon the collection of her Ketubah therefrom.
Ketubah and Real Estate

A widow has collected her Ketubah out of the real estate of her late husband, including a seat in the synagogue. Some time later the children acquired money and wished to pay to the widow the sum of the Ketubah in cash in order to take possession of their father's seat in the synagogue.

C. Can his children force the widow to accept the money and return to them the real estate? (A seat in the synagogue is regarded by the law as real estate.)

Isserles who submitted the question to Luria, was of the opinion that the widow who collected her Ketubah from the seat in the synagogue is on a par with any other creditor who, if the debtor is at any time willing to pay the debt in cash, has to return the real estate.

A. Luria, however, held that the widow could not be forced to return the real estate. (seat), since it was the real estate, that was mortgaged to her and from the very beginning she depended upon collecting her Ketubah therefrom.
Q. In a place where there is no `Erub is it permitted to carry an article through the street on the Sabbath by passing it along from one person to another standing apart within four cubits?

A. No; it is not.

B. A Jew in need of money gave his valuables to a Gentile to pawn them with a Jew and instructed the Gentile to say that the valuables were his own.

1) May the broker collect the interest from the Gentile or from the Jew?

2) May the borrower pay the interest?

1) If the lender knows that the Gentile acts as an agent at the time he made the loan, he must not collect the interest. Otherwise he may.

2) If the borrower knew that the Gentile was the money from the pawnbroker, he must not collect the interest.
LII
Usury and Pledges

A. May a Jew lend money on interest to a Jewish registered pawnbroker who lends money to Gentiles on pledges, without taking over from him a definite number of these pledges equivalent to the loan plus interest?

A. No. This would constitute a direct loan to the pawnbroker who promised to pay the interest not depending on the collections he would make from the Gentiles. For this reason, such a loan is prohibited because the interest which he would eventually have to pay from his own pocket would constitute direct usury.

B. A Jew in need of money gave his valuables to a Gentile to pawn them with a Jew and instructed the Gentile to say that the valuables were his own.

1) May the broker collect the interest from the Gentile or from the Jew?

2) May the borrowers pay the interest?

A. 1) If the lender knows that the Gentile acted as an agent at the time he made the loan, he must not collect the interest; otherwise he may.

2) If the borrower knows that the Gentile got the money from the pawnbroker to lend it especially to him, he must not pay the interest; otherwise he may.
Q. A woman gave birth to a child on the second day of Ḥab. The fast of Ḥab fell on Sabbath and consequently was postponed to the Sunday following. Need she fast?

A. Yes. She ought to fast. Only if she is indisposed she need not observe the fast.
Erroneous Custom

Q. Has the custom of women abstaining from eating meat during the "Three Weeks" (of national mourning) and extending it up to the Sabbath after the Ninth of Ḥab, any ground in traditional Judaism.

A. No; it has not. And as for extending the abstention to the Sabbath after the fast, this is but the offspring of ignorance, originating in the fact that the Ninth of Ḥab often falls on a Thursday, and as meat is customarily not indulged in until midday of the tenth of Ḥab, and as in this case the tenth of Ḥab falls on Friday, it turns out automatically that meat is not partaken of before the Sabbath.

(Note: The biblical rule of Leviticus 19, 17: "Thou shalt surely rebuke thy neighbour" gave him the right, Lurie claims, to compel the husband even by the force of a ban to return home to his wife.)
Desertion

A very prominent scholar of a distinguished family left his wife and children and went away to another country to seek employment, claiming that in his own locality he could not find the means wherewith to support his wife and children, whereas in reality he deserted his wife in order to avoid any increase in the family.

The wife and her relatives appealed to Luria to write to the husband asking him to return home though empty-handed, the wife promising that she would help to earn a living. After several letters had passed between them, Luria finally warned him that he would be put under a ban if he did not return home, since he failed to discharge a biblical obligation.

(Note: The biblical rule of Leviticus 19, 17: "Thou shalt surely rebuke thy neighbour" gave him the right, Luria claims, to compel the husband even by the force of a ban to return home to his wife.)
Q. In what order ought the Torah benediction be said in the morning prayers?

A. Ancient custom placed it before the section of the Tamid, and the old prayer books were arranged accordingly. The Tur (Jacob ben Asher) however, placed it immediately after the benediction of 'Netilat Yadayim, so as to precede the scriptural verses of the Birkat Cohanim.

I, however, say the morning prayer in the following order: The benediction of the Torah I say at home right after the washing of the hands, having said before 'Asher Yazar and Elohai NeShamah (the benediction of Netilat Yadayim I say at the synagogue). After the benediction of the Torah I say:

1) three verses of Leviticus 12, 16-18 (Law)
2) three verses of Joshua 1, 7-9 (Prophets)
3) three verses of Psalms 1, 1-3 (Hagiographa)
4) Peah 1, 1 (Mishnah)
5) Leviticus 28, 1-8 (Mikra)
6) Zebahim 5, 1-7 (Mishnah)
7) Rabbi Ishmael (Talmud)
8) Birkat Cohanim
Mazot Overlapping One Another in the Oven

Q. If hallah was forgotten to be taken from the matzot in the oven, do two mazot, one of which partly overlaps the other, become leavened only in contiguous parts or in the whole? Or perhaps, do all the mazot in the oven baked at the time become leavened? Would it make any difference as to when they were baked, before or during Passover?

A. No, those mazot do not become leaven in the whole, and it makes no difference when they were baked before or during Passover.
LVIII

Hallah

Q. If hallah was forgotten to be taken from the mazah-dough, how can it be taken from the baked mazot?

A. Place all the mazot into a hamper and take out mazah out of it as hallah.
Evidence was taken against a man of Novogrodek (Russian town in the government of Minek) who said to a woman that: It is refused to dance with him, "I know why you refuse me, because I do not want to pay you three guldens. You, I am told, act likewise towards your own husband, whom you would not let come near you unless he pays you three guldens." What punishment should be meted out for such vile language?

A: Were it even true, as the defendant attempts to prove, that the woman in question did say that she would not take the ritual bath before her husband gave her three guldens, such talk by a woman should be taken "with a grain of salt;" since it is a psychological fact that women will seek to exalt themselves through prating among their own sex. 

Bar: I therefore issue a peremptory order to the congregation to compel the man to stand before the <bar>gogrodek with lighted candles in his hand and beg pardon from God, the woman in question, and her husband for his scurrility; he is also to sit at the door outside the synagogue for four weeks as a mourner. Furthermore, he is to pay all the expenses incurred by her husband in connection with this trial. I hereby also order the hazan of that congregation to read my letter before the public in the synagogue. In case the delinquent refuses to comply with my order, he should be excommunicated.
Keeping Boiled Food Hot for the Sabbath

Q. Is it permissible to place boiled food in hot ashes on Friday so as to keep it warm for the Sabbath?

A. Yes; it is permissible; because the hot ashes add no heat. But I heard that in some localities people place their pots of boiled food on Friday to keep them hot for the Sabbath on live coal. This is unquestionably not allowed, and measures ought to be taken to prevent them from so doing. In a closed oven, such a practice is questionable even though the live coal and the ashes be moved away from the pot. Yet, in the latter case, if the people are so accustomed to it that they would not abandon it in the face of warning no preventive measures have to be taken, since the Sefer-ha-Terumah (composed by Baruch ben Isaac - ha-Cohen, twelfth century) and the Smag (composed by Moses ben Jacob of Coucy, thirteenth century) allow it.
Getting an Egg Baked in the Sun on the Sabbath

1. Is it permissible to place an egg on a hot roof on the Sabbath in order to have it baked, since the heat of the sun and not the fire is the agent? Again, is it permitted to put an egg into hot sand on Friday in order to have it become roasted for the Sabbath?

2. The raw egg may be placed on the hot roof on the Sabbath, provided there is no hot dust. But on no account may an egg be put into hot sand on Friday to be used on the Sabbath. Even if the egg were already roasted, it must not be put into the sand to keep it hot for the Sabbath.
Absorption of Terafaḥ Liquid

Q. When a hot Terafaḥ liquid happened to be poured over some kosher food, does the entire article become Terafaḥ, or the surface only is affected?

A. Only the surface is affected because when a hot liquid is poured upon food, it does not soak through as when food is cooked.
Q. When the Reader fails to say anenu on a public fast day at the proper place, at what other place in the Amidah should he say it?

A. If he had not as yet concluded the benediction of Shemoneh tefillah he should incorporate it in the Berakah, but if that benediction was also concluded, he should add it at the end of the Amidah as a distinct benediction.
The Contents and Order of the Prayer Book

C. Luria was asked whether he is familiar with any tradition concerning the contents and order of our services.

A. He replied that he had not learned any tradition in particular from his late grandfather, Isaac Klaumberia, concerning services because in his youth he had concentrated the whole of his attention on the study of the Talmud, and neglected the study of liturgy. This negligence Luria writes was now to be regretted, as his grandfather's library, including his prayer book, was destroyed in the great fire of Posen.

Still he remembered somewhat vaguely that his grandfather's prayers differed from those which he found in other prayer books. Some of the differences were:

When he prayed alone, he said immediately after בורא אתשת נשען התעלה and finished it with התונה בקעת צדוק

When he happened to come late to the Synagogue, he used to say והנה חמר אرار or sometimes skipped even those portions and joined the reader in his prayers.

In the morning he used to recite the Decalogue from Exodus, and before sleep, the Decalogue from Deuteronomy.

In counting Omer he said והיו עיני יימים or חיו עיני יימים etc., omitting the word ובשנים.

In the prayer בימים הימים כוסו хаוה he used to sayتعلע הגדים יסוד והosophim, the omission of the (ד) implying that the miracles were performed "in the days of old at that time,
The section he always read from the prayer book, in order to be sure that he would not leave out any word, interpreting the phrase as referring to the prayer itself, which now substitutes the sacrifice.

In saying the Grace after meals, he used to omit the word from the phrase, probably because the term meaning spiritual creation, in opposition to meaning material creation, does not suit the occasion, and since the creative attribute of God is expressed here already by

Now, Luria proceeds to describe his own ways of praying, which, with a few changes, tally with the order of our prayer-books. Some of these changes are given below.

"When washing in the morning, he said and right after it , leaving the benediction to be said at the Synagogue.

The benediction of the Torah he used to supplement by three verses from the Pentateuch (Lev. 19, 16-18), three verses from the Prophets (Jos. 1, 7-9), three verses from the Hagiographa (Ps. 1, 1-3), and also by the Mishnic paragraph thus implying that the Torah benediction applied to the Mishnah as well.

In the morning benedictions he omitted and because unmentioned in any of the rabbinical works. Also he placed before:
The prayer , the one composed by Judah ha-Nasi, he said after (of the Amidah) and followed it by 

He paid special attention to the , considering it the most joyful anthem of all. He was in favor of this psalm being sung even on the eve of the Ninth of Aḇ, since this fast will ultimately - when the Temple is rebuilt - become a day of thanksgiving.

He used to omit the first two verses of preceding , but said them at the Minhah service.

He never said before Shema, even when praying alone, but followed immediately by .

On a Yahrzeit day, when conducting the service as Reader, he used to conclude the Shema by repeating the three words not to have the word of the following prayer to complete the number of (248) words in the Shema.
Q. Can a woman who has catamenial discharges after every co-habitation, on account of which her husband cannot continue to live with her, be divorced by coercion?

A. No; such a case falls under the ḥerem of Rabenu Gershon and the woman cannot be coerced to receive a divorce. However, an effort should be made to induce her to accept a divorce.

The inquirer was inclined to permit the husband to divorce his wife by force, on the ground that the ḥerem of Rabenu Gershon is not in force when it would prevent the husband from having children. He tried to prove his point from a case where the wife became insane, and the husband was given permission by the rabbis of Poland to divorce her on the same ground.

But Luria maintained that the rabbis were wrong in their decision; for even if the insane wife knew how to take care of the bet, but was unable to take care of the bet, but was unable to take care of herself, the husband was obliged to protect her in her helpless state against abuse. Only when her father or other relatives were willing to take care of her, then with the permission of the Bet-Din he might divorce her.
Teaching During Shivah

Q. May a teacher in whose family a death had occurred teach his pupils during the Shivah?

A. Yes, he may, if his pupils are little ones.

1) Because the parents of the children have the right not to pay him his tuition fee for the rest of the season if they objected to the interruption of the teaching. For, should the teacher even offer them a substitute for the week of Shivah, they might object on the ground that the children cannot adapt themselves very readily to a new teacher.

2) Because a teacher of children derives no pleasure from the Torah he teaches them, since his entire attention is concentrated on the behavior of the children.

Doing Business during Shivah

by a Partner

Q. May one partner keep the business open when the other one is sitting Shivah, and sharing the profits between both of them.

A. Yes; but only after the third day.
Shemini-Azereth Eve

Q. Is it customary to wait with Kiddush and the evening meal on Shemini-Azereth eve until it is quite dark?

A. I never heard of such a custom; yet it would be proper to do so in order to avoid making the benediction Leishev-Besukkah.

he was disinclined to dissolve the betrothal (Kallah), but excited from the future non-in-law in oath that he would not gamble or drink to excess. Two weeks after his marriage the husband relapsed into his bad habits and began to visit Gentile drinking saloons, drink even Gentile wine, and come home drunk.

This disgusted his wife so much that she refused to live with him, saying that he had become altogether repugnant to her.

2. (a) Is repugnancy sufficient ground for forcing her husband to give her a bill of divorce?

(b) If not, could she be compelled to continue to live with him under the circumstances?

A. (a) No; the husband cannot be compelled to grant her a bill of divorce; were he even a convert, he could not be compelled. Only a husband who abuses or mistreats his wife can be compelled to grant her a bill of divorce, but not when she suffers only mental agony.

(b) The wife, under the circumstances, cannot be compelled to live with him. Her dower, belongings, etc., which she brought with her should remain hers; if any of the things mentioned in the Nashbah are lost, the husband is to be held responsible. The money of the dower meanwhile is to be put in trust, the interest of which shall go to her, and if they
Is the Plea of Repugnancy Ground for a Divorce?

Nathan, son of Israel, promised his daughter in marriage to a man of Cracow, who was known in his locality as a gambler and a drunkard, but of this the bride's father had no knowledge whatsoever, at the time. Later, however, he found it out; yet he was disinclined to dissolve the betrothal (Tenaim), but exacted from the future son-in-law an oath that he would not gamble or drink to excess. Two weeks after his marriage the husband relapsed into his bad habits and began to visit Gentile drinking saloons, drink even Gentile wine, and come home drunk. This disgusted his wife so much that she refused to live with him saying that he had become altogether repugnant to her.

(a) Is repugnancy sufficient ground for forcing her husband to give her a bill of divorce?

(b) If not, could she be compelled to continue to live with him under the circumstances?

A. (a) No; the husband cannot be compelled to grant her a bill of divorce; were he even a convert, he could not be compelled. Only a husband who abuses or strikes his wife can be compelled to grant her a bill of divorce, but not when she suffers only mental agony.

(b) The wife, under the circumstances, cannot be compelled to live with him. Her dowry, belongings, etc. which she brought with her should remain hers; if any of the things mentioned in the Ketubbah are lost, the husband is to be held responsible. The money of the dowry meanwhile is to be put in trust, the interest of which shall go to her, and if they do
not come to an understanding at the end of one year, the trust shall be turned over to her.

XLIX (Continued)

and in the circumcision of any son on the same day, which shall he give preference?

2. The circumcision of his son has to take place first.
Burial and Circumcision

Q. If a man has to attend to the funeral of a parent and to the circumcision of his son on the same day, which must he give preference?

A. The circumcision of his son has to take place first.
Mourners and Father

Q. May a mourner whose son is to be circumcised on the Sabbath day be called to the Torah?

A. No; it is not permitted.

But praying, according to the Efr (Jacob ben Asher) or even just walking into the synagogue, according to the Rif (Alfasi Isaac ben Jacob, 1013-1103) is not allowed with uncovered head.
Eating with Uncovered Head

Q. Is one permitted to eat without his hat on?

A. As far as the law is concerned, there is no distinct prohibition against it; one may even say grace or read the Shema with uncovered head. Yet custom has fastened it as an obligation to have the head covered at all times, especially when walking in the open air; hence, no one should permit himself to violate this custom. Covering the head with the hand, however, ought to be sufficient at night in the house, when one does not have his hat with him, even to say the benediction over the food.

But praying, according to the Tur (Jacob ben Asher) or even just walking into the synagogue, according to the Rif (Alfasi Isaac ben Jacob, 1013-1103) is not allowed with uncovered head.
Q. How is the scribe to act with regard to the inverted Nuinn (letter "N") found in (Numbers 10, 35, 36) and with the additional Nuinn, inserted by some scribes?

A. I have found twelve different forms in the many Torahs I have examined; four of these forms are kosher, two are kosher but ought to be corrected, the other six forms make the Sefer Torah defective (Posul) until erased and written in the correct form instead.

The following are the twelve forms:
Verbal Evidence Vs. the Accepted meaning of the Term in a Document

A father-in-law signed a document whereby he gave his son-in-law two seats in a synagogue, one for himself, next to that of his own, and one for his daughter in the women's compartment of the synagogue.

Now the father-in-law would like to make three seats out of the two which were used by him and his son-in-law so as to accommodate his son, with a seat. The son-in-law objected to having his seat curtailed, contending that this would constitute a breach of agreement. The father-in-law, on the other hand, brought the witnesses to the contract who declared that such was the understanding at the time, the contract was written, that the two seats were to be made into three and that the term "seat" used in the agreement did not have in this case the accepted sense of the word, but merely that he would provide a place for him to sit on.

Q. Can witnesses to a written contract change the accepted sense of a word by their verbal testimony?

A. Words or terms used in a contract should be strictly construed in their accepted sense; and cannot be modified by any verbal evidence. Hence the father-in-law has no right to make three seats out of the two.
Milking on the Sabbath

Q. (a) May the milk milked by a Gentile on a Sabbath be used the next day if it is a holiday (Text: Pentecost)?

A. No; it may not.

Q. (b) May the milk milked by a Gentile the first day of a holiday be used on the same day?

A. (b) Yes; it may be used.
A Jew was carrying a pitcher of wine. By reason of the motion its exterior became in some parts, "moist enough to moisten other things." Now, a Gentile touched a moist spot on the exterior, does the wine inside become prohibited or not?

A. If it could be established that the spot the Gentile touched "was moist enough to moisten other things" on the exterior and the interior until it made a connection with the wine, the wine is prohibited. But since these facts cannot be ascertained, the wine is kosher.
LXXVII

Is a Blind Man Obliged to Light Hanukkah Candles?

Q. A blind man asked Luria whether or not he has to light the Hanukkah candles?

A. Yes; for, although a blind man cannot see the candles, this commandment is not different from that of Zigit, where seeing is expressly stated and, although he cannot see it he must observe it, in order that other people should consider him a Jew who is obliged to observe the laws of the Torah. Therefore, in the case of the Hanukkah candles, if the blind man lives with other people who light the Hanukkah candles, it is best that he should participate with them in buying the candles and they should make the benediction; if he has a wife she should light them for him. But if he has no wife and lives all by himself, he must light the candles by asking someone to help him.
Slaughtering on a Holiday for Use on the Sabbath

Q. May one slaughter an animal on a holiday that falls on Friday for use on the Sabbath? In other words, does the Ḥrub that permits cooking on holidays for the Sabbath include also slaughtering?

A. Since the Ḥrub specifies only cooking, baking, and lighting candles, therefore slaughtering on a holiday is not permitted for use on the Sabbath. Even weak and delicate people ought to be denied the privilege of slaughtering on the holiday for use on the Sabbath so as to prevent them from sharpening the knives and from covering the blood with earth which was not prepared before the holiday. Should, however, the slaughtering be distinctly specified in the Ḥrub, it would be permitted.

Note: These three questions were submitted to Jews by Solomon ben Judah.
Business on Intermediary Days of the Festival

Q. (a) May business be transacted on Hol-ha-moed, particularly when the principal fairs occur during these days?

A. (a) Business on Hol-ha-moed is permitted during the fairs; on the other days of the week it is only permitted if the doors are kept partly closed, and the articles sold are for the use of the holiday.

Concerning Hametz

A. (b) If a grain of wheat is found in the ma'ah dough, does the ma'ah dough become hametz?

(c) May salted meat be used on Passover if a grain of wheat is found on it?

A. (b and c) Such articles must be considered leaven and should be burned.

Note: These three questions were submitted to Luria by Solomon ben Judah.
A Great Grandfather as a Witness

Q. Is a great grandfather qualified to act as a witness?
A. Yes, he is qualified.

That day be counted as one of the seven days of mourning (Shivah).

A. Yes; it can; for although he arrh was already said in the synagogue, yet the mourner could not have said it until after the dead was buried, therefore for him it is considered as day.
Burial after Ma'arib before Nightfall

Q. If one buried his dead after Ma’arib while it was still daylight, can that day be counted as one of the seven days of mourning (Shivah)?

A. Yes, it can; for although Ma’arib was already said in the synagogue, yet the mourner could not have said it until after the dead was buried, therefore for him it is considered as day.
Q. If the menses began after ma'arib while it was yet broad daylight, can that be reckoned as one of the five menstrual days, after which it is allowed to change her underwear, or her counting begins with the next day? In other words, is the saying of ma'arib a determinating factor to end the day or not?

A. If the woman herself also said ma'arib along with the congregation, she should follow the stricter practice, and start counting the five days with the next day; but if she herself had not as yet said ma'arib, she may count the remainder of that day as one of the five.
Q. What is the correct way of waving the Lulab?

A. There is a good deal of discussion among rabbinical authorities with regard to this. But the proper way is to wave the Lulab thrice up and down and thrice to and fro, making three motions at the first to-and-fro waving. He who points the Lulab elsewhere is to be considered an ignoramus.
Unsalted Liver

Q. If a liver is cooked without being previously salted, may it be used?

A. Yes; it may; but only post factum.
Rules Concerning Hanukkah Lights

Q. Luria was asked with regard to the rules governing the lighting of the Hanukkah candles.

A. (a) The lights should be lit between sunset and the end of shopping time. (b) No meal is to be had nor any study engaged in until after the candles have been lit. (c) In the synagogue the candles on Friday should be lit before the Evening Prayers. (d) If for any cause the lights have become extinguished, they need not be re-lit, except on Friday. (e) The lighting of the candles by the head of the household is sufficient for all, yet the more religious, light a candle for each member of the family, and the still more pious add a candle every day. (f) If a husband is away from home he should light the candles wherever he is, provided he knows that his wife did not do so at home. (g) A son-in-law, though living with his wife’s parents, should light his own candles in his bed-room. (h) Candles should be lit from right to left and placed near the doorway not higher than ten palms nor lower than three from the floor. (i) The benediction should be made before the candles are lit; and after lighting the first candle, the rest may be lit by others. (j) The light of these candles should not be used for any purpose whatsoever.
(k) Old earthen candle sticks should not be used.
(1) Olive oil or other oils may be used instead of candles. (m) Wax should be used in preference to tallow, and it is proper that this wax be bought from the dripping of the candles in the synagogue, and the money collected for such drippings be given to charity. (n) The Sabbath candles have the preference over the Hanukkah lights.
The Correct Formula of the Benediction in Searching for Leaven

Q. Is the formula in searching for Leaven "Al bi'ur hametz" or Le ba'er hametz?
A. "Al bi'ur hametz" is the correct formula.
Q. At what hour and place should the leaven be burned on the eve of Passover?

A. The burning of the leaven must be done before noon, i.e., before 12 o'clock. It should take place outside of the house, for no benefit, as for example, warming the house, is to be derived therefrom.
LXXXVIII
Conducting the Seder

(25) Luria used a mnemonic table indicating the procedure of the Seder, the initials of which formed his own and his father’s names. This was done for the purpose of brevity, so that the people should not spend too much time in studying the form of conducting the Seder.

(25) Isserlein, and other rabbis had composed similar tables.

Luria pointed out that the legality of competition is based upon talmudic, and this talmudic covers cases where the loss sustained by the outbidder party is of prospective profit only, but where other losses are involved, even “indirect” ones, the law against encroachment is in force and competition is illegal. Hence, either Abraham should be allowed to retain the farming of taxes, or if the competitors insist on the right guaranteed by the talmudic, they should pay him the damages he sustained.
Q. Abraham, a relative of Luria, held a royal grant for many years as the collector of taxes, he was outbid; and as a result his debtors refused to pay him outstanding accounts. He then demanded of his competitors the reimbursement of the debts. The case was brought before legal Jewish authorities, who decided in Abraham's favor; his competitors, however, refused to submit to this decision relying upon the advice rendered them by other rabbis who said that the competitor could not be held responsible for the damages Abraham sustained since they were "indirect" and "indirect" damages are not recovered by Jewish law. Abraham thereupon sent all the facts of the case to Luria for his opinion.

A. Luria pointed out that the legality of competition is based upon *takkanah*, and this *takkanah* covers cases where the loss sustained by the outbidder party is of prospective profit only; but where other losses are involved, even "indirect" ones, the law against encroachment is in force and competition is illegal. Hence, either Abraham should be allowed to retain the farming of taxes, or if the competitors insist on the right granted by the *takkanah*, they should pay him the damages he sustained.

(26) Place and date not given.
Procedure of Halizah

Here follows the procedure of halizah which Luria quotes from his comprehensive work called, The Sea of Solomon.

(a) The ceremony of halizah must be enacted in a public place, a synagogue for instance, between the Evening Prayer and the Night Prayer, in the presence of the congregation and five judges, consisting of three ordained rabbis and two laymen. (b) The judges must not be related to one another or to the parties concerned; they must be perfect physically and of the highest moral integrity, one who is blind in one eye cannot act as judge among the three. (c) All arrangements must take place on the day previous. (d) On the day of the halizah the five judges are seated at one end of the room and the audience remains standing at a respectful distance from the parties concerned, who are seated on a low bench before the judges. (e) The woman's face is covered with a veil. (f) The yibam must not be younger than thirteen years and one day and the widow not younger than twelve years and one day. (g) On being questioned by the presiding rabbi they must stand up. (h) To all questions as to whether they would like to marry each other they must answer in the negative. (i) They must assert that their refusal to marry each other is of their own free will and that they have not been coerced thereto, and should they have vowed not to marry each other, the vow has to be absolved. (j) The shoe for the right foot (made
from the leather of a clean animal) is given to the *yabam*, to be regarded by him as his own for the time being, and he raises it in order to gain possession thereof. (k) The sexton washes the foot of the *yabam*, puts on the shoe on the *yabam's* foot and ties it. (l) The *yabam* stands up and the widow bends to the floor and unties the lace and removes the shoe with her right hand. Should she have an arm missing she can use her teeth. (m) Then she dashes it on the floor, and the judge tells her to spit on the floor in front of the *yabam*. (n) The judge then reads: "So shall it be done to the man that doth not build up his brother's house. And his name shall be called in Israel: The house of him who had his shoe loosed." The phrase "who had his shoe loosed" is then repeated three times by all the five judges and the ceremony is finished by a benediction of the presiding judge. In certain countries the widow receives a written "Bill of Halizah" but in Poland no document is given to her.

(27) The benediction reads: כרお勧め אביהם העולם וה çıktıו וה},' אלתקינג omitting אתברתא אובילו שלף ה העל瘙ם.
A Blemished First Born Animal

Q. If a competent authority declared a first-born animal as blemished, may it be sold alive to a Gentile so as to prevent the possibility of having to bury it in case it is found Terefa? 

A. No; to sell it alive to a Gentile would be profanity -- since the animal was initially destined as a holy sacrifice.
Q. If one had vowed to abstain from meat and wine during the whole of the "Three Weeks," would he also be prohibited from bathing during the same period? Do we consider his intention, for he evidently intended to restrict himself during the whole of the three weeks as during the "Nine Days," or, since bathing was not specified in his vow, is it not included?

A. Bathing would be permitted.
XGIII

Which of the Litigants has to Take the Oath?

A and B owed money to C upon a note. A paid C the full amount and received the note as evidence and now A demands that B refund him the money he had to pay to C for him.

B pleads that he had given A his share of the debt some time ago in order to pay C the debt in full.

Q. Does the claimant take the oath and recover his claim or does the defendant take the oath and relieve himself from paying?

A. The defendant takes the oath.
Hand Washing while Travelling

Q. (a) Would the washing of the hands in the morning be sufficient for a traveler on the road for the rest of the day if such were his intention while washing?

(b) Would grass wet with dew be deemed a substitute for water when washing the hands is required?

A. (a) Washing the hands in the morning is effective for the whole day when intended only under exceptional circumstances, such as, when a Jew is travelling in the company of Gentiles, out of fear to go by himself, and he cannot leave them, or where no water is obtainable within a radius of four miles; otherwise, he should attend to the washing of his hands before every meal.

(b) Cleaning the hands with wet grass before meals means, first, disregarding the law of "washing the hands" and constitutes a transgression of the law, and second the benediction uttered thereon is taking God's name in vain.
Q. If one touched the water in a bucket with his hands, may he use the same water to wash his hands therewith before meals?
A. Yes; he may.

Noses felt that he was responsible for the death of the boy and hoped to do penance according to the dictates of his own conscience. Still not satisfied, he came to Baria and asked him to prescribe the right kind of penance for him.

Baria thought that instead of the object of Noses in asking the boy to be brought before him and to roar him from the hands of the latter crew, who threatened his life, he could not be made responsible for the misfortune befalling the boy caused by his own rashness. Hence therefore had done nothing for which he ought to regret.
In the year of 1569, a Jewish boy was going with a crew of Gentile lumber jacks, floating rafts to Danzig with their employer Moses ben Nahman. While ashore near Brisk, Kuyavsk, the boy struck one of the men during an argument, and the crew threatened to throw the boy into the river, if the employer would not punish him himself. The employer, Moses, ordered one of the crew to bring the boy to him to punish him. The boy, however, trying to elude his pursuer, fell into a ditch and drowned.

Moses felt that he was responsible for the death of the boy and began to do penance according to the dictates of his own conscience. Still not satisfied, he came to Luria and asked him to prescribe the right kind of penance for him.

Luria thought that inasmuch as the object of Moses in asking the boy to be brought before him was to save him from the hands of the lumber crew, who threatened his life, he could not be held responsible for the accidental death of the boy caused by his own rashness. Moses therefore had done nothing for which he ought to repent.
One omitted to say the Bo'ae Nefashoth after some food. Meanwhile he had to pass water, but before saying the Brakah following this act he reminded himself that he had not yet said the "grace" after his meal.

Q. Which of the two benedictions is he to say first?

A. The latter benediction comes first; the more frequent takes precedence.
Q. Mordecai ben Tanhum asked Luria whether it was proper to lay the Tefilin of the arm while sitting, as some of the Kabbalists maintained.

A. Luria replied that that practice had originated with the mystics of Kabbalists, who claimed to see significance in every petty thing, and pretended to know the mysticism of the Torah while deficient in rabbinics. He warned his correspondent not to have any recourse to them but to follow the teaching of the Talmud and the accredited rabbinical authorities. Were Rabbi Simon ben Yohai himself, the author of the Zohar, present with us this day, we would not incline our ear to him if he went against the customs of the ancients.

Note: Although a man whose wife is helping him in business is responsible for all the statements made by her, warning enough, yet her statements are not valid to collect interest from a Jew, which is prohibited by the laws of Moses.
A's wife pledged an article with B for a loan stating at the time that this article belonged to a Gentile, who paid her interest which in turn would go to B. When the interest was due, A refused to pay it on the ground that the article pledged was his own and that his wife, in order to obtain the loan, had made a false statement. The wife now sustained the statement of her husband.

Q. Has B the right to collect the interest?

A. Since A himself has never stated that the pledged article belongs to a Gentile, therefore, if he can now prove by witnesses that it is his own property, B has to forego the interest.

Note: Although a man whose wife is helping him in business is responsible for all the statements made by her concerning it, yet her statements are not valid to collect interest from a Jew, which is prohibited by the laws of Moses.
Gentile Employees

A Jew who held a concession from a Gentile to manufacture and refine salt, hired Gentile working men to boil the salt, the vessels belonging to the Jew. They, however, were not to be paid by the day but by the quantity of the salt they produced.

Q. May he allow his Gentile laborers to work on the Sabbath?

A. Yes; since the Gentiles have the alternative of resting either on Sabbath or on Sunday, and chose to rest on Sunday, we consider them working for themselves. Therefore, they may work on the Sabbath, provided the factory is outside the Jewish quarter.
Defamation of Descent

In the city of Belze, in 1560, during a heated argument at a game of chance, one Jew called another "Nadler" which term of opprobrium would attach a stigma of impurity to the whole lineage, so that no self-respecting Jew would care to marry into the family. The case was brought before the head of Yeshivah of Helem who in turn sent it to Luria to inquire the kind of punishment to be inflicted upon the calumniator.

A. Luria said that the traducer should be lashed in the synagogue unless he redeemed himself with thirty-nine Zehúbim and then ask forgiveness from God and the party involved. He must in addition withdraw the opprobrious appellation in public, and within seven days repair to the cemetery, accompanied by ten distinguished men and the sexton, walk barefooted to the graves of the parents party, and ask for their forgiveness.

(28) Meaning of "Nadler" not known.
Rumor of Marriage

A rumor spread in the city of Byzantium concerning a girl (1572) that she had married. The girl herself, as well as her supposed husband, denied the allegation. The girl now sought the assistance of the Bet-Din to help her suppress the rumor. The Bet-Din issued a general summons that whosoever knew aught of this marriage should come and report within a given time. As no one appeared the Bet-Din then sent the sexton from house to house to question the inhabitants concerning the rumor, but no one knew anything about it, and as a result the Bet-Din gave the girl an official document to the effect that she was still single. Her father, however, also approached Luria on the subject, asking him:

Q. Can such a rumor prevent his daughter from marrying?
A. No; the rumor should be utterly disregarded and she might even marry a Cohen Gadol.
PART III
ADDENDA

A. General Law

1. Evidence without cross-examination not admissible (N. 30).

2. Must not be taken in absence of accused (N. 143, N. 30).

3. Will be disallowed if taken before an incompetent judge (N. 35).

B. Validity of Contract

1. Drafted by Gentile court cannot be adopted as evidence in Jewish court.

C. Qualification of Witness

1. Great-grandfather is qualified to act as witness (N. 50).

2. Following are not qualified to testify, women, children, and slaves; intimatives (unless they be of a very virtuous character) and learned men of wickes character. Hebrew text: N. 30.

3. Written evidence is accepted in civil questions, but not in criminal or ritual cases (N. 35).

D. Verbal Evidence on Written Instrument

1. Words or terms used in a written agreement to vary the results are void (N. 50).
EVIDENCE

A. General Rules

1. Evidence without cross-examination not admissible. (R. 33).


3. Will be dismissed if taken before incompetent Judges (R. 33).

B. Legality of Contract


C. Qualification of Witnesses

1. Great-grandfather is qualified to act as witness (R. 80).

2. The following are not qualified to testify: women, children, and thieves; ignoramuses (unless they be of a very virtuous character) and learned men of wicked character. (Hebrew text R. 33).

3. Written evidence is accepted in civil questions, but not in criminal or ritual ones. (R. 33).

D. Verbal Evidence on Written Instrument

1. Words or terms used in a contract should be strictly construed in their accepted meaning and cannot be modified by verbal evidence. (R. 74).
CIVIL ACTIONS (CONTRACTS)

A. Arbitration

1. When agreed to by both parties, before the court, is final. It is also binding when
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LANEIPORD AND TENANT

A. Preemption

1. A tenant has no right of preemption.

2. Where a lease is made for a term of years the lessor can regain possession before the end of the term upon proof that at the time of the making of the lease, the lessee knew of an implied condition. (R. 38).

EXECUTOR AND TRUSTEE

A. Conduct of Executor

1. Executor must act in strict accordance with will or failing to do so makes himself personally liable for any loss which may accrue to the beneficiary. (R. 15).

B. Trusteeship

1. Money given to trustee in trust to pay third party on fulfillment of certain conditions may be returned to depositor upon proof of knavery of third party even though conditions were fulfilled. (R. 24, 25).
Wills and Intestacy

A. Death-bed acknowledgment

1. Acknowledgment on death-bed supersedes all claims (R. 1).

B. Election under Will

1. Where A leaves a will bequeathing unto his son-in-law a sum of money or at the option of his heirs to give the son-in-law a "one-half male" (šhtar ḥażī zakar) share of the property he now has or of which he may become possessed and before A's estate is divided A's father also died and A's heirs elect to pay the son-in-law the "one-half male" share in lieu of the sum of money, then the son-in-law is entitled to the share in both A's and A's father's estate (R. 49).

C. Interpretation

1. Any stipulation in a will is binding on executors (R. 15).

2. Words and terms used in a will must be strictly construed in their accepted sense. (R. 17a).

DOMESTIC RELATIONS

A. Bastardy

1. A daughter of an unknown father may marry
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... a cohen in communities where Jews form the majority, and in cities where Gentiles are in the majority she may marry a cohen only when the mother affirmed that the father was a Jew. (R. 17b).

B. Divorce

1. Wife given divorce on death-bed to free her from obligations of marrying one of his brothers. (R. 1).

2. Wife refused to accept divorce because not accompanied by Metubbah. (R. 14).

3. A divorce forced upon a woman by an unscrupulous person with the hope of extorting money from her should be entirely disregarded as a divorce (R. 14).

4. A husband even though converted to another religion cannot be forced to divorce his wife so long as he conducts himself towards her, according to the Jewish laws. (R. 41, 69).

5. A wife cannot be forced to accept a divorce on the claim that she suffers from catamenial discharges which prevent the husband from living with her. (R. 65 see contra in foot-note.).

6. A husband who causes his wife mental agony cannot be forced to give her a divorce.
He can, however, be forced to give her a divorce on the grounds of abuse or striking. (R. 69).

C. Obligations to a wife after childbirth

1. A wife after confinement can demand better nourishment and treatment. (R. 45).

D. What constitutes Marriage.

1. Betrothal presents do not constitute marriage (R. 21).

2. Unsubstantiated rumors of marriage do not constitute a marriage. (R. 102).

E. What constitutes Infidelity

1. A wife cannot be accused of infidelity where witnesses testify she was seen in constant company with another man, and under these conditions the husband may continue to cohabit with her (R. 33).

SLANDER

A. Defamation of Character

1. A ban will be put on anyone circulating slanderous rumors. (R. 12, 28, 59).

2. Where one by slanderous remarks informs on another to the government, such person shall spend even his entire fortune to clear the slandered one's name and protect his life and liberty. (R. 11, 19).
3. One who by slanderous remarks imputed a stigma of impurity to the family lineage of another shall be lashed in the synagogue or redeem himself by the payment of money, withdrawal of the slanderous remarks in public and asking forgiveness from the dead as well as the living (R. 101).

4. Slanderous remarks imputing incest and adultery under talmudic Law should be punished by "forty stripes," but this could be redeemed, because of fear of informers, by payment of money. (R. 28).

5. Slander ing a married woman by saying she would not sleep with her husband unless he paid her can be redeemed by publicly asking forgiveness in the synagogue and paying the husband the expenses of the trial on threat of being banned. (R. 59).

CRIMES

A. Bigamy

1. A man who had married in Poland and deserted his wife and contracted a second marriage in Turkey is guilty of bigamy, even though polygamy was
lawful in Turkey, he was bound by the laws of Poland where monogamy was in force. (R. 14).

B. Desertion

1. A husband deserted his wife because he did not want to increase his family, who were already in want, should be forced to return "to fulfill his biblical obligation," on threat of being banned. (R. 55).

C. Informer

1. One would even be allowed to take the life of an informer to protect himself (R. 11).

D. Usury

1. One Jew cannot collect interest from another Jew even through the agency of a Gentile (R. 52, 99).

OATHS

A. Creditor and Debtor

1. Defendant takes oath that payment has been made. (R. 93).

B. Implied vow

1. Vows are binding only for things definitely expressed. (R. 92).

C. Partnership
1. Disputed adjudicated by special oaths of partnership. (R. 42)

RITUAL

A. 1. Absorption of Tereah liquid (R. 62)
   2. Al Hanisim (R. 48)
   3. Amen (R. 44)
   4. Anenu (R. 63)

B. 1. Beverage used at grace (R. 23-31)
   2. Blemished first-born animal (R. 91)
   3. Burial Service (R. 32)
   4. Burial and Circumcision (R. 70)
   5. Burning leaven bread (R. 87)

C. 1. Circumcision and Burial (R. 70)

E. 1. Ethrog and Lulob (R. 8,83)
   2. Grub (R.16,51,78)

F. 1. Formula of Benediction in Searching for Leaven (R. 86)

G. 1. Grace (R. 23-97)

H. 1. Ballow (R. 58)
   2. Hanukkah (R. 77,85)
   3. Holiday (R. 8,39)

K. 1. Kiddush (R. 68)

M. 1. Mazot (R. 57,79)
   2. Mourning (R. 27,71)
   3. Mukzeh (R. 39)

N. 1. Nidah (R. 6,82)

O. 1. Omer (R. 13)

P. 1. Pagan Wine (R. 76)
2. Palm (R. 8-83)
3. Prayer Book (R. 64)

R. 1. Ritual Cleansing (R. 26, 34, 94, 95)
S. 1. Sabbath (R. 10, 27, 40, 46, 60, 75, 100)
2. Seder (R. 88)
3. Shebett (8-46)

T. 1. Tefillin (R. 37, 98)
Y. 1. Yahrzeit (R. 9, 46)

MISCELLANEOUS

C. 1. Hol-ha-mo'ed (R. 79)
D. 1. Dedication of Torah (R. 16)
E. 1. Eating with Uncovered Head (R. 72)
G. 1. Genealogy of Geonim (R. 29)
H. 1. Ḥalizah (R. 22, 90)
I. 1. Inverted Nunim (R. 73)
K. 1. Ketubbah (R. 1, 14, 50)
N. 1. Ninth of Av (R. 30, 31, 53, 54)
P. 1. Penance (R. 96)
R. 1. Redeeming First Born (R. 6)
S. 1. Sorcery (R. 3)
T. 1. Termination of Day (R. 13, 31, 82)
Economic Items

1. Salt manufacturing and refining operated by Jews (R. 100).
2. Timber floated from Poland to Germany by Jews (R. 96).
3. Fairs frequented by Jewish traders (R. 79).
4. Retail stores owned by Jews (R. 66).
8. Meat bought by Gentiles from Jewish butcher (R. 20).
9. Stolen goods bought by a Jew, which act puts his life in jeopardy (R. 19).
12. It was a custom in Poland that a daughter on her marriage received a house either for a period of years or for her life-time without contributing towards its upkeep (R. 17a).
13. Daughter upon marriage, by custom received a "half-male share" of her father's property (R. 49).

Political Items

1. Arbitration by laymen was resorted to in settlement
2. Local Y. orders synagogue which was closed by Jews on account of a quarrel amongst themselves concerning the cantor, to be reopened (R. 20).

3. Competitive bidding for the privilege of selling whiskey took place in Brisk, Lithuania (R. 35).

4. Bribery was customary among city officials and no Jew could rent or lease a government privilege without bribery (R. 35).

5. Queen Bona Sforza in 1549 gave a royal grant to a Jew for privilege of selling whiskey (R. 35).


7. Jews borrow money from other Jews on interest through agency of Gentiles (R. 52)

Cultural Items

1. About the year 1545, the community of Ostrog, forgot to procure an Etrog and Lulab for the Sukkot festival (R 8).

2. Polygamy prohibited in Poland (R. 14).

3. Polygamy practiced in Turkey (R. 14).

4. Sefer Torah donated by the wealthy Jews to synagogue and each Sefer Torah was called by the name of the donor. On every Sabbath a Torah of a different donor was read (R. 15).

5. Silver candle-sticks and silver chains were
donated to the synagogue and the donors were privileged to sell them if they became impoverished or to take them along if they moved to another locality (R. 16).

6. Levirate marriage was still practiced in some places (R. 22).

7. Library of Isaac Klaumberia destroyed by fire in Posen, 1635 (R. 64).

8. A Jew offered his seat in the synagogue as a pledge for a charitable contribution (R. 1).

Miscellaneous Items

1. Synagogue seats sold in perpetuity (R. 1, 74).

2. Mikvah situated in yard of synagogue in Padua, Italy (R. 6).

3. Corporal punishment (whipping) redeemable by payment of money, because of fear of informers (R. 11, 38).

4. Corporal punishment inflicted in synagogue during morning and evening service in presence of congregation. The accused was dressed in black, held black candles before the open Ark and asked for forgiveness (R. 28).

5. Sorcery of Gentiles used by Jews in alleged curing of sickness (R. 3).

6. Jewish students study late at night. On their way home they would act as watchmen (R. 33).

7. There was no peace in the city of Prague among the Jews (R. 33).

8. Gentiles live in their own houses. Jews rent
9. Amulets worn by Jewish youths to ward off evil spirits (R. 47).

10. Yahrzeit candles originated by Jews in Germany. (R. 46).


12. Milk dishes used during Pentecost (R. 75).

13. Women instituted the custom of abstaining from meat during the "Three Weeks" and even wait until the Sabbath following the Ninth of Ab (R. 54).

14. Travelling by Jews on the highways was usually in company of Gentiles for protection (R. 94).

15. Travelling by Jews took place between Palestine and Turkey and Poland (R. 14).


17. Presents were sent by the bridegrooms to their brides before marriage (R. 21).

18. Tefillin writing was not uniform among the scribes of Russia, Poland, and Germany (R. 37).

19. Shirts changed only on Saturday. In Poland they changed shirts even during the week (R. 27).
## Glossary

<table>
<thead>
<tr>
<th>Term</th>
<th>Translation</th>
</tr>
</thead>
<tbody>
<tr>
<td>'Al Biur</td>
<td>Removal of Leaven.</td>
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<tr>
<td>Al Ha-Nissim</td>
<td>Purim or Hanukkah formula.</td>
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<tr>
<td>Anenu</td>
<td>The part of the daily prayer which must be said standing.</td>
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<tr>
<td>Bet-Din</td>
<td>Prayer said on a fast day.</td>
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<tr>
<td>Boneh Yerushaleim</td>
<td>Court (of Judges).</td>
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<tr>
<td>Berakah</td>
<td>Passage in grace after meals.</td>
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<tr>
<td>Din Torah</td>
<td>Prayer.</td>
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<tr>
<td>Hol ha-Moed</td>
<td>Sacred law.</td>
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<tr>
<td>Hametz</td>
<td>Five (or four days in the Diaspora) intermediate days of Passover and Sukkot. It is regarded as a semi-holiday.</td>
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<tr>
<td>Cohen</td>
<td>Fermented food.</td>
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<tr>
<td>Cohen Gadol</td>
<td>Priest.</td>
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<tr>
<td>Ereb</td>
<td>High priest.</td>
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<tr>
<td>Erub</td>
<td>Eve.</td>
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<tr>
<td>'Athrog</td>
<td>Legal fiction of community allowing the carrying of articles throughout the city on the Sabbath or allowing cooking on a holiday for use on the immediate Sabbath.</td>
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<tr>
<td>Get</td>
<td>A kind of citron used with the festive wreath on the Feast of Booths.</td>
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<tr>
<td>Hagalah</td>
<td>Bill of divorce.</td>
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<tr>
<td>Halizah</td>
<td>Cleansing a vessel ritually.</td>
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</tbody>
</table>

The ceremony the wife of a deceased brother who left no issue goes through with her brother-in-law in order to be allowed to marry.
<table>
<thead>
<tr>
<th>Term</th>
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<tbody>
<tr>
<td>Hallah</td>
<td>The priest's share of the dough.</td>
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<tr>
<td>Hanukkah</td>
<td>Maccabean festival.</td>
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<tr>
<td>Herem</td>
<td>A vigorous form of excommunication.</td>
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<tr>
<td>Karmelit</td>
<td>A place that ranks between a private court yard and a public thorough-fare; a marked-off plot in a public ground is one of the places called Karmelit.</td>
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<tr>
<td>Hazan</td>
<td>Cantor.</td>
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<tr>
<td>Kiddush</td>
<td>Inaugurating the Sabbath or the feast days by saying a blessing over wine or bread.</td>
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<tr>
<td>Kinyan</td>
<td>Symbolic consent of agreement by the litigants to submit to arbitration.</td>
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<tr>
<td>Ketubbah</td>
<td>Marriage contract containing mainly the stipulation of a certain amount due to the wife on her husband's death or on being divorced.</td>
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<tr>
<td>Lindish</td>
<td>Polish (?!) coin.</td>
</tr>
<tr>
<td>Ma'arib</td>
<td>Afternoon service of the Jewish liturgy.</td>
</tr>
<tr>
<td>Min'nah</td>
<td>Things &quot;set apart&quot; and not allowed to be used on the Sabbath or holidays.</td>
</tr>
<tr>
<td>Mukzeh</td>
<td>A woman in menstruation.</td>
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<tr>
<td>Sidah</td>
<td>A dry measure; the omer of barley offered on the sixteenth day of Nisan.</td>
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</tbody>
</table>

Note: Some terms are written in both Hebrew and English.
<table>
<thead>
<tr>
<th>Parshiyot (Biblical sections)</th>
<th>Biblical sections.</th>
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<tbody>
<tr>
<td>Reinish</td>
<td>A gold coin amounting to about fifty cents used in the Rhine region, Germany.</td>
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<td>Seder</td>
<td>Religious ceremonies of the first, and in the Diaspora also of the second night of Passover.</td>
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<tr>
<td>Sefer Torah (Sefer Torah)</td>
<td>The five books of Moses written on a scroll of parchment.</td>
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<tr>
<td>Shebut (taboo)</td>
<td>i.e. it is forbidden to order a non-Jew to do work for a Jew on the Sabbath which the Jew himself is not allowed to do.</td>
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<tr>
<td>Sheloshim</td>
<td>Thirty days of mourning after the dead.</td>
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<tr>
<td>Shemini 'Azereh</td>
<td>The concluding festival of Sukkot.</td>
</tr>
<tr>
<td>Shivah</td>
<td>The seven days spent in mourning the dead.</td>
</tr>
<tr>
<td>Shema</td>
<td>The confession of faith in the morning and evening prayers.</td>
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<tr>
<td>Shohet</td>
<td>One who slaughters animals and fowl in accordance with the Jewish law.</td>
</tr>
<tr>
<td>Shehehiyonu</td>
<td>A prayer.</td>
</tr>
<tr>
<td>Shtar hazi zakar</td>
<td>A note conferring upon a daughter the right to share in the property at the demise of the father one half the amount of any of his sons.</td>
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Shok
Starost
Tzkanah
Tefillin
Tefillin Shel Yad
Tenaim
Terufah
Zidduk ha-Din
Tevilah
Yabam
Yahrzeit
Yeshibah
Zizit

Polish sum of sixty groschen.
City official.
Amendment.
Phylacteries.
The phylactery of the arm.
Contract to marry.
Unfit to be eaten.
A prayer to be said at a funeral service.
Immersion.
Levir.
The annual morning of the dead.
College.
Fringes.