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HEBREW UNION COLLEGE - JEWISH INSTITUTE OF RELIGION
New York School

Report on the Rabbinic Dissertation Submitted

by

Jill Kreitman

in Partial Fulfillment of the Requirements for Ordination

THE LIFE AND TIMES OF YOM TOV LIPPMAN HELLER

Ms. Kreitman's thesis blends detached scholarship with familial commitment. It is on the one hand a penetrating and analytical introduction to Yom Tov Lippman Heller, and on the other a reverential rediscovery of the author's direct ancestor.

Serendipiously, the author's apple has fallen by no means distant from her ancestral tree. In her are reflected her forbear's scholarship, idealism, charisma, dynamism, courage, outspokenness, and within the traditional perimeters of our faith, his liberalism, flexibility, adaptiveness, providence and uncompromising devotion to the core values implicit in Revelation.

Ms. Kreitman's study of Yom Tov Lippman Heller provides an excellent interface between the sage and his surrounding society. Born in Wallerstein, Bavaria in 1579, Heller lived through the turbulent times preceding and during the Thirty Year's War, dying in Cracow in 1654. His life is an encapsulation of the history of Central Europe during this period of the Prague, Vienna, Lublin and other great European centers of Jewish and general creativity, and of disasters and intrigues within the Jewish community and without, and often connectible one to the other. It is also the story of a towering figure, devoted to his faith and his people, ready prophetically and even sacrificially to peruse the right and the

wronged, to teach the ignorant and those unaware of their ignorance, to improve the quality of Jewish life and above all Jewish religious life; and to provide literary models in the form of liturgical poetry, commentaries and above all his priceless autobiographical Megillat Evah.

Ms. Kreitman's thesis devotes chapters to the historical context of Yom Tov Lippman Heller, his work as commentator and educator, his achievements as liturgist, religious philosopher and humanist, his Megillat Evah and the supplement by his son, Samuel, and a summary appreciation. Taken together, these chapters form a concise analysis of the totality of Yom Tov Kippman Heller's legacy. They reveal a comprehension of his vast and varied writings, and an understanding of both their religious expression and their contextual significance. They reveal as well as through competence in his Hebrew texts such as few of our students are ever able to achieve, and an insight into their exegetical and sociopolitical significance that bespeak the author's broader knowledge and mature insight.

It is therefore with the greatest of pleasure and equivalent pride that I recommend the acceptance of this thesis.

Respectfully Submitted,

Dr. Martin A. Cohen
Professor of Jewish History

To my dear father, Binyamin Zvi, who has sought in many ways
as a rabbi, teacher and community leader to follow in the
footsteps of our great ancestor Rabbi Yom Tov Lippman
Heller. your son, and you shall teach this to your
children....

I will forever cherish in my heart and in mind with all my
strength and all my being the loving instruction, support and
guidance my father has given me. He has taught me the path
to peace, and shared with me the great spark that burns so
brightly in his heart, the love and study of Torah

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PREFACE

A few years back my father and I visited Israel. The second morning of our stay in Jerusalem my father called me to tell me about a pleasantly surprising incident that occurred that morning. A man by the name of Joshua Lidor had read in the Jerusalem Post about my fathers' arrival in Israel and phoned him in his hotel early that morning. After introducing himself by name, he asked my father two questions: Is your great-grandfather's name Eliezer Dovid, and are you a descendent of Tosafot Yom Tov? When my father answered yes to both questions he joyously exclaimed, "we are cousins". This reawakened my fathers' childhood memories, when he learned from the lips of his father, Yaakov, about the Kreitman family's proud claim of descent from Rabbi Yom Tov Lippman Heller, the author of Tosafot Yom Tov.

I joined my father later on for lunch and met with our newfound cousins whose original name was Lederman, their mother was a Kreitman. He told us that his mother had a "ktav yuhsin", a chart of the family genealogy, but fleeing from the Nazis, she buried it somewhere in Antwerp and it is now lost. At that time I had been admitted to the rabbinic school of Hebrew Union College - Jewish Institute of Religion and I was making plans for my future career as a rabbi. I became curious about our great ancestor and his place in Jewish history. My father who had taught Mishnah and Codes at The Jewish Theological Seminary and at the synagogues he

served as rabbi was familiar in the main with Rabbi Yom Tov Lippman Heller's magisterial commentary on the Mishnah. This incident piqued my curiosity about Rabbi Yom Tov Lippman Heller and his life and I determined at that time, that when the opportunity arose to do my senior thesis, I would seek to learn about Rabbi Yom Tov Lippman Heller and write about his achievements and accomplishments.

I am grateful to the faculty of the Hebrew Union College - Jewish Institute of Religion and most particularly Dr. Martin Cohen, Professor of History for having permitted me to write my senior thesis on, The Life and Times of Rabbi Yom Tov Lippman Heller.

This thesis is divided into these following chapters.

The first chapter is a general overview of the life of Rabbi Yom Tov Lippman Heller and his major achievements. In the second chapter, I examined Rabbi Yom Tov Lippman Heller's approach to his commentaries and to Jewish Education. I seek in this chapter to describe more closely the goals and objectives of his commentary on the Mishnah. In this commentary Rabbi Yom Tov Lippman Heller demonstrates his wide range of interests, among them being philology, theology and history and natural science. In this second chapter I describe another major work of Rabbi Yom Tov Lippman Heller, his commentary on the Rosh, Rabbeinu Asher ben Yichiel, and its place in the history and development of halacha. At the

conclusion of that chapter, special emphasis is placed on Rabbi Yom Tov Lippman Heller's efforts to popularize Jewish education and make some of its basic texts accessible to the ordinary man and women. In the third chapter we see Rabbi Yom Tov Lippman Heller as a rabbi concerned with the rituals and conduct of the worshippers in the synagogue. Some of his noteworthy piyyutin are described as well as the special meditations for the preparation for prayer. In this chapter, Rabbi Yom Tov Lippman Heller is described in his role as a religious philosopher, theologian and Kabbalist. In the fourth chapter I examine the main historical work of Rabbi Yom Tov Lippman Heller, his autobiography known as Megillat Eivah. In this chapter, I summarize this extremely important work and comment on its historical background. All translations in this thesis are mine. In the fifth chapter, I present my personal appreciation of Rabbi Yom Tov Lippman Heller as one of the great rabbis of his age and possibly of ages to come. To me Rabbeinu Yom Tov is the exemplar of the "complete" rabbi. Therein I contrast the evaluation of of Rabbi Yom Tov Lippman Heller by Heinrich Graetz, in his History of the Jewish People, with that of Hayim Tchernowitz, in his History of the Decisors, known as "Toledot HaPosekim".

I wish to acknowledge with profound gratitude my thesis advisor, Dr. Martin Cohen who has been to me not only a teacher and guide but a warm and loving friend. Dr. Cohen has helped me in my studies at the College and guided me toward the goals which I hope to achieve in the rabbinate. He has helped to sustain me in some difficult moments I encountered during this year. Dr. Cohen has opened for me new vistas of understanding our Jewish people and has shown me how exciting Jewish scholarship can be. To him I will forever be grateful.

I also acknowledge the help of my dear father who gave me unstintingly of his vast knowledge of rabbinic literature and Jewish life, to whom I dedicate this thesis.

In honor of both of these great men I pronounce the blessing when one beholds persons distinguished in the study of Torah.

בְּרוּךְ אַתָּה יְיָ אֱלֹהֵינוּ מֶלֶךְ הַעוֹלָם
שֶׁנִּתְּנָה לָנוּ מִלְכֵינוּ וְנִתְּנָה לָנוּ מִלְכֵינוּ

Blessed is Adonai our God, Ruler of the universe who shares the Divine Wisdom with those who revere the Divine.

May the wisdom of these two teachers ever sustain me in the path I have chosen.

Chapter I

Rabbi Yom Tov Lippman Heller in the Setting of His Times

I am privileged to be a descendent of R. Yom Tov Lippman Heller (R. YTLH), known popularly by the title of his commentary Tosafot Yom Tov. In undertaking this thesis I invoke the words of R. YTLH in his introduction to Megillat Eivah.

אני נשען על ידיו של רבינו יום טוב ליפמן הלל
הגדול זצ"ל ונאמר עליו בפרשת ויגדל

"Any precious reader who may be in troublesome straits, may this merit him to be saved from any such troubles".

R. YTLH was considered one of the giants of rabbinic learning in the Seventeenth Century. His contributions to rabbinic learning and education were joined to an active spirit, uncompromising in his integrity and faithful to his people, even at the peril of his own life. He was a model of the true Rabbi. R. YTLH was one of the great rabbis of his generation and possibly for generations after, nevertheless he was persecuted and even betrayed by his own people. R. YTLH in his autobiography, Megillat Eivah, reflects the perilous life that he led where he was nearly put to death, yet withal he emerged triumphant in his faith.

Rabbeinu YTLH was born in 1579 in Wallerstein, Bavaria.

His father, R. Nathan the HaLevi, died at the age of eighteen before R. YTLH was born. He was raised by his paternal grandfather R. Moses Wallerstein who was considered the chief rabbi of all Germany at that time. He studied in the Yeshiva of R. Jacob Ginsburg in Friedburg. R. YTLH was sponsored and supported at this yeshiva by his wealthy future father-in-law, Aharon Ashkenazi of Prague. This wealthy man saw that R. YTLH was the most gifted student there and he arranged for his daughter to marry him. A legend is told about the couple, that their marriage did not go too well. R. YTLH was short, scrawny and homely looking, but his wife was a true beauty. This rich girl looked with disdain upon YTLH and wanted to separate from him. But YTLH went to his father-in-law and said, "give me a half of an hour with your daughter so that I may save this marriage". So the couple sat down together and R. YTLH explained to his wife that when they were both in heaven waiting in line for the allotment of their physical characteristics and other attributes, he was destined to receive the best of physical characteristics. But his wife was not so destined, on the contrary she was to be homely and short and pale. So R. YTLH said, "I need not such fine physical characteristics, I'm a man. For you as a woman it is more important to possess beauty. So I let you have my place in the line", said R. YTLH. After R. YTLH told her this story his wife said in disbelief, "this can not be true". R. YTLH took her over to the mirror and said, let us face this mirror and see what our destiny would have been.

There in the mirror Yom Tov looked tall and handsome and his wife was homely and drawn. It was at that moment the his wife fell in love with him and they remained married. (1) This wife that is spoken about in this legend bore him one daughter, Rachel. After his first wife's death R. YTLH married a woman by the name of Rachel. Rachel bore him five sons. Their names were Shmuel, Abraham, Moses, Levi, and Yehudah Lev. R. YTLH's son Shmuel wrote a supplement to his father's Megillat Eivah. Rachel also bore him four daughters, their names were: Nisal, Raisel, Rebecca, and Dovrish. Rebecca died when she was young. Dovrish married Shmuel the son of Yaacov Bat Sheva of Treunberg, known as Jacob Basch. (2) Jacob Basch would later come to the aid of R. YTLH in his distress.

After R. YTLH completed his studies in Friedburg he went to study in the Yeshiva of Prague which was presided over by R. Judah Loew the son of Bezalel known as the Maharal of Prague. The Maharal of Prague was known in legend as the fashioner of the Golem who saved the Jewish community from a great catastrophe. R. YTLH also studied with R. Ephraim Lunchitz who was the ab bet din and chief rabbi of Prague. Nevertheless R. YTLH considered the Maharal his main teacher and mentor and he mentions him time and again in his commentaries.

There is a legend told, that my father heard from his

father. When R. YTLH was a young lad in the yeshiva of the Maharal, the Maharal asked the students why the Mishnah is studied in commemoration of the death of a fellow Jew. A fellow student by the name of Raphael, who later on betrayed R. YRLH said that the letters in Mishnah also spell nishamah, soul. The Maharal suggested that there is a more profound meaning and turned to Yom Tov. R. YTLH said, the Mishnah is the foundation of the Pharasaic teachings and basic to these teachings is the concept of פִּדְיוֹן דָּוִד, resurrection. The Saducees denied resurrection. Hence we read the Mishnah at the time of yahrzeit or shiva as an affirmation of resurrection. The Maharal kissed R. YTLH on his forehead and predicted that he would be a great rabbi in time to come. From then on came the enmity between Raphael and R. YTLH. (3)

At the age of eighteen he was appointed a dayan in Prague. (4) He served in that office for twenty eight years. It was during this period that he wrote his major commentaries on the Mishnah and on Rabbeinu Asher ben Yechiel, known as the Rosh. In the year 1525, R. YTLH was elected rabbi of Nickelsburg, Moravia. In the fololowing year he was elected rabbi and ab bet din in Vienna. In Vienna he served with great distinction and honor as chief rabbi having many ardent followers. In Vienna he demonstrated his great skill as a community leader. It was a period where the Jews lived scattered in various houses that

did not belong to them. They were at the mercy of the burghurs and the landlords who at their pleasure and convenience would expell the Jews from their homes. R. YTLH won from King Ferdinand II for the Jews a parcel of land on the other side of the Danube which was later known as Leopoldstadt. (5) It was in this quarter that the Jews were able to build their own homes and synagogues. This Jewish quarter was connected with the main city by a small draw bridge. R. YTLH also won from King Ferdinand II the right of the Jew to go about without identifying badges. He won the right for them to have their own trade centers. All in all the Jew was granted a certain degree of autonomy. King Ferdinand II was on the whole favorably disposed towards the Jew, but by pressure of the Catholic clergy he reluctantly consented to obligate the Jews, at least two hundred of them to listen to sermons given by Christian missionaries on Saturday mornings. (6) Though R. YTLH had gained prestige and honor in Vienna, nevertheless he sought to return to Prague the city where he spent his youth and where he would be in the company of great scholars. When the Maharal of Prague died, R. YTLH was invited to return to Prague as chief rabbi and ab bet din. As reflected in his autobiography, Megillat Eivah, the leaders of the Vienna Jewish community pleaded with him to stay, and were willing to raise his salary two fold. But R. YTLH returned, to Prague to be cheif rabbi and rosh yeshiva.

This was the period known in history as the Thirty Years War, which lasted from 1618 - 1648. It began as a civil war between Protestants and Roman Catholics in the German States. It became a general struggle for territory and political power. The main cause of the war was an old rooted hostility between the German Protestants and the German Catholics. In 1608 the Protestants organized the Evangelical Union and the Catholics founded the Holy League. The civil war began in Bohemia and spread throughout the countries of Western Europe. The Bohemian Protestants removed the Catholic King Ferdinand from the throne and chose the Protestant Frederic, elector of Palatine, in Ferdinand's place. In 1620 Ferdinand decisively defeated the Bohemians in the famous battle of the White Mountain. As a consequence, Catholicism again became the state religion. (7) It was during this period of the battle of the White Mountain that Ferdinand II stretched out his protecting hand to the Jewish community which had been in a perilous predicament from both the Protestant and Catholic zealots.

The fourteenth day of Heshvan, in the year 1620, this day was considered by the Jews of Prague a day of special salvation from the hands of their enemies. The rabbis of the community ordained the day to be a fast day as a remembrance of God's mercy and that evening to be a time of rejoicing. (8) To use the words of the decree, לדאן דא דאנע 14 חשוון 5380.

R. YTLH was also a gifted paytan and he composed special slichot, poetic lamentations, for that occasion. In these slichot are reflected the history of the period. There is an introduction before these slichot of R. YTLH probably written by a successor rabbi in the community, which contains the historical background of the slichot written by R. YTLH. This is an important historical document which was published by A. M. Haberman for the first time in the anthology

Lichved Yom Tov. The document states:

סליחות שאמרו פה ק"ק פכאג י"ג יום בשנה
 חבבם הגאון האב"ד ז"ל אב"ד הישיבה זק"ק
 פכאג והוא בעל תוספות י"א אב"ד שמו לוצ'ז ב'שס"א
 וביהודה הגאון הצ"ח מוה"ר י"א אב"ד הנקרא ליפמן
 ז"ל והקדים לכתוב מצד שיהיה כק"ק ויהי ב"ח
 מלפני קיסר רומ' אשר מלך באשכנז מאונגריה ופיה
 בשנת שצ"ח לעשרת אלפים וס' מכתא מלכותו אשר בפכאג
 הבינה לווי"א הדר קמו מקצת שרי פיהם וקור' ויקשר
 קשר ויצאו על המהדר פה פכאג אשר שם ישובו שרי
 הקיסר היושבים ראשונה במלכות במקום מושב כמלכות
 אמר ויקמו מלפ' שלשה וישליכו בשר פתאום אל תוך
 המזק ויורו עליהם במצבים והם ומהל' כי לא מתו
 ויהי בראותם כי נבאלו באינו מלפ' הקיסר וישאו עליהם
 חובים וסג"י שלשים ואלפ' ח' לרוב והקיסר
 כמל' אלפ' את חיל' ויהי מלחמה חזקה ביניהם ונשת
 שצ"ח מת הקיסר מלפ' ויתקשר תחת' פארצ'ונז
 בן 1313 בצרכים קארליס אשר נבר בס"ן משנתו עליה

אלהם אלה' פיהם ואונגלן אלהם עליהם אחר' את
 הקיסר מטאוס. ובסיסו מרצו ויחילו עליהם אלה את
 פריציהם בפאליץ גמא אחד מצורכי העיר והכתיבה
 בה פראג בחשון ש"ה אלה את אשתו בת מלך
 אנגליא. ואלהם עם הקיסר פארינגוס ואלה
 הקיסר כרצף אלה את חילן עם כי ביום השש' עשי'
 לחשון שפ"א ותקם כל העיר באחריו אחר כי חיל
 הקיסר קרבו ואלו עם קרוב אלהם בכסה אחת.
 וביום א' י"ה בחשון כמו השתר אלה בעקר אורנג'יש
 אלהם יחצו ורבים מה' יחוצים הוצרכו לעשות סוללות וציק
 בוקטאים שארצ'ין. ותחזק המלחמה בהלחם אשר לפני המלך
 עם אשת מנחת העיר גברו יצא עם הקיסר ויחזק מנה
 רבה באנשי פיהם באשת אלהם אים והנשארין רבה
 נסו צדק בר הכרמים אשר בביבות העיר וידעו אחרים
 עם השמחה באלה רחמי גמיר שנתם ואלו מצא אלה'
 במים יציהם. ויהי כאשר יחללם המלך המלך המלך
 אלהם עליהם אלה כאלה' פיהם אלה המלך והמלך אלה
 המלך עליהם היה בעלילן מלך חיל הקיסר המלך המלך
 במקום הקטן השלימו אלהם ביום ה' י"ה חשון בעקר השקף ברוב
 ומלך עליהם מלך פריציהם מלך מלך ואלהם אלה
 אתו ויהיו מלך המלך וכל ביום ואחריתו יום ה' י"ג
 חשון אלה השלימו אלהם המקום הישן אשר אלהם ואלהם
 הקרוב וגם מקום רחבים עדין אלה השלימו והיינו בצורה גמירה
 עם אלה העיר קטן אלהם וה' ותן אותם עמן ואלהם אלה
 שכי חיל ויפקדו שומרים במחנותיו, כי כן יסד הקיסר כי
 הש"י יעלה לו גמולו הנסוב על כל שר צבא מלך
 אלהם לגמול בשום יחוצים אלה העיר והמלך

פיוט המעשר והתרומה, פיוט המעשר והתרומה
 פיוט המעשר והתרומה, פיוט המעשר והתרומה
 פיוט המעשר והתרומה, פיוט המעשר והתרומה
 (9) פיוט המעשר והתרומה

"The slichot which are recited in the community of Prague on the 14th day of Heshvan were composed by the Gaon, the ab bet din and the head master of the Yeshiva, he is the author of Tosafot Yom Tov. His name is known throughout the Jewish community, the great Gaon, the master R. Yom Tov who is known as Lippman, may God watch over him and bless him. He (R. YTLH) wrote as an introduction (to the slichot) this historical background: And it was in the days of Matthias the Roman Emperor who ruled over Germany, Hungary and Bohemia in the year 5378, he journeyed from the place of the throne in the capital city of Prague to the city of Vienna. Then there arose some officers of Bohemia and they made a conspiracy and they entered the fortress in Prague where there dwelt the chief princes of the emperor. And they took from them three men and threw them out the window into the valley and they shot them with arrows but they managed to escape. (10) And when they (these rebellious officers) saw that they lost favor in the eyes of their king, (Emperor) they then placed upon themselves officers and subalterns and gathered unto themselves a big army and then the Emperor also gathered an army and there was a great battle between them. In the year 5379 Emperor Matthias died and Ferdinand the son of the uncle of Matthias, Duke Karlos, who already during the

lifetime (of Matthias) was appointed King by the people of Bohemia and Hungary so that he would rule over them upon the death of Emperor Matthias. As it turned out they rebelled and they crowned for themselves a King, Frederic of Paltz Grab, one of the Dukes of the capital and they crowned him in Prague in the month of Heshvan, 5380, him, his wife who is the daughter of the King of England, and he battled with Emperor Ferdinand. The troops of the Emperor pursued him and his army until on the sixth day of the week, the tenth of Heshvan 5381 the entire city was full of commotions saying that the army of the emperor is coming close to Prague and is only a mile away. And on the first day, the twelfth day of Heshvan when morning rose they joined in battle and many of the Jews were forced to build mounds and dykes that are known as shanseen. And the battle reached a climax at the White Mountain (which is in front of Prague) until the time of Minhah. The force of the Emperor prevailed and they killed many of the people of Bohemia, about 10,000, the rest escaped to the mountain by way of the Mount of Orchards that surrounded the city and they pursued them until the gate. That night the soldiers could not sleep and were restless and they were afraid to remain in the fortress. They went to the old city, that is the entire army with the king and the queen, who the rebellious people had crowned. That night the army of the Emperor entered the fortress. And also the small place made peace with them. On the second day of the week, the thirteenth day of Heshvan early in the morning, Frederic

and his wife escaped for their lives and they fled from the land and that entire day and the day after, the third day of the week, the fourteenth day of Heshvan, the people of the old place with whom we dwell and also the new place did not make peace. We were in great trouble until in the evening when they called for peace. God granted us favor and grace before the officers of the army and the appointed guards in our streets. Thus the Emperor established. May God recompense him for all of his good directing all the officers of his army not to touch any Jew either physically or his property, but should watch over them carefully. Homes full of much substance were booty for the army the entire month but the Jews were not touched. Therefore because of all that is written in the letter, the sages of Prague, their leaders affirmed with the agreement of the ab bet din, the Gaon R. Isaiah S'gl, who had travelled to the holy land, to make the fourteenth day of Heshvan a day of memorial to remember the miracle of the Holy One. To remember this in prayer and thanksgiving and to make possible the ransoming of captives and to observe fasting until high Minhah all those who have begun to fast, man and woman alike, because women were also in this miracle. At evening Minhah we shall rise from our fasting and we will rejoice in God's salvation because He helped us by His graciousness. So may He help us and never abandon us forever. Amen Amen.

It is to be noted that in the wording of this introduction, there are many elements of the style of Megillat Esther.

In R. YTLH's piyyutim he notes the beginning of the Thirty Years War, (1618).....

וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים
(11) הַקִּיּוֹם מִלֹּאס כִּי לֹא עָלָה אֲרֻכָּה וְחַיִּים

"The earth trembled from the sounds of the clashing of knight and warrior in the days of Emperor Matthias, for there was not solace nor peace."

In the same slicha he refers to the rebellious Duke, Frederic of Palatine who was crowned by the Protestants as king in place of Ferdinand.

וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים
וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים
וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים
וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים

"The crown of the kingdom was placed like a diadem on his head and annointed him as king saying he will comfort us. The enemies of the Jews in their deviousness conspired to swallow us alive. O' Lord you did not abandon me and place me in thier hands to destroy me and expell me."

In this same slicha, R. YTLH refers to the Prague defenestration.

(12) וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים

"Through the window they threw out those who sat in judgement in order to strengthen justice".

In another slicha R. YTLH refers to the victory of the White Mountain.

וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים
(13) וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים וְהָאֵרֶץ רָעָה מִשִּׁמְעֵי הַיָּמִים

" On the mountains they fled and they said, " let us flee from the sword of your oppressor". Emperor Ferdinand conquered the city. This is your portion and this is your lot."

R. YTLH identifies the date and the month of the Jewish salvation.

וְהָיָה בַּיּוֹם הַהוּא בְּחֹדֶשׁ שִׁבְעָה עָשָׂר בְּיָמֵינוּ
(14) בְּיָמֵינוּ בְּחֹדֶשׁ שִׁבְעָה עָשָׂר בְּיָמֵינוּ

"In the year (5)381, the month of Bool (Heshvan) on the fourteenth day in the the evening we found redemption and salvation".

R. YTLH decreed that these piyyutin be recited in the synagogues of Prague. R. YTLH's introduction and these piyyutin are an important source for the understanding of the Jewish predicament during the Thirty Years War.

These difficult years of the Thirty Years War caused King Ferdinand II great economic troubles: the wars had depleted his treasury. He turned to the Jewish community who were under his protection for special taxes to replenish his treasury. He placed upon the Jewish community in Prague and its environs 40,000 floren to be paid annually. R. YTLH was then appointed the head of the commission for the allocation of taxes. (15) He was compelled by virtue of being the leader of the community of Prague to accept this office. Here his troubles began. The Jewish community at this time was filled

with a number of contentious parties. One group of malcontents accused R. YTLH for favoring the rich to the detriment of the poor in allocating taxes. This accusation was ironic in that R. YTLH was one who embodied a sense of integrity and gave his substance to the poor. It is told that upon his death in Cracow he did not leave enough money to pay for his shrouds. (16) This accusation was just a subterfuge. Their real desire was to depose R. YTLH. So they added on the accusation that in his commentaries he showed contempt for the state and the Emperor and affronted Christianity. This latter accusation became a serious offense. Little did these betrayers realize that these accusations of the Rabbi would be placing the entire Jewish community at peril. R. YTLH was arrested and placed in chains, and brought to Vienna, the seat of King Ferdinand II. (17) R. YTLH was brought to trial on the fifth day of Tammuz in 1629. This day he declared a fast day and a day of remembrance for all his descendants. R. YTLH was questioned by a commission of Catholic clerics about his putative insult to Christianity in his writings. This setting demonstrated the gravity of the situation. Among the accusations was that his use of PN 138N, which was one of the dual commentaries on the Rosh (Rabbeinu Asher ben Yichiel), showed contempt for the king and his other commentary PN 138N was an indirect offense to Christianity poking fun at the host. (18) R. YTLH was also questioned why he chose to venerate the Talmud, and

recommended it to his people, when the Pope had decreed that the Talmud should be burned. R. YTLH parried these questions skillfully, pointing out that the Talmud is the Oral Law of the Jew and is the authoritative writing for the Jew and that it in no way directs itself to Christians. The gentiles mentioned in the Talmud are the pagan and idol worshippers of the pre-Christian era. Withal his trying, Rabbeinu YTLH was condemned to be executed.

It took a great deal of persuasion and pressure from the shtadlanim, the intercessors, most particularly from his friend and his daughter Dovrish's father-in-law, Jacob Basch of Treunberg to suspend his sentence. A heavy fine was placed upon R. YTLH which was later reduced. His books were to be destroyed, but that decree was later reduced to just removing offensive passages. But one punishment could not be changed, which R. YTLH considered as most cruel and that was that he could no longer hold the post of Rabbi in Bohemia, Moravia and Austria.

It needs to be noted here that King Ferdinand II was favorably disposed to the Jews and protected them in moments of great crisis but the accusations against R. YTLH were so grave that the King had no other recourse but to deal with them in a serious way. If this had been with another King, in a different time, the entire Jewish community would have been in peril.

With great sadness R. YTLH left Prague and left the entire German empire and wandered off to Poland. His first position in Poland was in Nemirov, a city that suffered so much a few years later, in the Chmielnitsky pogroms and for which he wrote special kinot. From Nemirov he went on to the rabbinate in Ludmir which is in the province of Volhinia bordering with Poland. Then R. YTLH was elected to the rabbinate in the great city of Cracow in Poland on the Vistula River in 1643. Cracow was considered one of the great Jewish centers in Poland, the Ukraine and Volhinia. R. YTLH considered this as God's recompense to him for all of his sorrows and he set the date the first day of Adar, the second day of Rosh Chodesh as a day of rejoicing for all his descendants. In Cracow he again assumed the leadership of his community and he was one of the representatives and leaders in the Council of the Four Lands and the Lithuanian Council, which was an offshoot of the Vaad (Council of the Four Lands). Here again he caused opponents because of his uncompromising integrity.

It was the unfortunate custom in those days that the rabbinate was bought by rich fathers for their sons or sons-in-law by bribing the local officials. This unfortunate practice is reflected in R. YTLH's commentary on Pirkei Avot 1:6. The Mishnah states:

אין פסוק אצלנו אין פסוק אצלנו אין פסוק אצלנו

"Make for yourself a teacher and buy (acquire) for yourself a companion".

R. YTLH quotes his teacher the Maharal of Prague who noted that the Mishneh does not

say 3'NSD PS DUP, "buy (acquire) a student, R. YTLH comments:

עצור כאן! שבת צדקה. חתום על ידי
ד"ר אריק מנצח. חתום על ידי
ד"ר אריק מנצח

"It is not proper to do such a thing. That is for one to make himself into a rabbi and to say to others learn from me, as has become the custom in these lands".

It is obvious from this comment that in the days of the Maharal of Prague and in R. YTLH's days not only rabbinic posts were on sale but so were the positions of roshei yeshivot, the heads of the academy. Students were bought and enrolled in the academies with the promise of stipends. Local officials were bribed so that new yeshivot were established for unworthy and unqualified head masters coming from rich homes. This caused a degeneration and demoralization of the Jewish community. Many times some of the leading rabbis inveighed against this practice but it was to no avail. R. YTLH revived and affirmed this ban against this practice of buying the rabbinate. (19) The communities took notice of this ban and so he acquired new enemies who sought to depose him for the rabbinate of Ludmir. But this time R. YTLH prevailed.

It was this particular period when the Chmielnitsky pogroms took place. One of the cities which was hardest hit by the Cossack barbarians was the city of Nemirov where R. YTLH had been the rabbi. He was heartbroken, over the slaughtering and maiming of the Jews and raping of the women. He was asked to write special slichot or kinot for those slaughtered by the Cossaks in Nemirov. At first R. YTLH refused, saying that this persecution and slaughter was a repetition of the slaughters that became a part of Jewish history. He said that the slichot of old should be repeated for the martyrs of Nemirov. (20) He claimed it was quite different than the incidents in Prague where they were saved by the intervention of the king. (21) He finally heeded their plea and he wrote a number of slichot for the twentieth day of Sivan which commemorated the terrible slaughter of "ה'ת"ט" 1648 and 1649.

And so R. YTLH laments:

... כְּלִמְכָּה מְלִכָּה לְיָמֵינוּ שֶׁלֹּא הָיָה שָׁלוֹם בְּיָמֵינוּ
 מִיָּמֵינוּ שֶׁלֹּא הָיָה שָׁלוֹם בְּיָמֵינוּ מִיָּמֵינוּ
 (22) מִיָּמֵינוּ שֶׁלֹּא הָיָה שָׁלוֹם בְּיָמֵינוּ

"The kingdom of Poland where we have settled of yore and
 lived in peace and tranquility....

The year of "het" (1648) and "tet" (1649), we have much to
 lament, we the children of your beloved ones."

And yet another touching slicha on those martyrs

of "אֶלֶף", starts with the words אֶלֶף עֶשְׂרִים reminiscent of the martyrology at the conclusion of the musaf service on Yom Kippur.

אֶלֶף עֶשְׂרִים בְּמִנְחָת עֶשְׂרִים נִתְּנָה אֶלֶף
 אֶלֶף "א" אֶלֶף "ב" אֶלֶף "ג" אֶלֶף "ד" אֶלֶף "ה"
 אֶלֶף "ו" אֶלֶף "ז" אֶלֶף "ח" אֶלֶף "ט" אֶלֶף "י"
 אֶלֶף "יא" אֶלֶף "יב" אֶלֶף "יג" אֶלֶף "יד" אֶלֶף "טו"
 אֶלֶף "טז" אֶלֶף "יז" אֶלֶף "יח" אֶלֶף "יט" אֶלֶף "כ"
 (23) אֶלֶף "כ"א" אֶלֶף "כ"ב" אֶלֶף "כ"ג" אֶלֶף "כ"ד" אֶלֶף "כ"ה"

"These I remember with abundance of tears and with bitter
 thunderous cry. Wo unto me when I remember twice, there was
 nothing evil like this from the day we went in exile. "Tav"
"chet" (1648) this year we thought it to be God's garden
 where every man would go up for his rightful portion. (24)
"Tav" "Tet" (1649) became a year where blood was spilled but
 not only that it was a year of the affliction of
 Cholera אֶלֶף עֶשְׂרִים".

It was during this period with its devastation and
 killings that so many of the Jewish women became
 Agunot (anchored women - those women whose husband had
 disappeared without any evidence of their death). R. YTLH
 took a leading role in what is known in halachic literature
 as

אֶלֶף עֶשְׂרִים, the remedying of the plight of

the Agunah. He sought every possible way within the halachah to release these unfortunate women from the status of Agunah and permit them to remarry. (25)

After the cessation of these upheavels many Jews who had been baptized by force returned to Judaism and brought with them children who had lost their parents and had been brought up as Christians. In order to identify them properly in terms of their blood relations, so they should not marry anyone of forbidden degrees, identifying tags were placed around their necks and worn into adulthood. In all probability, R. YTLH took a leading part in this matter, as he did in the alleviation of the plight of the agunot at the synod in Lublin in 1650. (26) R. YTLH lived out his years in Cracow with great honor revered by all and he died on the sixth day of Elul 1654. ד' 31.

On the tablet, on the wall of the courtyard of the synagogue in Cracow which is known as the synagogue of the Ramah (R. Moses Isserles) there is inscribed a list of the rabbis who served the great community of Cracow and the dates of their death. (27) It begins with:

ה'אלף תשנ"ה ד'תקל"ח

and ends with:

ה'אלף תשנ"ה ד'תקל"ח

Among them is listed:

ה'אלף תשנ"ה ד'תקל"ח

memory. He fathomed the mighty waters and was the author of many books identified as follows "the Book of the Structure of the Temple, Tosefot Yom Tov, on the six orders of the Mishnah, the Delights of the King and Pleasant Bread on the Rosh, commentary of the Torat Hatat of the Ramah (R. Moses Isserles). He taught Torah in many sacred communities notably Vienna and Prague. The end of his days he dwelt in Poland and he held office in many sacred communities. And here in Cracow, he went to his heavenly reward on the fourth day of the week the sixth of the month of Elul, 414, according to abbreviated calculation 5414 (1654)."

Rabbeinu YTLH was eulogized in a poem by one of the great kabbalists of his generation, R. Moses Zakoot of Italy among which he said:

וְיָדָעַתְּ כִּי הָיָה עֹלָם הַיְּדֵי
 עַל הַיָּדָה הַזֶּה הָיָה הַיָּדָה
 לְהַיָּדָה הַזֶּה הָיָה הַיָּדָה
 לְהַיָּדָה הַזֶּה הָיָה הַיָּדָה
 לְהַיָּדָה הַזֶּה הָיָה הַיָּדָה
 לְהַיָּדָה הַזֶּה הָיָה הַיָּדָה

"and as great as Samuel (30) in the knowledge of the calender, he penetrated the window of the sanctuary, all mysteries and all hidden things his heart meditated. There he rests quietly in the the year 5414 (414) and on the quiet waters he now rests in peace".

R. YTLH died in the month of Elul, the month preparatory to the Days of Awe. The special psalm recited in this preparatory period is psalm 27 beginning with the words,

'xv' 'vllc 3138, "God is my light and my help". It is therefore appropriate to apply to R. YTLH's life the words towards the end of the psalm,

OND DO'1 7pe '3x 'A INP '2,
 "False witnesses have risen against me, people who breathe out lies". But R. YTLH's faith was triumphant like the words at the end of the psalm: "Hope in God and be strong, take courage, hope in God".

May his memory ever be a blessing.

Chapter II

Rabbi Yom Tov Lippman Heller as Commentator and Educator

R. YTLH as an educational reformer, followed in the footsteps of his great teacher and predecessor as chief Rabbi of Prague, the Maharal, who was opposed to the method of Talmudic study which is known as pilpul. The method of pilpul is when ענין, distinctions are artificially created and related to far fetched issues. This method was introduced into Poland by R. Shakna and brought to its perfection by R. Jacob Pollak, originally of Prague and subsequently rabbi in Cracow. (31) R. YTLH was opposed not only to this type of pilpul but to the unnatural curriculum whereby the student at a very early age was introduced to the study of the Gemara and then learned the Bible in a disorganized fashion. R. YTLH insisted on an orderly and natural curriculum, first the study of the Bible in its entirety and then the Mishnah in its entirety and only after the completion of these two one may enter into the study of the Gemara. (32)

In his own studies and in his writings he followed this orderly curriculum. R. YTLH's first book was known as מבני המקדש, the structure of the Sanctuary, where he explained the architecture of the Sanctuary as envisioned by the prophet Ezekiel. Then in his early thirties he turned to an intensive study of the Mishnah, and

wrote the most famous of his writings, the commentary on the Mishnah, Tosafot Yom Tov. This was completed and published when he was thirty eight years old. Around the time he completed the writing of Tosafot Yom Tov he turned to his commentaries on Rabbeinu Asher ben Yechiel (Rosh) on the Talmud, tractates:

בבלי, א/ג/כז, מ/א, א/ב/א, א/ב/ב, א/ב/ג

These commentaries in no way reflected R. YTLH's desire to return to the unfortunate mental gymnastics that had been introduced in the yeshivot. To these commentaries he gave the name א/ב/ב א/ב/ב

and א/ב/ב א/ב/ב. As we saw the names of these two commentaries were changed because of the accusations directed against R. YTLH. The titles were changed to

א/ב/ב א/ב/ב

and א/ב/ב א/ב/ב. R. YTLH's commentary to the Rosh on א/ב/ב was

named א/ב/ב א/ב/ב. The reason for the name א/ב/ב א/ב/ב is that the Amora, Shmuel,

who was the expert in the laws of א/ב/ב was referred to in the Talmud as א/ב/ב א/ב/ב. (33)

The best known of all the writings of R. YTLH is his commentary on the Mishnah, Tosafot Yom Tov. This commentary became classic for Mishnah studies. But students who found Tosafot Yom Tov too lengthy, cumbersome and involved, a summary was published known

as 216 p/1 1/2012 22'8. This summary was written by ג'ס ד'ררן י"ב ע"פ"נ 227, a seventh generation descendant of the Maharal of Prague. The reason why this commentary was called Tosafot Yom Tov was because R.YTLH looked upon this commentary as being analogous to the Tosafot of the Talmud. The Talmudic Tosafot is an analysis of the commentary by Rashi, a critique of Rashi's approach and a resolution of conflicts based on a comparison of sources. For R. YTLH the commentary of R. Obadiah of Bartinoro on the Mishnah is for him the Rashi. (34) However R. YTLH goes way beyond being a super-commentary on R. Obadiah. R. YTLH's commentary is a close examination of the text where he brings to bear his great knowledge of grammar and philology, mathematics and scientific observation. From time to time in his analysis of the Mishnah he quotes the Rambam's commentary on the Mishnah with great reverence. In one or two places where Rambam differs from interpretation of the Gemara, R. YTLH hastens to his defense and justifies him. (35)

R. YTLH demonstrates a critical approach to the text of the Mishnah. For example in Mishnah Beytza 5:2, R. YTLH examines critically the text and he finds that the editor of the Mishnah, R. Yehudah HaNasi, joined two different mishnayot, then added on his own concluding comment. Hence uncovering this seeming inner divergence is one of many instances where R. YTLH manifests his critical approach to

the text of the Mishnah.

In R. YTLH's commentary on Pirkei Avot, he demonstrates his wide range of qualities as a commentator. He shows his qualities as philologist, superb stylist and religious philosopher. In the course of one of his comments on a mishnah in Pirkei Avot, he reflects on one of the major problems in the rabbinate of his day. The problem was that students were bribed to attend yeshivot with incompetent teachers.

Using his knowledge of philology and hebrew syntax, R. YTLH analyzes Mishnah 1:1 of Pirkei Avot.

Mishnah aleph states:

וְעָרַב רַבִּי חֲנִינְיָ 1311871

"rear many students". The word וְעָרַב 1311871, means literally "make stand". R. YTLH was sensitive to the nuances of the mishnaic style and notes that this word is out of the ordinary and must mean something other than the simple "raising up of many students". According to R. YTLH the word "stand" in the context of rabbinic literature, means, "support with the truth of the Torah" so that many students will follow you. Falsehood, "sheker" does not have the capacity to sustain ("make stand"), the students in their study and will bring about the ultimate collapse of that school with which these students are associated. This is a reflection of R. YTLH's opposition to a practice in his day by some rabbis and roshei yeshivot who lured students to

their schools with bribes. At times they themselves were not qualified to teach their students the truths of the Torah. R. YTLH joined his great teacher the Maharal of Prague and spoke out in protest against the practice of bribing students when the teacher is not qualified to teach them. (36)

R. YTLH looked upon Torah as a dynamic ongoing process, hence the study and the cultivation of it are never ending. Learning must therefore be a continuous process of the life of the pious Jew.

In Pirkei Avot 1:2, R. YTLH takes issue with Bartinoro in his translation of the word Torah, which is joined in this mishnah with the words "avodah and gemilut hasadim". Again sensitive to style, syntax and context, R. YTLH views Bartinoro's translation of "Torah" as being a circumscribed entity, therefore not parallel with avodah which is a daily procedure and gemilut hasadim which is an ongoing daily mitzvah. Hence R. YTLH translated the word "Torah" not as a circumscribed, static entity but as an ongoing process of learning. The ongoing process of Torah is a daily mitzvah. R. YTLH invokes in his commentary on this mishnah, the words:

וְשִׁיתָ דְּנִי יָדָא וְלַיְלָא

"and you should meditate on it day and night".

Herein we see R. YTLH's dedication to the teaching of Torah as a major part of his rabbinate. Both in Prague and in Cracow, R. YTLH insisted on serving in the dual functions of chief rabbi and rosh yeshiva. In his Megillat Eivah, he

points out that his home was practically an extension of his yeshiva.

Sensitive to style and context, R. YTLH feels impelled to launch a major criticism of his predecessors the Bartinoro and the Rambam. In his analysis of the context of the Mishnah he solves a major theologically perplexing problem in the Mishnah. This particular mishnah in Pirkei Avot 1:3 has become one of the prime examples of R. YTLH's extraordinary insight into the rabbinic mind. The Mishnah states:

אֲנִי וְאַחֵרֵי יָמַי לֹא בָּרָאנוּ
 אֶת הָעוֹלָם וְלֹא יָצַקנוּ
 אֶת הַמַּיִם וְלֹא יָצַקנוּ
 אֶת הַמַּיִם וְלֹא יָצַקנוּ
 אֶת הַמַּיִם וְלֹא יָצַקנוּ
 אֶת הַמַּיִם וְלֹא יָצַקנוּ

"Antigonus of Socho said: "Do not be like servants who serve their master expecting to receive a reward, be rather like servants who serve their master unconditionally with no thought of reward".

R. YTLH takes strong issue with R. Bartinoro and other commentators of the Mishnah who state that Antigonus misled his students by this proverb and hence caused unwittingly the heresies of Zadok and Boethus, and according to Rambam, the latter day Karaites. These commentators according to R. YTLH say that Antigonous unwittingly negated the Pharasaic doctrine of reward and punishment. Thus Bartinoro states in his commentary on Pirkei Avot 1:11 on the words,

אֲנִי וְאַחֵרֵי יָמַי לֹא בָּרָאנוּ
 אֶת הָעוֹלָם וְלֹא יָצַקנוּ
 אֶת הַמַּיִם וְלֹא יָצַקנוּ
 אֶת הַמַּיִם וְלֹא יָצַקנוּ
 אֶת הַמַּיִם וְלֹא יָצַקנוּ
 אֶת הַמַּיִם וְלֹא יָצַקנוּ

"as a result the name of heaven is profaned"....

לילארו אונן צרות דעלור דעלור כאל
 לקרה לאנעלעס איל סולן ער צוה אדמוס
 תמיד, למד דעם אל תהיו בעצבים פאמאליס אל
 דוד אל מנה לקהל פרס ואמרו דעם אפער פילת עולם
 מאכע בל פוק אורח אדער אילן מקהל פרס.
 וילאן אמנות דעם ותלמידים וצדיקים צדיקים
 אדמוס ער פוק

"These worthless opinions will persist, as it happened with Antigonus of Socho when he taught his students among whom were Zadok and Boethus, "Be not like servants who serve their master for the sake of getting a reward". They said is it possible for a worker to work all day and in the evening he does not receive his wage. Thereupon they became heretics together with their disciples and they are known as Zadokites and Boethusians to this very day."

The Rambam has a similar interpretation of the words of Antigonus in his commentary on Mishnah 1:3

אחרי לחבר פער שני תלמידים למ פאמא צדיק וילא
 פילן דעלור אפער למעלה למד צדיק וילא תלמיד
 אמר פאמא לילן כי דוד צדיק דוד דעלור לילן למ
 דא גמול דעם אילן למ תהיה כל ... ומאז שילא אל
 פסגה פאמא דעלור פאמא פאמא דעלור דעלור
 מצרים דעלור ולעם אלע חפנים צדיק אדמוס
 דעם אלע דעלור דעלור דעלור דעלור
 סל דעלור דעלור דעלור דעלור

וְעַתָּה יֵשׁ בְּעוֹלָם הַמִּשְׁנָה זֶה הַמִּשְׁנָה

"And this sage had two students, one Zadok and the other Boethus and when they heard these words (of Antigonus of Socho), they went forth and said one to the other, the master said plainly there is no reward and punishment and therefore there is no hope. Thereupon there arose these cursed heretical sects that in this land, ie. Egypt, are known as Karaites and our sages called them Zadokites and Boethusians and they are the ones who started to doubt tradition and to interpret the Biblical passages each one as he sees fit without being subject to the authority of a sage."

Moreover said R. YTLH if this be the case that Antigonus misled his disciples, how was it that R. Yehudah Hanasi, the compiler of the Mishnah included this mishnah in the canon which may cause further heresies.

Basing himself on a remark by the Maharal, his teacher, R. YTLH insists that the one who serves God out of an expectation of recompense or fear of punishment is without question a righteous person. But there is yet a higher level and that is, the service of God without the expectation of reward and without the fear of punishment, a service out of love of God and of God's creation. This is what Antigonus meant. R. YTLH develops this magnificent concept in his analysis of the language of the mishnah, 1:3:

וְעַתָּה יֵשׁ בְּעוֹלָם הַמִּשְׁנָה זֶה הַמִּשְׁנָה

The obverse:

101 p. 327 117 1056

This language indicates that those who serve God out of fear or reward, are not excluded from the status of a pious individual. If exclusion had been the case, the mishnah would have stated:

070 1201 111 18 270 111 0,327 1,20 1/10

"Don't serve God for the purpose of receiving recompense".

This statement is then all inclusive, and excludes those who serve God out of the expectation of reward. This is not the meaning of Antigonus, whose statement is absolutely in keeping with the Pharasaic doctrines of reward and punishment.

In this analysis of the words of Antigonus, R. YTLH upholds the doctrine of the Pharisees of reward and punishment and he notes that the disciples of Antigonus who became heretics did so by their own willful misinterpretation of Antigonus.

R. YTLH's commentary on the Mishnah became one of the most popular commentaries, ranking next only to Rashi and the Bartinoro. As noted above its importance was so great in the Jewish community that a summary known

as 216 p. 1100/1 2'8, became a part of all the classic editions of the Mishnah.

Was there a purpose beyond simple explanation to R.

YTLH's commentaries on the Mishnah, and later on the Rosh? For an answer we have to look closely at R. YTLH's choice of the Rosh for his major work after concluding his Mishnah commentary.

In his introduction to his 216 p/1 1321 and 113/11 1223 on 11322 1011 of the Rosh, R. YTLH describes the two approaches to Talmudic studies after the close of the Talmud. The first approach is that of the Alfasi (the Rif), which is a summary page by page of the Talmud eliminating the arguments, the give and take of the rabbis and some of the aggadic material. The other approach was that of the Rambam in his Mishneh Torah. There he classified the subjects of the Talmud in an orderly fashion according to subject matter and not by treatise. R. YTLH reiterates that in the responsa of the Rambam, he states that his intention was that the 2121, (compendium), was not to stand alone but was to be joined with the Rif. Only then could the student or the Rabbi come to a decision. The Rosh, Rabbeinu Asher followed the path of the Alfasi and added on materials and studies coming after the Alfasi in addition to his own clarifications. (37)

Rabbeinu Asher's son, Rabbeinu Yaakov, derived the decisions from his father's summary of the Talmud. This eventually led to the composition of his massive work known as the Arba Turim. It is along the lines of the Rambam's Mishneh Torah, although it has a different structure. R. YTLH held that it

was the intention of R. Yaacov in his writing of the Turim that it be studied together with his father's summary of the Talmud. And like with the Rambam and the Rif, only then come to a decision, על פניו.

R. YTLH follows through this line of thought and he applies it to R. Yosef Caro in his commentary on the Turim and the Shulhan Aruch. Thus Rabbeinu YTLH writes in his introduction to ל"ב י"ב and מ"ב י"ב on the Rosh of Brachot:

אשר נראה מן הדין שכל מה שכתב רבינו יוסף
 ברכיו וז"ל. הדין הוא כדן רבינו יוסף ברכיו
 שכל מה שכתב רבינו יוסף ברכיו וז"ל. הדין הוא
 כדן רבינו יוסף ברכיו וז"ל. הדין הוא כדן רבינו יוסף
 ברכיו וז"ל. הדין הוא כדן רבינו יוסף ברכיו וז"ל.

" What results from all this discussion is that there are two appropriate approaches to the study of Talmud. One is in the manner of Rabbeinu Hakadosh (Judah HaNasi) in his composition of the Mishnah, and is exemplified by the two compendia one of the Rambam and the other of the Turim. The second way, is that of the Gemara, and is exemplified by the Rif and the Rosh".

Furthermore in his introduction to his commentary on the Rosh of פ"ב י"ב known as פ"ב י"ב, R. YTLH states unequivocally that the way of the Rif and the Rosh must take precedence and that the Rosh, being later and

more inclusive, takes precedence over the Rif.

אכזר האצתי ואמנתי כיוול דין קצת
 אפ"ק אפ"ק אפ"ק אפ"ק אפ"ק אפ"ק
 אפ"ק אפ"ק אפ"ק אפ"ק אפ"ק אפ"ק
 אפ"ק אפ"ק אפ"ק אפ"ק אפ"ק אפ"ק

" And as I have noted, the Rif and the Rosh in their approach have priority over the Rambam and the Turim, so too the Rosh has priority over the Rif (because he is later and more inclusive), therefore I have chosen (to comment on) the Rosh".

For his Talmudic work R. YTLH chose the second way, and like Rashi on the Gemara, he chose to write a commentary on the Rosh. With his commentary on the Rosh, R. YTLH hoped to help the student and the rabbi to derive the פסק הלכה.

This derivation is more appropriate because it comes directly from discussions in the Gemara. In defense of his commentary on the Rosh, R. YTLH says:

את כל אלה ראיתי עין לראות יתמלא סיפוקם
 דעלותי פתחתי פתח לאור יסודי בלי יסוד
 אמלצתי פתח רבני אלא דא ואתה לא יצוא בלתי
 יחסר כל בל ויהיה מושלם בל באמור בן מלך
 פתחתי לכן לך פתחתי לך לאמור לך פתחתי
 לך ואתה בן מלך פתחתי לך פתחתי לך
 כל דין וכל דין חתומה.

(38)

"Therefore I saw it necessary to fill their needs (the

scholars) in my present composition that through it the Jews will turn to the composition of Rabbeinu Asher z"l and from it they will not depart for in it every thing will be fulfilled both from the aspect of the two approaches of which I said this one (this approach of Rabbeinu Asher) is more appropriate and from the aspect of the goal for now through this commentary, the law will be known in its completeness".

According to the Tchernowitz, (39) R. YTLH is in the category of the פירשנים, the "expanders". In contrast to the פוסקים, the "decisors" (who sought to narrow the derivation of the halacha). Tchernowitz points out that at first R. YTLH like his master the Maharal of Prague, sought to make the Mishnah the basis for halachic decisions. R. YTLH saw that the Mishnah would not be sufficient even with his extensive commentary, to be the vehicle for the decisors. Therefore he turned to the Rosh and with his extensive commentaries,

אורח חיים, ע"י פוסק, אורח חיים פ"ד פ"ד, he felt he could succeed in bringing back the decision making process of the halachah to the original source, the Talmud. Tchernowitz went so far as to say, that R. YTLH almost succeeded in displacing the פוסקים as the ultimate in the halachic process and replacing them with his method of the פירשנים, which R. YTLH felt would be more authoritative and would be intellectually more consistent. R. YTLH did not succeed and the way of

the ד'ת"ס particularly through the "Shulhan Aruch" prevailed. Tchernowitz believes that if R. YTLH had succeeded, he would have been the decisor for the modern halachah.

Hones, the author of the Encyclopedic volume Toledot Haposekim, seems to consider R. YTLH as one who sought an approach to halachic decision making other than the Shulhan Aruh along the lines of Tchernowitz's formulation. In Hones' encyclopedia of Toledot Haposekim, his description of R. YTLH is not under the rubrics of his major commentaries but under the heading of דרכי דין (the ways of decision making). R. YTLH wrote a book on how to derive opinions or decisions in difficult halachot. This work is still in manuscript.

YTLH's grand goal was to help decisors to return to the original sources for more accurate decisions. Though he did not succeed, nevertheless he made a lasting impact on the development of Talmudic studies. It is interesting to note that Tchernowitz himself in his early years in Odessa published synopses of some of the treatises of the Talmud which compare favorably with that of the Rosh.

R. YTLH's concern for popular adult Jewish Education.

The master and teacher of R. YTLH the Maharal of Prague had inculcated in his disciples and successors the importance of spreading the knowledge of the Mishnah among the Jewish populace. (40) The Mishnah with its succinct style and pure hebrew compared to the extensive dialectical arguments and the Aramaic language of the Gemara is fairly simple, but its simplicity and conciseness presents difficulties. There is therefore a need for a commentary that would explain the Mishnayot and summarize within that explanation some of the arguments of the Gemara. In the days of the Maharal and R. YTLH there arose in the communities of Bohemia, Moravia and Poland hevra mishnayot, circles for the study of the Mishnah that attracted many of the populace to the synagogue. One of R. YTLH's objectives in writing his commentary on the Mishnah was to enable the average Jew who had some yearning for the study of the Talmud to master through the Mishnah and his own commentary the intricacies of the Talmud that would otherwise have been nearly impossible for him. This became so popular as mentioned before that a summary was published in all major texts of the Mishnah. The institution of the hevra mishnayot, which in reality is what we would call popular modern Jewish education has continued on to this very day in the Orthodox community and to some extent in the Conservative

movement. A modern version of the hevra mishnayot might be a worthwhile addition to Reform adult Jewish education.

R. YTLH did not limit himself in his spreading Jewish knowledge to the men of the community (obviously the hevra mishnayot was limited to men). As we will see in the next chapter R. YTLH translated the Orchot Hayim of the Rosh, into yiddish. He also wrote in the yiddish vernacular Brit Melach, the laws of salting and rinsing of meat, as a guide to the women and the ordinary Jew who did not understand hebrew, on the observance of kashruth.

Chapter III

R. Yom Tov Lippman Heller-Liturgist, Religious Philosopher and Humanist

R. YTLH's contributions to synagogue ritual can be can be classified in these three categories:

- 1 . Preparation for prayer through meditation
and self examination
2. Decorum in the Synagogue
3. Piyyutin for special occasions

As we can see from Megillat Eivah and from other sources, R. YTLH's days as a rabbi were turbulent ones, the hands of the oppressor lay heavy on the Jewish community, through taxation, threats of expulsion, discrimination and outright physical assaults. Unfortunately corruption seeped into the Jewish community in various ways threatening the religious and ethical character of the Jew. The sages warned:

(41) אל תפסוק עלך בלע

"Don't make your prayer routine". But more and more prayer became routinized, stilted and sterile in R. YTLH's time. R. YTLH sought to bring into the synagogue a period set aside for meditation, introspection and examination of ones purposes in life as a Jew. He looked upon meditation and kavanah in prayers as a therapy for the soul. He compared this type of therapy to Rambam's, Eight Chapters, his introduction to his commentary on Pirkei Avot. Therein the

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"Therefore I learn from my elders, and so I have prepared material that is appropriate for everyone, the correct conduct of an individual in his dwelling as he rises up, and goes forth. I refer to what was already prepared and composed by our teacher the distinguished rabbi who has illuminated the entire diaspora with his compositions, Rabbi Asher, the father of Rabbi Yaacov, the author of the Turim, may the righteous be remembered for a blessing, this great sage, it is known as Orhot Hayim, containing admonitions for ethical conduct".

R. YTLH furthermore noted that in our prayers we recite the Yigdal, which is based upon the thirteen principles of faith of the Rambam posited in his introduction to the Mishnah of Sanhedrin, פסד, (chapter 10), with which traditionally we conclude our prayers. The purpose of this hymn is to direct our minds and our hearts to the basic theological premises of our prayers. So too at the very beginning we have to prepare ourselves through meditations, so that our prayers will be focused upon our ethical conduct, ie. our relationships to God and our fellow human beings. (44)

R. YTLH was very much impressed with the Orhot Hayim of the Rosh. It is a compendium of admonitions on behavior in relation to ones fellow, to the community and to God. It

also contains directives on how one should fulfill ones obligation both ethically and religiously as a Jew. R. YTLH divided the Orhot Hayim into seven sections, a section for each day to be meditated on before the beginning of prayers. The name according to the Rosh in his introduction to Orhot Hayim is taken from Job 33:30

אורח חיים אורח חיים.

"One may gain light in the light of life".

For example, for the first day of the week as R. YTLH prepared it the meditation begins:

אדם כחך מן העלות בתכנית בני חן
וכן מן התנפלות, וכן מן השקר והכזב וכן
(45) מן גזירות וכן מן תכונות וכן מן הכבוד

"Remove yourself in whatever way possible from haughtiness and arrogance and so from obsequiousness and so from lying and so from mockery and so from tale bearing and so from anger".

On the fourth day of the week the meditation begins:

(46) אל תהיה כחולות אל הארץ ואל תהיה כחולות
אל הארץ ואל תהיה כחולות

"Be not lazy in performing a mitzvah when the opportunity arises and perform it for the sake of heaven without delay".

The Sabbath meditation begins with the admonition:

(47) יופרע מעשר מכל רכושך ויבא אל יתעלה ה' ויבא

"To tithe you profits from all the profits that God has made possible for him".

An example of concern for ones fellow as a preparation for prayer is the admonition that :

(48) א"י' ע"ס' 17208 ס'ס' ד'ס' ע"ס' 17208

"One should help his fellow in whatever his needs are".

R. YTLH knew that many in the congregation, most particularly women and children would not understand the hebrew of Orhot Hayim. Instead of simply repeating these meditations from Orhot Hayim without any understanding or kavanah, which would defeat the purpose of these prayers, R. YTLH took pen in hand and wrote a yiddish translation of Orhot Hayim. (49) This is most remarkable for a man of the stature of R. YTLH, who occupied himself at every moment with the Torah and the writing of his magisterial commentaries.

As I reflect on this, R. YTLH was one of the early religious leaders who sought through the use of the vernacular to make prayers and ethical treatises a part of the synagogue way of life. I dare to consider him as a forerunner of our modern Reform and Conservative movements, that brought the english translation or German translation into synagogue prayer so that there would be proper kavanah. The introduction of the Orhot Hayim was an act of thanksgiving on part of R. YTLH in Vienna for his recovery and the recovery of his neighboring Jews from the cholera plague. R. YTLH patterned the idea of making a takanah after a miracle, on the story of R. Shimon ben Yechai. (50) It is told that when he emerged from the safety of a cave he said:

א"י' ע"ס' 17208 ס'ס' ע"ס' 17208

"Since a miracle has occurred to me I will now go and perfect or correct something".

From that statement R. YTLH said that if a miracle occurs, one is obligated to do something as an expression of thanksgiving.

R. YTLH announced this takanah of placing Orhot Hayim for meditation before the baruch sheamar at the end of his sermon on Haya! Sarah ו'דע. He announced the takanah of the recitation of the Orhot Hayim as previously mentioned and he concluded his sermon with the words:

וְכַךְ נִשְׁמַע מִפִּי רַבֵּנוֹ הַגָּדוֹל וְהַנּוֹרָא וְהַקָּדוֹשׁ
 וְהַנּוֹרָא וְהַקָּדוֹשׁ וְהַנּוֹרָא וְהַקָּדוֹשׁ וְהַנּוֹרָא וְהַקָּדוֹשׁ
 (51) וְכַךְ נִשְׁמַע מִפִּי רַבֵּנוֹ הַגָּדוֹל וְהַנּוֹרָא וְהַקָּדוֹשׁ

And thus shall we do (to take to heart the words of musar) and possibly there will be fulfilled for us "And He will return and heal him". The words of the sages are well known to us that by merit of repentance, redemption comes to the world. Speedily in our day. Amen."

Decorum In the Synagogue

The Jew living dispersed among many peoples eking out a living in the midst of hostility, came to the synagogue for rest, meditation, prayers and companionship. At times the synagogue became for many, as quoted in the Talmud, a "Bet

Am", a "clubhouse". During periods of prayer and most particularly during the reading of the Torah the worshipper could not resist conversing with his neighbor. Rambam, inveighed against this practice in his day. Moslems would visit his synagogue and Rambam would be embarrassed by the lack of decorum. The Rambam eliminated the repetition of the Amidah of the Musaf service. By abbreviating the service, making it less tedious, the worshipper would not be tempted to converse with his neighbor.

Only in a few areas did the Rambam's innovation take hold. Repetition of the Musaf Amidah continued on. Thus the worshipper continued to face the temptation to converse during the shacharit amidah, the musaf amidah and kriyat HaTorah. R. YTLH sought to restore decorum to the synagogue as befits a house of worship. He was not concerned as was the Rambam with the impressions of the gentiles, but his concern was with the kavanah that was necessary for the prayers. What sense of introducing the Orhot Hayim if during the course of prayers the worshipper lapses into conversation and looses all kavanah. R. YTLH therefore introduced in the synagogue of Cracow a Misheberach prohibiting any conversation, even conversation that deals with sacred subjects. This is R. YTLH's Misheberach on decorum:

מ' עבר סלחול אלכס' צמק וילק נח
 ואלמן צב וסל, כולו 'במך השומר פ'ו
 וילק מלפסוק השם צמק מן "כחוק ואלמך"
 צח צמק בתפסוק ואלמך קרמל פסכחוק

שְׁמֵי שְׁמֵי אֱלֹהִים בְּצִבְרוֹ תוֹרַת הַיָּדֵינוּ צִבְרוֹ
 כָּל שֶׁכֵּן שִׁמְחַת חַיִּין וּסְפֹרֵי שְׂמֹחוֹת
 וַיְחַלּוּ עָלֵינוּ כֵּל הַכֹּכָבִים הַכְתוּבֹת
 בְּתוֹרַת מֹשֶׁה רַבֵּינוּ עָלֵינוּ הַשָּׁמַיִם
 אֲכָל הַנִּבְרָאוֹת

יִטְאֶה זָכָא בְּשֵׁר חַיִּים וְקִיּוּמִין
 וַיֵּכֶה עָלֵינוּ שְׂמֹחוֹת שְׂמֵי
 צִוְּנוֹת שֶׁכֵּן הַעֲלָם הַזֶּה שְׂמֵי
 לְמַלְאָךְ וּפְנֵי אֵל וּפְנֵי הַמַּלְאָךְ
 שֶׁכֵּן יו"ט שְׂמֵי
 אֲרוֹךְ גַּם יו"ט
 וְלִמְלֵאכֵי הַמַּלְאָכִים

(52) " May He who blessed our father Abraham, Isaac and Jacob,
 Moses, Aaron, David and Solomon, May He bless the one who
 guards his mouth and his tongue from interrupting with any
 conversation the prayers from baruch sheamar until the
 conclusion, and at the time of the reading of the Torah in
 public. Even conversation about the Torah all the more so in
 conversation about ordinary things and relating newsworthy
 items. And may there come upon him all the blessings that
 are written in the Torah of our teacher Moses, of blessed
 memory, and in all the books of the prophets. May he behold
 righteous offspring who are sustained in their lives and may
 he merit to the two tables of the two worlds which are this
 world about which it is said: "and it is GOOD (טוֹב)" and
 the world to come that is considered the DAY (יּוֹם) that
 is altogether long (eternal) and also GOOD (טוֹב). And let

us say : Amen.

It needs to be noted that R. YTLH in his piyyutim, and in his commentaries identifies them with the seal of his name נ"י צ פ"י, as he does in the above Mishebarach.

Meir Yaeri, the Bibliographer of the Hebrew University library in his article on הקדמה לעבודת, casts doubt on whether R. YTLH was the author of this Mishebarach. He found a similar Mishebarach in the Pinkas of Germeizer. (53) However, Yaeri's doubts were rejected in the article by A. M. Haberman in the anthology נ"י צ פ"י 31228. Haberman in his article on piyuttim by R. YTLH notes that in the slichot of R. YTLH there is an introduction to this Mishebarach where it states:

"As soon as it became known in the city of Cracow, the terrible deeds that were performed in Nemirov, so that in order to remove the stumbling block of the great sin of conversation in the synagogueour Gaon (R. YTLH) established a Mishebarach that the hazan should recite every sabbath in a loud voice..." (54)

This Mishebarach is also found in a manuscript at Oxford University library and in an anthology entitled פזמונים ע"י attributed to R. YTLH. (55)

R. Yom Tov Lippman Heller the Paytan.

R. YTLH was in the main a Talmudic scholar and a halachic authority, however there pulsed within him a great poetic spirit. It was through his poetry, his liturgical piyyutim and the piyyutim accompanying either the beginning or ending of his rabbinic commentaries, that he gave expression to the pains and sufferings of the Jewish people and their hopes for redemption. The piyyutim bracketing his commentaries, also expressed his thanksgiving for God's help and inspiration.

Admittedly he was not a Kalir who invested his energies and his talents in the writing of liturgical poetry. For R. YTLH this was an incidental part of his career as a rabbi. In his piyyutim he brought to bear his great knowledge of hebrew grammar and his mastery of the entire Biblical literature. For a rabbinic scholar in that particular period he was exceptional in his insistence on proper hebrew grammar. This is in contrast to the great talmudic authority, R. Moses Isserles his great predecessor in the rabbinate of Cracow, who by his own admission was careless in his use of hebrew grammar.

For example in R. YTLH's commentary on Brachot 2:5, he points out that שש"ס despite the fact that it ends with a ש is masculine and corrects some of the editions which apply to it the feminine.

Because of his interest in hebrew grammar, he mastered the

commentary of R. Abraham Ibn Ezra and wrote a super-commentary on Ibn Ezra, explaining some of its difficult passages. (56)

As mentioned in the opening chapter there are two sets of slichot that R. YTLH wrote. One set was written during his rabbinate in Prague and the second set during his rabbinate in Cracow relative to the tragedy of "שכינת".

The first set of slichot are for the fourteenth day of Heshvan, which celebrated the salvation of the Jews in the days of Ferdinand II.

It is to be noted that in his Piyyutim he impresses his signature of "א"י פ"י". To give an example of the first set of slichot and the use of his name....

א"י פ"י וְיִשְׁרָאֵל יִשְׁרָאֵל יִשְׁרָאֵל
וְיִשְׁרָאֵל יִשְׁרָאֵל יִשְׁרָאֵל
נִכְסֵי אֶלֶם אֶלֶם אֶלֶם
כִּי בָּרַךְ אֶת אֶלֶם

אֶלֶם ה' וְיִשְׁרָאֵל יִשְׁרָאֵל
וְיִשְׁרָאֵל יִשְׁרָאֵל יִשְׁרָאֵל
בְּרַחֲמֵי יְהוָה וְיִשְׁרָאֵל יִשְׁרָאֵל
כִּי גִבּוֹר הָיָה יְהוָה אֶת כָּל הָעוֹלָם
(57)

"Day (Yom) after day my thoughts and my meditations increase

one upon the other.....

and they say forever may God be exalted.....

He shepherds his people like sheep in the midst of terrifying
wolves...

For him God has chosen.

God is good (Tov) and a tower of strength to those who hope
in Him with all their hearts

and even though they seek to entice him with their mouths and
they lie with their tongues and their expressions

With His compassion He will forgive sin and like righteous in
heart He will pay heed to them

because their redeemer is determined and He will contend on
their behalf."

In the first paragraph R. YTLH concludes with a sentence
taken from Deuteronomy 18:5

וְעַתָּה יְהוָה אֱלֹהֵינוּ יָדוּעַ and
in the second paragraph the quote is taken in its entirety
from Proverbs 23:11.

In another seicha for the fourteenth of Heshvan which was
declared a fast day in commemoration of the salvation of the
Jews and the evening as a time of joy and thanksgiving, R.
YTLH wrote:

וְעַתָּה יְהוָה אֱלֹהֵינוּ יָדוּעַ
וְעַתָּה יְהוָה אֱלֹהֵינוּ יָדוּעַ

ק"פ צברי סופ"ק נאמק וא"מ"פ
 ש"ב'ס"א 1138 פ"ב מ"א"א פ"ב מ"א"א
 כ"ח"ק פ"א פ"א"א י"ק"מ"א ו"ח"א פ"א פ"א
 כ"י ו"א"א פ"א ו"א י"ק"מ"א (58)

to drive away the sorrows in a double consolation
so may your word be fulfilled "I return to Jerusalem with
compassion"

Fulfill the words of your seer as in your pleasant speech
to bring us to Zion in song rejoicing and plant us in the
high mountain

For Shilo will come unto Him a gathering of peoples .

Note R. YTLH's use of the passages from Hosea and Genesis. His invocation of Zion is not a simple rhetorical flourish but his passionate love for Zion and Jerusalem as exemplified in almost all of his works.

The slichot on "שליח נדב" were written by R. YTLH during his rabbinate in Cracow. Though Cracow was not assaulted during the Chmeilnitski pogroms, nevertheless R. YTLH was asked to write slichot to commemorate that tragedy. Most particularly he was deeply moved by the slaughter of the people of Nemirov, where previously he held the rabbinic post. As mentioned in the first chapter he had first felt that there was no need for new slichot and that there should be a repetition of the older slichot commemorating previous assaults, slaughters and massacres. Nevertheless he finally agreed to write new slichot.

An edition of these slipshot were published in Prague with this introduction...

[illegible]

"These alichot founded on golden foundation the language is like a sharp sword, were composed by the Gaon R. Yom Tov Halevi, may God watch over him and bless him, the author of

Tosafot Yom Tov, the head of the Yeshiva, and the ab bet din of the community of Cracow on the terrible decrees and the great destruction that took place in the Ukraine. It is about two years that these slichot were printed in Cracow and the leaders of the Four Lands with the agreement of their Gaonim, may God watch over them and bless them, established for themselves and all their descendants to recite them every Yom Kippur before the slicha...

י'נצ"ח י'נצ"ח ס"ח פ'נצ"ח

"God be not silent to my blood". And I come now to proclaim that I was directed here in the community of prague to print them again so that they will be recited here too in Prague on Yom Kippur".

These slichot are also to be recited on the twentieth day of Sivan in addition to Yom Kippur, because that is when the main massacre occurred.

The Publisher of this edition of the slichot in Prague in his introduction pointed out that the slicha...

ל'חנ"ה ל'חנ"ה פ'נצ"ח

is really an old slicha based upon alphabetical acrostics

that R. YTLH wrote. Beginning with the letter "ו"

", ו'ס"ח, he fashioned this slicha to be a commemorative piyyut for "נצ"ח".

R. YTLH wrote:

ל'פ"ח ז'ל"ח נצ"ח פ'נצ"ח

חנה נחמו זכר אלהים
 אשר קו"ל עשרת ימי יום אלהים
 מארץ עיר... פסוק וזו השנה היא
 אכלה פחמים עד שחממה חזקה נחמה
 בגוץ ופיט' וזו היא חנה
 כל פחמים וזו היא חנה
 וזו היא חנה

(60)

"The year of (5)408 and (5)409 we were much assaulted we your beloved children.

We had hoped that in this _____ year each one will return to his inherited land from the land of their captivity.

Recompense us for the years that they destroyed and consumed us over much the powerful slaughterer who cuts down and return us the good by your goodness as you have promised. (Deut 13:18)

And he will give you compassion and he will take pity on you and increase you."

As in most of R. YTLH's writing and most particularly in his piyyutin, R. YTLH impresses his name on so many verses. In this one he gives not only his name but alludes to his commentary Tosafot Yam Tov:

תוספות יהיה על פסוק חנה וזו
 יום חנה כי חנה על שבי חנה וזו
 חנה חנה חנה חנה חנה חנה
 חנה חנה חנה חנה חנה חנה

חנני אשמך ואלצכך יחלו נפשם
 קיחנה ואהבה רבה
 (61)

"There will be an addition (Tosafot) for the original with
 double compassion and even more

The next day (Yom) when it comes for my recompense for this
 And when the good (Tov) comes for you do good for those who
 are good whether they do little or much.

For lo to your name and for your remembrance

We hope sincerely to serve you with awe and with great love".

In addition to writing liturgical poetry R. YTLH wrote
 poems to celebrate the conclusion of some of his major
 works. He wrote an extensive one on his completion of his
 description of the architecture of the Temple, based upon
 Ezekiel in מלכות דוד. (62) Of special significance
 are his poems upon the completion of his commentary on the
 Mishnah and מלכות דוד and מלכות דוד.
 I quote here only two passages, one for the completion of
 Tosafot Yom Tov and one stanza on מלכות דוד
 and מלכות דוד.

מה נחמך עתה עתה עתה
 עתה עתה עתה עתה
 עתה עתה עתה עתה
 עתה עתה עתה עתה
 עתה עתה עתה עתה
 (63)

"How sweet to my palate even more than honey of the woods,
 that I have merit to complete this section

of שנינו and so may your days be good the old
with the young in (the study) of Tosafot Yom Tov and the six
divisions (the Mishnah)"

On the completion of שנינו פ"ו ל"ג
and שנינו פ"ו ל"ג I quote the first stanza of his
concluding poem:

ית' ית' / ית' ית' / ית' ית' / ית' ית' / ית' ית' / ית' ית'
 ית' ית' / ית' ית' / ית' ית' / ית' ית' / ית' ית' / ית' ית'
 ית' ית' / ית' ית' / ית' ית' / ית' ית' / ית' ית' / ית' ית'
 ית' ית' / ית' ית' / ית' ית' / ית' ית' / ית' ית' / ית' ית'
 ית' ית' / ית' ית' / ית' ית' / ית' ית' / ית' ית' / ית' ית'

"May everyone who understands the mystery find great
pleasantness and enjoyment in this composition instead of all
the great riches with the richest of tapestry. Study it, the
children of the living God in the company of deep insight.
Lo you will come to stand on the principles of his tradition
to enjoy the pleasantries of the King."

Despite R. YTLH's concentration for many years on
Talmudic study we can see from the above that he possessed a
poetic quality though he was not in the class of the great
paytanim, but for his day he was considered a major paytan.
He wrote laments on the tragedy of his day and yet as we saw
he was able to rejoice and give thanks for the opportunity to
study God's Torah. His life was filled with personal anxiety
because of enemies who surrounded him as we shall see in the

next chapter when we analyze his autobiography, Megillat Eivah. R. YTLH's faith never faltered and even in the laments and slichot that he wrote in Prague and in Cracow, he always concluded with a note of confidence and trust in God.

R. YTLH as a Religious Philosopher, Theologian and Kabbalist.

R. YTLH was not only a Talmudist and halchist but even from his early days on he turned to matters dealing with religious philosophy and theology. In his early youth he wrote a commentary on דברי יוסף by 'עזריאל הכהן הכהן', a poetic philosophical book, which he mentions at the beginning of Megillat Eivah. During his rabbinate in Prague, the philosopher R. Yosef ben Yitzchak HaLevi visited Prague for the purpose of publishing his commentary on the פ'י תוס' ד' רמב"ם of the Rambam known as ג' ד' רמב"ם. (65) During the course of his sojourn in Prague, Rabbi Yitzchak interested R. YTLH in his commentary and in his particular approach to the פ'י תוס' ד' רמב"ם. R. YTLH then wrote glosses and a commentary on the ג' ד' רמב"ם and an introduction to these comments. R. YTLH also wrote a super-commentary on Rabbi Bachya's commentary on the Torah along kabbalistic lines. His kabbalist approach was based upon Pardes Rimmonim, by R. Bachya and on the Rmaban's commentary on the Torah. (66) I hasten to point out that in his halachic

commentaries he did not involve them with any kabbalistic speculations.

On the other hand his philosophical and theological concerns are reflected in his commentary in the Mishnah, most particularly in Pirkei Avot. I have already mentioned in Chapter two R. YTLH's commentary on Mishnah 1:3, and his lengthy commentary on reward and punishment.

In Pirkei Avot chapter 2:7 among the proverbs of Hillel it states:

"Upon seeing a human skull floating on the water he addressed it thus: because you have drowned others they have drowned you. In the end they who drowned you shall be drowned".

R. YTLH raises the theological question that reality does not comport with this statement. In R.YTLH's lengthy discourse he invokes Pythagoras, Abravanel, the Rambam and the Ramban. Though he answers in the usual conventional way concerning the limitations of human reason, nevertheless he does not hesitate in raising the thorny problems of reward and punishment, the prosperity of the evildoer, providence and so forth. Interestingly, he points out that the Mishnah departs from the pure hebrew to the aramaic because there was a need to affirm in the aramaic vernacular this theological principle, of reward and punishment, aramaic being the language of the times.

In reflecting on his interests in philosophy and theology and even kabbalah there is no question in my mind

that R. YTLH took his inspiration from Rambam. Rambam though basically the great talmudist and decisor nevertheless was without equal the greatest of Jewish philosophers in the medieval period. In Rambam's Talmudic works particularly in the commentary on the Mishnah and the Mishneh Torah, he reflects his deep concern with philosophical problems. So too with R. YTLH. He does not hesitate to confront major theological problems. Though he did not write a systematic philosophical work of his own, nevertheless we have seen that his philosophical interests were wide and far. He even mentioned the works of R. Azzariah D'Rossi even though many rabbis in his day looked upon him as a heretic. In Safed and in Italy Azzariah D'Rossi was under the ban of herem. (67) Even R. YTLH's own master the Maharal of Prague looked with disfavor upon Azzariah D'Rossi.

R. YTLH as a Humanist

As we have seen in the first chapter and later on in the closer analysis of his autobiographical work Menillat Eivah, R. YTLH suffered greatly at the hands of the surrounding gentile authorities even to the point where he was imprisoned and almost executed. Both the Protestants and the Catholics vied with one another in persecuting the Jews. Many rabbis in pained retaliation placed their non-Jewish neighbors on the lowest rung of creation and took away from them their dignity as human beings. They invoked the Talmudic

statement :

P3/C נ"ק פ"ח ח"ל P3/C נ"ק P3/C

Yabancıt 61 : 1

"Jew are considered Adam (human) but pagans are not so considered."

(there is a variant reading P8183) DINIX8, gentiles instead of P"1278, pagans.)

R. YTLH dismisses such a radical statement. He even implies that it deviates from the theological foundations of the Torah. We see this in his commentary on Pirkei Avot 3:14: "He (R. Akiva) said: Man is beloved, for he was created in the image of God. He is exceedingly beloved for it was made known to him that he was created in the Image, as it is written:

"In the Image of God, He made Man". (Genesis 3:6)

R. YTLH comments on this passage:

מעתה אני תמה שמה זה חמקה תצדק מן המעשים
ועל כן עשית בה פשרה צדקו כ"ז שאמר
מאמרו כלפי כל אדם כי אם פוטרתי אתה
ונסמנו במאמך ז"ל אתם קח"ם אדם וכו'
והרי זה דבר עצום ופך נכסו בצומק ענין
תע"פ. ודבר פכתור ששפטן עכ"ל. אלה הענין
זו הצדק, צדק סלוקה ומחיות כי בא כ"ז
עני"ש"ר ע"ל בא' צדק כאלו נצאנו
מפי מרצ"ה כצדקי פרחם

"Therefore I am amazed by the commentators who have strayed

from the path, they did not want to explain the words of R. Akiva that he meant all human beings not only Israel and they depended in their statements on the Talmudic dictum "you are known as Adam (human) and so forth", for this is an interpretation based on another interpretation and in this way were hardpressed in explaining "In the Image", and in the explanation of the passage that they brought for proof. But as I see it the way is paved and direct, meaning that R. Akiva wanted to grant equality to all human beings as we were commanded by our teacher Moses, of blessed memory, according to the Rambam".

These comments are not in the class of medieval or modern apologetics as is the want of some modern scholars to classify them. Some of these modern scholars are not familiar with Talmudic terminologies and their background. R. YTLH in this lengthy commentary does not hesitate in quoting the Rambam who said that we have the right by force, even to the point of death, to force the Noachides to accept the basic seven commandments. R. YTLH in his humanist outlook then states that it is all the better to persuade by words and logic, by teaching them, Noachide gentiles, that they are beloved because they were created in God's image. With this knowledge they will inevitably accept these basic principles of the Torah.

Withal, R. YTLH looks upon the wisdom of the Torah, that is the wisdom of the revealed God as being on a far higher

plane than the wisdom of the gentiles. What follows is that Israel in accepting the revelation of Torah is chosen. And so R. YTLH comments on the rest of the section in Pirkei Avot 3:14: "Israel is beloved, for they are called God's children. They are exceedingly beloved for it was made known to them that they are God's children as it is written, "you are children of the Lord your God" (Deut 14:1). Israel is beloved, for a precious instrument was given to them. They are exceedingly beloved for it was made known to them that they were given a precious instrument with which the world was created, as it is written "For I give you good doctrine, forsake not my Torah" (Proverbs 4:2)."

Along these lines R. YTLH makes an interesting distinction between the wisdom of Israel (Torah) and the wisdom of the gentiles (philosophy and natural science and so forth). In R. YTLH's commentary on the Rosh, Brachot chapter 9, he discusses the matter of the blessing bestowed upon the wise men of Israel and the wise men of the gentiles. The blessing for the wise men of Israel uses the

term וְשָׁרְתָּ אֶתְּכָם, "you have shared your wisdom".

When we behold wise men of the gentiles we bless

God וְשָׁרְתָּ אֶתְּכָם, "for having given his

wisdom". According to R. YTLH, this distinction is because the wisdom of the Torah is without end and a human being can not conceive it in its entirety.

Revelation is therefore a necessity, hence the blessing is that God shares in his graciousness with the wise men of

Israel through revelation of His wisdom. But the wisdom of the gentiles one can come to know it in its fullness(even without revelation). Therefore the term YDL, "God has given" is appropriate.

Without apologetics R. YTLH appreciates the worth of every human being and revered the dignity that God bestowed on all human creatures. R. YTLH looked with disdain upon his colleagues of that day and even those who preceeded him, who sought to deprive the gentiles with whom the Jewish people were forced to live as non-human beings. Furthermore in keeping with the Renaissance period, R. YTLH admired the wisdom of the gentiles and saw this wisdom as a blessing not as a threat. As we saw, R.YTLH referred in his commentaries to Euclid's geometry to Pythagoras and to the Greek philosophers. But as we have just seen R. YTLH believed that this wisdom is inferior to the wisdom of revelation, the wisdom of Torah.

Chapter IV

R. Yom Tov Lippman Heller's Megillat Eivah and Its Historical Background.

R. YTLH chose the word "Eivah", enmity, for his autobiographical scroll describing the hostilities, persecutions and tragedies that befell him in Prague. The word "Eivah" is also an acronym for the first four words at the beginning of the Book of Lamentations ו'א'ב'ג' ד' יג'יד'ה'ו' א'ב'ג'ד' ה'ו'ז'ח'ט'.

Summary of Megillat Eivah:

Before coming to the city of Prague where the tragedy that befell R. YTLH described in Megillat Eivah occurred, R. YTLH served in a number of communities with great distinction. In the year 5385 (1624), R. YTLH served as chief rabbi of Nickelsberg in Moravia. Five months later he was called to the Jewish community of Vienna, the capital of Austria, as its Chief Rabbi. There he persuaded the king to assign a special quarter for the Jews outside of the city limits where they would enjoy a measure of autonomy. After two years in Vienna, he was elected chief rabbi of Prague where he had served previously for many years as dayan (a religious judge).

After a short period he was also elected rosh yeshiva,

(head of the Academy) in Prague. In R. YTLH's younger days in Prague he wrote a commentary on שו"ת חתם סופר, of Yedayah Habardersi. His studies of the Bible resulted in a book on the architecture of the Temple based upon Ezekiel's prophecies, entitled מבוא למבוא. In the spirit of Kabbalah he wrote a commentary on R. Bachya ben Asher's commentary on the Torah with the title פני חסד. Later on he wrote a commentary on the Mishnah, Tosafot Yom Tov, which is his most popular work. However, he considered his crowning achievement שו"ת יצחק and שו"ת יצחק, dual commentaries on the Rosh, Rabbeinu Asher.

These were troublesome times for the people of Prague. Bohemia rebelled against Emperor Matthias and after his death Duke Frederic was crowned King of Bohemia. One year later Emperor Ferdinand who succeeded Matthias waged war against Frederic. With a great army Ferdinand vanquished the rebels and regained mastery over Prague. These wars lasted ten years and proved a great financial drain on the people. Plots and counterplots abounded. Finally in R. YTLH's story a terrible conspiracy was organized against him with tragic results.

On Monday the fourth day of Tammuz 5389, (July 1629), R. YTLH was informed that an order for his arrest was delivered by the King to the Viceroy, and that he should be brought in

chains to Vienna, at that time the capital city. Leaders of the Jewish community were fearful that this arrest might precipitate a pogrom against the Jews. The leaders begged that R. YTLH should not be put to such shame and he was permitted to go to Vienna with only police escort. In Vienna he was accused of writing uncomplimentary statements about the Christian faith in his 28N 138N and 131ND 808. R. YTLH hastened to tell the reader that there is no truth in the rumor that the King was incensed about the title 28N 138N. The King then referred R. YTLH's case to a special commission for a decision. For a short while R. YTLH was confined to the death house in the prison compound, but after many pleas by the Jewish leaders, he was transferred to other quarters. The commission placed before him this major question...

"How do you dare to praise the Talmud, a work which was ordered destroyed by the Pope?" R. YTLH's answer was that the Talmud is the unwritten Law of our people and his praise of the Talmud was only for our people. The commission pronounced a sentence of death but the Emperor finally relented and commuted the sentence to a fine of 12,000 rhenish thallens. He also ordered all of his books to be destroyed. After much pleading and negotiation the fine was reduced to 10,000 thallens to be paid at various intervals. Members of his family and leaders of the community came to his aid in paying this fine. His enemies continued on to pursue him and opposed helping him in the payments of the

fine. Failing in their plot, his enemies conspired to remove him as the rabbi of Prague. After spending forty days in jail, R. YTLH was released on the twenty-eighth day of Av. The order for the destruction of his books was rescinded. But, certain words in his books were to be changed most particularly substitutions had to be made for the word "gentile".

R. YTLH returned to Prague on the eve of Yom Kippur 5390, (1629) and he fell ill for three months. R. YTLH decreed for his descendants that the fifth day of Tammuz shall always be a family fast day because on that day he was ordered to Vienna as a prisoner, with the purpose not only of doing him bodily harm but also to destroy his books and his writings.

In the month of Shevat 5390 (February 1630), R. Abraham the son of the community leader, Jacob Basch brought the news that the King removed the ban on R. YTLH's practice of the rabbinate in the other countries of the Empire namely Germany and Italy.

After attending a wedding in Lublin, the wedding of his younger son Abraham, R. YTLH's wife started out for Prague to be with her three unmarried daughters. But on passing through Vienna she was trapped there because of a battle where the city was siezed by the enemy. R. YTLH's family split into

three parts, one part in Brest - Litovsk, his wife in Vienna with another part of the family and the other three daughters in Prague.

In the year 5390, R. YTLH was elected chief rabbi of Nemirov, in Russia for three years. After one year the entire family was reunited. Upon the expiration of the three years, R. YTLH accepted the call to the city Ludmir, the main city of Wohlinia, in Iyar 5394 (May 1634).

While in Ludmir, R. YTLH led the fight against the practice of purchasing rabbinical positions as it had become customary in many areas in those days. The Council of the Four Lands joined R. YTLH and his colleagues in affirming this ban. Again because of this decree he was almost ousted by his enemies from his post in Ludmir, but he managed to maintain his position with the help of the leaders of the community. During the course of his rabbinate in Ludmir his grandson Nathan married the daughter of the Rabbi of Helm, who was the grandson of Saul Wahl.

On the first day of Adar 5404, the second day of Rosh Hodesh, (March 1644), R. YTLH was elected chief rabbi, ab bet din and rosh yeshiva of the great city of Cracow. R. YTLH proclaimed the first day of Adar as a day of celebration and rejoicing for his family and their descendants, because now he was restored with God's help to the status of a chief rabbi of a famed city.

Supplement to Megillat Eivah, by R. YTLH's son Shmuel

R. YTLH's son Shmuel upon the death of his father decided to write a supplement and tell the details of the tragedy that befell his sainted father and his fathers' eventual salvation. Shmuel studied in the city of Metz, France for four years. There he studied the Talmud and became fluent in French. He returned to visit his parents in Prague. It was the custom of those days for all students to travel on foot with backpacks. While on the outskirts of Vienna he rested in a park. Shmuel heard a scream, and he saw a bull chasing a woman and a governess with a small child in her arms. Quickly Shmuel saw the red kerchief around the neck of the governess and tore off the kerchief and flung it at the feet of the bull. Thus Shmuel saved all three from a certain death. It turned out that the woman was the wife of the ambassador of France. Later on Shmuel visited an aunt and uncle in Vienna and discovered that his father was in jail facing a terrible ordeal. He visited his father in jail where his father described in great detail his questioning before the commission and the viceroy. The accusation was mainly as a result of two enemies of R. YTLH who translated PRN' 138N and SHIND PDP, Delicacies of the King and Pleasing Bread, and accused R. YTLH of insulting the Christian religion. R. YTLH's great

fear was not only for himself but for the possibility that the entire Jewish community be expelled from the provinces under the rule of the Emperor.

Shmuel in despair went to see the French Ambassador Turenne and his wife. The ambassador promised to help, as did his wife. They prevailed upon the Emperor and the Queen, and R. YTLH was released with only a fine as related in the original Megillat Eivah.

Finally the French Ambassador Turenne revealed the background of this plot against Shmuel's father. A man by the name of Raphael, an opponent of R. YTLH, was owed enormous sums of money by some government officials. Raphael enlisted two dayanim (judges), R. Joseph Schorr and R. Avigdor Reches, to translate into German some passages from R. YTLH's writing that would be damaging to R. YTLH. Raphael promised the government officials to cancel their debt if they helped to remove Shmuel's father from the rabbinate of Prague.

After the Ambassador succeeded in recinding the sentence against R. YTLH which could have resulted in his execution the Emperor saved face by applying a penalty against him. Shmuel returned to Prague awaiting his father's return from Vienna. Soon thereafter while R. YTLH was still in Prague Raphael fell gravely ill. He sent for R. YTLH and confessed his terrible sin of conspiring against him. He asked for forgiveness and according to Shmuel, R. YTLH said to Raphael:

"I hereby forgive you everything from the bottom of my heart and I will pray to God that he will heal you".

So ends the additional words of Shmuel the son of R. YTLH.

Historical and Chronological Background of Megillat Eivah

The backdrop of Megillat Eivah was the Thirty Years War (1618 - 1648). It is considered the last of the great religious wars of Europe. It was a war between Protestants and Roman Catholics in the German states. Before it was over most of the nations of Europe were involved. The underlying cause of the war was the hostilities between the German Protestants and the German Catholics.

In 1555 a treaty was signed in Augsburg which had intended to settle the religious question in Germany. Both groups, the Catholics and the Protestants violated this treaty. The war then became a general struggle for territory and political power. In 1608 the Protestants organized the Evangelical Union and the Catholics founded the Holy League. The war was set off when the Archbishop of Prague ordered his people to destroy a Protestant Church. The Protestants appealed to Matthias. They then rose in revolt and this marked the beginning of the Thirty Years War. This war began in Bohemia and spread to other countries of Western Europe.

The Bohemian Protestants removed Catholic King Ferdinand the successor of Matthias from the throne and chose in his stead

Frederic who was a Protestant and was at that time the Duke of Palatine. Ferdinand was raised to be the Holy Roman Emperor. In 1620 Emperor Ferdinand defeated the Bohemian Protestants in the Battle of the White Mountain. Catholicism became the state religion. Finally after many battles going back and forth the Peace Treaty of Westphalia was signed in 1648. This thirty years which was actually a series of wars, left Germany in a devastated condition. It took many years for it to recover. (68)

In 1625 R. YTLH became the chief rabbi of Vienna which was then the capital of Austria. The Jewish community was scattered and at the mercy of unscrupulous landlords. R. YTLH managed to gain a special quarter outside the city limits for the Jews. There the king granted them a measure of autonomy and he built according to R. YTLH a beautiful synagogue. (69) In later years we consider the ghettoization of the Jew as being discriminatory and persecutory. In R. YTLH's day and in the locale of Vienna this was actually the salvation of the Jew. Through this "ghetto" which was later on known as Leopoldstadt, R. YTLH was able to unite the Jewish community and give it a sense of purpose and integrity.

In 1627, R. YTLH moved to Prague where he became chief rabbi, ab bet din and rosh yeshiva. It was during this period that he composed his commentaries on Rabbeinu Asher known as פנח יצחק, Delicacies for a King

and חבנד פדס, Bread of Delight. He also wrote קצת פ"י 'עיסה, the Garments of Yom Tov, which were glosses on the Livushim. In his previous tenure as a dayan of Prague he had written and completed his magisterial commentary of the Mishnah, Tosafot Yom Tov.

R. YTLH in Megillat Eivah reflects the history of the times. Bohemia rebelled against Emperor Matthias. Upon his death Duke Frederic was crowned King of Bohemia. Ferdinand succeeded Matthias and became the Emperor of the Holy Roman Empire. Emperor Ferdinand waged war against King Frederic and with an army of 90,000 he regained mastery over Prague. According to R. YTLH this series of wars lasted ten years. As a result the country suffered great financial setbacks and tremendous taxes were imposed upon the communities most particularly on the Jewish communities. This caused plots and counterplots and conspiracies. (70)

In Tammuz 5389, (July 1629), R. YTLH was informed that he was to be arrested for grave crimes. He was brought to Vienna at the end of that week and the minister of the interior in the name of the King (Emperor) accused him of insulting the Christian faith in his commentaries, קצת פ"י 'עיסה and חבנד פדס. R. YTLH had protested a number of times that the rumor that the king was incensed at the titles was not true. However it is my belief in examining some of the old Talmudic

volumes in my father's library where the change from פסוקי דשיר to פסוקי דשיר is attested, that there must have been some validity to this rumor. (71)

Subsequent editions of the Talmud have repeated these words,

(72) פסוקי דשיר פסוקי דשיר פסוקי דשיר

R. YTLH may have been impelled in this denial because he was protecting so many of his erstwhile friends.

On the twentieth day of Tammuz, 5389, (1629) the commission of inquiry accused him of praising the Talmud which had been ordered destroyed by the Pope. In the thirteenth Century the Talmud was burned by the edict of the Pope. (73) Subsequently the denunciation of the Talmud was repeated time and again by the successor Popes. The Popes were aided in their defamation of the Talmud by Jewish apostates who were often learned in the Talmud. (74) We can see from here that despite the burning of the Talmud the Jews managed to maintain copies of the Talmud, to study it and to comment upon it.

R. YTLH's sentence of death was commuted and a fine of 12,000 reinish thaller was placed upon him. This was an unfortunate custom of the Kings and Dukes and Rulers of impoverished provinces to replenish their treasury by placing a sum of ransom monies on a great rabbi. By doing this the Jewish communities became drained of their resources. This situation calls to mind the story of R. Meir of

Rothenberg upon whom a great ransom was placed but refused to have payment made and he languished in jail for many years. (75)

The Megillat Eivah reflects the influence of the shtadlanin, the intercessors. Some of these shtadlanin were court Jews and bankers who were pressed into service whenever there was a crisis. It was a court Jew and a banker, Raphael, who caused this tragedy to befall R. YTLH and it was the court Jew Jacob Basch and some of his friends and relatives who helped to ameliorate the punishment of R. YTLH and even paid some of the bail money. On the twenty-eighth day of Av of that year, R. YTLH was released from prison having been imprisoned for forty days. Nevertheless, R. YTLH lost his right to continue on in the rabbinate of Prague. The Megillat Eivah reflects the deep divisions in the Jewish community because his removal from the rabbinate of Prague was caused mainly by some of his enemies there. When we reflect on the status of a rabbi like R. YTLH who was later on called "Rabban shel kol HaGolah", the master rabbi of the entire diaspora, we can see how the enemies of the Jews so degraded and dehumanized the Jewish leaders, to the point where these Jewish leaders turned inwardly and let out their anger and resentment to their rabbinic leaders. We saw in the summary of Megillat Eivah and in Shmuel's supplement that the court Jew Raphael and his allies focused their hostility upon R. YTLH. When R. YTLH went to Ludmir, there too he

faced opposition that no doubt was caused by the impact of antisemitism and discrimination upon the psyche of Jewish leaders. Further studies need to be made of the psychological effect of antisemitism on the leadership of the Jewish community, and in turn its impact upon the spiritual leaders of the Jewish community.

Emperor Ferdinand despite the difficulties that R. YTLH encountered during the course of his regime was considered by historians favorably disposed towards the Jews. (76) He therefore had a number of advisors who were Jewish. We have already mentioned R. YTLH's rival from early adolescence, Raphael who was close to the Emperor's court. R. YTLH mentions among the influential Jews, David Luria, Henna and Israel Weisels. Chief among the influential Jews was Jacob Basch, who exerted enormous influence on the Emperor and officers so that R. YTLH's sentence for death could be commuted. (77) Later on the sentence was modified to a monetary penalty.

A delightful novel was published in Israel about Jacob Basch known as

"הַיְּהוּדִים הַבְּרִיּוֹת, הַבְּרִיּוֹת הַבְּרִיּוֹת, הַבְּרִיּוֹת הַבְּרִיּוֹת"

This book highlights the importance of the court Jew, Jacob Basch in protecting the Jewish community from the onslaughts and attacks by various government officials.

R. YTLH decreed for his family that the fifth day of

Tammuz should be a fast day, it was on this day that R. YTLH was ordered to travel to Vienna for sentencing regarding his writings. In Megillat Eivah he connected this with the statement of R. Pinchas Horowitz who presided over the Council of the Four Lands in Poland who had predicted that on the fifth day of Tammuz, all the sacred books of the Jews will be burned. In the mind of R. YTLH this prediction applied to his own books that almost were destroyed by the decree of the Emperor. (78)

R. YTLH's grandson, Nathan, married the granddaughter of Saul Wahl. His son Shmuel was married to another granddaughter of Saul Wahl. Saul Wahl was the parnas of Brest-Litovsk Jewry. He was unquestionably one of the most prominent Jews in Polish Jewish history. Many legends are related about him. The most famous one was that before the final ratification of the election of King Sigismund III in 1587, Saul Wahl was a "King for a Day". (79)

When R. YTLH came to Poland he found the practice of the purchasing of the rabbinate through the local gentile officials. R. YTLH in the Megillat Eivah recalled that similar practices related to the high priesthood in the Second Temple. Such practices in the days of the Temple and in the days of R. YTLH were evidenced by the degradation of the Jewish community. This is another instance of the inroads that antisemitism had made into the psychic health of

the Jewish community.

While serving as rabbi in the city of Ludmir in the Polish province of Wohlinia, R. YTLH convened the leaders of the province and reaffirmed the ban against the purchase of rabbinical posts. This was in all probability in the year 1634. At the fairs in Lublin, Yarowslav, and Kremnitz this proclamation was repeated. This proclamation went even further and placed herem on the communities that permitted such a practice. R. YTLH was very vigorous in the pursuit of this ban and he won over the leaders of the Council of the Four Lands and it then became a part of the regulations of the Four Lands. As he records in the Megillat Eivah this activism won him many enemies, to the point where he was almost ousted from the rabbinate of Ludmir. (80)

R. YTLH's zealous activity on guarding the integrity of the rabbinate and the integrity of election to a rabbinical post should be an example for us today in our calling as modern rabbis.

On March 16, 1644, the first of Adar 5404, R. YTLH was appointed chief rabbi and then later rosh yeshiva and ab bet din of Cracow. Cracow was considered the most prominent Jewish city in Poland. The seat of this rabbinate was made illustrious by the great R. Moses Isserles, the glossator of the Shulhan Aruh. During R. YTLH's rabbinate in Cracow the

terrible Chmielnitski pogroms took place in Poland and Russia. Fortunately the pogroms did not reach Cracow but the community was in deep mourning for this terrible slaughter of their brothers and sisters. As was mentioned, R. YTLH was requested and agreed to compose kinot, lamentations, on the massacres. (81) He did not mention, the composition of these kinot in his Megillat Eivah, because he completed this Megillah soon after he was appointed to the rabbinate of Cracow.

We turn now to Shmuel's commentary on Megillat Eivah to see the historical background.

Shmuel studied in the yeshiva of Metz in France. In his four years at the yeshiva he mastered the French language. This is in contrast to what happened later on in the yeshivot of Poland and Russia and in the yeshiva communities. The language of study was Yiddish and though the students and the rabbis lived in a Polish and Russian environment those languages remained foreign to most of them.

It is told of R. Joseph Dov Baer Soloveitchik, one of the roshai yeshiva of Volozhin that when he was summoned before a government commission he had to have a translator speak for him.

In Shmuel's description of his return from Metz, it

reflects in some way the life of the university student in the early seventeenth Century. The university students would travel by foot from town to town as they went back and forth to their places of study. There were songs written about these travelling scholars walking from place to place. So Shmuel in the company of other yeshiva bachorim, travelled by foot and sang their songs as did the university scholars.

It is interesting to note the influence of the French Ambassador Turenne on the Emperor Ferdinand and his Queen. In the story of Shmuel he recounts that the Ambassador of France intervened on behalf of his father, R. YTLH. This was in 1629 or 1630 yet before France joined in interffering on the side of the Protestants. In all probability as we can judge from Shmuel's story the French in these particular years were still in support of the Catholic Emperor Ferdinand. Five years later France under the domination of Cardinal Richelieu turned against the German Catholic Emperor Fedinand.

In Shmuel's recounting of the story of the intervention of the French Ambassador Turenne, he mentions that the ambassador received word from Ludwig XIV king of France appointing him field marshall to command the armies of France. In our editions of Megillat Eivah, "Ludwig XIV" is obviously a mistake. According to the historians of the Thirty Years War, it was Louis XIII who made this appointment. (82)

In these notes, I elicited some of the historical background of both the Megillat Eivah and the supplement written by R. YTLH's son Shmuel.

Chapter V

An Appreciation

Our history is replete with great scholars who have written major tomes on the Torah and even suffered great hardships but few have equaled the great and majestic scholarship of R. YTLH, who suffered at the hands of enemies to the point where he was almost executed. His commentary on the Mishnah either in its entirety or in a summary form has won a place in the classic editions of the Mishnah next to Rashi and R. Obadiah of Bartinoro. Less known are his commentaries on the Rosh, but nevertheless in the history of halacha they loom very large.

The background of R. YTLH's life and works was the Thirty Years War, though it was not simply a religious war, but religion played a major part in setting it off. The Jews were caught in the middle between the Catholics and the Protestants, who were united in one aspect and that was in their hatred for the Jew.

Though this was a period of great strife and religious intolerance nevertheless there appeared at that time the beginnings of a new enlightenment, represented by Galileo (1564 -1641) and Renee Descartes (1596-1650), the first, a great astronomer and mathematician, the second a founder of modern philosophical thought. These two men began a new

era. Though their work and achievements did not have a direct influence on the Jewish scholars of that day nevertheless echoes of their achievements and discoveries affected Jewish scholarship. We see this in the life and works of R. YTLH. In his commentaries and writings, he exhibited a critical scientific approach as has already been noted. He examined the Mishnah with a critical eye and even looked to manuscripts and other sources to elicit understanding of literary and halachic difficulties. He had a thorough knowledge of mathematics and astronomy which he put to use in the calculations necessary in many parts of the Mishnah and then in understanding the 2/2/22 3/0, the Jewish calendar. He was deeply interested in philosophical questions as we have seen in his commentaries on the Mishnah, and in his glosses on the Givat HaMoreh, a commentary on the Guide of the Perplexed, of the Rambam, and in his commentary on Bechinat HaOlam, written in his early years.

R. YTLH also evidenced in his writing a knowledge of philology and etymology. He examined different versions of a text and noted what he thought was correct and original, thus showing a critical and scientific approach. The breadth of his humanism may also have been an echo of this new enlightenment. It is possible that it is reflected in his commentary on Pirkei Avot Ch. 3:14, which we have discussed in chapter 3. It is remarkable in that a Talmudic scholar so persecuted by his gentile neighbors should give evidence

of his belief in the human dignity that is vested in all of God's human beings.

Withal, I must admit that R. YTLH was not exempt from his concern with the esoteric, the Kabbalah, and in moments of stress even submitting to superstition. He once turned to report of a farfetched dream that foretold for him the near burning of his books. Yet R. YTLH never permitted his love for the Kabbalah or his private superstitions to intrude into his commentaries. They were strictly rational and adhered to the principle of halachic integrity. On the contrary in his commentaries one finds profound philosophical thought and broad human compassion.

As we view the life and times of R. YTLH in the context of his day and see him as part of the great luminaries of his time, R. Yeshayahu Huruwitz (ר' ישעיהו הורוויץ), R. Joel Sirkas (ר' יואל סירקאס), R. Shmuel Eidiles (ר' שמעון אידילס), and the great teacher of R. YTLH, R. Loew of Prague (ר' לוי פראגער). R. YTLH emerges as one of the giants of his age and for ages to come.

It is therefore most surprising that the historian Graetz makes these rather unfavorable comments concerning R. YTLH....

"In the Talmudical department he could not compare with contemporary poles of distinction with Samuel Eidiles at Ostrog, Joshual Falk at Lemburg, Joel Sirkas at Cracow and many others. But if he was inferior to them in acuteness more properly, subtlety, he surpassed them in profundity and lucidity". (83)

Moreover Graetz says about R. YTLH, he was no brilliant personage "but his talents stand out conspicuously from the dark background of the time." (84)

In Rabinowitz's hebrew translation of Graetz which is an expansion of his ideas, the comments are as follows:

הרב ר' יצחק יוסף גרץ
היה איש דעה ופועל
בדורו. הוא לא היה
איש אגדה, אבל
הוא היה איש דעה
והוא היה איש פועל.

(85)

"The Rabbi (R. YTLH) was not a great light or Gaon of the spirit to pave new paths, but in a dim era his light shined preciously".

Furthermore Rabinowitz says:

הרב ר' יצחק יוסף גרץ
היה איש דעה ופועל
בדורו. הוא לא היה
איש אגדה, אבל
הוא היה איש דעה
והוא היה איש פועל.

(86)

"And if indeed from the scientific and logical point of view his commentary stands below the commentary of the Rambam, but in various places we can see this author as having clear and logical view points".

In my examination of the contributions of R. YTLH, I believe that the historian Graetz falls short in truly estimating this man and his contributions. It is possible that in his day, Graetz did not have access to the many

Mishnah.

As I look back now on the life and times and the contributions of R. YTLH, I see in him an extraordinary rabbi. Beset by foes and placed in danger of his life, he remained courageous without faltering in his faith. His broad range of activities is astounding in view of the difficulties he encountered in his path. He was a rabbi, scholar, preacher, teacher, social activist, religious reformer and liturgical poet. Few are the rabbis who could compare with him in any one of these achievements. His spirit never dimmed in the midst of all his troubles. He left a heritage for his own family that by his inspiration and example, produced rabbis, teachers and scholars down through the generations.

In my personal career, I find him to be a role model of one who maintained his faith under all circumstances, loved his people in a caring way,, and did not hesitate to step down and teach the most ordinary of people in the common vernacular language. His mind was open to the sciences and the philosophies of his time. He did not hesitate to introduce reforms in the synagogue and into the communal life of the Jew. Above all he had the courage of his convictions.

I conclude with a sentence from R. Moses Zakoot's, eulogy for Rabbeinu Yom Tov:

125 787' 3/10 51 52 53

"His heart embraced all the profundities and secrets of
Jewish life."

NOTES

1. This legend is reminiscent of a story told about Moses Mendelssohn and his fiancée.

מ'מ. י.ל. (אורק), אכבד יו"א, מאמרים ומחקרים
(ירושלים: מוסד כרמיק, תש"ז) ע"ד

2. אורק אל ע"ד הכנת אצות פק"י.

3. מ'מ. י.ל. (אורק), אכבד יו"א, מאמרים ומחקרים
(ירושלים: מוסד כרמיק, תש"ז) ע"ד

4. Basic facts about the life of R. YTLH are scattered in : יו"א, תעודות, מביט איתו, ירושלים, תש"א

5. Simon Dubnov, History of the Jews (New York: Thomas Yoseloff, 1969) vol.3, 719.

6. Heinrich Graetz, History of the Jews, trans. Henrietta Szold, (Philadelphia: Jewish Publication Society, 1941) vol. 4, 701.

Simon Dubnov, History of the Jews, (New York: Thomas Yoseloff, 1969) vol. 3, 720-21.

7. Robert M. Rayner, European History 1648 - 1789, (London: Longmans, Green and Co., 1949) 1-9.

8. מ'מ. י.ל. (אורק), אכבד יו"א, מאמרים ומחקרים
(ירושלים: מוסד כרמיק, תש"ז) ע"ד

9. Ibid., ע"ד קט'קט'

10. This is known as the Prague Defenestration.
G. Page's, The Thirty Years war, (New York: Harper & Row, 1970) 41.

J.V. Polisensky, The Thirty Years War, trans. Robert Evans, (Berkley and Los Angeles: University of California Press, 1971) 99.

11. מ'מ. י.ל. (אורק), אכבד יו"א, מאמרים ומחקרים
(ירושלים: מוסד כרמיק, תש"ז) ע"ד

12. Ibid., ע"ד

13. Ibid., ע"ד

14. Ibid., ע"ד

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26. Ibid.

זכא יצא, תולדות ישראל, ר' ח' אב"ה:
אח"כ (ת"צ) vol. 13, p. 85

27. י"א אב"ה, הלכה מ' יצא, ירושל'ם תש"א
"תולדות תוספות י"א אב"ה", 83 מ' אב"ה

28. It is customary that when one is sick a name is added on. The name Geshon Saul was added during a bad illness of R. YTLH.

29. י"א אב"ה, הלכה מ' יצא, ירושל'ם תש"א
"תולדות תוספות י"א אב"ה", 83 אב"ה

30. Zakoot refers to R. YTLH's greatness in the knowledge of the calender and astronomy comparing him to the Amorah, Samuel, who was famed for חכמת העבור, the intercalation of the calender. בב"ב, he refers to his early studies of the architecture of the Temple. Possibly, the reference to mystery was to R. YTLH's studies and writings on Kabbalah and philosophy.

31. Heinrich Graetz, History of the Jews, trans. Henrietta Szold, (Philadelphia: Jewish Publication Society, 1941) vol. 4, 418.

32. Introduction to R. YTLH's commentaries on the Rosh of לויק'ן. Here R. YTLH states directly his requirement for an educational curriculum.

"אב"ה יצא, ירושל'ם תש"א
ואחר כך משנה, ב"ב
ואחר כך תוספות"

33. Introduction of R. YTLH's commentary on the Rosh.
בב"ב קט"ז

34. י"א אב"ה, הלכה מ' יצא, ירושל'ם תש"א
תוספות י"א אב"ה, הלכה מ' יצא, ירושל'ם תש"א

35. ב"ב י"א אב"ה, הלכה מ' יצא, ירושל'ם תש"א
בב"ב תוספות, 92

36. י"א אב"ה, הלכה מ' יצא, ירושל'ם תש"א
י"א אב"ה, הלכה מ' יצא, ירושל'ם תש"א

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37. יום טוב עיפמן הלצה "הקדמת ספר
מאצני יום טוב וצב"ר תמוזות" תמוזבסאי, וילנא, רא"פ.
38. יום טוב עיפמן הלצה, "הקדמה לפיפולא חריפניא"
לציקין, תמוזבסאי, וילנא, רא"פ.
חיים טעמביל, תולדות הפוסקים, ^{ר"ן-יו"ק:} ~~מסופק~~
39. הוצאה פראי, תשמ" 127-137
40. יום טוב עיפמן הלצה הקדמה במחבר תוספות
יום טוב "לשה סדר משה, ג' - יוק: פרנס, תשי"ג
41. Pirkei Avot 2:18
42. אורחות חיים לבינו הרא"ש, עם ברית דבינו
התנ"י, "דבר ה"ק פדת ח" שרת שנת ש"ל" מוסדות י"ל
^{תשמ"ג, § 10 ק}
43. Ibid., 30 ק.
44. Ibid., 30 ק.
45. אורחות חיים לבינו הרא"ש...
(מוסדות י"ל, תשמ"ג) § 3 א'
46. Ibid., כב.
47. Ibid., נח.
48. Ibid., נ.
49. Ibid., קסד.
50. B.T., Tractate Shabbat 33B, פסק במה מצליקין
51. אורחות חיים לבינו הרא"ש...
(מוסדות י"ל, תשמ"ג) § 3 קסח
52. Printed in many editions of Megillat Eivah.
שמעון משה חא-לס, תולדות הפוסקים,
(ווארשא, תרפ"ב) 171 "צרכי הוראה"
53. מא"ר יצירי, קדוש' קדקא, תלפיות, כרך ב,
חובבת א', ג' - יוק, תשרי תשי"ג, 185.

NOTES

54. י.פ. מ'מן (צורק) לכבוד יום טוב מאומים
ומחקרים, (ירושלים: מוסד כרמל, תש"ט) 38 קמ"א
55. מעין משה מאגס, תולדות הפוסקים "צרכי
הרבא" (ווארשע, תרפ"ה) 171
56. ספר מאמר יום טוב עם האמן צמח (ירושלים
(תשנ"ח) passim.
57. י.פ. מ'מן, לכבוד יום טוב מאומים ומחקרים,
(ירושלים: מוסד כרמל, תש"ט) 38 קמ"א
58. Ibid., ק"ח
59. Ibid., קכ
- 60+61. Ibid., קכג
62. Ibid., קכד
63. Ibid., קכז
64. Ibid., קכח
65. יום טוב עיפמן הלצר, משיבת איבה
(ירושלים, תשל"א) 38. "תולדות תו"צ" 38 קמ"א
66. יום טוב עיפמן הלצר, משיבת איבה
(ירושלים, תשל"א) 38 ב'
67. בן ציון כ"ץ, רבנות, חסידות, השכלה, נתיבות
צדיקה (תשנ"ז)
68. Robert M. Rayner, European History 1648 - 1789,
(London: Longmans, Green and Co., 1949) 1-9.
69. יום טוב עיפמן הלצר, משיבת איבה, (ירושלים: תשל"א) 38 ב'
70. Ibid., ג'
71. תלמוד בבלי, וילנא, האלמנה והאלים
(ל"א), 1768.
72. See note #18.

NOTES

73. June 1242, the Talmud was burned in Paris.
Encyclopedia Judaica, ed 1972, s.v. "Burning of Talmud," by
Yvonne Glikson.

74. Ibid.

75. Max Margolis, Alexander Marx, A History of the Jewish People, (Philadelphia: Jewish Publication Society, 1943) 382 - 383.

76. Heinrich Graetz, History of the Jews, trans. Henrietta Szold, (Philadelphia: Jewish Publication Society, 1941) vol. 4, 701.

Moishe Spiegel, (New York: Thomas Yoseloff, 1969) 720. Simon Dubnov, History of the Jews, trans.

77. R. Yaakov Bat-Sheva reputed to have had a shield of a lion surrounded by eight stars.

a million surrounded by eight stars.
 שבעה פיקטורות של חמשה עשר ימים, 70, 80, 90, 100, 110, 120, 130, 140, 150
 43, 44, 50. כולל תמונות של כל המינים.

78. י"ו ח' אדר א' תשס"ח, ח' אדר א' תשס"ח
(י"ח אדר א' תשס"ח) פ"א י"ח א' תשס"ח

79. Encyclopedia Judaica, 1972, e.v. "Saul Wahl", by Alexander Carlsbach.

[illegible]

81. Cross ref. 67.3

82. C₂H₆ (1 Se r p Se i) k a l e n h e t m o d e r P "

G. Page's, The Thirty Years War, (New York: Harper & Row, 1970) 195.

J.V. Polissensky, The Thirty Years War, trans. Robert Evans, (Berkeley and Los Angeles: University of California Press, 1971) 219.

83. Heinrich Graetz, History of the Jews, trans. Henrietta Szold, (Philadelphia: Jewish Publication Society, 1941) vol. 4, 703.

84. Ibid.

על פי דברי ר' יוחנן, מתירין ליהנות מכל מה שיש
בארץ כנען (מלבד חמץ) (אבות 47)

AE. Ibid. 47

NOTES

87. אשר מוסר חיים קוצות הבוסקין, ג'ו-יוקן
127 (הוצאה פראיטש)

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חבר של ה"תוספות יום טוב"



התוספות-יום טוב בכלל
(ציור הנמצא ב"קונסטהיסטורישס מחיאון" בווינה)